

ORDINANCE 546

AN ORDINANCE TO READOPT THE RIPLEY MUNICIPAL ZONING ORDINANCE IN ITS ENTIRETY

WHEREAS, Sections 13-7-201 through 13-7-210 of the *Tennessee Code Annotated* empowered the City of Ripley to enact the Ripley Zoning Ordinance and Official Zoning Map, and provide for its administration and enforcement; and,

WHEREAS, the Board of Mayor and Aldermen deems it necessary, for the purpose of promoting the health, safety, prosperity, morals, and general welfare of the City to amend the Municipal Zoning Ordinance; and,

WHEREAS, the Ripley Planning Commission has reviewed said proposed zoning amendment pursuant to Sections 13-7-203 and 13-7-204 of the *Tennessee Code Annotated* and recommends such amendment to the Ripley Board of Mayor and Aldermen; and,

WHEREAS, the Ripley Board of Mayor and Aldermen has given due public notice on said amendment and has held public hearing; and,

WHEREAS, all the requirements of Section 13-7-201 through 13-7-210 of the Tennessee Code Annotated, with regard to the amendment of the Ripley Municipal Zoning Ordinance by the Planning Commission and subsequent action of the Ripley Board of Mayor and Aldermen, have been met.

NOW, THEREFORE, BE IT ORDAINED BY THE BOARD OF MAYOR AND ALDERMEN OF THE CITY OF RIPLEY:

SECTION 1. That the entire text of the Ripley Municipal Zoning Ordinance be deleted in its entirety and replaced with the following:

THE CITY OF RIPLEY, TN MUNICIPAL ZONING ORDINANCE

RIPLEY MUNICIPAL PLANNING COMMISSION

Roberta Hendrix, Chair
Calvin Thomas, Vice-Chair
Chad Lowry, Secretary
Craig Fitchugh, Mayor
Bill Davis, Alderman
Marjorie O'Neal

RIPLEY, TENNESSEE

Updated and readopted in its entirety on

May 2, 2022

LADBORO PLANNING SOLUTIONS

PREPARED BY
Will Radford, AICP
Tim Smith, Building Official
On 12/15/2021, City of Ripley, Tennessee
1215 S. Main St., Ripley, TN 37643

PREPARED FOR THE
City of Ripley Board of Mayor and Alderman
Craig Fitzhugh, Mayor

Nyrita Alston
Bill Davis

Austin Thompson Jr.
Paul Hankins

Billy Chipman
Janice Treadway

RIPLEY MUNICIPAL PLANNING COMMISSION

Rebecca Hendrix, Chair
Calvin Theus, Vice-Chair
Chad Lowry, Secretary
Craig Fitzhugh, Mayor
Bill Davis, Alderman
Maurice Gaines

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RADFORD PLANNING SOLUTIONS

PREPARED BY
Will Radford, AICP
Tim Smith, Building Official
Donna Buckner, City Recorder/Treasurer
Judy Sumrow, City Staff

ZONING ORDINANCE OF RIPLEY, TENNESSEE

AUTHORITY

An ordinance, in pursuance of the authority granted by Sections 13-7-101 through 13-7-606, Tennessee Code Annotated, to provide for the establishment of districts within the corporate limits of the City of Ripley, Tennessee; to regulate, within such districts, the location, the required open spaces, the density of population and the uses of land, buildings and structures; to provide methods of administration of this Ordinance and to prescribe penalties for the violation thereof.

BE IT ORDAINED by the Board of Mayor and Aldermen of Ripley, Tennessee as follows:

ARTICLE I. TITLE

This Ordinance shall be know as the Zoning Ordinance of Ripley, Tennessee, and the map herein referred to, which is identified by the title, "Ripley, Tennessee Zoning Map" shall be known as the Official Zoning Map of Ripley, Tennessee.

The city is hereby divided into zones, or districts, as shown on the Official Zoning Map which, together with all explanatory matter thereon, is hereby adopted by reference and declared to be a part of this Ordinance.

The Official Zoning Map shall be identified by the signature of the Mayor attested by the City Recorder, and bearing the seal of the city under the following words: "This is to certify that this is the Official Zoning of the City of Ripley, Tennessee," together with the adoption of this Ordinance.

If, in accordance with the provisions of this Ordinance and Sections 13-7-101 - 13-7-606, inclusive, Tennessee Code Annotated, changes are made in district boundaries or other matter portrayed on the Official Zoning Map, such changes shall be entered on the Official Zoning Map promptly after the amendment has been approved by the Board of Mayor and Aldermen.

ARTICLE II. PURPOSE

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

ARTICLE III. GENERAL PROVISIONS

For the purpose of this Ordinance, there shall be certain general provisions which shall apply to the city as a whole as follows:

Section A. Zoning Affects Every Building and Use. No building or land shall hereafter be used and no building or part thereof shall be erected, moved or altered unless for a use expressly permitted by and in conformity with the regulations herein specified for the district in which it is located, whether operated for or without compensation.

Section B. Continuance of Nonconforming Uses.

1. Within the districts established by this Ordinance or amendments that may later be adopted there exist:

- a. Non-conforming structures
- b. Non-conforming uses of land
- c. Non-conforming uses of structures

which were lawful before this Ordinance was passed or amended, but which would be prohibited, regulated, or restricted under the terms of this Ordinance or future amendment. It is the intent of this Ordinance to recognize that the elimination, as expeditiously as is reasonable, of the existing structures or uses of land or structures that are not in conformity with the provisions of this Ordinance. It is also the intent of this Ordinance to so administer the elimination of non-conformities as to avoid any unreasonable invasion of established private property rights.

2. Any non-conforming structure may not be:

- a. Extended except in conformity with the provisions of this Ordinance except as permitted by Chapter 279 of the Public Acts of 1973 which amends Section 13-708, Tennessee Code Annotated.
- b. Rebuilt or repaired after damage exceeding seventy-five (75) percent of replacement value except in conformity with the provisions of this Ordinance or as permitted by Chapter 279 of the Public Acts of 1973 which amends Section 13-708, Tennessee Code Annotated.

3. Any non-conforming use of structure may not be:

- a. Changed to another non-conforming use which would be more detrimental to the district in which it is located as determined by the Board of Zoning Appeals.
- b. Re-established after discontinuance of thirty (30) months as permitted by Section 13-7-208, Tennessee Code Annotated.
- c. Any structure used for a non-conforming use shall not be rebuilt or repaired after damage exceeding seventy-five (75) percent of replacement costs unless the use and structure conform to the provisions of this Ordinance or permitted by Section 13-708, Tennessee Code Annotated.

4. Any non-conforming use of land may not be:
 - a. Changed to another non-conforming use which would be more detrimental to the district in which it is located as determined by the Board of Zoning Appeals.
 - b. Extended, except in conformity with this Ordinance or as permitted by Chapter 279 of the Public Acts of 1973 which amends Section 13-708, Tennessee Code Annotated.

Section C. Only One Principal Building on Any Lot.

1. In residential districts only one principal building and its customary accessory buildings may hereafter be erected on a lot except for townhouse or multi-family developments approved under Article V, sections A and B of this Ordinance.
2. No building shall be erected on a lot which does not abut at least one street for at least fifty (50) feet. However, in the case of cul-de-sacs, lots may front on these streets for a distance of 25 feet.
3. The equipment of an accessory building with sink, cook stove, or other kitchen facilities for the independent occupancy thereof, shall be prima-facia evidence that such building is not an accessory building but a separate dwelling and must meet all minimum standards of lot area and yard requirements of the district in which it is located.

Section D. Reductions in Lot Area Prohibited. No lot 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. No part of a yard or other open space required for any building for the purpose of complying with the provisions of this Ordinance shall be included as a part of a yard of other open space required under this Ordinance for another building. This Section shall not apply when a portion of a lot is acquired for public purpose.

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

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

Section G. Uses Abutting Federal or State Highway and City Arterial. Any use abutting a state or federal highway and city arterial for a distance of one hundred (100) feet or more shall have no more than two (2) access driveways and such driveways shall be no more than thirty (30) feet in width except those in central business districts.

Section H. Off-Street Automobile Storage

1. There shall be provided, at the time of erection of any building or structure, or at the time any main building or structure is enlarged or increased in capacity by adding dwelling units, guest rooms, seats or floor area, or before conversion from one zoning use or occupancy to another, permanent off-street parking space of at least two hundred (200) square feet with vehicular access to a street or alley for the specific uses as set forth

below. This space shall be deemed to be required open space associated with the permitted use and shall not hereafter be reduced or encroached upon in any manner.

a. **Residential**

Dwellings, one and two family, Townhouses, Multi-family and Mobile homes.	2 spaces per dwelling unit
Dwellings, Single Family Traditional Neighborhood	2 spaces for each dwelling unit plus an additional ten percent (10%) for overflow parking
Fraternities and Sororities	2 spaces per bedroom plus 1 space for each 300 sq. ft. of common space
Retirement home or Assisted Living home	1 space per dwelling unit
Hotels, Motels, Tourist Courts and similar Transient lodging	1 space per unit plus 1 space for each 400 sq. ft. of public meeting area or restaurant space
All other residential uses not listed	As determined by the Planning Commission or the Board of Zoning Appeals

b. **Retail**

Lumber and Building Materials	1 space per 500 sq. ft. of total floor area
Plumbing and Heating Supply	1 space per 1,000 sq. ft. of total floor area

Hardware and Paint	1 space per 500 sq. ft. of total floor area
Greenhouse, Nursery products, Agricultural equipment and Lawnmower sales and service	1 space per 1,000 sq. ft. of total floor area plus 1 space for each 5,000 sq. ft. of covered or uncovered display area.
Shopping Centers and Malls	1 space per 200 sq. ft. of total floor area
General Merchandise, Clothing, Variety and Department Stores	1 space per 200 sq.ft. of total floor area.
Furniture, Home Furnishings, Art, Antiques and Books and Stationary Stores	1 space per 400 sq. ft. of total floor area
Grocery Stores and Supermarkets	1 space per 150 sq. ft. of total floor area
Delicatessens and Bakeries	1 space per 150 sq. ft. of total floor area
Package Liquor Stores and Beverage Stores	1 space per 200 sq. ft. of total floor area
Auto Sales and Service, Auto Parts, Boat Sales and Service, Boat Parts, Motorcycle Sales and Service and Motorcycle Parts	1 space per 400 sq. ft. of total floor area
Mobile Home, Semi-Truck and Heavy Equipment Sales	1 space per 500 sq. ft. of total floor area

Restaurants, Cafes and Cafeterias	1 space per 100 sq. ft. of total floor area.
Taverns, Bars and Drive-in Restaurants	1 space per 250 sq. ft. of total floor area.
Fuel or Gas Stations	1 space per 250 sq. ft. of total floor area with a minimum of 5 parking spaces
Convenience Stores	1 space per 200 sq. ft. of total floor area
Pawn Shops	1 space per 300 sq. ft. of total floor area
All other retail trade not listed	As determined by the Planning Commission or the Board of Zoning Appeals

c. **Finance Insurance and Real Estate**

Banks, Savings and Loans, Real Estate, and Insurance Offices	1 space per 250 sq. ft. of total floor area.
All other Finance, Insurance and Real Estate uses not listed	As determined by the Planning Commission or the Board of Zoning Appeals.

d. **Personal Services**

Laundering, dry cleaning, apparel repair and cleaning services	1 space per 350 sq. ft. of total floor area
Beauty, Barber and Photographic	1 space per 300 sq. ft. of total

Services	floor area and 1 space per employee.
Kennels	1 space per 1,000 sq. ft. of total floor area
All other personal services not listed	As determined by the Planning Commission or the Board of Zoning Appeals

e. **Business Services**

Advertising, Consumer Credit Reporting and Collections	1 space per 400 sq. ft. of total floor area
Printing and Publishing	1 space per 400 sq. ft. of total floor area
Photocopying, Mailing, Exterminating and Employment	1 space per 400 sq. ft. of total floor area
Freight Forwarding and Trucking Terminals	1 space per 5,000 sq.ft. of total floor area
Self Storage / Mini Storage	3 spaces plus 1 space for each 100 units
Warehousing and Storage	3 spaces plus 1 space per 1000 sq. ft. of floor area
Clerical Services, Monument Sales	1 space per 500 sq. ft. of total floor space
Car Wash, Full Service	1 space per 1,000 sq. ft. of total floor space

All other business services not listed As determined by the Planning Commission or the Board of Zoning Appeals

f. **Repair Services**

Automobile Repair, Oil and Fluid Changing Services, Electrical, Radio and Television Repair 1 space per 500 sq. ft. of total floor area with a minimum of 2 spaces

Watch and Reupholster Repair 1 space per 300 sq. ft. of total floor area with a minimum of 2 spaces

All other repair services not listed As determined by the Planning Commission or the Board of Zoning Appeals

g. **Professional Services**

Physicians and Dentist Offices and Clinics 1 space per 300 sq. ft. of total floor area

Veterinarians and Animal Hospitals 1 space per 300 sq. ft. of total floor area

Hospitals and Sanitariums, 1 space for each employee, two 2 spaces for each bed plus 1 space for each emergency vehicle

Convalescent Homes and Rest Homes 1 space for each employee plus 1 space for each 4 beds with a minimum of 4 spaces

Child and Adult Day Care 1.5 spaces per care room with a minimum of 5 spaces plus a paved unobstructed pick-up area with

	adequate stacking area
Attorneys, Accountants, and Engineers	1 space per 300 sq. ft. of total floor area
All other professional services not listed	As determined by the Planning Commission or the Board of Zoning Appeals
h. <u>Contract Construction Services</u>	
All Contract Construction Services	1 space per 1,000 sq. ft. of total floor space
I. <u>Government Services</u>	
All Governmental Services	As determined by the Planning Commission or the Board of Zoning Appeals
j. <u>Educational Services</u>	
Elementary and Middle Schools	1 space for each classroom, plus 1 space for each staff member and employee other than teachers, plus 10 additional spaces. When an auditorium is provided 1 space per 3 seats is required.
Senior High Schools	1 space for each classroom plus 1 space for each staff member and employee other than teachers, plus 1 space for each 7 students based on the capacity for which the building was designed. When an auditorium is provided 1 space per 3 seats is

required.

College and Vocational Schools

0.63 of a space per student plus 1 space for each faculty member and employees

k. **Miscellaneous Services**

Labor Unions, Clubs,
Lodges and Civic, Social
or Fraternal Associations

1 space per 100 sq. ft. of
total floor area

Funeral Home or Mortuary

1 space per 100 sq. ft. of floor area

All other miscellaneous services
not listed

As determined by the Planning
Commission or the Board of Zoning
Appeals

l. **Cultural Activities**

Libraries, Museums and Art
Galleries

1 space per 1,000 sq. ft. of
total floor area

All other cultural activities
not listed

As determined by the Planning
Commission or the Board of Zoning
Appeals

m. **Public Assembly**

Motion Picture Theaters
and Amphitheaters

1 space per 3 seats or 6
feet of bench space

All other public assembly
uses not listed
of Zoning Appeals

As determined by the
Planning Commission or the Board

- n. **Amusements**
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|--|---|
| Fairgrounds and Amusement Parks | 1 sq. ft. of parking area for each sq. ft. of activity area |
| Golf Driving Ranges and Miniature Golf | 2 spaces per hole or tee |
| Arcades and Pool Halls | 1 space per 200 sq. ft. of total floor area |
| All other amusement uses not listed | As determined by the Planning Commission or the Board of Zoning Appeals |
- o. **Recreational Activities**
- | | |
|---|--|
| Roller Skating Rinks, Gymnasiums and Athletic Clubs | 1 space per 250 sq. ft. of total floor area |
| All other recreational activities not listed | As determined by the Planning Commission or the Board of Zoning Appeals. |
- p. **Communications and Utilities**
- | | |
|---|---|
| All Communications and Utilities services | As determined by the Planning Commission or Board of Zoning Appeals |
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q. **Institutional**

Churches, Synagogues and
and other Places of Worship

1 space per 3 seats in the
sanctuary

Nursing Homes

1 space per 4 beds with a minimum
of 4 spaces

All other institutional uses
listed

As determined by the Planning not
Commission or Board of Zoning
Appeals

r. **Wholesale Trade**

Drugs, Chemicals and Allied
Products

1 space per 1,000 sq. ft. of
total floor area.

