Kimball Zoning Ordinance
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TITLE 14

ZONING AND LAND USE CONTROL

CHAPTER

1. MUNICIPAL PLANNING COMMISSION.
2. ZONING ORDINANCE—INTRODUCTION.
3. DEFINITIONS.
4. ZONING DISTRICTS.
5. SUPPLEMENTARY PROVISIONS APPLYING TO ALL DISTRICTS WHERE APPLICABLE.
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CHAPTER 1

MUNICIPAL PLANNING COMMISSION

SECTION

14-101. Creation and membership.
14-102. Organization, powers, duties, etc.
14-103. Additional powers.

14-101. Creation and membership.
Pursuant to the provisions of 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 another member of the board of mayor and aldermen selected by the board of mayor and 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. The five (5) members first appointed shall be appointed for terms of one (1), two (2), three (3), four (4), and five (5) years respectively so that the term of one (1) member expires each year. The terms of the mayor and the member selected by the board of mayor and alderman shall run concurrently with their terms of office. Any vacancy in an appointive membership shall be filled for the unexpired term by the mayor, who shall also have the authority to remove any appointive member at his will and pleasure. (Ord. #106, March 1996, as amended by Ord. #113, Sept. 1997, modified)

14-102. Organization, powers, duties, etc.
The planning commission shall be organized and shall carry out its powers, functions, and duties in accordance with all applicable provisions of Tennessee Code Annotated, title 13.

14-103. Additional powers.[1]

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.

[1] To make this section effective the municipality should request the State Planning Office, under authority granted by Tennessee Code Annotated, § 13-3-102 to designate the municipal planning commission as a regional planning commission.

CHAPTER 2

ZONING ORDINANCE—INTRODUCTION[1]

SECTION

14-201. Authority.
14-202. Title.
14-203. Purpose.
14-204. Enactment.

14-201. Authority.

An ordinance, in pursuance of the authority granted in Tennessee Code Annotated, §§ 13-7-201 through 13-7-401, to provide for the establishment of districts within the corporate limits of Kimball, Tennessee; to regulate within such districts the location, height, and size of buildings and other structures; the percentage of lot which may be occupied; the sizes of yards, courts and other open spaces; the density and distribution of population; and the uses of buildings and structures for trade, industry, residence, recreation, agriculture, forestry, soil conservation, water supply conservation or other purposes. (Ord. #61, Aug. 1988)

14-202. Title.

Chapters 2 through 7 of this title shall be known as The Zoning Ordinance of Kimball, Tennessee, dated 1988. The zoning map shall be referred to as the Zoning Map of Kimball, Tennessee, and all explanatory matter thereon are hereby adopted and made a part of this ordinance, subject to amendment as provided for in § 14-709 of this ordinance.[1] (Ord. #61, Aug. 1988)

14-203. Purpose.

The zoning regulations and districts contained in this ordinance have been carefully prepared and defined in accordance with a comprehensive plan for the following purposes:

To protect the public health by providing through setback requirements and other means of adequate light and air between buildings and through density standards the avoidance of extreme concentrations of population.

To provide safety by lessening: 1) Congestion in the streets through adequate access control provisions, 2) Fire hazards through adequate setbacks, and 3) Flood hazards through land use controls for identified flood areas.

To foster convenience by establishing a reasonable relationship of one land use to another and by considering the locational requirements of each land use for highway access and proximity to related uses.

To promote general livability by calling for the provisions of utilities and other public facilities.

To enhance prosperity and general welfare by preserving the character of existing development through the denial of proposed detrimental uses and through the required use of buffer strips where needed.

[1] Amendments to the zoning map are of record in the office of the recorder.

These regulations and district boundaries have been made with consideration to the character of each district and its peculiar uses; and with a view of conserving the value of buildings and property and encouraging the most appropriate use of land within the Town of Kimball. (Ord. #61, Aug. 1988)

14-204. Enactment.
For the purposes just stated, the Board of Mayor and Aldermen for the Town of Kimball does ordain and enact into law the following articles and sections. (Ord. #61, Aug. 1988)

CHAPTER 3

DEFINITIONS

SECTION

14-301. Scope.
14-302. Definitions.

14-301. Scope.

To carry out the provisions and intentions of this ordinance, certain words, terms, and phrases are to be used and interpreted as defined hereinafter. Words used in the present tense shall include the future tense; words in the singular number include the plural; and words in the plural number include the singular; the word "person" includes a firm, partnership, or corporation as well as an individual; the term "shall" is always mandatory and not directory; and the word "may" is permissive. The word "used" or "occupied" as applied to any land or building shall be construed to include the words "intended, arranged, or designed to be used or occupied." (Ord. #61, Aug. 1988)

14-302. Definitions.

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

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

(2) "Accessory building." A subordinate building, the use of which is incidental to that of a main building and located on the same lot therewith.

(3) Accessory Dwelling Unit, Attached. A secondary residential unit attached built as part of the principal structure or customary accessory structure such as a detached garage or workshop. Accessory Dwelling Units are 700 square feet or less. (Added 12/4/25 Ord 299)

(4) 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. (Added 12/4/25 Ord 299)

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

(6) "Agriculture." The tilling of soil, the raising of crops, horticulture, and gardening, but not including the keeping or raising of domestic animals or fowl, except household pets, and not including agricultural industry or business, such as fruit or vegetable-packing plants, animal hospitals, or similar uses.

(7) "Animal husbandry." The science of breeding, feeding, and tending domestic animals, especially farm animals.

(8) "Automobile wrecking." The dismantling, storage, sale, or dumping of used motor vehicles, trailers, or parts thereof. (Also see wrecked auto yard.)

(9) "Average ground elevation." The elevation of the mean finished grade at the front of a structure.

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

(11) "Board." Kimball Board of Zoning Appeals.

(12) "Boarding or rooming house." Any dwelling not divided into separate apartments, but in which three or more persons either individually or as families are housed for rent with or without meals.

(13) "Buffer strip." A landscaped area intended to provide visual screening and separation between potentially incompatible land uses. Where required by this ordinance, a buffer strip shall have a minimum width of thirty (30) feet measured perpendicular from the applicable property line. The required buffer strip may be located within a required building setback or yard and shall not be cumulative with the applicable setback requirement. Where the required buffer width exceeds the otherwise applicable building setback, the greater distance shall control.

Plant materials shall be selected, arranged, and maintained so as to form a substantially continuous visual screen not less than six (6) feet in height within one year of planting. Evergreen trees and shrubs shall constitute the primary screening material. Plant materials shall be of a species and size reasonably capable of establishing an effective visual screen and shall be maintained in a healthy condition.

The Planning Commission shall have the authority, during the site plan review process, to approve berms, opaque fences, walls, or a combination of fencing and landscaping where site conditions make vegetation alone ineffective. The Planning Commission may also approve other suitable screening solutions in lieu of the materials described above when such alternative solutions provide adequate separation between commercial, industrial, and residential uses. During such review, the Planning Commission may reduce the required buffer width when they have determined a suitable alternative of any combination of the above-mentioned materials or other approved buffer solutions will provide a suitable buffer between differing but adjoining land uses.

Required buffer areas shall be maintained by the property owner and shall remain free of buildings, outdoor storage, loading areas, dumpsters, and parking spaces. Driveways and utility crossings may be permitted where reasonably necessary, provided the effectiveness of the required screening is maintained to the greatest extent practicable. (Definition Amended 11.12.26 Ord #307)

(14) "Building." Any structure having a roof supported by columns or by walls, including mobile homes, and similar structures whether stationary or movable.

(15) "Building inspector." The Kimball Building Inspector or his authorized representative appointed by the mayor or board of aldermen.

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

(17) "Building Setback." A line delineating the minimum allowable distance between the property line and a building on a lot, within which no building or other structure shall be placed except as otherwise provided. This shall include front, side, and rear areas of a property with front setbacks being determined to be the area of the property abutting a public or private road providing access to the property. For the purpose of these regulations the term, "building" shall be defined as a structure enclosed within exterior walls, built, erected and framed of a combination of materials, whether portable or fixed, having a roof, to form a structure for the shelter of persons, animals, or property. The term, "structures", shall include but is not limited to closed/unenclosed porches, decks, porticos, entry landings, sheds, out-buildings, portable buildings (anchored or not), carports, accessory buildings, pools, hot-tubs, gazebos, and other similar structures; however, it shall not include fences or retaining walls.
(Amended 7-2-2015)

(18) "Campground." A parcel of land used or intended to be used or rented for occupancy by campers or for occupancy by travel trailers, tents, or movable or temporary dwellings, rooms, or sleeping quarters of any kind.

(19) "Commercial feed lot." Any parcel of land on which 100 or more cattle, fowl, or hogs are being kept and fed for the purpose of slaughter and sale on the commercial food market.

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

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

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

(23) "Dwelling." A permanent building or portion thereof used for residential purposes, which contains at least a kitchen, bathroom facilities, and a sleeping area. In no case shall the term dwelling include any of the following: motor homes, travel trailers, portable buildings, trailer coaches, storage buildings, single-wide modular homes regulated elsewhere in this ordinance, or any other structure not designed specifically for permanent residential dwelling.
(Amended 5-4-2017)

(24) "Dwelling, multi-family." A building designed for occupancy by two or more families living independently of each other.

(25) "Dwelling, single-family." A building designed to be occupied exclusively by one family.

(26) "Dwelling units." One or more rooms, a single kitchen, and a bath designed as a unit for occupancy by only one family for cooking, living and sleeping purposes.

(27) "Family." A lot which lies behind the land or lots which front a street. The flag lot takes its access from the street via a narrow strip which is part of the flag lot and is lot shared with any other lot or parcel. The name flag lot derives from the appearance of the lot on a plat, i.e. a flag (building site) with a flag pole (access strip).

(28) "Floor area." The sum of the gross floor area for each of the several stories under roof, measured from the exterior limits or faces of a building or structure.

(29) "Gasoline service station." Any area of land, including structures thereon, that is utilized for the retail sale of gasoline, oil (but not butane or propane fuels) and automobile accessories, and incidental services including facilities for lubricating, car washing and cleaning or otherwise servicing automobiles, but not including painting or major repair.

(30) "Grade, finished." The completed surfaces of lawns, walks, and roads brought to grades as shown on official plans or designs relating thereto.

(31) "Health department." The Marion County Office of the Tennessee Department of Health and Environment.

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

(33) "Home occupation." See Chapter 5, § 14-506.

(34) "Hospital." See Medical facilities.

(35) "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. (In the latter case may include a "wrecked auto yard.")

(36) "Loading space." A space within the main building or on the same lot therewith, providing for the parking, loading or unloading of a vehicle.

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

(38) "Lot area." The total horizontal surface area of land included within the lot lines.

(39) "Lot, corner." A lot of which at least two adjoining sides abut on a street, provided that the interior angles at the intersection of two such sides is less than 135 degrees.

(40) "Lot coverage." The lot area covered by all buildings located therein including the area covered by all overhanging roofs. The maximum coverage area is 55% of the lot.

(41) "Lot depth." The average distance from the street line of the lot to its rear line, measured in the general direction of the side lines of the lot.

(42) "Lot frontage." That dimension of a lot or portion of a lot abutting on a street, excluding the side dimension of a corner lot.

(43) "Lot, interior." A lot other than a corner lot.

(44) "Lot lines." The boundaries dividing a given lot from the street, an alley, adjacent lots, or public water bodies.

(45) "Lot of record." A lot which is part of a subdivision recorded in the office of the county register of deeds, or a lot described by metes and bounds, the description of which has been recorded in the office of the county register of deeds prior to the date of passage of the Kimball Subdivision Regulations.

(46) "Lot width." The width of a lot at the building setback line measured at right angles to its depth.

(47) "Medical facilities."

(a) Convalescent, rest, or nursing home: A health facility where the persons are housed and furnished with meals and continuing nursing care for compensation.

(b) Dental clinic or medical clinic: A facility for the examination and treatment of ill and afflicted human out-patients provided, however, that patients are kept overnight except under emergency conditions.

(c) Dental office or doctor's office: Same as dental or medical clinics.

(d) Hospital: An institution providing health services primarily for human in-patient medical or surgical care for the sick or injured and including related facilities such as laboratories, out-patient facilities, and staff offices which are an integral part of the facility.

(48) "Minimum floor elevation." The lowest elevation permissible for the construction, erection, or other placement of any floor including a basement floor.

(49) "Mobile home." A housing unit manufactured off-site, 14' wide or less, or forty (40) body feet or more in length and which is built on a permanent chassis and designed to be used as a dwelling with or without a permanent foundation.

(50) "Mobile home park." Any area, tract, site or plot of land whereupon two or more mobile homes as herein defined are placed, located or maintained, or intended to be placed, located, or maintained, and shall include all accessory buildings used or intended to be used as part of the equipment thereof.

(51) "Mobile home subdivision." A subdivision with individual lot ownership planned for mobile homes and which meet all requirements of the Kimball Subdivision Regulations.

(52) "Modular building unit." (As defined in the 1985 Tennessee Residential Modular Building Act)
A structural unit, or preassembled component unit including the necessary electrical, plumbing, heating, ventilating and other service systems, manufactured off-site and transported to the point of use for installation or erection on a permanent foundation, with or without other specified

components, as a finished building and not designed for ready removal to another site. This term applies only to units intended for or used for residential occupancy. "Residential occupancy" shall have the same meaning as that term is defined in the standard building code, as it is or is hereafter amended. (The unit shall resemble a conventionally constructed residence in appearance, size, and width.)

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

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

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

(56) "Open space." An area on the same lot with a main building which is pen, unoccupied and unobstructed by structures from the ground to the sky except as otherwise provided in this ordinance. Open space lines shall coincide with or be parallel to the building setback lines on the same lot. Driveways and sidewalks can be included in the open space.

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

(58) "Parking space." An off-street space available for parking one motor vehicle and having an area of not less than 162 square feet exclusive of passageways and driveways giving access thereto, and having direct access to a street or alley.

(59) "Planned Unit Development – Commercial." A Commercial Planned Unit Development is a completely planned commercial land use, professionally designed as a unit, and approved by the Kimball Municipal Planning Commission, in a C-2 Zone. **(added 10/4/07)**

(60) "Planning commission." The Kimball Municipal Planning Commission.

(61) "Plat." A map, plan, layout, or other drawing indicating the location and boundaries of individual properties or lots.

(62) "Principal use." The specific primary purpose for which land or a building is used.

(63) "Public uses." Public parks, schools, and administrative, cultural, and service buildings but not including public land or buildings devoted solely to storage and maintenance of equipment and materials.