Groceries, Electrical Goods,
and Hardware

1 space per 1,000 sq. ft. of
total floor area.

All other wholesale uses
not listed

As determined by the Planning
Commission or Board of
Zoning Appeals

s. **Industrial**

All Industrial Uses

1 space pr 1,000 sq. ft. of floor area
or 1.5 spaces for each 2 persons
employed on the largest shift,
whichever is greater.

2. Parking space maintained in connection with an existing and continuing main building or structure on the effective date of this Ordinance up to the number required by this Ordinance shall be continued and may not be counted as serving a new structure or addition; nor may any parking space be substituted for a loading space, nor any loading space substituted for a parking space.

3. If off-street parking space required above cannot be reasonably provided on the same lot on which the principal use is conducted, the Board of Zoning Appeals may permit such space to be provided on other off-street property provided such space lies within four hundred (400) feet of the main entrance to such principal use. Such vehicle standing space shall be deemed to be required open space associated with the permitted use and shall not thereafter be reduced or encroached upon in any manner.

Section I. Access Control.

1. No curbs on the city streets or rights-of-way shall be cut or altered without written approval of the Building Inspector.

Section J. Sign Regulations

Section 1. Purpose. The regulations set forth herein are established in order to promote and protect public health, safety, comfort, prosperity, welfare, and in order to accomplish the following specific purposes: to enhance the economy, business, and industry of Ripley by promoting the reasonable, orderly, and effective use and display of signs; to enhance the physical appearance of the city; to protect the general public from damage and injury which might be caused by the faulty and uncontrolled construction and use of signs within the city; to protect the public use of streets and highways by reducing sign or advertising distractions that may increase traffic accidents; to project the physical and mental well being of the general public by recognizing and encouraging a sense of aesthetic appreciation for the visual environment; and to preserve the value of private property by assuring the compatibility of signs with surrounding land uses.

Section 2. Definitions.

Abandoned/Obsolete Sign - any sign which identifies or advertises a business, lessor, service, owner, product, or activity, which is no longer available at the indicated location or no longer available on the premises or for which no legal owner can be found.

Animated sign - A sign which uses movement or change of light to depict or to create a special effect or scene (does not include time, temperature or message signs).

Attached Business Sign - Any sign which is affixed directly to or otherwise inscribed or painted on a wall or parapet wall of any building or structure with the exposed face of the sign in a plane approximately parallel to the plane of such wall and extending therefrom less than twelve (12) inches.

Awning/Canopy Sign - A sign painted on, printed on, or attached flat against the surface of an awning or canopy projecting from and supported by the exterior wall of a building.

Banner Sign - A sign made of fabric or other non-rigid materials with no enclosing framework. National flags, state or municipal flags, or the official flag of any institution or business shall not be considered banners.

Building Inspector - The city official or authorized representative charged with the responsibilities of enforcing the ordinance.

Business Identification Sign - A freestanding sign identifying a recognized firm, business, or service.

Canopy - An extension of the roof of a building or a freestanding structure that has a roof with support, but no walls.

Construction Sign - A temporary sign identifying an architect, contractor, subcontractor, and/or material supplier participating in construction on the property on which the sign is located.

Directional/Informational Sign - Any on-premise sign giving directions, instructions, or facility information, e.g., parking or exit and entrance signs, and which may contain the name or logo of an establishment but no other advertising copy.

Flashing Sign - Any directly or indirectly illuminated sign which contains an intermittent flashing light source. (This does not include message center or time/temperature signs.)

Freestanding Sign - Any sign supported by uprights or braces placed on or in the ground and not attached to any building.

Ground Sign - Any sign supported by the ground with little or no vertical clearance.

Height (of a sign) - The vertical distance measured from the highest point of the sign, excluding decorative embellishments, to the grade of the adjacent street or the surface grade beneath the sign, whichever is less.

Illegal Sign - Any sign and/or advertising structure erected without a permit required by this Ordinance, or in violation of any of the limitations, prohibitions or requirements of this Ordinance.

Maintenance - For the purposes of this Ordinance, the cleaning, painting, repair, or replacement of defective parts of a sign in a manner that does not alter the basic copy, design, or structure of the sign.

Mall Grouping Signs - Signs on one pole identifying a group of stores, businesses, or professional offices located in one development. These include office center signs and shopping center signs.

Message Board - A sign with changeable, removable letters to allow the user to replace or update the copy on the sign.

Nonconforming Sign - (a) Any sign which was erected legally but which does not comply with subsequently enacted sign regulations and restrictions; (b) A sign which does not conform to the Sign Code requirements but for which a variance has been issued. Such signs are considered non-conforming provided they do not violate the provisions of Section 7.B.

Off Premise Sign - A sign not located on the property that it advertises.

Office Center - Two or more offices having a common parking lot.

Owner - The fee owner of a sign, the lessee of the sign, the fee holder of the property upon which the sign is located, the lease holder of such property or the individual, person or business who has purchased the copy on a sign.

Political Sign - A sign displaying the name and/or picture of an individual seeking election to a public office or a sign otherwise relating to a forthcoming public election or referendum.

Portable Sign - Any sign which by its construction or nature may be or is intended to be freely moved from one location to another. When on a trailer, the removal of the wheels or undercarriage does not place the sign in another category, neither does the anchoring of the sign by means of concrete blocks, sandbags or other types of temporary anchors. Portable signs include, but are not limited to, signs designed to be transported by means of wheels; signs converted to A- or T-Frames; menu and sandwich board signs; balloons used as signs; umbrellas used for advertising.

Projecting Sign - Any sign, other than a flat wall sign, which is attached to and projects more than 12" from a building wall or other structure not specifically designed to support the sign.

Public Sign - Any temporary or permanent sign erected and maintained by the City, County, State or Federal Government for traffic direction or for the designation of or direction to any school, hospital, historical site, or public service, property or facility.

Real Estate Sign - Any temporary sign advertising the real estate upon which the sign is located as being for rent, lease or sale.

Residential Districts - Any parcel in the City of Ripley zoned R-1 or R-2.

Roof Sign - Any sign erected, constructed or maintained wholly or partially upon or over the roof line of any building with the principal structural support on the roof or building structure.

Shopping Center - Two or more businesses sharing a common parking lot. This shall include indoor and outdoor malls.

Sign - Any object, device, graphic design or part thereof, situated outdoors or indoors and which object, device, graphic design or the effect produced is used to advertise, announce, identify, declare, demonstrate, display, instruct, direct or attract attention by any means including words, letters, figures, designs, fixtures, colors, motion, illumination, sound and projecting images. Any sign requiring a permit is considered to be a structure.

Sign Area - (a) Freestanding, Roof and Projecting Signs: The area enclosed by one continuous line, connecting the extreme points or edges of the sign. The area shall be determined using the largest sign area or silhouette, but excluding the necessary supports or uprights. Two-sided signs constructed back to back shall use the square footage of one side only for compliance. Three-sided signs with no more than 60 degrees between the faces shall be figured using one face only. (b) Attached Business, Awning and Canopy Signs: The area including all lettering, wording, and accompanying design or symbols together with any background. For a sign composed of individual letters or figures, the area is that of the smallest rectangle or other geometric shape that encompasses all the letters or symbols.

Sign Permit - A written permit granted by the Building Inspector for the erection, construction, enlargement, relocation or conversion of any sign for which a permit is required.

Subdivision Identification Sign - A freestanding or wall sign identifying a recognized subdivision, condominium complex, or residential development.

Time and Temperature Sign - Electrically controlled public service time, temperature and date signs displayed on a lamp, bank or other electronic display.

Temporary Sign - Any sign, banner, pennant, valance or advertising display or sign constructed of light fabric, cardboard, wallboard, plywood, paper or other light materials, with or without

frames, intended to be displayed for a limited period of time, i.e., garage sale, rummage, open house and similar types of signs.

User - The fee user of a sign, the lessee of the sign, the fee holder of the property upon which the sign is located, the lease holder of such property or the individual, person or business who has purchased the copy of a sign.

Vehicle Mounted Sign - Any sign painted on or attached to a vehicle relating to the business, activity, use, service or product of the owner of the vehicle, or to the sale of the vehicle and which sign is incidental to the primary use of the vehicle.

Window Sign - Any on-premise business sign installed in or on a window and intended to be viewed from the outside.

Section 3. Regulations and Standards.

A) Business Identification Signs

1. Shall be allowed in B-1, B-2, B-3, B-4, B-5 H-1, M-1, and M-2 zones only.
2. Only one sign per business shall be allowed. The sign shall be no greater than 75 sq. ft. in area per side and shall have no more than three (3) sides. In B-1, B-2, and B-5, M-1, and M-2 double signs are allowed. The top sign shall be no greater than 75 sq. ft. and the lower sign shall be no greater than 30 sq. ft. in area. The lower sign may be used for on-premises advertising, community service, or a message board. The bottom of the sign must be a minimum of 10 ft. above the ground/pavement elevation.
3. Business identification signs must be located a minimum of 10 ft. from the edge of any highway, street, or road, and a minimum of 3 ft. from the edge of any sidewalk. In no case shall a sign be located on the public right-of-way. The sign shall in no way extend out over the right-of-way. The location must not interfere with traffic or pedestrian vision or safety.
4. Lots fronting on two or more streets are allowed the permitted signage for each street frontage. Signage cannot be accumulated and used on one street in excess of that allowed for lots with only one street frontage.
5. Ground signs are allowed, however, their location must meet the building setback requirements for the property zoning and the height must not exceed 5' above the ground elevation.

B) Attached Business Signs

1. Shall be allowed in all Business, Commercial and Industrial districts.
2. Each business is limited to one attached business sign per building face. It shall be no greater in area than 25% of the face of the wall on which it is located.
3. An awning or canopy with the business name or related information is defined to be an attached business sign. All such awnings or canopies shall be structurally sound and approved by the Building Inspector. The lowest portion shall not be less than 8 ft. above the ground.

C) Off Premise Signs

1. Off Premise signs are allowed only in B-2, and M-2 zones. The sign shall be no greater than 60 square feet in area per side and shall have no more than two (2) sides. Another sign shall be allowed on the same pole. The second sign shall be no greater than 25 square feet in area. The bottom of the sign must be a minimum of 10 ft. above the ground/pavement elevation.
2. Off Premise signs shall be placed a minimum of 2000 lineal feet from any other off premise sign.
3. Off Premise signs must be located a minimum of 10 feet from the edge of any highway, street, or road and a minimum of five (5) feet from the edge of any sidewalk. In no case shall a sign be located on the public right-of-way or interfere with traffic or pedestrian vision or safety.
4. Non-profit organizations may erect off-premises directional signs, provided they do not exceed size (6) square feet in area, and further provided the sign is not located in the public right-of-way and does not interfere with traffic or pedestrian vision or safety.

D) Mall Grouping Signs

1. Shopping Centers. A sign designating a shopping center and its tenants shall have a maximum area of eighty (80) sq. ft. plus ten (10) sq. ft. for each tenant over two, not to exceed one hundred-fifty (150) sq. ft. Signs designating individual businesses are not allowed, except attached business signs, however, businesses without an external entrance are allowed one (1) business identification sign.
2. Office Centers. A sign designating an office center and its tenants shall have a maximum area of sixty (60) sq. ft.
3. Mall grouping signs must be located a minimum of 10 ft. from the edge of any highway, street, or road and a minimum of 3 ft. from the edge of any sidewalk. In no case shall a sign be located on the public right-of-way. The sign shall in no way extend out over the right-of-way.
4. Any mixture of offices and retail establishments shall be interpreted as a shopping center if there is a majority of retail establishments and shall be interpreted as an office center if there is a majority of offices and/or professional uses.

E) Residential Signs

1. Apartment complexes, churches, and schools in residential districts may have a single identification sign not to exceed twenty-five (25) sq. ft. Lots fronting on two or more streets are allowed the permitted signage for each street frontage. Signage cannot be accumulated and used on one street in excess of that allowed for lots with only one street frontage.
2. Name plates are allowed in residential districts but must be limited to three (3) sq. ft.

F) Projecting Signs

Projecting signs shall not exceed twenty (20) sq. ft. in area and shall have a minimum of nine (9) ft. of clearance above the ground or sidewalk. A projecting sign must be structurally sound and approved by the Building Inspector.

G) Portable Signs

Portable signs will be allowed only for two weeks per calendar quarter per location. They may not utilize flashing lights. All portable signs presently located within the corporate limits shall either have their bulbs removed or be disconnected from their power source within one year of passage of this Ordinance.

H) Real Estate Signs

1. Real estate signs are limited to one sign per road frontage, not to exceed twenty (20) sq. ft. in area in a residential zone or thirty-two (32) sq. ft. in a commercial or industrial zone. No real estate signs shall have a height greater than eight (8) ft.
2. In multi-unit developments, one additional sign per unit, not to exceed ten (10) sq. ft. in area is allowed.
3. Real estate signs are subject to the building setback requirements of the zoning in which they are located. A business with a non-conforming setback may appeal to the Board of Zoning Appeals for relief. In such cases, the Board of Zoning Appeals may waive the setback requirement if a suitable location is found which does not interfere with traffic or pedestrian vision or safety and complies with the overall safety and aesthetic intent of these regulations.
4. Real estate signs do not require a permit.

I) Construction, Lighting, and Maintenance Standards

1. General Regulations

- a) All signs and their locations shall comply with the provisions of the City of Ripley Zoning Ordinance, the Standard Building Code, the National Electrical Code current edition, and additional standards hereinafter set forth.
- b) Signs shall not be erected, constructed or maintained so as to obstruct any fire escape, required exit way, window or door opening used as a means of

egress to prevent free passage from one part of a room to another part thereof or access thereto.

- c) Signs shall not be attached in any form, shape or manner which will interfere with any opening required for ventilation, except that such a sign may be erected in front of and may cover transom windows when not in violation of the provisions of the Building or Fire Prevention Codes.
- d) The height of the signs shall in no case exceed the height restrictions for buildings in that zoning district.
- e) In no case shall existing supports, such as utility poles or traffic control sign supports, be utilized for any sign.
- f) All signs shall maintain clearances from overhead electrical connectors as follows:
 - i. Under six hundred (600) volt, insulated - 3 feet
 - ii. Under six hundred (600) volt, bare - 5 feet
 - iii. Six hundred one (601) volt to twenty-five hundred (2,500) volt - 5 feet
 - iv. Two thousand five hundred one (2,501) volt to nine thousand (9,000) volt - 6 feet
 - v. Nine thousand one (9,001) volt to twenty-five thousand (25,000) volt - 9 feet
 - vi. Twenty-five thousand one (25,001) volt to seventy-five (75) KV - 10 feet
 - vii. Above seventy-five (75) KV - 12 feet
- g) Signs shall not be suspended by chains or other devices that will allow the sign to swing, due to wind action. Signs shall be anchored to prevent any lateral movement that could cause wear on supporting members or connections.
- h) Supports and braces shall be an integral part of the sign design. Angle irons, changes, or wires used for supports or braces shall be hidden from public view to the extent technically feasible.
- i) Freestanding signs shall be self-supporting structures and be permanently attached to sufficient foundations.
- j) Attached business signs must derive their principle and total support form the building to which they are attached.
- k) All signs shall be constructed to withstand wind loads of 30 pounds per square foot on the largest face of the sign and structure.

- l) In no case shall the existing ground elevation be built up in order to have a taller sign.

2. Electrical Standards

- a) Electrical service to on-premise free-standing signs shall be concealed whenever possible.
- b) Electrical signs shall be marked with input amperes at full load.
- c) Each illuminated and/or electrical sign shall bear thereon a label or certification visible from the ground, from the Underwriter's Laboratories, Inc., or any other approved independent electrical inspection agency qualified to make such certification or have written approval from the local Electrical Inspector.
- d) No artificial light, of whatever type or nature used in conjunction with or the lighting of any sign, shall be constructed as to direct or reflect any artificial light onto any structure or to constitute a hazard to the safe and efficient operation of vehicles upon a street or highway.
- e) Flashing signs, flashing or moving lights on signs, and reflective pennants are prohibited, except that both signs that exhibit time, temperature, date or other similar information and search lights permitted by the Building Inspector as an attention getting device are permitted.
- f) In no case shall electrical wiring, extension cords, or any other means of power be laid on the ground or parking areas.

3. Maintenance Standards

- a) Every sign, including, but not limited to those signs for which permits are required, shall be maintained in a safe, presentable and good structural condition at all times, including replacement of defective parts (except when a weathered or natural surface is intended), repainting, cleaning and other acts required for the maintenance of such sign.
- b) The ground area around any freestanding sign shall be kept free and clean of weeds, trash and other debris.

Section 4. Prohibited Signs. The following types of signs are prohibited in all zoning districts in Ripley.

- A) Signs on public property, except for public signs in conjunction with city, state and federal government uses and temporary signs upon permission by the public authority having jurisdiction.
- B) Signs erected at the intersection of any streets or alleys in such a manner as to obstruct free and clear vision; or in any location where, by reason of the position, shape or color, it may interfere with, obstruct the view of or be confused with any authorized traffic signs, signal or device, or which makes use of the words "STOP, LOOK, DRIVE-IN", "GO SLOW", "CAUTION", or similar wording or other symbols as to interfere with, mislead or confuse traffic. No signs shall be allowed between a height of two and one-half (2.5) ft. and ten (10) ft. of the front property line in order to prevent any obstruction of vision.

- C) Signs which blend with or can be confused with traffic signals.
- D) Signs which contain reflective materials which present a hazard or danger to traffic or the general public.
- E) Signs which are structurally unsound or which are rendered structurally sound by guy wires.
- F) Signs which display thereon or advertise any obscene, indecent or immoral matter.

Section 5. Temporary Signs. No temporary sign shall be allowed except as set forth herein and which is affixed to a building, pole or other structure and located on the same property and allowed under the provisions of this Ordinance. Temporary signs are allowed in all zoned districts as specified below. A sign permit is required for all Temporary signs except for vehicle signs, construction signs, posters, and garage sale signs.

- A) Street Banners - It shall be unlawful for any person to have placed across or upon any public street, alley or place a banner, electrical or floral festoon, without first obtaining a permit. Such banner or electrical or floral festoon shall be in conjunction with an official, civic, or philanthropic, festival, or parade and shall be allowed for a period not to exceed thirty-five (35) days as determined by the Building Inspector. Street banners shall be removed within seven (7) days after the event being advertised has occurred.
- B) Off-Building Advertising Banners - Shall be allowed, after obtaining a permit, for a period not to exceed fourteen (14) days per calendar quarter. They are subject to the building setback requirements of the zone in which they are located. They may be used only in Commercial and Industrial zones and may not exceed twenty-four (24) sq. ft. in total area. On-building banners do not require a permit, however, total signage on any face of a building must not exceed 25% of the total surface area.
- C) Posters - Shall only be authorized in conjunction with an official, civic, or philanthropic event and shall be allowed only thirty-five (35) days prior to and forty-eight (48) hours after the event.
- D) Vehicular Signs - Any vehicle carrying or having a sign painted on it shall be considered a sign regulated under this chapter. Such signs shall be prohibited unless displayed on a vehicle in operable condition carrying all current valid licenses, tags or plates as required by all governmental authorities. This may include valid dealer licenses, tags or plates.
- E) Construction - Construction signs shall be allowed in all districts during the actual period of construction and shall be limited in size to sixty-four (64) sq. ft. and a height of ten (10) ft. The sign announcement shall be limited to the project name, sponsor or funding agent, owner, general contractor and subcontractors, architect or engineer.
- F) Signs not exceeding five (5) sq. ft. in area noting garage sales provided it is an on-site sign. This sign shall be allowed to be erected no more than seven (7) days prior to and two (2) days after the event which it advertises.
- G) Political and campaign signs on behalf of candidates for public office or measures of election ballots provided that said sign conforms to the following regulations.
 1. Said signs may be erected no earlier than ninety (90) days prior to said election and shall be removed within fourteen (14) days following said election.

2. No sign shall be located within or over the public right-of-way.
3. The candidate or the candidate's organization must obtain a general sign permit covering all of the candidate's signs in Ripley. There will be no charge for this permit.
4. Political signs in residential districts shall be limited to 16 sq. ft. in area and shall be limited to 32 sq. ft. in all other districts.

Section 6. Exemptions. The following signs shall be allowed in all zoning districts of the City of Ripley provided that the sign conforms to the regulations of this Ordinance. A sign permit is not required to erect exempt signs described below.

- A) Signs not more than two (2) sq. ft. which identify street numbers, owner names, occupant name, and professional names, as allowed herein.
- B) Official National, State, or Municipal flags properly displayed.
- C) Signs, identifying merchandise, or manufacturer, offering sale if on a dispensing or vending machine, or on windows.
- D) Signs wholly within buildings or windows.
- E) Public signs which are signs erected by, or on the order of a public officer in the performance of his public duty, such as safety signs, danger signs, legal notices and such temporary, emergency or non-advertising signs as may be approved by the Building Inspector.
- F) Historical markers as required by local, State, or Federal authorities.
- G) Signs of a primary decorative nature, clearly, incidental and customary and commonly associated with any national, local or religious holiday.
- H) No trespassing or no dumping signs.
- I) Memorial signs or tablets, names of buildings and date of erection when cut into any masonry surface or when constructed on bond or noncombustible material.
- J) Public signs, or signs specifically authorized for public purposes by any law, statute or ordinance; which may be of any type, number, area, height above grade, location, illumination or animation, required by law, statute or ordinance under which the signs are erected. Also exempted are signs on public property erected by order of the Mayor and Board of Aldermen, which shall be allowed subject to all appropriate sight, distance, and safety considerations being met, as determined by the Mayor and Board of Aldermen.
- K) Warning signs warning the public of the existence of danger, containing no advertising material, of a size as may be necessary to be removed upon the subsidence of danger.
- L) Private property directional signs such as "no parking", "exit", "parking", etc. not to exceed five (5) sq. ft.

Section 7. Illegal, Nonconforming, and Unused Signs

- A) Illegal Signs

1. Definition: An illegal sign is any sign erected or altered after the effective date of this Ordinance not complying with the provisions thereof unless said provision was expressly waived or granted a variance.
 2. Disposition: Any illegal sign shall be removed from the premises upon which it is located within thirty (30) days from the effective date of this Ordinance or notice of violation and shall not remain on the premises or elsewhere in the City until a sign permit is issued.
- B) Nonconforming Signs - With the exception of portable signs, any sign that has been erected, constructed or placed in its location and that is being used as of the effective date of this ordinance, shall be conclusively presumed to have been so erected, constructed or placed and used in compliance with the codes and ordinances of the City of Ripley pertaining to signs that were in effect immediately prior to such date.
1. Any sign that is non-conforming because it fails to comply with the provisions of this ordinance may not be repaired, restored or reconstructed provided that such work alters structurally, extends, or enlarges, in whole or in part, unless such sign as so altered, extended or enlarged shall conform with the provisions of this Ordinance and a proper permit is obtained.
 2. No owner, user, or other person shall alter any non-conforming sign (including alterations in the colors, letters, words, numbers, objects or symbols appearing thereon excluding message boards), unless such sign as so altered shall conform with the provisions of this ordinance. The violation of any one or more of the following regulations shall constitute a forfeiture of the right to continue to use and maintain a non-conforming sign. Consequently, this sign will now be defined as an illegal sign.
 - a) A non-conforming sign shall not be replaced with another non-conforming sign.
 - b) A non-conforming sign shall not have any changes in the words, logo or symbols which are a part of a message unless the sign is a freestanding message board, non-portable.
 - c) A non-conforming sign shall not be structurally altered so as to prolong the life of the sign, increased in size, or shape, or type, or design.
 - d) A non-conforming sign shall not be re-established after damage or destruction if the estimated expense of construction exceeds 50% of the value of the original structure.
 - e) A non-conforming sign shall not be re-established after the activity or name of the business or ownership shall be changed requiring a change in the sign name or advertisement itself.
 3. All signs which are nonconforming because of: the use of flashing, blinking, intermittent or exposed lighting (except neon); signs which constitute a traffic hazard, block or restrict the visibility of motorists or pedestrians; otherwise constitute an immediate hazard to the general health, safety and welfare of the public of the City, shall be brought into conformity within one hundred twenty (120) days of the effective date of this Ordinance. If such signs are not removed within the aforementioned one hundred twenty (120) day period, written

notification of the obligation to remove such signs shall be furnished by the Building Inspector and delivered to the sign owner/user/property owner by certified mail and the owner/user/property owner shall thereafter be required to remove said sign from the premises within five (5) days of the receipt of notification from the Building Inspector. Failure to remove such signs within the time periods herein provided shall constitute a violation of this Ordinance.

4. Disposition: It shall be the duty of the sign owner/user and property owner to remove any nonconforming sign in accordance with the requirements of this Section.
5. A request for a variance or interpretation of this Ordinance, as it pertains to the non-conformity and which is filed within thirty (30) days of the effective date of this ordinance shall stay further administrative actions pertaining to said sign until such time as the variance or request for interpretation is acted upon.

C) Unused (Abandoned) Signs

1. Definition: An unused or abandoned sign is a sign which meets any of the following criteria:
 - a) A sign which identifies an establishment, goods or services which are no longer provided on the premises where the sign is located.
 - b) A sign which identifies a time, event or purpose which has passed or no longer applies.
 - c) This also applies to sign structures with or without a sign.
2. Disposition:
 - a) Any sign which is defined under paragraph 1(a) of this subsection and which condition exists for a period of one month and which sign is otherwise nonconforming shall be removed by the owner/user/property owner within five (5) days of the end of the one month (thirty [30] day) period.
 - b) Any sign which is defined under subparagraph 1(a) of this subsection which remains in such condition for a period of one month and which sign is otherwise conforming shall have its copy vacated within thirty (30) days from when the stated circumstances commenced. If the copy remains vacant for a period of six (6) months or more from the date the stated circumstances commenced, the sign structure shall be removed by the owner/user/property owner. Removal shall be within five (5) days following the expiration of the aforementioned six (6) month period.
 - c) Any sign defined under subparagraph 1(b) of subsection C shall be removed by the owner/user/property owner within three (3) days from the time the event or purpose has passed or no longer applies.
 - d) Removal:
 - i. Any illegal, nonconforming or unused sign which is not removed from the premises by the owner/user/property owner within the

time frames prescribed herein shall be considered a violation of the provisions of this Ordinance and shall be subject to the maximum penalties allowed by law. Each day such violation shall continue shall constitute a separate offence.

- ii. Failure to Remove: A failure to remove any illegal, nonconforming or unused sign and subsequent failure by the Building Inspector to duly notify the owner/user/property owner of the provisions of this Section shall not be deemed to constitute a waiver of any violations of this Ordinance, nor shall such inaction be deemed to constitute a determination that any such sign is legal, in conformity with this Ordinance or to be given any special status. If, through administrative neglect or inaction, any owner/user/property owner is not notified of the requirements of this Ordinance within the time frames herein set forth, but is later so notified, said owner/user/property owner shall take action to either correct the illegality, nonconformity or nonuse or shall cause the sign to be removed within twenty (20) days of such notification.

Section 8. Appeals to the Board of Zoning Appeals.

A) Right to Appeal

1. Except for instances relating to signs located or proposed to be located on public property, which is within the jurisdiction of the City Board, any person who has been ordered by the Building Inspector for the removal of any sign, or any person whose application for a permit for a sign has been refused, may appeal to the Board of Zoning Appeals by serving written notice to the Building Inspector. Such appeals to the Board of Zoning Appeals shall be on forms provided by the Building Inspector and upon filing of a notice of appeal, the Building Inspector shall take no further action with regard to the sign involved until the final decision of the Board of Zoning Appeals has been rendered, unless the Building Inspector finds by reason of condition, location or nature of the sign involved presents an immediate and serious danger to the public, in which case he shall proceed immediately as provided herein.
2. Variances. The Board of Zoning Appeals may grant variances concerning the height and setback of signs, the period for removal of nonconforming signs, the maximum sign area, the maximum number of signs, the removal of prohibited signs, and such others as provided for herein only if the following determinations have been made:
 - a) The appeal falls within the jurisdiction of the Board.
 - b) That all parties directly in interest have been notified of the proceedings.
 - c) That the granting of the appeal would not have the effect of applying sign standards from a less restrictive zone.
 - d) That the property cannot be reasonably used in conformity with the provisions of this Ordinance.

- e) That the difficulty complained of is unique to the property in question and is not common to all properties similarly situated.

Section 9. Permits. No sign shall be erected, altered, or relocated without a building permit acquired subject to the following:

- A) The permit application shall contain the location of the sign structure, the name and address of the sign owner and sign erection, a drawing showing the design, location, materials and colors of the sign.
- B) Required electrical permits shall be obtained prior to submission for a building permit.
- C) Fees for permanent signs shall be in accordance with the normal rate schedule for the Standard Building Code as adopted with a minimum fee of \$15.00. Fees for temporary signs shall be the minimum permit fee.
- D) A building permit for a sign shall become null and void if the sign has not been completed within six (6) months of the date of the permit or the sign varies in any respect from the approved design and location.
- E) Normal sign maintenance to prolong the life of the sign shall not require a permit.
- F) Permits issued to non-profit organizations will not be charged a fee.

SECTION K. Family Day Care Homes, Group Day Care Homes, and Day Care Centers as Accessory Uses to Churches. In any district where a church is established as a permitted use or a use permissible on appeal, family day care homes, group day care homes, and day care centers, as defined by the Municipal Zoning Ordinance, may be approved by the Planning Commission as an accessory use to said church, provided that the family day care home, group day care home, or day care center is operated and maintained by said church, on the church premises and further provided the following conditions are met, as determined by the Planning Commission:

- 1. All dimensional regulations of the district shall apply.
- 2. A fenced play area of not less than fifty (50) square feet of open space per child shall be provided. The fence shall be at least four (4) feet in height.
- 3. Along the site boundary of the facility, buffering, screening, and landscaping must be provided to adequately protect any abutting residential property.
- 4. All outdoor play activities shall be conducted within the fenced play area. The fenced play area shall not be located within any required front yard.
- 5. The facilities operation and maintenance shall meet the requirements of the Tennessee Department of Human Services.
- 6. Off-street parking shall be provided at the rate of one space for each five (5) children accommodated plus the specific required space(s) for the district in which the facility is located.
- 7. In order that the Planning Commission may make an accurate determination of the character of the proposed use, the applicant shall submit an accurately and legibly drawn site plan showing existing and proposed buildings, landscaping, parking and access facilities.