(64) "Retail Sales Establishment – Commercial." A commercial establishment that provides goods and/or services directly to the consumer, where such goods are available for immediate purchase and removal from the premises by the purchaser. **(added 10/4/07)**

(65) "Right-of-way." The strip of public land provided for a public road. The right-of-way is generally wider than the actual road surface.

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

(67) "Sanitary sewer system." A municipal or community sewage collection, treatment, and disposal system of a type approved by the health department.

(68) "Sanitary landfill." An area or site utilized by a public or private entity for disposal of solid waste or refuse in a manner which meets the regulations imposed upon the operation and maintenance of sanitary landfill sites by the State of Tennessee.

(69) "Setback." See definition for Building Setback. (Amended 7-2-2015)

(70) "Shopping center or complex." A group of businesses, shops, stores, and/or professional services which were planned, developed and managed as a unit sharing elements such as parking, access drives, and often common walls often developed as a planned development. (PUD)

(71) "Special exception." Any use which is specifically permitted if the owner can demonstrate to the satisfaction of the board that he will meet certain enumerated safeguards or qualifying conditions for the special exception.

(72) "Storm sewer." A municipal or community collection and disposal system for the handling and control of rainwater drainage.

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

(74) "Street." Any public or private thoroughfare which is intended for the use of vehicles, and usually also provides access to adjacent property. Types of streets are defined as follows:

- (a) "Major thoroughfare." A major street serving as part of the principal network for cross-city and through traffic movement. A major thoroughfare has higher traffic volumes, usually has a wide right-of-way (designated as a major thoroughfare in the Kimball Transportation Plan).
- (b) "Collector street." A street that serves a collection and distribution function carrying traffic from the local streets to the major thoroughfares or to other local streets.

(75) "Local street." The network of streets which primarily provide access to abutting property, i.e. neighborhood streets, generally two-lane with low traffic volumes and low traffic speeds.

(76) "Cul-de-sac." A dead-end street, usually a local street.

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

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

(79) "Townhouse, residential." A single-family residential dwelling of one, or more floors on a lot by itself and having or appearing to have a common wall with an adjacent similar unit or units.

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

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

(82) "Travel trailer park." A parcel or area of land designed and equipped to accommodate travel trailers as defined in T.C.A. 68-36-202(10) for short periods of time, not to exceed 14 days.

(83) "Usable floor space." Floor space used for retail sale or display: including permanent outdoor sales, but excluding outdoor motor vehicle sales areas and outdoor plant sales areas at nurseries.

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

(85) "Use permitted on review." See Special exceptions.

(86) "Wrecked auto yard." Any lot or place which is exposed to the weather and upon which more than five motor vehicles of any kind, incapable of being operated, and which it would not be economically feasible to make operative, are placed, located, or found.

(87) "Yard, front." The required open space measured from the road or street right-of-way line/property line that is unoccupied by buildings or other structures as defined by the definition for building setbacks found in this ordinance. (Amended 7-2-2015)

(88) "Yard, rear." The required open space measured from the rear property line that is unoccupied by buildings or other structures as defined by the definition for buildings setbacks found in this ordinance. (Amended 7-2-2015)

(89) "Yard, side." The required open space measured from the side property line that is unoccupied by buildings or other structures as defined by the definition for buildings setbacks found in this ordinance.

(Amended 7-2-2015)

CHAPTER 4

ZONING DISTRICTS

SECTION

14-401. Classification of districts.
14-402. Zoning district map.
14-403. Zoning district boundaries.
14-404. Specific district regulations.

14-401. Classification of districts.

For the purpose of this ordinance the following zoning districts are hereby established in the Town of Kimball, Tennessee:

Zoning District Name	District Abbreviation
Residential District	R
Highway Business District	C-2
Industrial District	I-1
Flood Hazard District	F-1
Agricultural District	A-1

(Ord. #61, Aug. 1988)

14-402. Zoning district map.[1]

The location and boundaries of the zoning districts established by this ordinance are bounded and defined as shown on the map entitled Zoning Map of Kimball, Tennessee. The zoning map or its amendments shall be dated with the effective date of the ordinance that adopts the zoning map or zoning map amendment. Certified copies of the adopted zoning map or zoning map amendment shall be maintained at City Hall in Kimball, Tennessee, and shall be available for inspection by the public at all reasonable times, as long as this ordinance remains in effect. (Ord. #61, Aug. 1988)

14-403. Zoning district boundaries.

Unless otherwise indicated on the zoning map or zoning map amendment, the stream tributaries district boundaries are lot lines, center lines of streets, or the corporate limits of the Town of Kimball as they exist at the time of the enactment of this zoning ordinance. Questions concerning the exact locations of district boundaries shall be determined by the Kimball Board of Zoning Appeals.

Where a district boundary line divides a lot existing at the time this ordinance takes effect, and the major portion of said lot is in the less restricted district, the regulations relative to that district may extend as well to such portion of said lot as is not more than 20 feet within the more restricted district. (Ord. #61, Aug. 1988)

[1] The zoning map and all amendments thereto are of record in the office of the recorder.

14-404. Specific district regulations.

The following regulations shall apply in the zoning districts established in § 14-401 of this ordinance.

A. Residential district. The residential district is intended to promote and encourage as far as possible the establishment and maintenance of a suitable environment for residences in areas which by location and character are appropriate for such use. One of the important purposes of these districts is to create, as far as possible, adequate standards of development in order to prevent overcrowded and unhealthy conditions in the older established neighborhoods. The intensity of land use should not be so great as to cause congestion of buildings or traffic or overload sanitary facilities. Density should be limited to provide adequate light, air, and usable open space for the residents and adequate space for all related structures.

1. **R-1 Low Density Residential District**. It is the intent of the R-1 Residential District to protect existing residential development and to provide suitable areas for one family detached dwellings at low density.
2. Uses permitted.
   a. One (1) family detached dwelling (conventional construction).
   b. Modular homes.
   c. Agricultural uses.
   d. Cemeteries.
   e. Non-commercial nurseries, garden centers and greenhouses.
   f. Churches, provided that:
   g. There is a planted evergreen buffer strip at least ten (10) feet wide along the property lines, except the lines bordering the street; and
   h. Church schools.
   i. Public schools and other public educational institutions.
   j. Utility facilities necessary for the provisions of public services.
   k. Customary accessory buildings, including private garages and non-commercial workshops.
   l. Customary incidental home occupations including professional office (i.e. architect, artist, dentist, engineer, lawyer, physician, and the like, barber, beauty and tailor shops, or the accommodation of not more than two employees provided that there is no external evidence of such occupation except a two foot square sign).
   m. Municipal, county, state or federal buildings or land use.
3. Uses permitted on review. The following uses are permitted on review with approval by the planning commission in accordance with the provisions of § 14-706.
   a. Private schools, provided that:

1. There is a planted evergreen buffer strip along the property lines, except the lines bordering the streets; and
2. The building is not located less than 15 feet from the buffer zone or 45 feet from any property line.

b. Lodge halls, civic organizations, and private clubs, provided that the club's primary activity is not customarily conducted as a business.

c. Radio, television and communication towers.

4. Dimensional regulations. All uses permitted in the R-1 Low Density District shall comply with the following requirements, except as provided in Chapter 6, "Exceptions and Modifications."

a. Front yard. The minimum depth of the front yard shall be 40 feet from the street's right-of-way.

b. Rear yard. The minimum depth of the rear yard shall be 15 feet for the principal structure.

c. Side yard. The side yard shall be a minimum of 10 feet for one and two story structures, plus 5 additional feet of side yard for each additional story over 2.
If the side yard abuts a local street or cul-de-sac, the side yard setback shall be 20 feet.
If the side yard abuts a major thoroughfare or collector road, the side yard setback shall be 25 feet. (**Amended 11/4/04**)

d. Land area. No lot or parcel of land shall be reduced in size to provide separate lots or building sites of less than 15,000 square feet in area except where sanitary sewer service is available, in which case the minimum lot area shall be 10,000 square feet. However, where there is an existing lot of record of less than 15,000 square feet at the time of adoption of this ordinance, this lot may be utilized for the construction of one single family dwelling provided that the lot in question has a public water supply and sanitary sewer service. In that case, said lot of record shall not be less than 7,500 square feet in area.

e. Lot width. No lot shall be less than 75 feet wide at the building setback line. (Amended 03-04-99)

f. Height requirement. No building shall exceed 2 ½ stories or 35 feet in height, except as provided in § 14-603.

g. **Required Street Frontage and Orientation of Principal Structures.** All principal structures shall be positioned on the lot so that the front façade and front door face a dedicated local street for which an E911 address can be given. On corner lots, one of the streets shall be designated as the front street, and the principal structure shall face this street or shall be angled toward the intersection of both streets. Under no condition shall the back of the principal

structure face or angle toward a street or be visible from the street providing access except as provided above for corner lots. In no case shall an accessory structure be located in the front yard or closer to any street than the principal structure. Accessory structures shall be located to the side or rear of the principal structure and are subject to all building setbacks. (Added 7-2-2015)

h. **Minimum Square Footage Requirements for Residential Structures & Dwelling Units**. Single-family dwellings in the R-1 Low Density Residential Zoning District shall have a gross floor area of not less than eight-hundred (800) square feet of living space. Custom built homes and permitted modular homes shall be required to have a permanent foundation. (Added 5-4-2017)

5. **R-2 High Density Residential District**. These areas provide for residences at high densities, including multi-family dwellings. It is the intent of the R-2 Residential District to encourage residential development to maintain this as an area that is desirable in which to live.
6. Uses permitted.
   a. Any use permitted in the R-1 Residential District.
   b. Multi-family dwellings.
   c. Mobile home parks subject to the regulations of § 14-1001 Mobile Home Parks in the Kimball Zoning Ordinance (Amended 12/4/25 Ord 298).
7. Uses permitted on review. The following uses are permitted on review when approved by the planning commission in accordance with the provisions of § 14-706.
   a. Private schools, provided that:
      1. There is a planted evergreen buffer strip along the property lines, except the lines bordering the streets; and
      2. The building is located not less than 15 feet from the buffer zone or 45 feet from any property lines.
   b. Lodge halls, civic organizations and private clubs provided that the club's primary activity is not customarily conducted as a business.
8. Dimensional regulations. All uses permitted in the R-2 Height Density Residential District shall comply with the following requirements, except as provided in Chapter 6, "Exceptions and Modifications."
   a. Front yard. The minimum depth of the front yard shall be 40 feet from the streets right-of-way.
   b. Rear yard. The minimum depth of the rear yard shall be 10 feet from the principal structure.

c. Side yard. The side yard shall be a minimum of 10 feet for one and two story structures, plus 5 additional feet of side yard for each additional story over 2.
If the side yard abuts a local street or cul-de-sac, the side yard setback shall be 20 feet.
If the side yard abuts a major thoroughfare or collector road, the side yard setback shall be 25 feet.

d. Land area. No lot or parcel of land shall be reduced in size to provide separate lots or building sites of less than 15,000 square feet in area except where sanitary sewer service is available, in which case the minimum lot area shall be 10,000 square feet. However, where there is an existing lot of record of less than 15,000 square feet at the time of adoption of this ordinance, this lot may be utilized for the construction of one single family dwelling provided that the lot in question has a public water supply and sanitary sewer service. In that case, said lot of record shall not be less than 7,500 square feet in area.

e. Lot width. No lot shall be less than 75 feet wide at the building setback line.

f. Height requirement. No building shall exceed 2 ½ stories or 35 feet in height, except as provided in § 14-603.

g. **Required Street Frontage and Orientation of Principal Structures.** All principal structures shall be positioned on the lot so that the front façade and front door face a dedicated local street for which an E911 address can be given. On corner lots, one of the streets shall be designated as the front street, and the principal structure shall face this street or shall be angled toward the intersection of both streets. Under no condition shall the back of the principal structure face or angle toward a street or be visible from the street providing access except as provided above for corner lots. In no case shall an accessory structure be located in the front yard or closer to any street than the principal structure. Accessory structures shall be located to the side or rear of the principal structure and are subject to all building setbacks. (Added 7-2-2015)

h. **Minimum Square Footage Requirements for Residential Structures & Dwelling Units**. Detached single-family dwellings and multi-family dwellings in the R-2 High Density Residential Zoning District shall have a gross floor area of not less than six-hundred (600) square feet of living space per dwelling unit. Custom built homes, multi-family residential structures, and permitted modular homes shall be required to have a permanent foundation. (Added 5-4-2017)

B. **C-2 Highway Business District**.

1. District description. This district is established along selected portions of major thoroughfares to provide areas for those amusements, specialized sales, and travel accommodation activities which depend on visibility from or proximity to automobiles or traffic, serve regional travelers, cater to local residents in vehicles, or provide services essential to the movement of vehicles. It is intended that such areas have properties with lot sizes, yards, and performance and development standards sufficient to insure that activities performed on any one lot will not unduly impede the flow of traffic, will not adversely affect activities of adjoining zones, and will not infringe on the efficiency of activities or customer attractiveness of adjacent lots. It is further intended to exclude those uses which are not necessary for service to traffic, which are not dependent on traffic, and which could reasonably be located elsewhere thus not contributing to congestion of the major thoroughfares.

2. Uses permitted. The following uses and their accessory uses shall be permitted in the C-2 Highway Business District:

   a. Hotels and motels;
   b. Restaurants, grills, and fast food outlets including those allowing customer service in automobiles;
   c. Tourist services, including information centers, souvenir/gift shops, and hunting/fishing/boating/camping supply shops;
   d. Ambulance and other emergency services;
   e. Gasoline service stations as regulated in § 14-508;
   f. Establishments for the sale, service, or rental of passenger, travel, and recreation vehicles;
   g. Public or private golf courses;
   h. Libraries, art galleries, museums, and the like;
   i. Outdoor recreation facilities;
   j. Clubs, lodges and fraternal organizations;
   k. Utility structures and facilities including storage and parking facilities for equipment and supplies;
   l. Professional offices, financial institutions, insurance agencies, and
   m. Public uses and structures, churches.
   o. Commercial Planned Unit Development (PUD)
   (Added 10/4/07)

      (1) Purpose:

      The Purpose of the Commercial Planned Unit Development (sometimes hereinafter referred to as PUD) is to provide the opportunities to create more desirable environments through the application of flexible and diversified land development standards under a comprehensive plan and program professionally prepared. The Commercial PUD is

intended to encourage the application of new techniques and technology to community development which will result in superior living or development arrangements with lasting values. It is further intended to achieve economies in land development, maintenance, street systems, and utility networks while providing building groupings for privacy, usable and attractive open spaces, safe circulation, and the general well being of the inhabitants.

(2) Classification:
A Commercial PUD shall be allowed only in the C-2 Commercial Zoning District.

A. Permitted Principal and Accessory Uses and Structures

1. College and University-owned facilities (classroom facilities, administration facilities, dormitories, sports related facilities, libraries, cafeterias and maintenance buildings).

2. Commercial Parking Lots.

3. Professional, medical or dental offices or clinics.

4. Laboratories and research centers.

5. Real Estate Offices.

6. Retail Sales Establishments.

7. Accessory uses for the above permitted uses.

8. Private and semi-public recreation clubs and attendant uses and facilities, including: golf, swimming and spa, athletic and health, tennis, croquet, skating, country clubs and similar clubs as may be approved in conjunction with the master plan.

B. Minimum Site Area, Yard Requirements and Density

The width, frontage, and yard requirements otherwise applying to individual buildings lots do not apply within a planned commercial development. Yard requirements are limited to the following standards; however, building layout must be approved by the Planning Commission.

1. Minimum setback from an arterial street – Thirty Five (35) feet.

2. Minimum setback from collector street - thirty (30) feet.

3. Minimum setback requirement from periphery boundary of the development - twenty-five (25) feet.

4. Where a side yard is proposed between two structures, the minimum width shall be ten (10) feet between structures.

C. Height Regulations

The height restrictions of the C-2 zoning district shall apply within Planned Unit Developments.

D. Access

All lots shall be served from properly dedicated public street(s), per the requirements of the Kimball Municipal Subdivision Regulations.

Each building lot within the development shall front a public street for a minimum of twenty-five (25) feet, or as required in the Subdivision Regulations.

E. Utilities

No planned development will be approved unless public sewer is available. Availability of sewer will be determined by the Town of Kimball.

F. Parking and Loading

The provisions of Sections 14-503 and 14-504 of this Ordinance shall apply.

G. Buffers

Buffer Requirements. Buffer strips, as defined in Chapter 3, shall be required along the perimeter of a Commercial Planned Unit Development where the development adjoins property zoned for residential use or property containing an existing residential dwelling. The Planning Commission may also require landscaped buffers between substantially dissimilar or potentially incompatible uses within the Planned Unit Development when necessary to mitigate visual, noise, lighting, traffic, loading, or other land-use impacts. (Amended 11.12.26 Ord #307)

(3) Application and General Procedures:

A. Preliminary Plat:

Before initiating construction, fill or grading of a tract of land for a Planned Commercial Planned Unit Development, the owner or lessee of the site shall submit to the Planning Commission a preliminary plat (plan) for the use and development of the entire tract that conforms to the preliminary plat specifications.

B. Final Plat:

Within one year after approval of the preliminary plat (plan), the owner or lessee shall present a final plat (plan) to the Planning Commission. The final plat (plan) shall substantially conform to the preliminary plat (plan). If a final plat (plan) is disapproved by the Planning Commission, the applicant may resubmit a final plat (plan) which substantially conforms to the approved preliminary plat (plan), or the applicant may request an amendment to the approved preliminary plat (plan) from the Planning Commission.

The final plat submitted must be in substantial conformance with the preliminary plat. Plats containing minor changes from the approved preliminary plat may be found to be in substantial conformity and approved for further processing and final action. Any increase in density or intensity of use, any decrease in common areas, or shifting of structures within the development shall be deemed to be a substantial deviation and shall require an amendment of the preliminary plat prior to further action by the Planning Commission.

C. Site Plan:

A site plan of the complex, including the information as required under Section 14-510 of this ordinance shall be submitted to the Planning Commission for approval.

3. Uses permitted on review. In the C-2 Highway Business Serving District, the following uses and their accessory uses may be permitted subject to review of the Kimball Municipal Planning Commission in accordance with the provisions of § 14-706:
   a. Any retail business or service; (Amended 11.12.26 Ord #308)
   b. Truck stops;
   c. Amusement parks, amphitheaters, ballparks, or stadiums, fairgrounds, and group picnic grounds;
   d. Planned unit development such as shopping centers and professional office complexes;

e. Auditoriums, exhibit halls, field houses, gymnasiums, theaters, and indoor recreation facilities; and,
f. Cemeteries, subject to the provisions of § 4.140.
g. residential uses within a building being used as a legally conforming commercial use provided the residential use will occupy less than 50% of the building's overall square footage, be secondary to the building's primary use as a commercial business, and the primary use on the main floor facing a main or state roadway will remain commercial. (Added by Ord# 278 7/7/2022)

4. Dimensional regulations. The following requirements shall apply to all uses permitted in the C-2 Highway Business District:
   a. Lot area:
      (1) For those areas served by a sanitary sewer system, there shall be a minimum lot area of not less than 10,000 square feet.
      (2) For those areas not served by a sanitary sewer system the lot area requirements shall be determined by the Marion County Health Department, but in no case shall be less than 15,000 square feet.
   b. Front yard. The depth of the front yard shall be 35 feet from the highway right-of-way. (**Amended 09-07-00**)
   c. Side yard. The width of any side yard which abuts a residential district shall not be less than 25 feet.
   d. Rear yard. Each lot shall have a rear yard of not less than 10 feet where a commercial building is serviced from the rear here shall be provided a rear yard of not less than 30 feet; the depth of a rear yard which abuts a residential district shall not be less than 25 feet.
   e. Lot width. Each lot shall have a width of not less than 75 feet at the building setback line.
   f. Height restriction. No building or structure shall exceed sixty (60) feet except as provided in Section 14-603. **(Amended 9/4/03)**
5. Requirements of buffer strips. Whenever a new development or substantial expansion or redevelopment of an existing use is established on property within the C-2 Highway Business District that adjoins property zoned for residential use or containing an existing residential dwelling, a buffer strip as defined in Chapter 3 shall be provided along the common property line. The buffer may be located within any required side or rear yard or building setback, and the greater of the required buffer width or applicable building setback along the rear property line shall control and the required setback along the side property line shall control. (Amended 11.12.26 Ord #307)
6. Off-street parking requirements. (As regulated in § 14-503.)

7. Off-street loading and unloading requirements. (As regulated in § 14-504.)
8. Access control. (As regulated in § 14-501.)
9. Site plan requirements. (As regulated in §14-510.)

C. **I-1 Industrial District**.

1. District description. The I-1 Industrial District is established to provide a suitable area for firms engaged in manufacturing and the storage and distribution of goods, to protect the surrounding land uses, to discourage uses incompatible to light manufacturing, and to protect the existing industries in the district.
2. Uses permitted. In the I-1 Industrial District the following uses and their accessory uses are permitted provided that all building, health, and safety regulations are met:
   a. Industries, provided that any industry that may cause injurious or obnoxious noise, vibrations, 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;
   b. Wholesaling, warehousing, and those businesses which are incidental, thereto, including storage yards, but excluding storage of any material of any explosive nature;
   c. Contractors or construction equipment dealer's yards;
   d. Repair or service facilities, including but not limited to automobile repair, appliance repair, machine shops, cabinet shops, carpentry, plumbing, and welding;
   e. Sales and service of boats, boat trailers and mobile homes;
   f. Agricultural equipment sales and service;
   g. Gasoline service stations;
   h. Veterinarian hospitals and kennels;
   i. Laundry and dry-cleaning establishments;
   j. Radio stations and transmission towers;
   k. Baking establishments;
   l. Bottling and distribution plants;
   m. Newspaper and printing plants;
   n. Truck terminals;
   o. Heavy equipment sales and service;
   p. Off-street parking lots; and,
   q. Public utility structures.
   r. Self-storage mini-warehouses rented or leased for the storage of personal goods (Added 7-2-2015)
3. Dimensional regulations. All uses permitted in the I-1 Industrial District shall comply with the following requirements, except as provided in Chapter 6.

a. Front yard. The minimum depth of the front yard shall be 30 feet.
b. Rear yard. The minimum depth of the rear yard shall be 30 feet.
c. Side yard. The minimum depth of the side yard shall be 20 feet, except that side yards of industrial lots adjacent to residential districts shall be a minimum of 50 feet.
d. Land area. It is hoped that all industries will be served by public water and sewerage systems. Where public water and sewer service is available, there shall be required a minimum land area of 15,000 square feet.
In areas where only public water is available, the size of the lot shall meet the requirements of the Marion County Health Department based on soil types and septic system design requirements.
e. Lot width. No lot shall be less than 150 feet wide at the building setback line.
f. Height requirement. No building or structure shall exceed 3 stories or 40 feet in height, except as provided in § 14-604.

4. Requirement of buffer strips. Whenever a new development or substantial expansion or redevelopment of an existing use is established on property within the I-1 Industrial District that adjoins property zoned for residential use or containing an existing residential dwelling, a buffer strip as defined in Chapter 3 shall be provided along the common property line. The buffer may be located within any required side or rear yard or building setback, and the greater of the required buffer width or applicable building setback along the rear property line shall control and the required setback along the side property shall be no less than 30'. (Amended 11.12.26 Ord #307)
5. Parking space requirements. (As regulated in § 14-503.)
6. Off-street loading and unloading requirements. (As regulated in § 14-504.)
7. Access control. (As regulated in § 14-501.)
8. Site plan requirements. (As required in § 4.150.)

D. **Provisions Governing the Flood Hazard Districts**. (Amended 1.6.2022)
Flood hazard districts are established by the Marion County, Tennessee Flood Insurance Rate Maps, produced by FEMA, and are governed by the Kimball Municipal Floodplain Zoning Ordinance #216 adopted October 6, 2011. A copy of this ordinance is located in the appendix of this document.

E. **A-1 Agricultural District**.
1. District description. The A-1 Agricultural District is established to provide a suitable area for farming and animal husbandry.
2. Uses permitted. In the A-1 Agricultural district the following uses and their accessory uses are permitted:

a. Agricultural uses including crop, tree farming, livestock grazing, and other agricultural uses which are of the same or a closely similar nature.
b. Any of the uses permitted in the other districts provided it complies with Chapter 5.

3. Dimensional regulations. All structures permitted in the A-1 Agricultural District shall comply with the following requirements:
a. Front yard. The minimum depth of the front yard shall be 30 feet.
b. Rear yard. The minimum depth of the rear yard shall be 10 feet.
c. Side yard. The minimum depth of the side yard shall be 20 feet. (Ord. #61, Aug. 1988, as amended by Ord. #62, Feb. 1989; Ord. #91, May 1993; Ord. #105, Dec. 1995; and Ord. #125, March 1999.)

CHAPTER 5

SUPPLEMENTARY PROVISIONS APPLYING TO ALL DISTRICTS WHERE APPLICABLE

SECTION

14-501. Access control.
14-502. Accessory use regulations.
14-503. Off-street parking requirements.
14-504. Off-street loading and unloading requirements.
14-505. Customary home occupations.
14-506. General lot restrictions.
14-507. Vision at street intersections.
14-508. Development standards for wrecked auto yards and junk yards or salvage yards.
14-509. Development standards for cemeteries.
14-510. Site plan requirements.

14-501. Access control.

In order to expedite the movement of traffic, to promote the safety of the motorist and pedestrian, and to minimize traffic congestion and conflict, it is necessary to reduce the points of vehicular contact. Therefore, to effectively control vehicular access onto the streets of Kimball, it is necessary to classify such streets as follows: major thoroughfares; collector streets; and local streets. The classification of each street shall be shown in the Transportation Plan of Kimball, Tennessee, which is kept in Town Hall.

A. Development requiring access control plan. Developers of commercial and industrial establishments and apartment complexes of three or more dwelling units must file and access control plan which meets all requirements of this section and must have such plan approved by the Kimball Municipal Planning Commission prior to obtaining a building permit. This access control plan is often part of a "site plan" as specified in § 4.150 of this ordinance. However, in the event that such a site plan is not required, an access control plan must still be submitted and approved. Although access control plans are not required for single-family homes and duplexes, the provisions of § 14-501 D 1,2, and 3 shall, nevertheless, be adhered to for access to these land uses.

B. General access regulations applying to all classifications of streets.

1. Maximum width of all access points. The maximum width of all access points shall be 30 feet measured at the property line; except when the development requiring access generates high overall or high peak traffic volumes, the Kimball Municipal Planning Commission may approve a wider channelized access point to allow various turning movements for greater traffic control and safety.
2. Temporary access ways. Temporary access ways may be granted by the planning commission at the locations other than those specified for permanent access where it is expedient for the purpose

of staged development. Temporary access ways shall be closed by the owner when permanent access to the property is completed.

3. Off-street parking lanes entirely independent of public streets. No off-street vehicular storage or parking shall be allowed where the arrangement requires that vehicles back directly into a public street right-of-way.
4. Access for lots fronting in more than one street. In all commercial developments where a lot abuts more than one street, the planning commission may require that the access be from the street of lowest classification when necessary to lessen serious congestion on the major street. If access is allowed onto two or more streets, the number of access points shall conform to those allowed for each classification. (See § 14-501.)
5. Gasoline service stations. Gasoline service stations shall be allowed two access points onto the same street to allow proper circulation past the gasoline pumps. This is regardless of lot width or street classification provided the required site plan is approved by the Kimball Municipal Planning Commission.

C. Construction of frontage roads and interior circulation drives. In order to limit the number of individual access points to an arterial or collector street, the Kimball Municipal Planning Commission shall encourage any may require the development of frontage roads and interconnecting interior circulation drives.

1. Frontage roads. Frontage roads are those which parallel the existing street and extend across the entire frontage of a particular large property or group of properties. Frontage roads may be required to provide safe and efficient public access to individual properties, eliminating the traffic congestion which would be caused if each parcel had its own access onto the arterial or collector street.
   Access points between the frontage road and the arterial street shall be no closer together than 500 feet and no closer together than 300 feet along collector streets. All frontage roads shall be built to the standards specified in the Kimball Subdivision Regulations and shall be dedicated as public streets and then maintained by the Town of Kimball.
2. Interior circulation drives. Interior circulation drives are needed in large developments which require large parking areas. These drives interconnect all parking lot access points with all buildings and areas of vehicular parking, loading, and servicing. They are constructed to provide safe and efficient vehicular movement between specified access points of a development or a series of developments. The planning commission of adjacent developments be connected to eliminate the need to use the public streets to drive from one to another. All circulation drives shall be clearly defined and marked appropriately with arrows, etc. to assist public circulation into and out of the property and its parking areas.