SECTION L. Manufactured Residential Dwellings. Manufactured residential dwellings, as defined in Article X. of this Ordinance, and as further defined in Tennessee Code Annotated Section 13-24-201, where allowed as a permitted use by this Ordinance shall meet the following conditions:

1. The manufactured residential dwelling shall have the same general appearance as required for site-built homes.
2. The unit must be installed on a permanent foundation system in compliance with all applicable requirements of the International Building Code.
3. The home must be covered with an exterior material customarily used on conventional dwelling. The exterior covering material shall extend to the top of the foundation, which must be of a solid concrete or masonry perimeter foundation.
4. The hitches or towing apparatus, axles and wheels must be removed.
5. The roof must be pitched so there is at least a three and on half (3 1/2) inch vertical rise for each twelve (12) inches of horizontal run. The roof must consist of material that is customarily used for conventional dwellings including but not limited to approved wood, architectural metal, asphalt composition shingles or fiberglass, but excluding corrugated aluminum, corrugated fiberglass or other types of metal roofs.
6. All such units shall be required to connect to a public utility system which includes gas, electric, water and sewer in compliance with the International Building Code and National Electrical Code.
7. These provisions shall not apply to manufactured homes in an approved mobile home park.

SECTION M. Adult Oriented Businesses. For the purposes of this ordinance, Adult Oriented Businesses as defined in Article X of this ordinance and as further defined in Section 2 of Ordinance 422 amending the Ripley Municipal Code, shall be permitted only in the districts and under such conditions where specifically permitted by the district provisions contained herein.

SECTION N. Accessory, temporary automobile dead storage. For all such uses, accessory to automobile repair, towing and service stations recognized within the district provisions of the ordinance, such use shall not exceed ten (10) vehicles nor exceed a storage duration of (10) days and all areas for such uses shall be screened with an opaque fence not less than eight (8) feet in height around the entire perimeter of the area so used.

SECTION O. Automobile Dead Storage: Junk Yards, Auto Wrecking and Salvage Yards. All such uses are prohibited in the City of Ripley except as specifically permitted in the district provisions and under the specific conditions contained in this ordinance.

SECTION P. Portable Accessory Storage Structures. All such structures as defined in Article X shall be allowed only in the districts specifically permitting such uses and under the following conditions:

1. The use of such structure(s) shall be in conjunction with but subordinate to the primary use of the premises.

2. The placement of such structure(s) shall comply with provisions of Article XII., "ENFORCEMENT" of this Ordinance, requiring a permit and certificate of occupancy.
3. The type, appearance, location and placement of such structure(s) shall be in keeping with the character of the surrounding neighborhood as determined by the Building Inspector.

SECTION Q. Paving Standards All parking areas, ingress, egress, vehicular maneuvering areas, and areas accessible to public traffic, within the City of Ripley's commercial districts with the exception of the B-3 (Central Business) District shall be paved with either asphalt or concrete.

SECTION R. Provisions for Small Cell Facilities.

Small Cell Facilities and Other Telecommunication Facilities within public rights of way.

- (a) Support structures and above-ground transmission equipment are prohibited within the pedestrian travelway, but may be located within a grass strip/green zone or frontage zone. For substantial changes to eligible support structures or for new telecommunications use of an alternative structure, the eligible support structure or alternative structure shall be relocated outside of the pedestrian travelway and all above-ground utilities consolidated with the permit application. For eligible support structures that already have wireless telecommunications facilities on them, the structure need not be relocated unless it exceeds the zoning height limitation in this Ordinance, unless such structure is owned by the City of Ripley.
- (b) No new telecommunication facility support structure may be erected in the public right-of-way within 500' of an existing telecommunication support structure. The term "new telecommunications facility support structure" as used in this subsection shall include a relocation and/or replacement of a pole or equipment.
- (c) New telecommunication facilities or relocated telecommunication facilities shall place all transmission equipment, excluding antennas and remote radio units, underground to the extent possible consistent with departmental regulations. To the extent transmission equipment cannot be placed underground, business justification, excluding cost, for this must be provided.
- (d) New telecommunication facility support structures may not be erected to a height greater than the height surrounding utility poles or street lights, whichever is greater. If no utility poles are present, the total height shall be built to a maximum height of 35', including antennas, lightning rods or other extensions. All new proposed structures, or a stealth telecommunications support structure replacing an existing support structure or alternative structure, within the ROW shall be designed for a minimum of two PWSF providers.
- (e) A permit for a COW is limited to 5 days, but when circumstances reasonably warrant, the permit may be renewed.
- (f) Telecommunication facilities shall be constructed consistent with the design requirements of the Planning Commission, and, where applicable, the Downtown Central Business District. The design guidelines will provide greater detail, description and examples of acceptable telecommunications facilities, including visual descriptions.

(g) Maintenance.

It shall be the responsibility of the owner/carrier of the Telecommunication Structure, Telecommunication Tower, Telecommunication Facility, COW, or Small Cell Carrier and not the City of Ripley to assume to the maintenance and repairs, whether routine or extraordinary, of their structures and equipment including any affected area around the equipment or structure.

(h) Removal of Obsolete Structures, Towers, and any related appurtenances. - Any telecommunications structure, equipment, tower, or related appurtenances that is no longer in use for its original purpose shall be removed at the owner's expense. The owner shall provide the City with a copy of the notice of intent to cease operations that must be submitted to the FCC and shall be given ninety (90) days from the date of ceasing operations to remove the obsolete tower, structure, and any accessory structure(s). In the case of multiple operators sharing a single tower or structure, this provision shall not become effective until all users cease operations.

ARTICLE IV. ESTABLISHMENT OF DISTRICTS

Section A. Classification of Districts. For the purpose of this Ordinance, Ripley, Tennessee is hereby divided into eleven (11) districts, designated as follows:

- R-1 (Low Density Residential)
- R-2 (High Density Single-Family Residential)
- R-3 (High Density Residential)
- R-4 (High Density Multi-Family)
- B-1 (Neighborhood Business)
- B-2 (General Business)
- B-3 (Central Business)
- B-4 (Impact Commercial)
- B-5 (Fringed Commercial)
- H-1 (Hospital)
- M-1 (Light Industrial)
- M-2 (Heavy Industrial)

OVERLAY DISTRICTS

- FH (Flood Hazard)
- CRZ (Downtown Courthouse Square Revitalization Zone District)

Section B. Boundaries of Districts

1. The boundaries of districts in Section A. of this Article are hereby established as shown on the Official Zoning Map which is a part of this Ordinance and which is on file in the Office of the City Recorder.
2. Unless otherwise indicated on the zoning map, the boundaries are the center lines of streets or alleys or a specific distance therefrom, railroad rights-of-way, or the corporate limit lines as they existed at the time of the enactment of this Ordinance. Questions concerning the exact locations of district boundaries shall be determined by the Board of Zoning Appeals.
3. Where a district boundary divides a lot, as existing at the time this Ordinance takes effect and the major portion of said lot is in the less restricted district, the regulations relative to that district may be extended to twenty (20) feet within the more restricted district within said lot.

ARTICLE V. PROVISIONS GOVERNING RESIDENTIAL DISTRICTS

Section A. R-1 (Low Density Residential) Districts. Within the R-1 (Low Density Residential) Districts as shown on the Zoning Map of Ripley, Tennessee, the following regulations shall apply:

1. Intent. The regulations for these districts, as shown on the official zoning map, were designed to accommodate low population densities of the single-family detached housing type. Two-family and multi-family units are not permitted.
2. Uses Permitted.
 - a. Single family dwellings, excluding mobile homes; manufactured residential dwellings, as defined in Article X of this Ordinance and subject to the provisions of Article III, Section L. of this Ordinance.
 - b. Accessory buildings or uses customarily incidental to any aforementioned permitted use excluding portable accessory storage structures as defined in Article X of this ordinance.
 - c. Churches and other places of worship, schools offering general education courses, public parks and public recreation facilities, railroad rights-of-way; provided, however, that such use shall not be permitted except with the written approval of the planning commission and subject to such conditions as the planning commission may require in order to preserve and protect the character of the district in which the proposed use is located.
 - d. Customary general farming uses, gardens and buildings incidental thereto; provided, however, that no permit shall be issued for commercial animal or poultry farms or kennels.
 - e. Family Day Care Homes; provided, however, a permit for such use shall not be issued until a site plan is submitted to the Planning Commission for review, and further subject to the following minimum standards:
 - (1) All dimensional regulations of the district shall apply.
 - (2) A fenced play area of not less than fifty (50) square feet of open space per child shall be provided. The fence shall be at least four (4) feet in height.
 - (3) Along the site boundary of the facility, buffering, screening, and landscaping must be provided to adequately protect any abutting residential property.
 - (4) All outdoor play activities shall be conducted within the fenced play area. The fenced play area shall not be located within any required front yard.
 - (5) The facilities operation and maintenance shall meet the requirements of the Tennessee Department of Human Services.
 - (6) Off-street parking shall be provided at the rate of one space for each five (5) children accommodated plus the specific required space(s) for the district in which the facility is located.

- (7) In order that the Planning Commission may make an accurate determination of the character of the proposed use, the applicant shall submit an accurately and legibly drawn site plan showing existing and proposed buildings, landscaping, parking and access facilities.

3. Uses Permitted on Appeal

- a. Municipal, county, state or federal uses, other than those permitted in the above section, public utilities, cemeteries, philanthropic institutions and clubs, except a club the chief activity of which is customarily carried on as a business, may be permitted by the Board of Zoning Appeals, subject to such conditions as the Board may impose to protect the character of the neighborhood.
- b. Customary incidental home occupations, subject to the following standards:
 - (1) Standards for Home Occupations - The Board of Zoning Appeals may authorize the issuance of a special use permit for any home occupation after first holding a public hearing as provided in this section and subject to the following additional standards.
 - (2) Intent - It is the intent of this Ordinance to eliminate as home occupations all uses except those that conform to the standards set forth herein. Custom and tradition are intentionally excluded as criteria. The standards for home occupations are intended to insure compatibility with other permitted uses and with the residential character of the neighborhood and as clearly secondary or incidental status in relation to the residential use of the premises as the criteria for determining whether a proposed use as a home occupation.
 - (3) Standards for Home Occupations
 - (a) General - The standards set forth below shall be used by the Board of Zoning Appeals in evaluating an application for a home occupation. In evaluating an application for a home occupation, the Board of Zoning Appeals must insure the following:
 - (i) that the public interest has been adequately protected;
 - (ii) that no change in the character of the surrounding neighborhood will occur as a result of the home occupation;
 - (iii) that no excessive noise, heat, increased traffic and parking; and odor or hazard will result from the home occupation;
 - (iv) that the proposed home occupation will not place a strain or burden on existing public facilities and services, particularly sewer and water service, street improvements, fire and police protection, and solid waste collection.
 - (b) Performance Standards - Home Occupations are permitted as an incidental and subordinate use in specified residential districts when the applicant submits to the Board of Zoning Appeals

satisfactory evidence of compliance with all of the following conditions:

- (i) Employees - such occupation shall be conducted solely by resident occupants in their residence:
 - (ii) Incidental and Subordinate Use - the applicant must clearly demonstrate to the Board of Zoning Appeals that the home occupation is incidental and subordinate to its use for residential purposes. To insure the incidental and subordinate character, the home occupation shall be limited to fifteen (15) percent of the total area of the first floor of the residence.
 - (iii) Appearance - in no way shall the appearance of the structure be altered or the occupation within the residence be conducted in a manner which would cause the premises to differ from its residential character either by the use of colors, materials, construction, lighting, signs or the emission of sounds, noises or vibrations.
 - (iv) Accessory Buildings - no building or space outside the principal building shall be used for home occupation purposes.
 - (v) Traffic - the additional parking generated by the home occupation shall take place on the site and the use may increase vehicular traffic flow and parking by no more than one additional vehicle at a time. The home occupation shall not involve the use of commercial vehicles for delivery of materials to or from the premises.
 - (vi) Nuisance Controls - home occupation shall not generate traffic, parking, noise, vibrations, glare, fumes, odors, or electrical interference beyond what normally occurs in the applicable zoning district.
 - (vii) Utilities - the public utility costs (water, sewer, electricity, solid waste collection, etc.) incurred in the operation of the home occupation shall not exceed what is normal to the use of the property for residential purposes.
 - (viii) Signs - only one sign shall be allowed. It may indicate the name of the occupant and/or the name of the home occupation. It shall not exceed one square foot in area, shall be non-illuminated and attached flat to the main structure or visible through a window.
- c. Bed and Breakfast establishments, subject to the following standards:
- 1. Permits - No building permit or Certificate of Occupancy for such use shall be issued without written approval of the Board of Zoning Appeals.

2. Location - The Bed and Breakfast operation shall be located and conducted in the principal building only.
3. Operator Occupied - Proprietors of the Bed and Breakfast shall be permanent residents of the dwelling in which it is located. As permanent residents they shall keep separate and distinct sleeping quarters from Bed and Breakfast guests. No more than two (2) paid assistants may be employed.
4. Number of Rental Units - No more than five (5) beds shall be for rent at any one time at any one Bed and Breakfast establishment.
5. Length of Stay - Lodging of guests at the Bed and Breakfast Inn shall be limited to no more than fourteen (14) days during any one (1) stay.
6. Site Plan - An accurately drawn plan shall be presented to the Board of Zoning Appeals at least ten (10) days prior to the meeting. The site plan shall show the location of the principal building, off-street automobile parking, relationship to adjoining properties and surrounding land use, existing zoning of the proposed site, any required screening, and any other information as may be required by the Ripley Board of Zoning Appeals.
7. Appearance - The residential character and appearance of the home shall not be changed by the establishment of a Bed and Breakfast operation.
8. Advertising - the proposed use shall not be advertised by the use of signs which exceed four (4) square feet in area. The sign shall be non-illuminated and attached flat to the main structure or visible through a window.
9. Parking - Off-street parking facilities shall be provided at the rate of at least one space per room for rent in addition to at least two spaces for the household. Parking will otherwise comply with Article III, Section H. of the Ripley Municipal Zoning Ordinance.
10. All applicable Federal, State, and Municipal codes, including municipal fire, building, and electrical codes shall be complied with as a condition of approval by the Board of Zoning Appeals.
11. The Board of Zoning Appeals may also attach other conditions on the use of the structure or site which will be necessary to carry out the intent of the Zoning Ordinance.

(4) Home Occupations Specifically Prohibited:

- (a) Antique Shop
 - (b) Funeral Chapel or Funeral Home
 - (c) Medical or dental clinic or hospital
 - (d) Renting of trailers
 - (e) Restaurant
 - (f) Stable or kennel
 - (g) Tourist home
 - (h) Veterinary clinic or hospital
 - (i) Mechanic Shop
 - (j) Beauty or Barber Services serving more than one patron at time
- (5) Business License and Certificate of Occupancy
- (a) If the special use permit for a home occupation is approved by the Board of Zoning Appeals, the applicant shall secure a license to operate the home occupation from the Office of the City Recorder. The license shall be in the name of the applicant only, and is not transferable to another person or location, or a different use other than the use approved as a home occupation.
 - (b) Prior to issuance of a Certificate of Occupancy, the Building Inspector will insure that the proper business license has been issued for the home occupation and that all requirements of the Charter and Codes or Ordinances of the City of Ripley are complied with prior to the start of actual operations.
 - (c) The business license and certificate of occupancy shall be renewed annually to insure compliance with applicable municipal codes as well as laws of the State of Tennessee.