An area of land not less than 10 feet deep shall be provided between the public street right-of-way line and the edge of all proposed frontage roads or interior circulation drives. This area will separate the roadways with a minimum turning radius. Such area shall be grassed.

The width, placement and design of frontage roads and interior circulation drives shall be reviewed by the Town of Kimball and the planning staff and shall be approved by the Kimball Municipal Planning Commission.

D. Specific number of access points allowed for each street classification. Wherever topographical features, existing developmental patterns, or other factors make the construction of frontage roads infeasible, the planning commission shall allow direct access to the existing streets according to the following minimum requirements for each street classification.

1. Access points for major thoroughfares. In the absence of a frontage road, all lots having between 100 and 500 feet of frontage shall have no more than one point of access to the public arterial. For lots with over 500 feet of frontage, additional access points shall be allowed provided they are spaced at least 500 feet apart from each other and from the first access point. For development generating high overall or high peak traffic distance between access points to allow improved access provided a carefully planned pattern of internal and external channelization is prepared and approved.

   When a lot of record fronting an arterial street has less than 100 feet of frontage, the Kimball Municipal Planning Commission shall first attempt to obtain joint access with either adjacent property or access onto a frontage road. If this is not feasible, one single access point may be allowed.

2. Access points for collector streets. In the absence of a frontage road, all lots less than 300 feet in width shall have no more than one point of access to any one public street. For lots with over 300 feet of frontage, additional access points shall be allowed provided they are spaced at least 300 feet apart from each other and from the first access point.

3. Access points for local streets. All lots of less than 100 feet shall have no more than one point of access to the minor street. For lots with over 100 feet of frontage, additional access points shall be allowed provided they are spaced at least 100 feet apart from each other and from the first access point. (Frontage roads shall also be considered minor streets in order to provide the most lenient access provisions to developers who construction these beneficial facilities.) (Ord. #61, Aug. 1988.)

14-502. Accessory use regulations.

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

1. Be customarily incidental to the principal use established on the same lot;
2. Be subordinate to and serve such principal use;
3. Be subordinate in area, intent, and purpose of such principal use; and,
4. Contribute to the comfort, convenience, or necessity of users of such principal use. (Ord. #61, Aug. 1988.)

14-503. Off-street parking requirements.

Off-street automobile storage or standing space shall be provided on each lot upon which any of the following uses are hereafter established. One passenger vehicle space shall be determined as 162 square feet of parking space and such space shall be provided with vehicular access to a street or alley. The number of parking spaces provided shall meet the minimum requirements for the specific uses as set forth below.

1. Dwellings. Not less than two spaces for each family dwelling unit.
2. Board houses and rooming houses. No less than one and one-half spaces for each two rooms occupied by boarders or roomers.
3. Tourist accommodations, hotels or motels. Not less than one space for each room offered for tourist accommodation.
4. Any auditorium, church, stadium, or other place of public assembly. Not less than one space for every 4 seats provided in such places of assembly. For places of public assembly where seating is not a measure of capacity, such as clubhouses, funeral parlors, etc., at least one space for each 100 square feet of floor space devoted to that particular use shall be provided.
5. Manufacturing or other industrial use. Not less than one space for ever 3 persons employed or intended to be employed on a single shift, with a minimum of 6 spaces provided for any establishment.
6. Commercial building or use. One space for each 175 square feet of usable floor space in the C-1 zone. Usable floor space is to be determined by the Kimball Regional Planning Commission based on the nature of the business.
7. Medical or dental clinics and hospitals. Four spaces per doctor, plus one additional space for each employee.
8. Service stations. Five spaces for each grease rack or similar facility, plus one space for each gasoline pump.
9. Offices. One space for 200 square feet of office space.
10. Restaurants. One space per 150 square feet of usable floor area, plus one space for every 2 employees. For drive-in restaurants, one space per 50 square feet of usable floor area.

B. Certification of minimum parking requirements. Each application for a building permit shall include information as to the location and dimensions of off-street parking and loading space and the means of ingress and egress to such space. This information shall be in sufficient detail to enable the building inspector to determine whether or not the requirements of this section are met.

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

D. Remote parking space. If the off-street parking space required by this ordinance cannot be reasonably provided on the same lot on which the principal use is located, such space may be provided on any land within 500 feet of the main entrance to such principal use provided such land is in the same ownership as the principal use. Such land shall be used for no other purpose so long as no other adequate provision of parking space meeting the requirements of this ordinance has been made for the principal use.

E. Requirements for design of parking lots.

1. Except for parcels of land devoted to one- and two-family residential uses, all areas devoted to off-street parking shall be so designed and be of such size that no vehicle is required to back into a public street to obtain egress.
2. Each parking space shall be no less than 162 square feet in area (9x18).
3. Entrances and exits for all off-street parking lots shall comply with the requirements of § 14-501.
4. The parking lot shall be contoured to drain surface water. (Ord. #61, Aug. 1988.)

14-504. Off-street loading and unloading requirements.

Every building or structure hereafter constructed and used for industry, or business, or trade in any district shall provide space for the loading and unloading of vehicles off the street or public alley. This space shall not be considered as part of the space requirements for off-street automobile storage.

1. Behind every building or structure used for business or trade, there shall be a rear yard of not less than 20 feet in depth to provide space for loading and unloading vehicles, except as provided in Chapter 4.
2. The board of zoning appeals may hereafter reduce this requirement where unusual or special conditions are due consideration.
3. Temporary building. In any district a temporary use permit may be issued for a contractor's temporary office and equipment sheds incidental to a construction project. Such permit shall not be valid for more than one year but may be renewed for 6 month extensions; however, not more than 3 extensions shall be granted to a particular use. Such use shall be removed

upon completion of the construction project or upon expiration of the temporary use permit, whichever occurs sooner.

4. Real estate sales office. In any district a temporary use permit may be issued for a temporary real estate sales office in any new subdivision which has been approved by the planning commission under the Kimball Subdivision Regulations. Such office shall contain no living accommodations. The permit shall be valid for one year but may be granted two 6 month extensions. Such office shall be removed upon completion of the development of the subdivision or upon expiration of the temporary use permit, whichever occurs sooner.
5. Religious tent meetings. In the C-2 district a temporary use permit may be issued for a tent or other temporary structure to house a religious meeting. Such permit shall be issued for not more than a 30 day period.
6. Seasonal sale of farm produce. In the C-2 and I-1 districts a temporary use permit may be issued for the sale of farm produce grown on the premises. Structures utilized for such sales shall be removed when not in use. The permit shall be issued for a 5 month period. All structures must be off the right-of-way and set back from the edge of the pavement a minimum of 25 feet.
7. Miscellaneous assemblies. In any district a temporary use permit may be issued for any lawful assembly, such as an outdoor music concert, political rally, etc. Such permit shall be issued for not more than a 7 day period. Noise levels shall be considered when deciding whether to issue the temporary use permit near residences. (Ord. #61, Aug. 1988.)

14-505. Customary home occupations.

A customary home occupation is a gainful occupation or profession conducted by members of a family residing on the premises and conducted entirely within the principal dwelling unit. In connection with a home occupation, no stock in trade shall be displayed outside the dwelling, and no alteration to any building shall indicate from the exterior that the building is being utilized in whole or in part for any purpose other than a residential unit, including permitted accessory buildings. When questions arise regarding the legality of specific home occupations, the board of zoning appeals shall determine whether said home occupation is in compliance with the above restrictions an is compatible with the district in which said home occupation is located. However, activities such as dance instruction, band instrument instruction (except piano instruction), tea rooms, tourist homes, real estate offices, convalescent homes, mortuaries, animal clinics, retail sales business, or any other activity deemed by the board to be incompatible with the district or a potential nuisance to the surrounding area shall not constitute an acceptable home occupation. (Ord. #61, Aug. 1988.)

14-506. General lot restrictions.

The following general lot restrictions shall be complied with in all districts.

A. One principal structure for each lot.

1. Only one principal building and its customary accessory buildings may be erected on any lot.
2. No building shall be erected on a lot which does not abut at least one street for at least 40 feet, unless the lot is a flag lot in which case it must have at least 20 feet of frontage at the end of an access street which is 20 feet wide throughout its length. Such building shall conform to the lot and yard requirements of the district in which it is located.
3. If an existing lot of record already has one principal structure on the lot and the lot is one acre or more in size and relief is sought from the "one principal structure for each lot" rule, the following concerns must be examined by the planning commission with approval for such relief granted by the board of zoning appeals: (accordance with § 14-706).
    a. The location of the additional structure and its sewage disposal system be such that the property could be subdivided in the future without variances; and
    b. No objection from the surrounding neighbors; and
    c. The additional structure would be allowed in district where proposed; and
    d. No more than one additional principal structure proposed for location.

B. Reduction in lot area prohibited. No lot, even though it may consist of one or more adjacent lots of record, shall be reduced in area so that yards, lot area per family, lot width, building area, or other requirements of this ordinance are not maintained. This section shall not apply when a portion of a lot is acquired for a public purpose.

No yard or other open space provided about any building for the purpose of complying with these regulations shall be considered as providing a yard or other open space for any other building.

C. Rear yards abuts a public street. When the rear yard of a lot abuts a public street, all structures built in that rear yard shall observe the same setback from the street right-of-way line as required for adjacent properties which front on that street. In addition, any structures located within 25 feet of that setback line shall be no closer to any side property line than the distance required for side yards on adjoining properties fronting on that street. (Ord. #61, Aug. 1988.)

14-507. Vision at street intersections.

On a corner lot in any district, within the area formed by the center lines of the intersecting or intercepting streets and a line joining points on such center lines at a distance of 75 feet from their intersection, there shall be no obstruction to vision between the heights of 3 ½ feet and a height of 10 feet above the average grade of each street at the center line thereof.

The requirements of this section shall not be construed to prohibit any necessary retaining wall. (Ord. #61, Aug. 1988.)

14-508. Development standards for wrecked auto yards and junk yards or salvage yards.

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

A. General Standards for evaluation.
   1. All motor vehicles stored or kept in such yards shall be so kept that they will not catch and hold water in which mosquitoes may breed or so that they will not constitute a place of places in which rats, mice, or other vermin may be harbored, reared, or propagated.
   2. Because of the tendency for salvage yards to promote the breeding of vermin, no such operation shall be permitted closer than 1,000 feet from any established residential zone.
   3. All outdoor storage of salvage and wrecking operations shall be conducted entirely within an enclosed opaque fence, screen, or wall, excepting driveway areas, from 8 to 12 feet in height. Storage between the road or street and such fence, screen, or wall is expressly prohibited. Any fence, screen, or wall for screening purposes shall be properly painted or otherwise maintained in good condition.
   4. All such yards shall be so maintained as to be in a sanitary condition and so as not to be a menace to the public health or safety.

B. Off-street parking requirements. (As regulated in § 14-503.)

C. Ingress and egress. The number and width of vehicular access driveways permitted on any single street frontage shall be limited to the requirements in § 14-501.

D. Application for wrecked auto yard, junk yard, or salvage yard permit. No person shall own or maintain a new wrecked auto yard, junk, or salvage yard within the Town of Kimball until he has secured approval from the board of zoning appeals for a proposed "use on review" according to § 14-706 of this ordinance.

   The written application, plans, and schedules and a statement of approval of the site percolation and drainage characteristics from the Marion County Sanitarian shall be submitted to the Kimball Municipal Planning Commission. The planning commission shall duly review these materials and make its recommendation in the form of a motion. (Ord. #61, Aug. 1988.)

14-509. Development standards for cemeteries.

A. Specific requirements. The following standards shall be imposed upon the development and construction of cemeteries in the Town of Kimball:

1. The site proposed for a cemetery shall not interfere with the development of a system of collector and larger streets in the vicinity of such site. In addition, such site shall have direct access to a thoroughfare via a safe, high-visibility intersection;
2. Any new cemetery shall be located on a site containing not less than 20 acres;
3. A plan showing burial plots and pedestrian and vehicular access ways shall be prepared before lots are sold.
4. All structures, including but not limited to mausoleums, permanent monuments, or maintenance buildings, shall be set back not less than 25 feet from any property line or street right-of-way line;
5. All graves or burial lots shall be set back not less than 25 feet from any property line or street right-of-way; and
6. All required yards shall be mowed and maintained.

B. Application for cemetery permit. No person shall develop, construct, or maintain a cemetery in the Town of Kimball until he has secured approval from the Kimball Board of Zoning Appeals for a proposed "use on review" according to § 14-706 of this ordinance.

The written application, plans, schedules, and other information as required shall be submitted to the Kimball Municipal Planning Commission. The planning commission shall duly review these materials and make its recommendations in the form of a motion. (Ord. #61, Aug. 1988.)

14-510. Site plan requirements.

Except as hereinafter provided in this section and in Chapter 6, it shall be unlawful for any person to construct or erect any building or structure on any land within the Town of Kimball until a site plan has been submitted and approved in accordance with the provisions of this chapter. Such plan shall delineate the overall scheme of development of a tract of land, including but not limited to grading; drainage; existing and proposed improvements; size, height, shape, and location of buildings; location and design of parking areas; pedestrian and vehicular circulation on site; and circulation for emergency apparatus.

A. Exceptions. The provisions of this chapter shall not apply to:

1. Single-family dwellings, two-family dwellings, accessory buildings thereto, or to the land on which they are situated or proposed;
2. Farm structures such as barns, equipment sheds, and the like.
3. Additions to buildings where the total gross floor area of the proposed addition does not exceed 1/3 of the total gross floor area of the existing building or 1,000 square feet, whichever is smaller;
4. New buildings where the total gross floor area does not exceed 1,000 square feet; provided there is no alteration of drainage flow of land or grading exceeding cut or fill of one

foot, the site is not in a floodplain, and the site is not in excess of 10,000 square feet;

5. Improvements for off-street parking purposes when appurtenant only to existing buildings and where such improvements does not provide more than 10 additional parking spaces; and,
6. Grading of open areas, either by excavation or fill, for the sole purpose of bringing the land to a grade compatible with the surrounding area provided such grading does not have an adverse effect on surrounding lands by causing ponding, flooding, or erosion.

B. 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.

C. Permits not to be issued without approved site plans. No permit shall be issued to erect or alter any building or structure until a site plan has been submitted and approved in accordance with the provisions of this chapter.