4. Uses Prohibited

- a. Any other use not specifically permitted.

5. Side Yards on Corner Lots. The minimum widths of side yards for dwellings along an intersecting street shall be thirty (30) feet for side facing street.

6. Location of Accessory Buildings.

- a. No accessory building shall be erected in any required front or side yard. Accessory buildings shall not cover more than thirty (30) percent of any required rear yard, and shall be at least five (5) feet from all lot lines and from any other building on the same lot provided, however, that a private garage may be built on

a side or rear lot line, not an alley line by mutual agreement between adjoining property owners.

- b. Accessory buildings on corner lots shall conform with front yard setbacks for both intersecting streets.

7. Required Lot Area, Lot Width, and Yards. The principal building shall be located so as to comply with the following requirements:

- a. Minimum Required Lot Area (Dwellings)

- (1) Single Family 15,000 sq. ft.

- b. Minimum Required Lot Area

- (1) Libraries one-half acre

- c. Minimum Required Lot Area (Schools and Churches)

- (1) The building inspector shall not issue a permit until a site plan has been submitted to and approved by the Ripley Planning Commission. The site plan shall show the location, height and bulk of all proposed buildings, pedestrian and vehicular circulation, off-street parking, walls, hedges, fences and the proposed system for storm drainage. The proposed building shall meet all minimum lot and yard requirements for this section. In addition, the planning commission shall have the power to impose greater requirements than those set forth in this section or to impose conditions on the location and design of access points or other features as may be required to protect the neighborhood traffic congestion or other undesirable conditions. This shall not include the power to regulate the architectural style of buildings or other similar features not directly related to the public health, safety, and welfare. The Planning Commission shall state in writing the reasons for denial of any properly submitted site plan. Any site plan not acted upon within sixty (60) days from submittal shall be deemed approved. The site plan must conform to the parking requirements as outlined in Article III of this Ordinance.

- d. Minimum Required Lot Area (Other Uses). As required by the Board of Zoning Appeals.

- e. Minimum Required Lot Width at the Building Line

- (1) Dwellings 75 feet
- (2) Libraries 100 feet
- (3) Schools and Churches As required by the Ripley Planning Commission.
- (4) Other Uses As required by the Board of Zoning Appeals.

- f. Minimum Required Front Yard and Corner Side Yard

- (1) Dwellings 30 feet
- (2) Libraries 50 feet
- (3) Three Story Buildings (Other than Dwellings) 50 feet
- (4) Schools and Churches As required by the Ripley Planning Commission.
- (5) Other Uses As required by the Board of Zoning Appeals.

g. Minimum Required Rear Yard

- (1) Dwellings 20 feet
- (2) Libraries 50 feet
- (3) Three Story Buildings (Other Than Dwellings) 50 feet
- (4) Schools and Churches As required by the Ripley Planning Commission.
- (5) Other Uses As required by the Board of Zoning Appeals.

h. Minimum Required Side Yard on Each Side of a Lot

- (1) Dwellings 15 feet
- (2) Libraries 50 feet
- (3) Three Story Buildings (Other than Dwellings) 60 feet
- (4) Schools and Churches As required by the Ripley Planning Commission.
- (5) Other Uses As required by the Board of Zoning Appeals.

i. Undivided Developments - In the event a development is proposed without the division of land into lots or tracts the development shall be so organized so that each structure shall meet the standards of V. A. 7 above in relation to yard and area requirements.

j. Maximum Permitted Height of Structures

- (1) No building shall exceed three (3) stories or thirty-five (35) feet in height.

- (2) No accessory building shall exceed two (2) stories in height.
 - (3) Free-standing poles, spires, towers, antennae, and similar structures not designed for or suitable for human occupancy may exceed the height provisions of this Ordinance provided they comply with all other codes and ordinances, and provided that they are located at a distance equal to their own height from the nearest property line.
9. Minimum Off-Street Parking Requirements. (As required in Section H, General Provisions, of this Ordinance.)
10. Limitations on Signs and Billboards. (As required in Section J, General Provisions, of this Ordinance.)

Section B. R-2 (High Density Single-Family Residential) Districts. Within the R-2 (High Density Single-Family Residential) Districts as shown on the Zoning Map of Ripley, Tennessee, the following regulations shall apply:

1. Intent. The regulations for these districts, as shown on the official zoning map, were designed to accommodate higher population densities of the single-family detached housing type. Two-family and multi-family units are not permitted.
2. Uses Permitted.
 - a. Single family dwellings, excluding mobile homes; manufactured residential dwellings, as defined in Article X of this Ordinance and subject to the provisions of Article III, Section L. of this Ordinance.
 - b. Accessory buildings or uses customarily incidental to any aforementioned permitted use excluding portable accessory storage structures as defined in Article X of this ordinance.
 - c. Churches and other places of worship, schools offering general education courses, public parks and public recreation facilities, railroad rights-of-way; provided, however, that such use shall not be permitted except with the written approval of the planning commission and subject to such conditions as the planning commission may require in order to preserve and protect the character of the district in which the proposed use is located.
 - d. Customary general farming uses, gardens and buildings incidental thereto; provided, however, that no permit shall be issued for commercial animal or poultry farms or kennels.
 - e. Family Day Care Homes; provided, however, a permit for such use shall not be issued until a site plan is submitted to the Planning Commission for review, and further subject to the following minimum standards:
 - (1) All dimensional regulations of the district shall apply.
 - (2) A fenced play area of not less than fifty (50) square feet of open space per child shall be provided. The fence shall be at least four (4) feet in height.
 - (3) Along the site boundary of the facility, buffering, screening, and landscaping must be provided to adequately protect any abutting residential property.
 - (4) All outdoor play activities shall be conducted within the fenced play area. The fenced play area shall not be located within any required front yard.
 - (5) The facilities operation and maintenance shall meet the requirements of the Tennessee Department of Human Services.
 - (6) Off-street parking shall be provided at the rate of one space for each five (5) children accommodated plus the specific required space(s) for the district in which the facility is located.
 - (7) In order that the Planning Commission may make an accurate determination of the character of the proposed use, the applicant shall

submit an accurately and legibly drawn site plan showing existing and proposed buildings, landscaping, parking and access facilities.

3. Uses Permitted on Appeal

a. Municipal, county, state or federal uses, other than those permitted in the above section, public utilities, cemeteries, philanthropic institutions and clubs, except a club the chief activity of which is customarily carried on as a business, may be permitted by the Board of Zoning Appeals, subject to such conditions as the Board may impose to protect the character of the neighborhood.

b. Customary incidental home occupations, subject to the following standards:

(1) Standards for Home Occupations - The Board of Zoning Appeals may authorize the issuance of a special use permit for any home occupation after first holding a public hearing as provided in this section and subject to the following additional standards.

(2) Intent - It is the intent of this Ordinance to eliminate as home occupations all uses except those that conform to the standards set forth herein. Custom and tradition are intentionally excluded as criteria. The standards for home occupations are intended to insure compatibility with other permitted uses and with the residential character of the neighborhood and as clearly secondary or incidental status in relation to the residential use of the premises as the criteria for determining whether a proposed use as a home occupation.

(3) Standards for Home Occupations

(a) General - The standards set forth below shall be used by the Board of Zoning Appeals in evaluating an application for a home occupation. In evaluating an application for a home occupation, the Board of Zoning Appeals must insure the following:

(i) that the public interest has been adequately protected;

(ii) that no change in the character of the surrounding neighborhood will occur as a result of the home occupation;

(iii) that no excessive noise, heat, increased traffic and parking; and odor or hazard will result from the home occupation;

(iv) that the proposed home occupation will not place a strain or burden on existing public facilities and services, particularly sewer and water service, street improvements, fire and police protection, and solid waste collection.

(b) Performance Standards - Home Occupations are permitted as an incidental and subordinate use in specified residential districts when the applicant submits to the Board of Zoning Appeals satisfactory evidence of compliance with all of the following conditions:

- (i) Employees - such occupation shall be conducted solely by resident occupants in their residence:
 - (ii) Incidental and Subordinate Use - the applicant must clearly demonstrate to the Board of Zoning Appeals that the home occupation is incidental and subordinate to its use for residential purposes. To insure the incidental and subordinate character, the home occupation shall be limited to fifteen (15) percent of the total area of the first floor of the residence.
 - (iii) Appearance - in no way shall the appearance of the structure be altered or the occupation within the residence be conducted in a manner which would cause the premises to differ from its residential character either by the use of colors, materials, construction, lighting, signs or the emission of sounds, noises or vibrations.
 - (iv) Accessory Buildings - no building or space outside the principal building shall be used for home occupation purposes.
 - (v) Traffic - the additional parking generated by the home occupation shall take place on the site and the use may increase vehicular traffic flow and parking by no more than one additional vehicle at a time. The home occupation shall not involve the use of commercial vehicles for delivery of materials to or from the premises.
 - (vi) Nuisance Controls - home occupation shall not generate traffic, parking, noise, vibrations, glare, fumes, odors, or electrical interference beyond what normally occurs in the applicable zoning district.
 - (vii) Utilities - the public utility costs (water, sewer, electricity, solid waste collection, etc.) incurred in the operation of the home occupation shall not exceed what is normal to the use of the property for residential purposes.
 - (viii) Signs - only one sign shall be allowed. It may indicate the name of the occupant and/or the name of the home occupation. It shall not exceed one square foot in area, shall be non-illuminated and attached flat to the main structure or visible through a window.
- c. Bed and Breakfast establishments, subject to the following standards:
- 1. Permits - No building permit or Certificate of Occupancy for such use shall be issued without written approval of the Board of Zoning Appeals.
 - 2. Location - The Bed and Breakfast operation shall be located and conducted in the principal building only.

3. Operator Occupied - Proprietors of the Bed and Breakfast shall be permanent residents of the dwelling in which it is located. As permanent residents they shall keep separate and distinct sleeping quarters from Bed and Breakfast guests. No more than two (2) paid assistants may be employed.
4. Number of Rental Units - No more than five (5) beds shall be for rent at any one time at any one Bed and Breakfast establishment.
5. Length of Stay - Lodging of guests at the Bed and Breakfast Inn shall be limited to no more than fourteen (14) days during any one (1) stay.
6. Site Plan - An accurately drawn plan shall be presented to the Board of Zoning Appeals at least ten (10) days prior to the meeting. The site plan shall show the location of the principal building, off-street automobile parking, relationship to adjoining properties and surrounding land use, existing zoning of the proposed site, any required screening, and any other information as may be required by the Ripley Board of Zoning Appeals.
7. Appearance - The residential character and appearance of the home shall not be changed by the establishment of a Bed and Breakfast operation.
8. Advertising - the proposed use shall not be advertised by the use of signs which exceed four (4) square feet in area. The sign shall be non-illuminated and attached flat to the main structure or visible through a window.
9. Parking - Off-street parking facilities shall be provided at the rate of at least one space per room for rent in addition to at least two spaces for the household. Parking will otherwise comply with Article III, Section H. of the Ripley Municipal Zoning Ordinance.
10. All applicable Federal, State, and Municipal codes, including municipal fire, building, and electrical codes shall be complied with as a condition of approval by the Board of Zoning Appeals.
11. The Board of Zoning Appeals may also attach other conditions on the use of the structure or site which will be necessary to carry out the intent of the Zoning Ordinance.

(4) Home Occupations Specifically Prohibited:

- (a) Antique Shop
- (b) Funeral Chapel or Funeral Home

- (c) Medical or dental clinic or hospital
- (d) Renting of trailers
- (e) Restaurant
- (f) Stable or kennel
- (g) Tourist home
- (h) Veterinary clinic or hospital
- (i) Mechanic Shop
- (j) Beauty or Barber Services serving more than one patron at time

(5) Business License and Certificate of Occupancy

- (a) If the special use permit for a home occupation is approved by the Board of Zoning Appeals, the applicant shall secure a license to operate the home occupation from the Office of the City Recorder. The license shall be in the name of the applicant only, and is not transferable to another person or location, or a different use other than the use approved as a home occupation.
- (b) Prior to issuance of a Certificate of Occupancy, the Building Inspector will insure that the proper business license has been issued for the home occupation and that all requirements of the Charter and Codes or Ordinances of the City of Ripley are complied with prior to the start of actual operations.
- (c) The business license and certificate of occupancy shall be renewed annually to insure compliance with applicable municipal codes as well as laws of the State of Tennessee.

4. Uses Prohibited

- a. Any other use not specifically permitted.

5. Side Yards on Corner Lots. The minimum widths of side yards for dwellings along an intersecting street shall be thirty (30) feet for side facing street.

6. Location of Accessory Buildings.

- a. No accessory building shall be erected in any required front or side yard. Accessory buildings shall not cover more than thirty (30) percent of any required rear yard, and shall be at least five (5) feet from all lot lines and from any other building on the same lot provided, however, that a private garage may be built on a side or rear lot line, not an alley line by mutual agreement between adjoining property owners.
- b. Accessory buildings on corner lots shall conform with front yard setbacks for both intersecting streets.

7. Required Lot Area, Lot Width, and Yards. The principal building shall be located so as to comply with the following requirements:

a. Minimum Required Lot Area (Dwellings)

(1) Single Family 9,000 sq. ft.

b. Minimum Required Lot Area

(1) Libraries one-half acre

c. Minimum Required Lot Area (Schools and Churches)

(1) The building inspector shall not issue a permit until a site plan has been submitted to and approved by the Ripley Planning Commission. The site plan shall show the location, height and bulk of all proposed buildings, pedestrian and vehicular circulation, off-street parking, walls, hedges, fences and the proposed system for storm drainage. The proposed building shall meet all minimum lot and yard requirements for this section. In addition, the planning commission shall have the power to impose greater requirements than those set forth in this section or to impose conditions on the location and design of access points or other features as may be required to protect the neighborhood traffic congestion or other undesirable conditions. This shall not include the power to regulate the architectural style of buildings or other similar features not directly related to the public health, safety, and welfare. The Planning Commission shall state in writing the reasons for denial of any properly submitted site plan. Any site plan not acted upon within sixty (60) days from submittal shall be deemed approved. The site plan must conform to the parking requirements as outlined in Article III of this Ordinance.

d. Minimum Required Lot Area (Other Uses). As required by the Board of Zoning Appeals.

e. Minimum Required Lot Width at the Building Line

(1) Dwellings 60 feet

(2) Libraries 100 feet

(3) Schools and Churches As required by the Ripley Planning Commission.

(4) Other Uses As required by the Board of Zoning Appeals.

f. Minimum Required Front Yard and Corner Side Yard

(1) Dwellings 30 feet

(2) Libraries 50 feet

- (3) Three Story Buildings (Other than Dwellings) 50 feet
- (4) Schools and Churches As required by the Ripley Planning Commission.
- (5) Other Uses As required by the Board of Zoning Appeals.

g. Minimum Required Rear Yard

- (1) Dwellings 15 feet
- (2) Libraries 50 feet
- (3) Three Story Buildings (Other Than Dwellings) 50 feet
- (4) Schools and Churches As required by the Ripley Planning Commission.
- (5) Other Uses As required by the Board of Zoning Appeals.

h. Minimum Required Side Yard on Each Side of a Lot

- (1) Dwellings 10 feet
- (2) Libraries 50 feet
- (3) Three Story Buildings (Other than Dwellings) 60 feet
- (4) Schools and Churches As required by the Ripley Planning Commission.
- (5) Other Uses As required by the Board of Zoning Appeals.

i. Undivided Developments - In the event a development is proposed without the division of land into lots or tracts the development shall be so organized so that each structure shall meet the standards of V. A. 7 above in relation to yard and area requirements.

j. Maximum Permitted Height of Structures

- (1) No building shall exceed three (3) stories or thirty-five (35) feet in height.
- (2) No accessory building shall exceed two (2) stories in height.
- (3) Free-standing poles, spires, towers, antennae, and similar structures not designed for or suitable for human occupancy may exceed the height provisions of this Ordinance provided they comply with all other codes

and ordinances, and provided that they are located at a distance equal to their own height from the nearest property line.