D. Site plan submission. The owner or developer shall submit 3 copies, or as many as may be required by the Kimball Municipal Planning Commission no later than 15 days prior to the next regular meeting of the planning commission. The planning commission shall consider the site plan in light of the provisions of this chapter and approve or disapprove 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 secretary of the Kimball Municipal Planning Commission. One copy of the approved plan shall be retained by the Kimball Municipal Planning Commission.

D. Site plan submission. The owner or developer shall submit 3 copies, or as many as may be required by the Kimball Municipal Planning Commission, of his proposed site plan to the Kimball Municipal Planning Commission no later than 15 days prior to the next regular meeting of the planning commission. The planning commission shall consider the site plan in light of the provisions of this chapter and approve or disapprove same as required; the plans then shall be returned to the owner or his agent with the date of such approval or disapproval note thereon over the signature of the secretary of the Kimball Municipal Planning Commission. One copy of the approved plan shall be retained by the Kimball Municipal Planning Commission.

E. Site plan content.

1. The site plan shall show the following:
   a. Name of development and address;
   b. Name and address of owner of record and the applicant;
   c. Present zoning of the site and abutting property;
   d. Date, scale, and north point;
   e. Courses and distances of all property lines and of all street center lines;
   f. All property setback lines, easements, covenants, reservations, and rights-of-way;
   g. The total land area of site; and,
   h. Topography of existing ground and paved areas, and elevations of streets, alleys, utilities, sanitary and storm sewers, and buildings and structures. Topography to be shown by dashed line illustrating 50-foot contours as required by the Kimball Municipal Planning Commission and by spot elevations where necessary to indicate flat areas, based on U.C. and G.S. datum.
2. The site plan shall show the location of the following when existing:
   a. Sidewalks, streets, alleys, easements, and utilities;
   b. Buildings and structures, including signs;
   c. Public sewer systems with line sizes noted;
   d. Slopes, terraces, and retaining walls;
   e. Driveways, entrances, exits, parking areas, and sidewalks;
   f. Water mains with size noted and fire hydrants;
   g. Major tree and shrub areas;
   h. Recreational areas and swimming pools;
   i. Natural and artificial watercourses; and,
   j. Limits of the floodplains.
3. The site plan shall show the location dimensions, size, and height of the following when proposed:
   a. Sidewalks, streets, alleys, easements, and utilities;
   b. Buildings and structures, including signs;
   c. Public sewer systems with line sizes noted;
   d. Slopes, terraces, and retaining walls;
   e. Driveways, entrances, exits, parking areas, and sidewalks;
   f. Water mains with size noted and fire hydrants;
   g. Major tree and shrub areas;
   h. Recreational areas;
   i. Distance between buildings;
   j. Estimates of the following:
      --Number of dwelling units;
      --Number of parking spaces;
      --Number of loading spaces;
      --Square feet of floor space;

--Plans for collecting storm water and methods of treatment of natural and artificial watercourses; and
--Proposed grading, surface drainage, terraces, retaining wall heights, grades on paving areas, and ground floor elevations of proposed buildings and structures (proposed topography of site shall be shown by five-foot contours as required by the Kimball Municipal Planning Commission).

F. Requirements, regulations and restrictions.

1. Any building or structure shall be reasonably accessible to fire, police, emergency, and service vehicles. When deemed necessary for access by the building inspector, emergency vehicle easements shall be provided. The access for fire, police, and emergency vehicles shall be unobstructed at all times.
2. The width, grade, location, alignment, and arrangement of streets, sidewalks, and alleys shall conform to the Kimball Transportation Plan and/or subdivision regulations.
3. Adequate water mains and fire hydrants shall be provided in accessible places in accordance with sound fire fighting and fire prevention practice acceptable to the Kimball Building Inspector.
4. Adequate provision shall be made for collection and disposition of all on-site and off-site storm water and natural surface water. Natural drainage ways shall be used when it is reasonably practicable to do so, and improvements shall be made to said ways in accordance with good engineering practices.
5. Adequate provision shall be made to control the slippage, shifting, erosion, accretion, and subsidence of soil.
6. Adequate provision shall be made for the collection and disposition of all on- and off-site sanitary sewage.

G. Appeals. If an applicant determines that his site plan has been unjustly disapproved or that the Kimball Municipal Planning Commission has made requests for conformity to standards other than those set forth in this ordinance, the applicant may appeal the decision of the planning commission to the board of zoning appeals as provided in Chapter 7 of this ordinance. (Ord. #61, Aug. 1988.)

CHAPTER 6

EXCEPTIONS AND MODIFICATIONS

SECTION

14-601. Scope.
14-602. Non-conforming uses.
14-603. Exceptions to height limitations.
14-604. Lots of record.
14-605. Exceptions to front setback requirements.
14-606. Absolute minimum lot size.

14-601. Scope.
Chapter 6 of this ordinance is devoted to providing for the necessary exceptions and modifications to the specific zoning district provisions and the supplementary provisions provided for in Chapter 4 and Chapter 5. (Ord. #61, Aug. 1988.)

14-602. Continuance of non-conforming uses. (Revised Ord# 279 7/7/2022)
The lawful use, normal maintenance, and repair of any building, structure, or use of land existing at the time of the enactment of this ordinance or existing at the time of a revision to this ordinance or zoning map may be continued even though such use does not conform with the provisions of this ordinance. This section shall not be construed to mean any non-conforming use becomes grandfathered just because it was not caught or recognized prior to an amendment to the ordinance or map, and a change to the ordinance or map does not automatically grandfather uses that were considered illegal or prohibited at the time the use or structure came into being.

A non-conforming structure or use **shall not** be:

1) changed to another non-conforming use;
2) extended or enlarged except in conformity with this ordinance; and/or
3) 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 Kimball and the Marion County Property Assessor.

Industrial, commercial, or business establishments, structures, and/or land uses that are considered to be grandfathered non-conforming uses under the current zoning ordinance shall be governed by the requirements of Tennessee Code Annotated, Section 13-7-208.

In the case of residential land uses, the property may continue to be used as such regardless of the zoning district. A residential use may be enlarged at any time in compliance with the zoning district's building setbacks, or a residential structure may be completely reconstructed within 12 months if demolished, damaged, or destroyed by man or an act of God. Residential land uses may construct carports, garages, pools, and/or have customary accessory buildings on the property as would be permitted in the same residential district

similar to the current use of property. However, in no case shall a residential use be allowed to increase in use intensity meaning a single-family existing structure may neither be converted into multifamily dwelling, nor may an additional separate residential structure be added to the same property. If the property is subdivided, the new lot, if vacant, shall be used only in conformity with this ordinance and the zoning district for which it is located. If a use of property or existing structure is converted into something other than residential and in conformity with the district where the property is located, then it may not go back to being used as residential (i.e. a home is converted into a business office or commercial use then it may not be used as a residence again). If the residential dwelling(s) is vacant for a period of more than eighteen (18) continuous months, then the property shall be required to be used in conformity with this ordinance and the zoning district where it is located.

Any non-conforming single-wide residential trailer shall be removed and not subject to replacement in compliance with the provisions of this Ordinance under any of the following conditions:

1) A mobile home is not occupied for residential use for a period of six (6) months and is not located in a zoning district permitting single-wide mobile homes.
2) The mobile home deteriorates to an unsafe or uninhabitable condition as determined by the Zoning or Building Official, in which case, the mobile home must either be removed from the property or it can be replaced with a newer mobile home that is structurally, physically, and visually sound and being located in a residential zoning district within six (6) months following removal.
3) If a mobile home is damaged by fire, flood, wind, or other act of God or man, it can be replaced with a newer mobile home within six (6) months and must be structurally, physically, and visually sound and within the building setback lines or within the original footprint if given the approval by the Board of Zoning Appeals.
4) For mobile home parks that have been discontinued for a period of 6 months, it shall not be re-established or changed to any use that is not in conformity with the provisions of this ordinance. Immediately upon the removal of a non-conforming mobile home park, the non-conformity of such structure(s) or use of land shall lapse. For non-conforming mobile home parks located in zoning districts that do not permit such use, the park may not be expanded and only existing mobile homes can be replaced with newer mobile homes. The property used for a non-conforming mobile home park shall not be further subdivided to create individual lots for mobile homes, and any division of vacant land within the park shall require the new lot to adhere to allowable uses for the zoning district where the property is located.
5) If any mobile home loses its legal non-conforming status, it shall be moved within thirty (30) days of written notice from the Zoning or Building Official or Town of Kimball.

An existing nonconforming use shall meet the requirements of the Kimball Municipal Floodplain Zoning Ordinance if it is located in an area designated as a floodplain or

floodway on the National Flood Insurance Rate Maps, and is being structurally altered or substantially improved as defined by the flood ordinance.

Any nonconforming building or nonconforming use, which is damaged by fire, flood, wind, or other act of God or man, may be reconstructed and used as before, provided a building permit has been obtained from the Kimball Building Inspector within six (6) months of such damage or an extended period of time as may be granted by the Kimball Board of Zoning Appeals. After obtaining a building permit, the owner is entitled to no more than one-year (1) to complete any repairs or rebuilding, after which time a lack of progress shall require the use of land to be in conformance with the current zoning district. Any structure that will be replaced in its entirety, with the exception of mobile homes as stated above, shall be of a similar use to the proceeding structure, and it shall meet all building setbacks or must maintain the same building footprint as the previous structure if approved by the Board of Zoning Appeals. The replaced structure shall only be enlarged if portions of the structure that are outside of the original footprint can meet current building setbacks as prescribed by the zoning district where it is located. If property of a non-conforming use is subdivided, then any subsequent lot and use of any vacant land shall be in conformity with the current zoning requirements of the specified zoning district.

14-603. Exceptions to height limitations.

The height limitations of this ordinance shall not apply to church spires, belfries, cupolas, and domes not intended for human occupancy; monuments, water towers, silos, grain elevators, observation towers, transmission towers, windmills, chimneys, smokestacks, derricks, conveyors, flagpoles, radio towers, masts, and aerials.

3) Before the building can be occupied, the developer must secure a statement from the building inspector that the fire protection systems have been installed according to the plans and that the systems are functioning properly. (Ord. #61, Aug. 1988.)

14-604. Lots of record.

The following provisions shall apply to all existing lots of record:

1) Where the owner of a lot consisting of one or more adjacent lots of official record at the time of the adoption of this ordinance does not own sufficient land to enable him to conform to the yard or other requirements of this ordinance, an application may be submitted to the board of zoning appeals for a variance from the terms of this ordinance. Such lot may be used as a building site provided, however, that the yard and other requirements of the district are complied with as closely as possible in the opinion of the board of zoning appeals.
2) No lot which is now or hereafter built upon shall be so reduced in area that the yards and open space will be smaller than prescribed by this ordinance, and no yard, court, or open space provided around any building for the purpose of complying with the provisions hereof, shall again be considered as a yard, court, or other open space for another building.
3) Where two or more lots of record with a continuous frontage are under the same ownership, or where a substandard lot of record has continuous

frontage with a larger tract under the same ownership, such lots shall be combined to form one or more building sites meeting the minimum requirements of the district in which they are located. (Ord. #61, Aug. 1988.)

14-605. Exceptions to front setback requirements.
The front setback requirements of this ordinance for dwellings shall not apply to any lot where the average depth of existing setbacks on the developed lots located within 100 feet on each side of such lot is less than the minimum required front yard depth. (Ord. #61, Aug. 1988.)

14-606. Absolute minimum lot size.
In no case shall the board of zoning appeals permit a detached residence to be erected on a lot whose total lot area is less than 7,500 square feet, unless standards found in § 14-708(c) can be applied. (Ord. #61, Aug. 1988.)

CHAPTER 7

ADMINISTRATION AND ENFORCEMENT

SECTION

14-701. Administration of the ordinance.
14-702. The enforcement officer.
14-703. Building permits.
14-704. Temporary use permits.
14-705. Certificate of occupancy.
14-706. Procedure for authorizing uses permitted on review.
14-707. Board of zoning appeals.
14-708. Variances.
14-709. Amendments to the ordinance.
14-710. Remedies.

14-701. Administration of the ordinance.

Except as otherwise provided, no structure or land shall, after the effective date of this ordinance, be used and no structure or part thereof shall be erected, altered, or moved unless in conformity with the regulations herein specified for the district in which it is located. In their interpretation and application, the provisions of this ordinance shall be considered minimum requirements adopted for the promotion of public health, safety, convenience, order, prosperity, and general welfare of the community. Where other ordinances, resolutions, or regulations heretofore adopted or which may be adopted hereafter impose greater restrictions than those specified herein, compliance with such other ordinances, resolutions, or regulations is mandatory. (Ord. #61, Aug. 1988.)

14-702. The enforcement officer.

The provisions of this ordinance shall be administered by the Kimball Building Inspector. The building inspector shall administer and enforce this ordinance and in addition he shall:

1. Issue all building permits;
2. Issue all certificates of occupancy;
3. Issue and renew, where applicable, all temporary use permits; and,
4. Conduct inspections as required in this ordinance and such other inspections as are necessary to insure compliance with the various other general provisions of this ordinance. The building inspector shall posses the right to enter upon any premises at reasonable times for the purpose of making inspections of buildings or premises necessary to carry out his authorized duties.

   The city recorder shall keep and maintain all records; current zoning maps and amendments thereto, and collect all monies pertaining to the administration and enforcement of this ordinance. (Ord. #61, Aug. 1988.)

14-703. Building permits.
It shall be unlawful to commence the excavation for or the construction of any building or other structure including accessory structures; to commence the moving, alteration, or repair of any structure including accessory structures; or to commence the filling of land or to cause any such work to be done with a value in excess of $2,000 within the corporate limits of Kimball until the building inspector has issued for such work a building permit containing a statement that the plans, specifications, and intended use of such structure in all respects conform to the provisions of this ordinance.

Application for a building permit shall be made in writing to the building inspector on forms provided for that purpose. It shall be unlawful for the building inspector to approve the plans or issue a building permit for any excavation or construction until such plans have been inspected and found to be in conformity with this ordinance. To this end the application for a building permit for excavation, construction, moving, or alteration shall be accompanied by a plan or plat drawn to a scale and showing the following in sufficient detail to enable the building inspector to ascertain whether the proposed excavation, construction, moving, or alteration is in conformance with this ordinance:

1. The actual shape, location, and dimensions of the lot to be built upon;
2. The shape, size, and location of all buildings or other structures to be erected, altered, or moved and of buildings or other structures already on the lot;
3. The existing and intended use of all such buildings or other structures; and,
4. Location and design of off-street parking areas and off-street loading areas; and such other information concerning the lot or adjoining lots as may be essential for determining whether the provisions of this ordinance are being observed.

   If the proposed excavation, construction, moving, or alteration as set forth in the application is in conformity with the provisions of this ordinance, the building inspector shall issue a building permit for such excavation or construction. If any application for a building permit is not approved the building inspector shall state in writing on the application the cause for such disapproval. Issuance of a permit shall in no case be construed as waiving any provisions of this ordinance and building permits shall be void after 6 months from date of issue, unless the project has or is 60% complete by that time. (Ord. #61, Aug. 1988.)

14-704. Temporary use permits.
It shall be unlawful to commence construction or development of any use of a temporary nature until a permit has been secured from the Kimball Building Inspector as provided for in § 14-505 of this ordinance. Application for a temporary use permit shall be made in writing to the building inspector on forms provided for that purpose. (Ord. #61, Aug. 1988.)

14-705. Certificate of occupancy.
No land or building or other structure or part thereto hereafter erected, moved, or altered in its use shall be used until the building inspector shall have issued a certificate of occupancy stating that such land, structure, or part thereof is found to be in conformity with the provisions of this ordinance. Within seven days after notification that a building or premises or part thereof is ready for occupancy or use, it shall be the duty of the building inspector to make a final inspection thereof and to issue a certificate of occupancy if the building or premises or part thereof is found to conform with the provisions of this ordinance; or, if such certificate is refused, to state the refusal in writing with the cause for such refusal in writing with the cause for such refusal. The issuance of a certificate of occupancy shall not be construed as any more than a certification that the use conforms to this ordinance. It is not a representation or warranty of the work, the materials or safety of the use. (Ord. #61, Aug. 1988.)

14-706. Procedure for authorizing uses permitted on review and special exceptions.
The following procedure is established to provide procedures for review of a proposed use by the Board of Zoning Appeals (BZA). The procedure shall be the same whether review is required by this ordinance or whether a review is requested by the building inspector to determine whether a proposed use is potentially noxious, dangerous, or offensive or otherwise not in compliance with this ordinance.

A. Application. An application for review shall be filed with the planning commission chairman or secretary. Said application shall show the location and intended use of the site, the names of the property owners and existing land uses within 200 feet, and any other material pertinent to the request which the BZA may require of the planning commission.

B. Restrictions. The planning commission may note such conditions upon the proposed uses of buildings or land as it may deem advisable in the furtherance of the general purposes of this ordinance and provide such recommendations to the BZA.

C. Validity of plans. All approved plans, conditions, restrictions, and rules made a part of the review of the planning commission and approval of the board of zoning appeals shall constitute certification on the part of the applicant that the proposed use shall conform to such regulations at all times.

D. Time limit. All applications submitted to the planning commission shall be forwarded to the BZA within 60 days of the date of application, and the applicant shall be notified whether his request was approved or denied. The action shall be noted in the minutes of the meeting of BZA at which the action was taken (Ord. #61, Aug. 1988.)

14-707. Board of zoning appeals (BZA).
A Board of Zoning Appeals (BZA) is hereby established in accordance with Tennessee Code Annotated, §§ 13-7-205 through 13-7-207. The BZA shall consist of 5 members appointed by the board of mayor and aldermen.

A. Procedure. Meetings of the BZA shall be held at the call of the chairman, and at such other times as the BZA may determine. Such chairman or, in

his absence, the acting chairman, may administer oaths and compel the attendance of witnesses. All meetings of the BZA shall be open to the public. The BZA shall adopt rules of procedure and shall keep records of applications and action taken thereon which shall be public records.

B. Appeals to the BZA. An appeal to the BZA may be taken by any person, firm or corporation aggrieved, or by an governmental office, department, board, or bureau affected by any decision of the building inspector based in whole or in part upon the provisions of this ordinance. Such appeal shall be taken by filing with the BZA a notice of appeal specifying the grounds thereof. The building inspector shall transmit to the BZA all papers constituting the record upon which the action appealed was taken. The BZA shall fix a reasonable time for the hearing of the appeal, give public notices thereof, as well as due notice to the parties of interest, and decide the same within a reasonable time. At the hearing, any person or party may appear in person, by agent, or by attorney.

C. Powers of the BZA. The BZA shall have the following powers:

1. Administrative review. To hear and decide appeals where it is avowed by the appellant that there is error in any order, requirement, permit, decision, determination or refusal made by the building inspector or other administrative official in the carrying out or enforcement of any provision of this ordinance.
2. Special exceptions. To hear and decide applications for special exceptions as specified in this ordinance, hear requests for interpretation of the zoning map, and for decision on any special questions upon which the BZA is authorized to pass;
3. Variances. To hear and decide the applications for variances from the terms of this ordinance. (Ord. #61, Aug. 1988.)

14-708. Variances.

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

A. Application. After written denial of a permit, a property owner may make application for a variance using the standard form made available by the BZA.

B. Hearings. Upon receipt of an application and a $50 fee, the Board of Zoning Appeals shall hold a hearing to decide whether a variance to the ordinance provisions is, in fact, necessary to relieve unnecessary hardships which act to deprive a property owner of the reasonable use of their land. The BZA shall consider and decide all applications for variances within 30 days of such hearing and in accordance with the standards provided below.

C. Standards for variances. In granting a variance, the BZA shall ascertain that the following criteria are met:

1. Variances shall be granted only where special circumstances or conditions, fully described in the findings of the board, do not apply generally in the district;
2. Variances shall not be granted to allow a use otherwise excluded from the particular district in which the request is made;
3. For reasons fully set forth in the findings of the BZA the aforesaid circumstances or conditions are such that the strict application of the provisions of this ordinance would deprive the applicant of any reasonable use of his land. Mere loss in value shall not justify a variance. There must be a deprivation of beneficial use of land;
4. The granting of any variance shall be in harmony with the general purposes and intent of this ordinance and shall not be injurious to the neighborhood, detrimental to the public welfare, or in conflict with the comprehensive plan for development; and
5. In reviewing an application for a variance, the burden of showing that the variance should be granted shall be upon the person applying therefor. (Ord. #61, Aug. 1988.)

14-709. Amendments to the ordinance.

A. General. The board of mayor and aldermen may, from time to time, amend this ordinance by changing the boundaries of districts or by rewriting provisions wherever it is alleged that there was an error in the original zoning ordinance or whenever the public necessity, convenience, and general welfare require such amendment.

B. Initiation of amendment. Amendments may be initiated by the board of mayor and aldermen, the planning commission or by citizens desiring an amendment.

C. Application for amendment from citizens. A request for an amendment shall be in writing and shall also be accompanied by maps, drawings, a petition signed by the owners affected by the proposed amendment, and data necessary to demonstrate that the proposed amendment is in general conformance with the general plan of the Town of Kimball and that public necessity, convenience, and general welfare require the adoption of the proposed amendment. (An accurate legal description shall be prepared in time for notice of any public hearing.)

D. Review and recommendation by the planning commission. The planning commission shall review and make recommendations to the board of mayor and aldermen on all proposed amendments to the zoning ordinance.

E. Grounds for an amendment. The planning commission in its review and recommendation and the board of mayor and aldermen in its deliberations shall make their findings with regard to the following grounds for an amendment:
   1. The amendment is in agreement with the general plan for the area;
   2. The amendment does not violate the legal grounds for zoning provisions;

3. It has been determined that there will be no adverse effects upon adjoining property owners unless such adverse effect can be justified by the overwhelming public good or welfare;
4. It has been determined that no one property owner or small group of property owners will benefit materially from the change to the detriment of the general public; and,
5. It has been determined that conditions affecting the area have changed to a sufficient extent to warrant an amendment to the area's general plan and, consequently, the zoning map.

F. Public hearing and notice of hearing. A public hearing shall be held on all proposed amendments to this ordinance. Notice of such hearing shall be in a newspaper of general circulation within the Town of Kimball at least 15 days prior to the hearing. This notice shall specify the location, date and time of the hearing, the current and proposed zoning classification, and in the case of a proposed boundary change a legal description of the change.

G. Enactment. All amendments recommended by the planning commission must receive the majority vote of the entire membership of the board of mayor and aldermen.

H. Amendments affecting the zoning map. Upon enactment of an amendment to the zoning map which is part of this ordinance, the city commission shall have such amendment placed upon the zoning map, noting thereon the ordinance number and effective date of such amendatory ordinance.

I. Effect of denial of application. Whenever an application for an amendment to the text of this ordinance or for a change in the zoning classification of any property is denied, the application for such amendment shall not be eligible for reconsideration for one year following such denial except in the following cases:
1. Upon initiation by the board of mayor and aldermen or planning commission;
2. When the new application, although involving all or a portion of the same property, is for a different zoning district than that for which the original application was made; or,
3. When the previous application was denied for the reason that the proposed zoning would not conform with the general plan and the general plan has subsequently been amended in a manner which will allow the proposed zoning. (Ord. #61, Aug. 1988.)

14-710. Remedies.

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

such violation; or to prevent occupancy of such building, structure, or land. (Ord. #61, Aug. 1988.)

CHAPTER 8

FLOOD DAMAGE PREVENTION ORDINANCE

SECTION

14-801. Flood damage control to be governed by flood damage prevention ordinance.

14-801. Flood damage control to be governed by flood damage prevention ordinance. Regulations governing flood damage control within the Town of Kimball shall be governed by Ordinance #216, titled "Municipal Flood Damage Prevention Ordinance" and any amendments thereto.[1]

[1] Ordinance #98, and any amendments thereto, are published as separate documents and are of record in the office of the recorder.

CHAPTER 9

SIGN REGULATIONS

SECTION

14-901. Definitions relating to on-premises signs.
14-902. Sign controls.
14-903. Billboards.
14-904. Permit procedures for on-premise signs.

14-901. Definitions relating to on-premises signs.

For the purpose of this chapter and where otherwise made applicable by reference, the following definitions shall apply:

(1) "Attached sign." Attached sign shall mean an on-premise sign painted onto or attached to a building, canopy, awning, marquee or mechanical equipment located outside a building, which does not project more than eighteen (18) inches from such building, canopy, awning, marquee or mechanical equipment. Any such sign which projects more than eighteen (18) inches from the building, canopy, awning, marquee or mechanical equipment shall be considered a "Projecting Sign."

(2) "Awning." Awning shall mean a roof-like cover providing protection from the weather placed over or extending from above any window, door or other entrance to a building but excluding any column, pole, or other supporting structure to which the awning is attached.

(3) "Balloon sign." Balloon sign shall mean any sign painted onto or otherwise attached to or suspended from a balloon, whether such balloon is anchored or affixed to a building or any other portion of the premises or tethered to and floating above any portion of the premises.

(4) "Banner." Banner shall mean an on-premise sign which is made of fabric, paper or any other non-rigid material and which has no enclosing framework or internal supporting structure but not including balloon signs.

(5) "Billboard." Any off-premise sign located elsewhere from a business to direct motorists and pedestrians to a business establishment.

(6) "Building." Building shall mean any structure that encloses a place for sheltering any occupance that contains not less than three hundred (300) square feet of enclosed space at the ground level or is routinely used for human occupancy in the ordinary course of business.

(7) "Canopy." Canopy shall mean a marquee or permanent roof-like structure providing protection against the weather, whether attached to or detached form a building, but excluding any column, pole or other supporting structure to which the canopy may be attached.

(8) "Construction sign." Construction sign shall mean any temporary on-premise sign located upon a site where construction or landscaping is in progress and relating specifically to the project which is under construction, provided that no such sign shall exceed a total of one hundred (100) square feet in sign area.

(9) "Detached sign." Detached sign shall mean:
  (a) Any freestanding or projecting sign;
  (b) Any sign attached to a canopy which is detached from a building and which has less than two hundred (200) square feet of roof area; and
  (c) Any sign attached to a structure which is not a building.

(10) "Façade." Façade shall mean the total external surface area of a vertical side of a building, canopy, awning or mechanical equipment used to dispense a product outside a building. If a building, canopy, awning or mechanical equipment has a non-rectangular shape, then all walls or surfaces facing in the same direction, or within twenty-five (25) degrees of the same direction, shall be considered as part of a single façade. Additionally, any portion of the surface face of a mansard, parapet, canopy, marquee or awning which is oriented in the same direction (or within twenty-five (25) degrees of the same direction) as the wall to which, or over which, such mansard, parapet, canopy, marquee, or awning is mounted shall be deemed a part of the same façade as such wall.

(11) "Freestanding sign." Freestanding sign shall mean a permanently affixed single or multi-faced on-premise sign which is constructed independent of any building and supported by one or more columns, uprights, braces or constructed device.

(12) "Height." Height shall mean the total measurement of the vertical side of the rectangle which is used to calculate the "sign area."

(13) "Incidental sign." Incidental sign shall mean an on-premise sign, emblem or decal mounted flush with the façade to which it is attached and not exceeding two (2) square feet in sign area informing the public of goods, facilities or services available on the premises (e.g., a credit card sign, ice machine sign, vending machine sign or a sign indicating hours of business) or an on-premise sign which is affixed to mechanical equipment used to dispense a product and which is less than two (2) square feet in sign area.

(14) "Landmark sign." Landmark sign shall mean any on-premise which identifies and is attached to any building which is included on the National Register of Historic Places, is listed as a Certified Historic Structure, is listed as a National Monument or is listed under any similar state or national historical or cultural designation.

(15) "Mansard." Mansard shall mean the lower portion of a roof with two pitches, including a flat-top roof with a mansard portion.

(16) "Mansard sign." Mansard sign shall mean any sign attached to the mansard portion of a roof.

(17) "Marquee." Marquee shall mean a permanent roof-like structure projecting from and beyond a building wall at an entrance to a building or extending along and projecting beyond the building's wall and generally designed and constructed to provide protection against the weather.

(18) "Message center." Message center shall mean a sign on which the message or copy changes automatically on a lamp bank or through mechanical means also know as a Commercial Electronic Variable Message Sign.

(19) "Occupant." Occupant shall mean each separate person which owns or leases and occupies a separate portion of a premises.

(20) "Off-premise sign." Off-premise sign shall mean any sign which is not an on-premise sign.

(21) "On-premise sign." On-premise sign shall mean 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.

(22) "Person." Person shall mean individual, company, corporation, association, partnership, joint venture, business, proprietorship or any other legal entity.

(23) "Premises." Premises shall mean all contiguous land in the same ownership which is not divided by any public highway, street or alley or right-of-way therefor.