9. Minimum Off-Street Parking Requirements. (As required in Section H, General Provisions, of this Ordinance.)
10. Limitations on Signs and Billboards. (As required in Section J, General Provisions, of this Ordinance.)

Section C. R-3 (High Density Residential) Districts. Within the R-3 (High Density Residential) Districts as shown on the Zoning Map of Ripley, Tennessee, the following regulations shall apply:

1. Intent. The regulations for these districts as shown on the official zoning map were designed to accommodate medium to high population densities of the single-family and two-family type.
2. Uses Permitted
 - a. Single family and two family dwellings, excluding mobile homes; manufactured residential dwellings, as defined in Article X of this Ordinance and subject to the provisions of Article III, Section L. of this Ordinance.
 - b. Accessory buildings or uses customarily incidental to any aforementioned permitted use excluding portable accessory storage structures as defined in Article X of this ordinance.
 - c. Churches and other places of worship, schools offering general education courses, public parks and public recreation facilities, railroad rights-of-way; provided, however, that such use shall not be permitted except with the written approval of the Planning Commission and subject to such conditions as the Planning Commission may require in order to preserve and protect the character of the district in which the proposed use is located.
 - d. Customary general farming uses, gardens and buildings incidental thereto; provided, however, that no permit shall be issued for commercial animal, poultry farms or kennels.
 - e. Family Day Care Homes; provided, however, a permit for such use shall not be issued until a site plan is submitted to the Planning Commission for review, and further subject to the following minimum standards:
 - (1) All dimensional regulations of the district shall apply.
 - (2) A fenced play area of not less than fifty (50) square feet of open space per child shall be provided. The fence shall be at least four (4) feet in height.
 - (3) Along the site boundary of the facility, buffering, screening, and landscaping must be provided to adequately protect any abutting residential property.
 - (4) All outdoor play activities shall be conducted within the fenced play area. The fenced play area shall not be located within any required front yard.
 - (5) The facilities operation and maintenance shall meet the requirements of the Tennessee Department of Human Services.
 - (6) Off-street parking shall be provided at the rate of one space for each five (5) children accommodated plus the specific required space(s) for the district in which the facility is located.
 - (7) In order that the Planning Commission may make an accurate determination of the character of the proposed use, the applicant shall

submit an accurately and legibly drawn site plan showing existing and proposed buildings, landscaping, parking and access facilities.

3. Uses Permitted on Appeal

- a. Municipal, country, state or federal uses, other than those permitted in the above section, public utilities, cemeteries, philanthropic institutions and clubs, except a club the chief activity of which is customarily carried on as a business, may be permitted by the Board of Zoning Appeals, subject to such conditions as the Board may impose to protect the character of the neighborhood.
- b. Customary incidental home occupations, subject to the following standards:
 - (1) Standards for Home Occupations - The Board of Zoning Appeals may authorize the issuance of a special use permit for any home occupation after first holding a public hearing as provided in this section and subject to the following additional standards.
 - (2) Intent - It is the intent of this Ordinance to eliminate as home occupations all uses except those that conform to the standards set forth herein. Custom and tradition are intentionally excluded as criteria. The standards for home occupations are intended to insure compatibility with other permitted uses and with the residential character of the neighborhood and as clearly secondary or incidental status in relation to the residential use of the premises as the criteria for determining whether a proposed use as a home occupation.
 - (3) Standards for Home Occupations
 - (a) General - The standards set forth below shall be used by the Board of Zoning Appeals in evaluating an application for a home occupation. In evaluating an application for a home occupation, the Board of Zoning Appeals must insure the following:
 - (i) that the public interest has been adequately protected;
 - (ii) that no change in the character of the surrounding neighborhood will occur as a result of the home occupation;
 - (iii) that no excessive noise, heat, increased traffic and parking; and odor or hazard will result from the home occupation;
 - (iv) that the proposed home occupation will not place a strain or burden on existing public facilities and services, particularly sewer and water service, street improvements, fire and police protection, and solid waste collection.
 - (b) Performance Standards - Home Occupations are permitted as an incidental and subordinate use in specified residential districts when the applicant submits to the Board of Zoning Appeals satisfactory evidence of compliance with all of the following conditions:

- (i) Employees - such occupation shall be conducted solely by resident occupants in their residence:
- (ii) Incidental and Subordinate Use - the applicant must clearly demonstrate to the Board of Zoning Appeals that the home occupation is incidental and subordinate to its use for residential purposes. To insure the incidental and subordinate character, the home occupation shall be limited to fifteen (15) percent of the total area of the first floor of the residence.
- (iii) Appearance - in no way shall the appearance of the structure be altered or the occupation within the residence be conducted in a manner which would cause the premises to differ from its residential character either by the use of colors, materials, construction, lighting, signs or the emission of sounds, noises or vibrations.
- (iv) Accessory Buildings - no building or space outside the principal building shall be used for home occupation purposes.
- (v) Traffic - the additional parking generated by the home occupation shall take place on the site and the use may increase vehicular traffic flow and parking by no more than one additional vehicle at a time. The home occupation shall not involve the use of commercial vehicles for delivery of materials to or from the premises.
- (vi) Nuisance Controls - home occupation shall not generate traffic, parking, noise, vibrations, glare, fumes, odors, or electrical interference beyond what normally occurs in the applicable zoning district.
- (vii) Utilities - the public utility costs (water, sewer, electricity, solid waste collection, etc.) incurred in the operation of the home occupation shall not exceed what is normal to the use of the property for residential purposes.
- (viii) Signs - only one sign shall be allowed. It may indicate the name of the occupant and/or the name of the home occupation. It shall not exceed one square foot in area, shall be non-illuminated and attached flat to the main structure or visible through a window.

(4) Home Occupations Specifically Prohibited:

- (a) Antique Shop
- (b) Funeral Chapel or Funeral Home
- (c) Medical or dental clinic or hospital
- (d) Renting of trailers

- (e) Restaurant
- (f) Stable or kennel
- (g) Tourist home
- (h) Veterinary clinic or hospital
- (i) Mechanic Shop
- (j) Beauty or Barber Services serving more than one patron at time

(5) Business License and Certificate of Occupancy

- (a) If the special use permit for a home occupation is approved by the Board of Zoning Appeals, the applicant shall secure a license to operate the home occupation from the Office of the City Recorder. The license shall be in the name of the applicant only, and is not transferable to another person or location, or a different use other than the use approved as a home occupation.
- (b) Prior to issuance of a Certificate of Occupancy, the Building Inspector will insure that the proper business license has been issued for the home occupation and that all requirements of the Charter and Codes or Ordinances of the City of Ripley are complied with prior to the start of actual operations.
- (c) The business license and certificate of occupancy shall be renewed annually to insure compliance with applicable municipal codes as well as laws of the State of Tennessee.

4. Uses Prohibited

- a. Any other use not specifically permitted.

5. Side Yards on Corner Lots. The minimum width of side yards for dwellings along an intersecting street shall be thirty (30) feet for side facing street.

6. Location of Accessory Buildings.

- a. No accessory building shall be erected in any required front or side yard. Accessory buildings shall not cover more than thirty (30) percent of any required rear yard, and shall be at least five (5) feet from all lot lines and from any other building on the same lot provided, however, that a private garage may be built on a side or rear lot line, not an alley line by mutual agreement between adjoining property owners.
- b. Accessory buildings on corner lots shall conform with front yard setbacks for both intersecting streets.

7. Required Lot Area, Lot Width and Yards. The principal building shall be located so as to comply with the following minimum requirements.

- a. Minimum Required Lot Area (Dwellings).
 - (1) Single-Family 9,000 sq. ft.
 - (2) Two-family 12,600 sq. ft.

- b. Minimum Required Lot Area
 - (1) Libraries One half acre

- c. Minimum Required Lot Area (Schools and Churches)
 - (1) The building inspector shall not issue a permit until a site plan has been submitted to and approved by the Ripley Planning Commission. The site plan shall show the location, height and bulk of all proposed buildings, pedestrian and vehicular circulation, off-street parking, walls, hedges, fences and the proposed system for storm drainage. The proposed building shall meet all minimum lot and yard requirements for this section. In addition, the planning commission shall have the power to impose greater requirements than those set forth in this section or to impose conditions on the location and design of access points or other features as may be required to protect the neighborhood from traffic congestion or other undesirable conditions. This shall not include the power to regulate the architectural style of the buildings or other similar features not directly related to the public health, safety and welfare. The Planning Commission shall state in writing the reasons for denial of any properly submitted site plan. Any site plan not acted upon within sixty (60) days from submittal shall be deemed approved. The site plan must conform to the parking requirements as outlined in Article III of this Ordinance.

- d. Minimum Required Lot Area (Other Uses). As required by the Board of Zoning Appeals.

- e. Minimum Required Lot Width at the Building Line.
 - (1) Dwellings:
 - Single family 60 feet
 - Two family 80 feet
 - (2) Libraries 100 feet
 - (3) Schools and Churches As required by the Ripley Planning Commission
 - (4) Other Uses As required by the Board of Zoning Appeals.

- f. Minimum Required Front Yard and Corner Side Yard
 - (1) Dwellings - Single and Two Family 30 feet
 - (2) Libraries 50 feet

- (3) Three Story Buildings (Other than dwellings) 50 feet
- (4) Schools and Churches As required by the Ripley Planning Commission.
- (5) Other Uses As required by the Board of Zoning Appeals.

g. Minimum Required Rear Yard

- (1) Dwellings:
 - Single family 15 feet
 - Two family 20 feet
- (2) Libraries 50 feet
- (3) Three Story Buildings (Other than dwellings) 50 feet
- (4) Schools and Churches As required by the Ripley Planning Commission.
- (5) Other Uses As required by the Board of Zoning Appeals.

h. Minimum Required Side Yard on each Side of a Lot

- (1) Dwellings:
 - Single family 10 feet
 - Two family 15 feet
 - Three story buildings 15 feet
- (2) Libraries 50 feet
- (3) Three Story Buildings (Other than dwellings) 60 feet
- (4) Schools and Churches As required by the Ripley Planning Commission.
- (5) Other Uses As required by the Board of Zoning Appeals.

i. Undivided Developments - In this event a development is proposed without the division of land into lots or tracts. The development shall be so organized so that each structure shall meet the standards of V.A.7 above in relation to yard and area requirements.

8. Maximum Permitted Height of Structures

- a. No building shall exceed three (3) stories or thirty-five (35) feet in height.

- b. No accessory building shall exceed two (2) stories in height.
 - c. Free-standing poles, spires, towers, antennae and similar structures not designed for or suitable for human occupancy may exceed the height provisions of this Ordinance provided they comply with all other codes and ordinances, and provided that they are located at a distance equal to their own height from the nearest property line.
9. Minimum Off-Street Parking Requirements. (As required in Section H, General Provisions, of this Ordinance).
10. Limitations on Signs and Billboards. (As required in Section J, General Provisions of this Ordinance.)

Section D. R-4 (High Density Multi-Family) Districts. Within the R-4 (High Density Multi-Family) Districts as shown on the Zoning Map of Ripley, Tennessee, the following regulations shall apply:

1. Intent. The regulations for these districts as shown on the official zoning map were designed to accommodate high population densities ranging from single-family dwellings to multi-family dwellings, and including mobile home parks.
2. Uses Permitted
 - a. Single family and two family dwellings, excluding mobile homes; manufactured residential dwellings, as defined in Article X of this Ordinance and subject to the provisions of Article III, Section L. of this Ordinance.
 - b. Townhouses and multiple family dwellings or apartments, provided, however, that the building inspector shall not issue a building permit until a site plan shall have been submitted to and approved by the Ripley Municipal Planning Commission. The site plan shall show the following:
 - (1) Name of development or address.
 - (2) Name and address of owner of record and the applicant.
 - (3) Scale 1" = 25'.
 - (4) Present zoning of the site and abutting property.
 - (5) Date, scale, and north point with reference to source of meridian.
 - (6) Courses and distance of center of all streets and all property lines.
 - (7) All building restricting lines, setback lines, easements, covenants, reservations and rights-of-way.
 - (8) The total land area.
 - (9) Topography of existing ground, and paved areas and elevations of streets, alleys, utilities, sanitary and storm sewers and building and structures. Topography to be shown by dashed line illustrating two foot contours as required by the Planning Commission and by spot elevations where necessary to indicate flat area.
 - (10) Spaces for signed approval of Planning Commission.
 - (11) Sidewalks, streets, alleys, easements and utilities.
 - (12) Building and structures.
 - (13) Public sewer systems.
 - (14) Slopes, terraces and retaining walls.
 - (15) Driveways, entrances, exits, parking areas and sidewalks.

- (16) Water mains and fire hydrants.
- (17) Trees and shrubs.
- (18) Recreational areas, and swimming pools.
- (19) Natural and artificial water courses.
- (20) Limits of floodplains.

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

- (21) Sidewalks, streets, alleys, easements and utilities.
- (22) Buildings and structures including the front (street) elevation of proposed buildings.
- (23) Public sewer system.
- (24) Slopes, terraces, and retaining walls.
- (25) Driveways, entrances, exits, parking areas, sidewalks and garbage collector site.
- (26) Water mains and fire hydrants.
- (27) Trees and shrubs.
- (28) Recreational areas.
- (29) Distances between buildings.
- (30) Estimates of the following when applicable:
 - (a) Number of dwelling units.
 - (b) Number of parking spaces.
 - (c) Plans for collecting storm water and methods of treatment courses including a delineation of limits of flood plains, if any.
 - (d) 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 two or five foot contours as required by the Building Inspector and City Engineer.
- (31) Homeowners association agreement

In addition, the Planning Commission shall have the power to impose greater requirements than those set forth in this section or to impose conditions on the location and design of access points or other features as may be required to protect the neighborhood from traffic congestion or

other undesirable conditions. This shall not include the power to regulate the architectural style of buildings or other similar features not directly related to the public health, safety and welfare. The Planning Commission shall state in writing the reasons for denial of any properly submitted site plan. Any site plan not acted upon within sixty (60) days from submittal shall be deemed approved.

When land is being subdivided, lots created, or lots and structures sold, a final plat shall be required as set forth in Article III, Section (c.) of the Ripley Municipal Subdivision Regulations. Such plat shall be approved and recorded prior to the sell of any such lots.