(24) "Portable sign." Portable sign shall mean any on-premise sign which is not affixed to real property in such a manner that its removal would cause serious injury or material damage to the property and which is intended to be or can be removed at the pleasure of the owner, including without limitation, single or multi-faced sandwich boards, wheel-mounted mobile signs, sidewalk and curb signs, ground signs and balloon signs.

(25) "Projecting signs." Projecting sign shall mean an on-premise sign attached to a building, canopy, awning or marquee and projecting outward therefrom in any direction a distance or more than eighteen (18) inches, provided, however, that no projecting sign shall extend horizontally from the building more than eight (8) feet at the greatest distance.

(26) "Reader board." Reader board shall mean any on-premise sign attached to or made a part of the support system of a freestanding sign which either displays interchangeable messages or advertises some product or service offered separately from the name of the premises where it is located, such as "Deli Inside", "Tune-Ups Available", "Year-End Special" and the like.

(27) "Roof sign." Roof sign shall mean an attached or projecting sign:

(a) Which is placed on top of or over a roof, excluding the mansard portion of a roof or so attached to any flagpole, antenna, elevator housing facilities, air conditioning towers or coolers or other mechanical equipment on top of a roof;

(b) Any portion of which extends above the top of the wall, canopy or awning to which such sign is attached; or

(c) Any portion of which extends above the top of the mansard in the case of a mansard sign.

(28) "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 represented 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, businesses, profession, enterprise or industry. Provided, however, that the following shall be excluded from this definition:

(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 warnings at railroad crossings.
(b) Signs located inside a building.
(c) Memorial plaques or tablets.
(d) Gravestones.
(e) Inside faces of scoreboard fences or walls on athletic fields.
(f) Historical site plaques.
(g) The display of street numbers.
(h) Any message or messages on the clothing of any person or on motor vehicles unless otherwise prohibited.

(29) "Snipe sign." Snipe sign shall mean any on-premise sign for which a permit has not been issued which is attached in any way to a utility pole, tree, rock, fence or fence post.

(30) "Special event." Special event shall mean a short-term event of unique significance not in excess of thirty (30) days; such term shall include only grand openings, health-related promotions or health-related service programs (i.e., flu shot clinic, blood donation promotions, etc.), going-out-of-business sales, promotions sponsored by a governmental entity, fairs, school fairs, school bazaars, charity events, festivals, religious celebrations and charity fund raisers and shall not include other sales or promotions in the ordinary course of business.

(31) "Unused signs." Any sign that has not displayed a message or messages for more than ninety (90) days or is not kept in good structured repair such that the sign could pose a risk to public health or safety.

(32) "Wall graphics or wall murals." Wall graphic or wall murals shall mean a painted scene, figure or decorative design so as to enhance the building architecture and which does not include written trade names, advertising or commercial messages.

(33) "Width." Width shall mean the total measurement of the horizontal side of the rectangle which is used to calculate "sign area." (Ord. #75, May 1990, as amended by Ord. #102, May 1995.)

14-902. Sign controls.

The following regulations apply to on-premise signs in the districts hereinafter set forth:

(1) Residential District (R).
- (a) Signs accessory to professional and home occupations conducted in a dwelling are permitted provided that the surface display area on one (1) side of the sign does not exceed two (2) square feet.
- (b) No more than one (1) sign shall be erected for each permitted use on the premises.
- (c) Real estate signs are permitted.
- (d) No other signs are permitted.

(2) Highway commercial district (C-2).
- (a) Attached signs are permitted provided said signs:
  - (i) Do not exceed 20% of the area of the building face to which the sign is to be erected;
  - (ii) Are not mounted, attached or painted to the building's roof or extend above the building's roof line; and
  - (iii) Are not mounted, attached or painted to the building's wall (not the primary face of the building) with the exception of signs that specifically identify the business by name.
- (b) Ground signs are permitted provided said signs:
  - (i) Do not exceed 900 square feet and that no one sign can be larger than 600 square feet;
  - (ii) Are setback ten (10) feet from the public right-of-way. This measurement is taken from the edge of the sign to the right-of-way, not from the pole supporting the ground sign. For each additional foot of setback, one (1) foot in height is required up to a thirty (30) feet maximum height from bottom of sign;
  - (iii) Are not higher than one-hundred (100) feet from the finished grade except as provided for in Section 14-902(4)(f); **(Amended 6/6/02)**
  - (iv) Are spaced so that they are not closer than fifty (50) feet to another ground sign;
  - (v) Do not exceed three (3) signs per tract of property.
- (c) Real estate signs are permitted.
- (d) Contractor's signs are permitted during construction of a building for which a building permit has been issued, one (1) sign not exceeding 32 square feet in area and identifying the contractors, engineers/architects and federal, state, or local agency, if any, involved, which signs shall be removed immediately upon completion of the construction.

(3) Industrial district (I-1).
- (a) Attached signs are permitted provided said signs:
  - (i) Do not exceed 20% of the area to the building's face to which is to be erected;

(ii) Are not attached, mounted or painted to the building's roof or extended above the building's roof line.

(b) Ground signs are permitted provided said signs:

(i) Are setback 10 feet from the public right-of-way. This measurement is to be taken from the edge of the sign to the right-of-way, not from the pole supporting the ground sign;

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

(c) Real estate signs are permitted.

(d) Contractor's signs are permitted during construction of a building for which a building permit has been issued, one (1) sign not exceeding 32 square feet in area and identifying the contractors, engineers/architects and federal, state or local agency, if any involved, which signs shall be removed immediately upon completion of the construction.

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

(f) Billboard are permitted only in the industrial district provided said signs:

(i) Are not larger than 775 square feet in surface display area.

(4) 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 aggregate display surface area allowed.

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

(c) No sign or part thereof shall contain or consist of banners, pennants, ribbons, streamers, spinners or other similar moving, fluttering or revolving devices for over 30 days. These may be used as part of a new business's grand opening celebration on a temporary basis for a period not to exceed 30 days.

(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 shall not exceed seventy-five (75) watts.

(e) No sign or any type of any foundation or support, therefore 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. The bottom of the sign shall not be lower than 12 feet except for ground signs large than 100 square feet shall not be lower than 30 feet.

(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, except as allowed in the 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 the letters equals shaded area only.

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

  (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 ordinance may be continued in use despite any non-conformity 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 non-conforming sign needs to be changed, painted or relettered by reason of change of business, the same may be done; if such sign needs to be repaired to prevent its falling into disrepair so far as safety is concerned, the same may be done. Under so 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 the same, these regulations contained within § 3108 "Signs," of the Standard

Building Code, 1997 edition shall apply. (Ord. #75, May 1990, modified.)

14-903. Billboards.

Billboards, except as provided § 14-902(3)(f) above, and any other outdoor advertising structures not herein expressly allowed, including, but not limited to portable or movable temporary signs, illuminated or otherwise, are expressly prohibited. (Ord. #75, May 1990.)

14-904. Permit procedures for on-premise signs.

(1) Before any person shall erect, construct, maintain or place any sign permitted by this chapter to be constructed, erected, placed or maintained, such person shall submit a sign application to the town recorder. During a ten (10) day period prior to the regularly-scheduled monthly planning commission meeting, the building inspector shall inspect the location and plans for said sign for compliance to this chapter. The sign application shall include but not necessarily be limited to the following information:
   (a) Location of property.
   (b) Name and address of all persons owning or claiming an interest in said property.
   (c) Posted names of any abutting streets, roads, highways, etc.
   (d) Sketch of property showing dimensions of tract and approximate location of the sign(s).
   (e) The exact dimensions of the sign or display.
   (f) The materials to be used in the construction, erection, maintenance or repair.
   (g) The name, address and telephone number of the applicant or applicant's agent.
   (h) Estimated construction costs, including costs of installation.
   (i) Any other information application deems appropriate in support of the application.

(2) Once an application has been reviewed by the building inspector and the said sign is in compliance with this chapter, the sign permit can be approved by the board of mayor and aldermen. However, if for some reason the sign is not in conformance, the matter will be brought before the board of zoning appeals for review and consideration.

(3) Upon the application for a permit, there shall be required the payment of a one-time non-refundable inspection fee of $10.00 to the town recorder. Upon approval of the application for permit by the mayor and aldermen as hereinabove set forth, the town recorder shall collect from the applicant at the time of issuance a one-time fee calculated by multiplying the total square feet by the sum of $2.00.

(4) The construction, erection, maintenance, placement, repair or alteration of any sign, outdoor display or advertisement without compliance with the requirements of this chapter shall subject the violator to a fine of $50.00 and court costs. For the purpose of this chapter, each day a violation exists shall be deemed a separate offense.

Any person charged with a violation of this chapter shall be cited to appear before the city court by the Town of Kimball by the building inspector or the chief of police. Should the accused be found guilty of a violation or violations of this chapter, the city judge shall impose the fines herein set forth, it being the express intent of the mayor and board of aldermen that the fine cannot be waived, reduced or in any manner forgiven.

In addition to the fine and costs, which shall be assessed upon a finding of guilty, the court is further empowered to direct the removal of the sign to be in effect no later than ten (10) days from the date of the hearing. (Ord. #75, May 1990, modified.)

CHAPTER 10

MOBILE HOME PARKS

Added 12/4/25 Ord 298

SECTION

14-1001. Mobile homes outside mobile home parks prohibited.
14-1002. Tax stickers required.
14-1003. Permit required.
14-1004. Inspections by town building inspector.
14-1005. Location and planning.
14-1006. License required - fees.
14-1007. Application for license.
14-1008. Minimum size of mobile home parks.
14-1009. Minimum mobile home space and spacing.
14-1010. Water supply.
14-1011. Sewage disposal.
14-1012. Refuse.
14-1013. Electricity.
14-1014. Streets.
14-1015. Parking spaces.
14-1016. Buffer strip.
14-1017. Enforcement.
14-1018. Appeals.
14-1019. Violation - penalty.

14-1001. Mobile homes outside mobile home parks prohibited.

After the effective date of the ordinance comprising this section, it shall be unlawful for any single-wide mobile home as defined in Kimball Zoning Ordinance or by any definition found in the International Building Code, to be used, stored, or placed on any lot or serviced by the utilities of said town where said mobile home is outside of any designated and licensed mobile home park.

The owner of any single-wide mobile home not located in a mobile home park, that was already lawfully permitted and placed on a lot on or before the effective date of the ordinance comprising this section will be permitted to reside at the present location. However, if said mobile home is moved from the property upon which it is located as a result of either voluntary or involuntary action on the part of the owner thereof, then any replacement of the structure shall be subject to the allowed used for the zoning district where it was located or as permitted for replacement as specified in Section 14-602 Continuance of Non-Conforming Uses.

14-1002. Tax stickers required.

No mobile home shall be used, placed, stored or serviced by utilities within any mobile home park in said town unless there is posted near the door of said mobile home a valid Tennessee State Tax Sticker.

14-1003. Permit required.

No place or site within said town shall be established or maintained by any person, group of persons, or corporation as a mobile home park unless the owner holds a valid

permit issued by the town building inspector in the name of such person or persons for the specific mobile home park. The town building inspector is authorized to issue, suspend, or revoke permits in accordance with the provision of this chapter.

14-1004. Inspections by town building inspector.

The town building inspector is hereby authorized and directed to make inspections to determine the condition of mobile home parks, in order that he may perform his duty of safeguarding the health and safety of occupants of mobile home parks and of the general public. The town building inspector shall have the power to enter at reasonable times upon any private or public property for the purpose of inspecting and investigating conditions relating to the enforcement of this chapter.

14-1005. Location and planning.

The mobile home park shall be located on a well-drained site and shall be so located that its drainage will not endanger any water supply and shall be in conformity with a plan approved by the town planning commission and town building inspector. The town planning commission and building inspector may promulgate regulations for mobile home park location and plan approval, which shall provide for adequate space, lighting, drainage, sanitary facilities, safety features, and service buildings as may be necessary to protect the public health, prevent nuisances, and provide for the convenience and welfare of the mobile home park occupants.

14-1006. License required - fees.

The following requirements for licenses shall apply to any mobile home park and individual mobile home within the corporate limits of said town.

(1) Mobile home parks. It shall be unlawful for any person or persons to maintain or operate within the corporate limits of the Town of Kimball, any mobile home park unless such person or persons shall first obtain a license therefor.

(2) Individual mobile homes. It shall be unlawful for any person to maintain an individual mobile home as a dwelling within a mobile home park unless a license has been obtained therefor. It shall be the responsibility of the owner of the mobile home to secure the license. An annual license fee shall be required for mobile home parks and individual mobile homes within a park as follows:

(a) Mobile home parks. The annual license fee for mobile home parks shall be one-hundred ($100) dollars.

(b) Individual mobile homes in the park. The annual license fee for each mobile home shall be twenty-five ($25) dollars, which is in addition to the annual license fee to operate the park. The fee for transfer of the license because of change of ownership or occupancy shall be one-hundred ($100) dollars, but would not require a fee per mobile home until the previous permit has expired.

14-1007. Application for license.

(1) Mobile home parks. Application for a mobile home park shall be filed with and issued by the town building inspector subject to the planning commission's approval of the mobile home park site plan. Application shall be in writing and signed by the applicant and shall be accompanied with a plan of the proposed mobile home park. The plan shall contain the following information and conform to the following requirements:

(a) The plan shall be clearly and legibly drawn at a scale not smaller than one hundred (100) feet to one (1) inch;

(b) Name and address of owner of record;
(c) Proposed name of park;
(d) North point and graphic scale and date;
(e) Vicinity map showing location and acreage of mobile home park;
(f) Exact boundary lines of the tract by bearing and distance;
(g) Names of owners of record of adjoining land;
(h) The locations and parking of each proposed or existing mobile home, its space, and the required parking;
(i) Existing streets, utilities, easements, and water courses on and adjacent to the tract;
(j) Proposed design including streets, proposed street names, lot lines with approximate dimensions, easements, land to be reserved or dedicated for public uses, and any land to be used for purposes other than mobile home spaces;
(k) Provisions for water supply, sewerage and drainage;
(l) Such information as may be required by said town to enable it to determine if the proposed park will comply with legal requirements; and
(m) The applications and all accompanying plans and specifications shall be filed in triplicate.

(2) Individual mobile homes. Application for individual mobile home licenses shall be filed with and issued by the town building inspector. Applications shall be in writing and signed by the applicant. The application shall contain the following:

(a) The name of the applicant and all people who are to reside in the mobile home;
(b) The location and description of the mobile home, make, model and year;
(c) The state license number;
(d) Further information as may be required by said town to enable it to determine if the mobile home and site will comply with legal requirements; and
(e) The application shall be filed in triplicate.