- c. Accessory buildings or uses customarily incidental to any aforementioned permitted use excluding portable accessory storage structures as defined in Article X of this ordinance.
- d. Churches and other places of worship, schools offering general education courses, public parks and public recreation facilities, railroad rights-of-way; provided, however, that such use shall not be permitted except with the written approval of the Planning Commission and subject to such conditions as the Planning Commission may require in order to preserve and protect the character of the district in which the proposed use is located.
- e. Customary general farming uses, gardens and buildings incidental thereto; provided, however, that no permit shall be issued for commercial animal, poultry farms or kennels.
- f. Family Day Care Homes; provided, however, a permit for such use shall not be issued until a site plan is submitted to the Planning Commission for review, and further subject to the following minimum standards:
 - (1) All dimensional regulations of the district shall apply.
 - (2) A fenced play area of not less than fifty (50) square feet of open space per child shall be provided. The fence shall be at least four (4) feet in height.
 - (3) Along the site boundary of the facility, buffering, screening, and landscaping must be provided to adequately protect any abutting residential property.
 - (4) All outdoor play activities shall be conducted within the fenced play area. The fenced play area shall not be located within any required front yard.
 - (5) The facilities operation and maintenance shall meet the requirements of the Tennessee Department of Human Services.
 - (6) Off-street parking shall be provided at the rate of one space for each five (5) children accommodated plus the specific required space(s) for the district in which the facility is located.
 - (7) In order that the Planning Commission may make an accurate determination of the character of the proposed use, the applicant shall submit an accurately and legibly drawn site plan showing existing and proposed buildings, landscaping, parking and access facilities.

3. Uses Permitted on Appeal

- a. Municipal, country, state or federal uses, other than those permitted in the above section, public utilities, cemeteries, philanthropic institutions and clubs, except a club the chief activity of which is customarily carried on as a business, may be permitted by the Board of Zoning Appeals, subject to such conditions as the Board may impose to protect the character of the neighborhood.
- b. Customary incidental home occupations, subject to the following standards:
 - (1) Standards for Home Occupations - The Board of Zoning Appeals may authorize the issuance of a special use permit for any home occupation after first holding a public hearing as provided in this section and subject to the following additional standards.
 - (2) Intent - It is the intent of this Ordinance to eliminate as home occupations all uses except those that conform to the standards set forth herein. Custom and tradition are intentionally excluded as criteria. The standards for home occupations are intended to insure compatibility with other permitted uses and with the residential character of the neighborhood and as clearly secondary or incidental status in relation to the residential use of the premises as the criteria for determining whether a proposed use as a home occupation.
 - (3) Standards for Home Occupations
 - (a) General - The standards set forth below shall be used by the Board of Zoning Appeals in evaluating an application for a home occupation. In evaluating an application for a home occupation, the Board of Zoning Appeals must insure the following:
 - (i) that the public interest has been adequately protected;
 - (ii) that no change in the character of the surrounding neighborhood will occur as a result of the home occupation;
 - (iii) that no excessive noise, heat, increased traffic and parking; and odor or hazard will result from the home occupation;
 - (iv) that the proposed home occupation will not place a strain or burden on existing public facilities and services, particularly sewer and water service, street improvements, fire and police protection, and solid waste collection.
 - (b) Performance Standards - Home Occupations are permitted as an incidental and subordinate use in specified residential districts when the applicant submits to the Board of Zoning Appeals satisfactory evidence of compliance with all of the following conditions:
 - (i) Employees - such occupation shall be conducted solely by resident occupants in their residence:

- (ii) Incidental and Subordinate Use - the applicant must clearly demonstrate to the Board of Zoning Appeals that the home occupation is incidental and subordinate to its use for residential purposes. To insure the incidental and subordinate character, the home occupation shall be limited to fifteen (15) percent of the total area of the first floor of the residence.
- (iii) Appearance - in no way shall the appearance of the structure be altered or the occupation within the residence be conducted in a manner which would cause the premises to differ from its residential character either by the use of colors, materials, construction, lighting, signs or the emission of sounds, noises or vibrations.
- (iv) Accessory Buildings - no building or space outside the principal building shall be used for home occupation purposes.
- (v) Traffic - the additional parking generated by the home occupation shall take place on the site and the use may increase vehicular traffic flow and parking by no more than one additional vehicle at a time. The home occupation shall not involve the use of commercial vehicles for delivery of materials to or from the premises.
- (vi) Nuisance Controls - home occupation shall not generate traffic, parking, noise, vibrations, glare, fumes, odors, or electrical interference beyond what normally occurs in the applicable zoning district.
- (vii) Utilities - the public utility costs (water, sewer, electricity, solid waste collection, etc.) incurred in the operation of the home occupation shall not exceed what is normal to the use of the property for residential purposes.
- (viii) Signs - only one sign shall be allowed. It may indicate the name of the occupant and/or the name of the home occupation. It shall not exceed one square foot in area, shall be non-illuminated and attached flat to the main structure or visible through a window.

(4) Home Occupations Specifically Prohibited:

- (a) Antique Shop
- (b) Funeral Chapel or Funeral Home
- (c) Medical or dental clinic or hospital
- (d) Renting of trailers
- (e) Restaurant

- (f) Stable or kennel
- (g) Tourist home
- (h) Veterinary clinic or hospital
- (i) Mechanic Shop
- (j) Beauty or Barber Services serving more than one patron at time

(5) Business License and Certificate of Occupancy

- (a) If the special use permit for a home occupation is approved by the Board of Zoning Appeals, the applicant shall secure a license to operate the home occupation from the Office of the City Recorder. The license shall be in the name of the applicant only, and is not transferable to another person or location, or a different use other than the use approved as a home occupation.
- (b) Prior to issuance of a Certificate of Occupancy, the Building Inspector will insure that the proper business license has been issued for the home occupation and that all requirements of the Charter and Codes or Ordinances of the City of Ripley are complied with prior to the start of actual operations.
- (c) The business license and certificate of occupancy shall be renewed annually to insure compliance with applicable municipal codes as well as laws of the State of Tennessee.

- c. Mobile home and trailer parks provided they meet the requirements of the mobile home and trailer park regulations set forth in the Tennessee Trailer Court Act. A trailer or mobile home park must have a site and a development plan which are to be subject to approval by the Board of Zoning Appeals. The Board of Zoning appeals may impose such restrictions and requirements as it may deem necessary for the protection of adjoining property.

4. Uses Prohibited

- a. Any other use not specifically permitted.

5. Side Yards on Corner Lots. The minimum width of side yards for dwellings along an intersecting street shall be thirty (30) feet for side facing street.

6. Location of Accessory Buildings.

- a. No accessory building shall be erected in any required front or side yard. Accessory buildings shall not cover more than thirty (30) percent of any required rear yard, and shall be at least five (5) feet from all lot lines and from any other building on the same lot provided, however, that a private garage may be built on a side or rear lot line, not an alley line by mutual agreement between adjoining property owners.

- b. Accessory buildings on corner lots shall conform with front yard setbacks for both intersecting streets.
7. Required Lot Area, Lot Width and Yards. The principal building shall be located so as to comply with the following minimum requirements.
- a. Minimum Required Lot Area (Dwellings).
 - (1) Single-Family 7,500 sq. ft.
 - (2) Two-family 10,500 sq. ft.
 - (3) Multi-family and
Townhouse 7,500 sq. ft. for the first unit plus 2,500 sq. ft. for each additional unit shall be required for the overall development.
 - b. Minimum Required Lot Area
 - (1) Libraries One half acre
 - c. Minimum Required Lot Area (Schools and Churches)
 - (1) The building inspector shall not issue a permit until a site plan has been submitted to and approved by the Ripley Planning Commission. The site plan shall show the location, height and bulk of all proposed buildings, pedestrian and vehicular circulation, off-street parking, walls, hedges, fences and the proposed system for storm drainage. The proposed building shall meet all minimum lot and yard requirements for this section. In addition, the planning commission shall have the power to impose greater requirements than those set forth in this section or to impose conditions on the location and design of access points or other features as may be required to protect the neighborhood from traffic congestion or other undesirable conditions. This shall not include the power to regulate the architectural style of the buildings or other similar features not directly related to the public health, safety and welfare. The Planning Commission shall state in writing the reasons for denial of any properly submitted site plan. Any site plan not acted upon within sixty (60) days from submittal shall be deemed approved. The site plan must conform to the parking requirements as outlined in Article III of this Ordinance.
 - d. Minimum Required Lot Area (Other Uses). As required by the Board of Zoning Appeals.
 - e. Minimum Required Lot Width at the Building Line.
 - (1) Dwellings:
 - Single Family 60 feet
 - Two Family 80 feet
 - (2) Dwellings -
Multi-family and
Townhouses 100 feet lot widths shall be required for the overall development.

Individual town-house or condominium lots widths shall be 20 feet per unit plus required yards.

- (3) Libraries 100 feet
- (4) Schools and Churches As required by the Ripley Planning Commission
- (5) Other Uses As required by the Board of Zoning Appeals.

f. Minimum Required Front Yard and Corner Side Yard

- (1) Dwellings - Single and Two Family 30 feet
- (2) Dwellings - Multi-family and townhouse 30 feet for front yard for the overall development.
Individual townhouse or condominiums shall have internal front yard requirements of 10 feet.
- (3) Libraries 50 feet
- (4) Three Story Buildings (Other than dwellings) 50 feet
- (5) Schools and Churches As required by the Ripley Planning Commission.
- (6) Other Uses As required by the Board of Zoning Appeals.

g. Minimum Required Rear Yard

- (1) Dwellings:
Single family 15 feet
Two family 20 feet
- (2) Dwellings - Multi-family and Townhouses 20 feet for the overall development.
Individual town-houses or condominiums shall have a rear lot of 10 feet.
- (3) Libraries 50 feet
- (4) Three Story Buildings (Other than dwellings) 50 feet

- (5) Schools and Churches As required by the Ripley Planning Commission.
- (6) Other Uses As required by the Board of Zoning Appeals.

h. Minimum Required Side Yard on each Side of a Lot

- (1) Dwellings:
 - Single family 10 feet
 - Two family 15 feet
 - Three story buildings 15 feet
- (2) Dwellings - Multi-family and Townhouses 15 feet for the entire development.

None on side of townhouse with common wall. In all other cases, the side yard will be 20 feet for one or two story buildings and 25 feet for three story buildings.
- (3) Libraries 50 feet
- (4) Three Story Buildings (Other than dwellings) 60 feet
- (5) Schools and Churches As required by the Ripley Planning Commission.
- (6) Other Uses As required by the Board of Zoning Appeals.

i. Undivided Developments - In this event a development is proposed without the division of land into lots or tracts. The development shall be so organized so that each structure shall meet the standards of V.A.7 above in relation to yard and area requirements.

8. Maximum Permitted Height of Structures

- a. No building shall exceed three (3) stories or thirty-five (35) feet in height.
- b. No accessory building shall exceed two (2) stories in height.
- c. Free-standing poles, spires, towers, antennae and similar structures not designed for or suitable for human occupancy may exceed the height provisions of this Ordinance provided they comply with all other codes and ordinances, and provided that they are located at a distance equal to their own height from the nearest property line.

9. Minimum Off-Street Parking Requirements. (As required in Section H, General Provisions, of this Ordinance).

10. Limitations on Signs and Billboards. (As required in Section J, General Provisions of this Ordinance.)

ARTICLE VI. PROVISIONS GOVERNING BUSINESS DISTRICTS

Section A. B-1 (Neighborhood Business) Districts. Within the B-1 (Neighborhood Business) Districts as shown on the Official Zoning Map of Ripley, Tennessee, the following regulations shall apply:

1. Intent. The regulations for these districts as shown on the Official Zoning Map were designed to provide activity devoted mainly to the routine daily shopping needs of the residents of the immediate environs in which they are located.
2. Uses Permitted
 - a. Any use permitted in Article V, excluding Article V, Section D.
 - b. Grocery stores, delicatessens, fruit and meat markets, bakery shops, laundromats, laundry and dry cleaning collection or distribution stations, drug stores, barber and beauty shops, shoe repair shops, hardware stores, kindergartens, service stations, newspaper stand, dairy products, funeral homes, florist shops, decorator's shop, gift shops, restaurants, banks, savings and loan associations, hobby shops, book stores, camera shops, radio and television sales and service and federal, state, county and municipal uses.
 - c. Any use or structure incidental to the permitted principal use or structure excluding portable accessory storage structures as defined in Article X of this ordinance.
 - d. Churches and other places of worship, schools offering general education courses, public parks, and public recreation facilities, railroad rights-of-way; provided, however, that such use shall not be permitted except with the written approval of the planning commission and subject to such conditions as the Planning Commission may require in order to preserve and protect the character of the district in which the proposed use is located.
 - e. Family Day Care Homes, Group Day Care Homes, and Day Care Centers; provided however, a permit for such use shall not be issued until a site plan is submitted to the Planning Commission for review, and further subject to the following minimum standards:
 - (1) All dimensional regulations of the district shall apply.
 - (2) A fenced play area of not less than fifty (50) square feet of open space per child shall be provided. The fence shall be at least four (4) feet in height.
 - (3) Along the site boundary of the facility, buffering, screening, and landscaping must be provided to adequately protect any abutting residential property.
 - (4) All outdoor play activities shall be conducted within the fenced play area. The fenced play area shall not be located within any required front yard.
 - (5) The facilities operation and maintenance shall meet the requirements of the Tennessee Department of Human Services.

- (6) Off-street parking shall be provided at the rate of one space for each five (5) children accommodated plus the specific required space(s) for the district in which the facility is located.
- (7) In order that the Planning Commission may make an accurate determination of the character of the proposed use, the applicant shall submit an accurately and legibly drawn site plan showing existing and proposed buildings, landscaping, parking and access facilities.

3. Uses Permitted on Appeal

- a. Any other use which in the opinion of the Board of Zoning Appeals is similar in character to above permitted uses and not detrimental to the immediate area.

4. Site Plan Procedure

- a. Before a permit is issued for any permitted use listed above, a site plan of the proposed development shall be reviewed and approved by the Planning Commission. The Planning Commission shall have the power to impose conditions regarding the location of the buildings on the site, the location and design of parking and access facilities, fencing and screening, noise abatement, outdoor advertising and other features affecting the character of the area and the compatibility of the proposed use and existing nearby uses.
- b. In order that the Planning Commission may make an accurate determination of the character of the proposed use and its compliance with ordinance standards, the applicant shall submit an accurately and legibly drawn site plan, fourteen (14) days prior to the regular meeting at a scale of not less than 100 feet to one inch, illustrating the proposed development including, but not limited to, the following:
 1. a survey, certified by a register land surveyor or engineer showing property lines and dimensions; the gross land area of the site; existing and proposed utilities; easements, streets and roadways; rail rights-of-way; public rights-of-way crossing and adjacent to the subject property; all building restricting lines and highway setback lines;
 2. location, size and arrangement of proposed buildings and existing buildings which will remain including height in stories and feet, gross floor area in square feet for individual buildings and total for all buildings; and the front (street) elevations of all buildings;
 3. the proposed use of buildings, including the number of commercial or industrial tenants and employees;
 4. location, dimensions, and number of all vehicular and pedestrian circulation elements, including driveways, entrances, driving aisles, sidewalks, and parking spaces;
 5. any proposed regrading of the site and any significant natural topographical or physical features of the site including, at least, water courses and trees, including limits of flood plains;
 6. topography of existing and proposed ground levels to be illustrated by dashed lines at two-foot contours, as required by the Building Inspector;

7. existing and proposed surface and subsurface drainage facilities per city drainage specifications;
 8. location, size and arrangement of all outdoor signs and lighting;
 9. landscaping and the location and height of fences or screen plantings and the type or kind of building materials or plantings to be used for fencing or screening;
 10. the name, address and telephone number of the applicant and the owner, if different from the applicant;
 11. the present zoning of the site and abutting property;
 12. date, scale and north point with reference to source of meridian; and
 13. a vicinity map showing the relation of the property to the City of Ripley.
- c. Provided, however, the Building Inspector may issue a permit without the necessity of fulfilling the requirements of paragraphs a. and b. above for the following types of developments:
1. construction of canopies;
 2. construction of signs;
 3. construction of accessory buildings;
 4. minor additions to an existing building. For the purposes of this section, a minor addition to an existing building shall be defined as any expansion of square footage under roof by accumulative amount during a five-year period of less than twenty percent (20%) of the square footage under roof of said structure prior to expansion; and
 5. installation of underground tanks.
- d. For the type of development in c. above to be exempt from the requirements of paragraphs a. and b., the property developed in paragraph c. above:
1. cannot increase the need for additional parking nor eliminate any parking that exists that is required by the use; and,
 2. complies with all yard requirements.
- e. Requirements for issuance of a permit by the Building Inspector shall be provided for in Chapter XII.
- f. Certificate of Occupancy: Where there is any change of use or occupancy of property, the Building Inspector may issue a certificate of occupancy without review by the Planning Commission where the Building Inspector determines that all the development requirements of the use or property are currently being met.