14-1008. Minimum size of mobile home parks.

The tract of land designated for the mobile home park shall have a minimum area of two (2) acres. It shall consist of a single, contiguous parcel that is of such size and shape as to allow for efficient design, development, and management of the park. A minimum of ten (10) spaces must be fully developed and ready for occupancy before any units may be occupied.

14-1009. Minimum mobile home space and spacing.

(1) Each mobile home space shall be adequate for the type of facility occupying the same. Mobile homes shall be parked on each space so that there will be at least twenty-five (25) feet of open space between mobile homes or any attachment such as a garage or porch, and at least ten (10) feet end to end spacing between trailers and any building or structure, twenty (20) feet between any trailer and property line and twenty-five (25) feet from the right-of-way of any public street or highway.

(2) The individual plot sizes for mobile home spaces shall be determined as follows:

(a) Minimum lot area of two thousand four hundred (2,400) square feet;

(b) Minimum depth with end parking of an automobile shall be equal to the length of the mobile home plus thirty (30) feet;

(c) Minimum depth with side or street parking shall be equal to the length of mobile home plus fifteen (15) feet; and

(d) In no case shall the minimum width be less than forty (40) feet and the minimum depth less than sixty (60) feet.

14-1010. Water supply.

All mobile homes must be connected to a public water system, and in no case shall wells be used to provide potable water. Water lines shall be at least six (6) inches in diameter. Fire hydrants shall be required with every mobile home space being no further than 500' from a fire hydrant, and at least one of the hydrants near the entrance to the mobile home park shall be an iHydrant. When more than 3 fire hydrants are required, the water line shall be at least eight (8) inches in diameter. Water shall be furnished at the minimum rate of one hundred twenty-five (125) gallons per day per mobile home space. The mobile home park shall be on one master water meter, and shall purchase water through this one meter. It is up to the mobile home park operator to assess charges to individual mobile homes, and the Town will only bill the park operator for the usage of water for the entire mobile home park.

14-1011. Sewage disposal.

All mobile home parks must provide connections to a public sewer system, and no septic tanks shall be permitted in any newly established mobile home park. An adequate sewage disposal system must be provided and must be approved in writing by the health officer. Each mobile home space shall be equipped with at least a four (4) inch sewer connection. All sewer lines shall be laid in trenches separated at least ten (10) feet horizontally from any drinking water supply line. The specifications of all materials and the manner in which all lines and appurtenances are laid shall meet the inspection and approval of the public sewer system involved. The entire cost of installing the entire sanitary sewerage system shall be borne by the park operator or developer.

14-1012. Refuse.

The storage, collection and disposal of refuse, in the park shall be so managed as to create no health hazards. All refuse shall be stored in fly proof, water tight and rodent proof containers. Satisfactory container racks or holders shall be provided. Garbage shall be collected and disposed of in an approved manner at least once per week.

14-1013. Electricity.

Electrical connections shall be as required by the International Code Council (ICC) Residential Code as adopted by the Town of Kimball, and shall be installed as required by Kimball's Building Inspector. All electrical installations shall be in compliance with the National Electrical Code and shall satisfy all requirements of the Sequachee Valley Electric Cooperative (SVEC).

14-1014. Streets.

Widths of various streets within mobile home parks shall be:

One-way, with no on-street parking……..10 ft.

One-way, with parallel parking on one side only. . . 18 ft.

One-way, with parallel parking on both sides. . .. . . 26 ft.

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

Streets shall be constructed to the same standard as public streets with the same materials as required in the Kimball Subdivision Regulations. Drainage tiles must be sized appropriately and shall be at least eighteen (18) inches in diameter and have concrete bulkheads on each end. Adequate drainage must be provided throughout the park, and the Kimball Planning Commission may require the developer to provide engineering plans on stormwater runoff pre- and post-development and necessary mitigation of stormwater runoff.

14-1015. Parking spaces.

Car parking spaces shall be provided in sufficient number to meet the needs of the occupants of the property and their guests without interference with normal movement of traffic. Such facilities shall be provided at the rate of at least two (2) car spaces for each mobile home lot plus an additional car space for each four (4) lots to provide for guest parking as well as for delivery and service vehicles. Car parking spaces shall be located for convenient access to the mobile home spaces. Where practical, two (2) car spaces shall be located on each lot and the remainder located in adjacent parking bays. The size of the individual parking space shall have a minimum width of not less than ten (10) feet and a length of not less than twenty (20) feet. The parking spaces shall be located so access can be gained only from internal streets of the mobile home park.

14-1016. Buffer strip.

An evergreen buffer strip shall be planted along those boundaries of the mobile home court that are adjacent other development or properties not a part of the mobile home park.

14-1017. Enforcement.

All mobile home parks are subject to general property maintenance codes contained in the Kimball Municipal Code. It shall be the duty of the town building inspector to enforce the provisions of this chapter. Written notice shall be given of any violation to the person or persons responsible for the correction of the condition, and correction shall be made within fifteen (15) days after notification. If the building inspector advises the person or persons responsible for the correction of the condition that the violation in question constitutes an immediate or serious menace to health or safety, such person or persons shall at once correct the menace without further notice. Failure to remove such menace immediately shall be punishable under the general penalty clause for the code. However, such person or persons shall be allowed fifteen (15) days within which to make a permanent correction.

14-1018. Appeals.

The Kimball Board of Zoning Appeals (BZA) shall serve as the board of appeals and shall be guided by procedures and powers compatible with state law.

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 chapter, may appeal for and receive a hearing by Kimball BZA (advised by the town attorney) for an interpretation of pertinent chapter provisions. In exercising this power of interpretation of this chapter, the Kimball BZA with advice from the town attorney, may, in

conformity with the provisions of this chapter, reverse or affirm any order, requirement, decision or determination made by the building inspector. Any person or persons or any board, taxpayer, department, or bureau of the town aggrieved by any decision of the Kimball BZA and the town attorney may seek review by a court of record of such decision in the manner provided by the laws of the State of Tennessee.

14-1019. Violation - penalty.

Any person who violates the provisions of this chapter, shall be deemed guilty of a misdemeanor and shall be punished under the general penalty clause for this code.

CHAPTER 11

STANDARDS FOR ACCESSORY DWELLING UNITS

Added 12/4/25 Ord 299

SECTION

14-1101. Standards for Accessory Dwelling Units
14-1102. Zones
14-1103. Height and Area Regulations
14-1104. Ownership
14-1105. Health and Safety Requirements
14-1106. Design
14-1107. Parking
14-1108. Permit Applications
14-1109. Existing ADUs
14-1110. Abandonment of an ADU
14-1111. Application and Declaration of Covenant

14-1101. Standards for Accessory Dwelling Units

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.

14-1102. 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-1, R-2 or A-1 zones. ADUs may be permitted on appeal in C-2 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.

14-1103. 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 the zoning district.
    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.

14-1104. 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.

14-1105. Health and Safety Requirements

a. Site-built and permanently installed ADUs must meet all standards of the Town of Kimball 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 the Town of Kimball.

14-1106. 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.

14-1107. 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

14-1108. Permit Applications

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 Kimball 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.

14-1109. 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.

14-1110. 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 Kimball 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.

14-1111. Application and Declaration of Covenant

Town of Kimball, Tennessee

Accessory Dwelling Unit (ADU) Application and Information Packet

Town of Kimball
675 Main Street, Kimball, TN 37347
(423) 942-2130

ACCESSORY DWELLING UNIT (ADU) APPLICATION

Property Owner:

Property Address: _____ City _____ State TN Zip _____

Mailing Address (if different): _____ City _____ State TN Zip _____

Phone (Day): _____ Mobile: _____ Email: _____

NOTE: Development standards for establishing an Accessory Dwelling Unit (ADU) are set forth in the Town of Kimball Zoning Ordinance. Before completing this application, applicants are strongly encouraged to review these sections and consult with the Regional Planner. This application must be submitted prior to the issuance of a building permit.

1. PROPERTY INFORMATION

Tax Map | Group | Parcel | Subdivision Name (if applicable)

Lot Size: _____

Size of proposed ADU (sq. ft.): _____

Size of principal residence (excluding garage and utility space): _____

Are there existing detached accessory structures on the property? ☐ Yes ☐ No

If yes, total square footage of existing detached accessory structures: _____

2. METHOD OF ADU CREATION

☐ Internal conversion/remodel within an existing single-family dwelling

☐ Addition of new square footage to an existing single-family dwelling

☐ Inclusion of an ADU during construction of a new single-family dwelling

☐ Conversion of an existing detached accessory structure

☐ Construction of a new, detached ADU on the same lot as the primary dwelling

3. OWNER OCCUPANCY

Which unit will be owner-occupied? ☐ Principal Dwelling ☐ Accessory Dwelling Unit

4. DESIGN COMPATIBILITY

If the ADU is a new addition or detached structure, provide elevation drawings showing how the ADU will match the primary dwelling in materials, colors, window styles, and roof design.

5. REQUIRED ATTACHMENTS

☑ A dimensioned site plan showing: lot lines, building footprints (existing and proposed), setbacks, driveways, septic fields, off-street parking, and ADU entrances.

☑ A floor plan showing living, kitchen, and bathroom areas.

Applicant Certification: I certify that the information provided is accurate and that I will comply with all applicable Town of Kimball zoning and building requirements.

Applicant's Signature: _____ Printed Name: _____ Date: _____

STAFF USE ONLY: Reviewed/Approved By: _____ Date: _____

ACCESSORY DWELLING UNITS (ADUs) – INFORMATION & REQUIREMENTS

An Accessory Dwelling Unit (ADU) is a habitable, independent living space added to, created within, or detached from a single-family residence. ADUs must contain complete facilities for living, sleeping, cooking, eating, and sanitation.

ADUs are permitted in designated residential zones in the Town of Kimball provided all standards in the Zoning Ordinance are met. If a proposed ADU does not meet those standards, the application must be reviewed and approved by the Board of Zoning Appeals.

Application Process

1. Submit a completed ADU application and required plans.

2. Provide a notarized and recorded Declaration of Covenant stating that one of the dwelling units will remain owner-occupied.

3. File the signed and recorded Covenant with Kimball Town Hall prior to issuance of a Building Permit.

4. Provide proof of recordation before a Certificate of Occupancy can be issued.

For questions regarding zoning or permitting, contact the Regional Planning Office or Kimball Town Hall.

DECLARATION OF COVENANT FOR ACCESSORY DWELLING UNIT

(For recording with the Marion County Register of Deeds)

Return to:
Town of Kimball Town Hall
675 Main Street
Kimball, TN 37347

We, the undersigned, are the owners of real property located in Kimball, Tennessee, described as:

Legal Description: _____

Street Address: _____

We hereby agree to the following covenants and restrictions:

1. One of the two dwelling units (either the principal dwelling or the ADU) shall be owner-occupied as the owner's principal and permanent residence for at least six (6) months of each year.

2. The ADU shall maintain architectural compatibility with the principal dwelling in materials, color, and design.

3. Violation of these conditions or of the Town of Kimball's ADU standards may result in revocation of approval, cessation of occupancy, and removal or conversion of the ADU.

4. Upon transfer of ownership, the seller must inform the buyer of this Covenant and its obligations.

This Covenant runs with the land and remains in effect until released or revoked by the Kimball Municipal Planning Commission.

Dated: _____

Owner(s) Name(s) and Signature(s): _____

Witness my hand and seal at _____, Tennessee, this _____ day of _____, 20____.

My Commission Expires: _____ Notary Public: _____

Appendix

ORDINANCE NUMBER 216

AN ORDINANCE TO AMEND THE OFFICIAL ZONING ORDINANCE TO MAINTAIN ELIGIBILITY IN THE NATIONAL FLOOD INSURANCE PROGRAM FOR THE TOWN OF KIMBALL, TENNESSEE.

WHEREAS, Tennessee Code Annotated (TCA) Section 13-7-201 through 210 delegates the responsibility to local government units to adopt regulations designed to promote the public health, safety and general welfare of its citizenry; and

WHEREAS, TCA Section 13-7-204 authorizes amendments to a zoning map or ordinance; and

WHEREAS, in accordance with TCA Section 13-7-203 Subsection (a) the Kimball Municipal Planning Commission approved and recommended the zoning amendment herein described to the Board of Mayor and Alderman; and

WHEREAS, in accordance with TCA Section 13-7-203 Subsection (a), a public hearing was held prior to the final reading of this ordinance to amend the Official Zoning Ordinance of the Town of Kimball, Tennessee.

NOW, THEREFORE, BE IT ORDAINED BY the Board of Mayor and Alderman of Kimball, Tennessee, in accordance with those powers granted to it by the State of Tennessee that the Official Zoning Ordinance of Kimball, Tennessee be amended as follows:

Section 1: That the attached Municipal Floodplain Zoning Ordinance replaces the Municipal Floodplain Zoning Ordinance found in Title 14, Chapter 8 of the Kimball Zoning Ordinance.

See attached Municipal Floodplain Zoning Ordinance.

ORDINANCE NO. 216

MUNICIPAL FLOODPLAIN ZONING ORDINANCE

AN ORDINANCE ADOPTED FOR THE PURPOSE OF AMENDING THE TOWN OF KIMBALL, TENNESSEE MUNICIPAL ZONING ORDINANCE REGULATING DEVELOPMENT WITHIN THE CORPORATE LIMITS OF KIMBALL, 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 Kimball, Tennessee, Mayor and Alderman, do ordain as follows:

Section B. Findings of Fact

1. The Town of Kimball, 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 Kimball, 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 Kimball, 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 assesor'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 assesor'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 Kimball, Tennessee.

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

The Areas of Special Flood Hazard identified on the Town of Kimball, Tennessee, as identified by FEMA, and in its Flood Insurance Study (FIS) and Flood Insurance Rate Map (FIRM), Community ID 470116 / Countywide 47115 Panel Number 0212, dated February 4, 2009 and Revised Panel Numbers 0205, 0210, 0216, and 0220 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 Kimball, 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 Kimball, 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 Kimball**,** 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 Kimball, 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 Kimball**,** 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 Kimball, 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 Kimball, 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 Kimball, 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 Kimball, 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 Kimball, Tennessee, and the public welfare demanding it.

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

__October 6, 2011_____
Date

_/s/ David Jackson_____
Mayor of Kimball, Tennessee

Attest: /s/ Tonia May_____
City Recorder

October 6, 2011
Date of Public Hearing

1st Reading _September 1, 2011___

2nd Reading _October 6, 2011_____