5. Uses Prohibited. Any other use not specifically permitted in this section or permissible on appeal is prohibited.

6. Required Lot Area, Lot Width, Yards and Access Points.

a. The minimum required lot areas, widths, yards and access points shall be as follows:

		<u>Non-Residential</u>	<u>Residential</u>
Lot Area		None	7,500 sq. ft. for Single Family Dwellings and 10,500 sq. ft. for Two-Family Dwellings.
Lot Width		None	60 ft.
Yards:	Front	25 ft.	30 ft.
	Rear	20 ft.	15 ft.
	Side (1 & 2 story bldgs.)	None	10 ft.
	Side (3 story bldgs)	None	15 ft.

Access Points. The following standards shall apply to the location of all access points in B-1 neighborhood shopping facilities.

Number of driveways - 2 per 100 feet of frontage

Maximum width of driveway at out-side edge of sidewalk - 32 feet

Minimum distance from:	Intersections	25 feet
	Property lines	5 feet
	Other driveways	10 feet
	Fire hydrants, catch basins, etc.	5 feet
	Maximum angle of driveway to street	45 degrees to 90 degrees

b. On lots adjacent to a residential district, all buildings shall be located so as to comply with the side yard requirements of the adjacent residential district on the side adjacent to the residential district.

c. Installations essential to the business operation shall be set back from the street or alley so that any service rendered by the business shall not obstruct a public way.

7. Maximum Permitted Height of Structures
 - a. No building shall exceed three (3) stories or thirty-five (35) feet in height.
 - b. No accessory building shall exceed two (2) stories in height.
 - c. Free-standing poles, spires, towers, antennae and similar structures not designed for or suitable for human occupancy may exceed the height provisions of this Ordinance provided they comply with all other codes and ordinances, and provided that they are located at a distance equal to their own height from the nearest property line.
8. Minimum Off-Street Parking Requirements. (As required in Section H, General Provisions, of this Ordinance.)
9. Limitations on Signs and Billboards. (As required in Section J, General Provisions, of this Ordinance.)

Section B. B-2 (General Business) Districts. Within the B-2 (General Business) Districts as shown on the Zoning Map of Ripley, Tennessee, the following regulations shall apply:

1. Intent. The regulations for these districts as shown on the Official Zoning Map were designed to provide areas within the community where commercial activities of a more diverse nature could locate and satisfy their requirements for location convenient to the general public without adversely affecting housing areas or being adversely affected by industries or other uses with objectionable characteristics.
2. Uses Permitted
 - a. Any use permitted in Section A-2 of Article VI.
 - b. Banking institutions, motels, hotels, mortuaries, veterinary clinics, animal hospitals, greenhouses or nurseries, flower shops, auto repair shops, auto sales, farm implement sales, offices, public parking lots and garages, bakery, book stores, camera shops, furniture stores, sporting goods, appliances, automobile parts, nurseries and greenhouses, mobile home sales, civic clubs, commercial recreation, paint and wall paper sales, churches, and federal, state, municipal uses; any retail or wholesale business whose major activity is the sale of goods or services and the storage of these items incidental to their operations; manufacturing incidental to retail business or services where products are sold on the premises and where not more than ten (10) employees are engaged in such activities; gasoline or other flammable liquids stored above ground but not in excess of five hundred (500) gallons, medical offices; dental offices.
 - c. Household Goods Warehousing and Storage Facility.
 - d. Portable accessory storage structures as defined in Article X and under such conditions specified in Article III., Section P., of this ordinance.
3. Uses Permitted on Appeal
 - a. Moving and storage companies, warehousing operations necessitating storage and warehousing facilities for the servicing of vehicles and equipment connected or associated with such operations under those conditions which the Board of Zoning Appeals may deem necessary in keeping with the objectives of this Ordinance.
 - b. Any other use which in the opinion of the Board of Zoning Appeals is similar in character to above permitted uses and not detrimental to the immediate area.
4. Site Plan Procedure
 - a. Before a permit is issued for any permitted use listed above, a site plan of the proposed development shall be reviewed and approved by the Planning Commission. The Planning Commission shall have the power to impose conditions regarding the location of the buildings on the site, the location and design of parking and access facilities, fencing and screening, noise abatement, outdoor advertising and other features affecting the character of the area and the compatibility of the proposed use and existing nearby uses.

- b. In order that the Planning Commission may make an accurate determination of the character of the proposed use and its compliance with ordinance standards, the applicant shall submit an accurately and legibly drawn site plan, fourteen (14) days prior to the regular meeting at a scale of not less than 100 feet to one inch, illustrating the proposed development including, but not limited to, the following:
1. a survey, certified by a registered land surveyor or engineer showing property lines and dimensions; the gross land area of the site; existing and proposed utilities; easements, streets and roadways; rail rights-of-way; public rights-of-way crossing and adjacent to the subject property; all building restricting lines and highway setback lines;
 2. location, size and arrangement of proposed buildings and existing buildings which will remain including height in stories and feet, gross floor area in square feet for individual buildings and total for all buildings; and the front (street) elevations of all buildings;
 3. the proposed use of buildings, including the number of commercial or industrial tenants and employees;
 4. location, dimensions, and number of all vehicular and pedestrian circulation elements, including driveways, entrances, driving aisles, sidewalks, and parking spaces;
 5. any proposed regrading of the site and any significant natural topographical or physical features of the site including, at least, water courses and trees, including limits of flood plains;
 6. topography of existing and proposed ground levels to be illustrated by dashed lines at two-foot contours, as required by the Building Inspector;
 7. existing and proposed surface and subsurface drainage facilities per city drainage specifications;
 8. location, size and arrangement of all outdoor signs and lighting;
 9. landscaping and the location and height of fences or screen plantings and the type or kind of building materials or plantings to be used for fencing or screening;
 10. the name, address and telephone number of the applicant and the owner, if different from the applicant;
 11. the present zoning of the site and abutting property;
 12. date, scale and north point with reference to source of meridian; and
 13. a vicinity map showing the relation of the property to the City of Ripley.
- c. Provided, however, the Building Inspector may issue a permit without the necessity of fulfilling the requirements of paragraphs a. and b. above for the following types of developments:
1. construction of canopies;

2. construction of signs;
 3. construction of accessory buildings;
 4. minor additions to an existing building. For the purposes of this section, a minor addition to an existing building shall be defined as any expansion of square footage under roof by accumulative amount during a five-year period of less than twenty percent (20%) of the square footage under roof of said structure prior to expansion; and
 5. installation of underground tanks.
- d. For the type of development in c. above to be exempt from the requirements of paragraphs a. and b., the property developed in paragraph c. above:
1. cannot increase the need for additional parking nor eliminate any parking that exists that is required by the use; and,
 2. complies with all yard requirements.
- e. Requirements for issuance of a permit by the Building Inspector shall be provided for in Chapter XII.
- f. Certificate of Occupancy: Where there is any change of use or occupancy of property, the Building Inspector may issue a certificate of occupancy without review by the Planning Commission where the Building Inspector determines that all the development requirements of the use or property are currently being met.

5. Uses Prohibited

- a. Any other use not specifically permitted in this Section or permissible on appeal is prohibited.

6. Required Lot Area, Lot Width, Yards, and Access Points

- a. Buildings hereafter constructed shall be located so as to comply with the following requirements:

		<u>Non-Residential</u>	<u>Residential</u>
Lot Area		None	7,500 sq. ft. for Single Family Dwellings and 10,5000 sq. ft. for Two-Family Dwellings.
Lot Width		None	60 ft.
Yards:	Front	25 ft.	30 ft.
	Rear	20 ft.	15 ft.
	Side (1 & 2		

story bldgs.) None 10 ft.

Side (3 storybldgs.) None 15 ft.

Access Points. The following standards shall apply to the location of all access points in B-2 neighborhood shopping facilities.

Number of driveways - 2 per 100 feet of frontage

Maximum width of driveway at out-side edge of sidewalk - 32 feet

Minimum distance from:	Intersections	25 feet
	Property lines	5 feet
	Other driveways	10 feet
	Fire hydrants, catch basins, etc.	5 feet
	Maximum angle of driveway to street	45 degrees to 90 degrees

- b. On lots adjacent to a residential district, all buildings shall be located so as to comply with the side yard requirements of the adjacent residential district on the side adjacent to the residential district.
- c. Installations essential to the business operation shall be set back from the street or alley so that any service rendered by the business shall not obstruct a public way.
- d. Household Goods Warehousing and Storage facilities shall provide a minimum spacing between buildings of 25 feet, with a minimum spacing between buildings and any property line of 25 feet.

7. Maximum Permitted Height of Structures
 - a. No building shall exceed three (3) stories or thirty-five (35) feet in height.
 - b. No accessory building shall exceed two (2) stories in height.
 - c. Free-standing poles, spires, towers, antennae and similar structures not designed for or suitable for human occupancy may exceed the height provisions of this Ordinance provided they comply with all other codes and ordinances, and provided that they are located at a distance equal to their own height from the nearest property line.
8. Minimum Off-Street Parking Requirements. (As required in Section H, General Provisions, of this Ordinance.)
9. Limitations on Signs and Billboards. (As required in Section J, General Provisions, of this Ordinance.)

Section C. B-3 (Central Business) Districts. Within the B-3 (Central Business) District as shown on the Official Zoning Map of Ripley, Tennessee, the following regulations shall apply.

1. Intent. The regulations of this district as shown on the Official Zoning Map are designed to:
 - a. Provide ample space for community activity needing a central location .
 - b. Encourage the tendency of commercial development to concentrate to the mutual advantage of merchant and customer.
 - c. Protect commercial development against the encroachment of uses which would tend to create fire hazards, offensive noise, truck traffic, smoke, dust or other objectionable influences.
 - d. Promote the stability of commercial development and conserve the land values of the area thus promoting the health, safety, welfare and general prosperity of the community.
2. Uses Permitted
 - a. Any use permitted in Section A-2 of Article VI, excluding service stations and Portable accessory storage structures.
 - b. Medical and dental offices, food, clothing, hardware, and furniture stores, tailor shops, drug stores, shoe sales and repair shops, dry cleaning and laundry pickup offices, restaurants, offices, banks, churches, public uses, barber and beauty shops, club houses, hotels, schools and colleges, department stores, sporting goods, point and wallpaper stores, furniture stores, appliances, automobile parts, jewelry stores, cloth shops, musical instruments, records and photographs, motorcycle and bicycle sales and service, variety stores, printing, commercial recreation, watch repair, clubs, lodge halls, federal, state, and municipal uses.
 - c. Any accessory use or building customarily incidental to the above permitted use or structure excluding portable accessory storage structures as defined in Article X of this ordinance.
3. Uses Permitted on Appeal.
 - a. Theaters and auditoriums provided written approval of the Board of Zoning Appeals is obtained.
 - b. Any other use which in the opinion of the Board of Zoning Appeals is similar in character to above permitted uses and not detrimental to the immediate area.
4. Site Plan Procedure
 - a. Before a permit is issued for any permitted use listed above, a site plan of the proposed development shall be reviewed and approved by the Planning Commission. The Planning Commission shall have the power to impose conditions regarding the location of the buildings on the site, the location and design of parking and access facilities, fencing and screening, noise abatement, outdoor advertising and other features affecting the character of the area and the compatibility of the proposed use and existing nearby uses.

- b. In order that the Planning Commission may make an accurate determination of the character of the proposed use and its compliance with ordinance standards, the applicant shall submit an accurately and legibly drawn site plan, fourteen (14) days prior to the regular meeting at a scale of not less than 100 feet to one inch, illustrating the proposed development including, but not limited to, the following:
1. a survey, certified by a register land surveyor or engineer showing property lines and dimensions; the gross land area of the site; existing and proposed utilities; easements, streets and roadways; rail rights-of-way; public rights-of-way crossing and adjacent to the subject property; all building restricting lines and highway setback lines;
 2. location, size and arrangement of proposed buildings and existing buildings which will remain including height in stories and feet, gross floor area in square feet for individual buildings and total for all buildings; and the front (street) elevations of all buildings;
 3. the proposed use of buildings, including the number of commercial or industrial tenants and employees;
 4. location, dimensions, and number of all vehicular and pedestrian circulation elements, including driveways, entrances, driving aisles, sidewalks, and parking spaces;
 5. any proposed regrading of the site and any significant natural topographical or physical features of the site including, at least, water courses and trees, including limits of flood plains;
 6. topography of existing and proposed ground levels to be illustrated by dashed lines at two-foot contours, as required by the Building Inspector;
 7. existing and proposed surface and subsurface drainage facilities per city drainage specifications;
 8. location, size and arrangement of all outdoor signs and lighting;
 9. landscaping and the location and height of fences or screen plantings and the type or kind of building materials or plantings to be used for fencing or screening;
 10. the name, address and telephone number of the applicant and the owner, if different from the applicant;
 11. the present zoning of the site and abutting property;
 12. date, scale and north point with reference to source of meridian; and
 13. a vicinity map showing the relation of the property to the City of Ripley.
- c. Provided, however, the Building Inspector may issue a permit without the necessity of fulfilling the requirements of paragraphs a. and b. above for the following types of developments:
1. construction of canopies;

2. construction of signs;
 3. construction of accessory buildings;
 4. minor additions to an existing building. For the purposes of this section, a minor addition to an existing building shall be defined as any expansion of square footage under roof by accumulative amount during a five-year period of less than twenty percent (20%) of the square footage under roof of said structure prior to expansion; and
 5. installation of underground tanks.
- d. For the type of development in c. above to be exempt from the requirements of paragraphs a. and b., the property developed in paragraph c. above:
1. cannot increase the need for additional parking nor eliminate any parking that exists that is required by the use; and,
 2. complies with all yard requirements.
- e. Requirements for issuance of a permit by the Building Inspector shall be provided for in Chapter XII.
- f. Certificate of Occupancy: Where there is any change of use or occupancy of property, the Building Inspector may issue a certificate of occupancy without review by the Planning Commission where the Building Inspector determines that all the development requirements of the use or property are currently being met.
5. Uses Prohibited. Wholesaling, manufacturing, building materials yards, funeral homes, dry cleaning, filling stations, single and multiple family dwellings, apartments, jails and hospitals.
6. Regulations Controlling Lot Area, Lot Width, Yards and Building Coverage.
No minimum requirements.
7. Maximum Permitted Height of Structures
- a. No building shall exceed three (3) stories or thirty-five (35) feet in height.
 - b. No accessory building shall exceed two (2) stories in height.
 - c. Free-standing poles, spires, towers, antennae and similar structures not designed for or suitable for human occupancy may exceed the height provisions of this Ordinance provided they comply with all other codes and ordinances, and provided that they are located at a distance equal to their own height from the nearest property line.
8. Limitations on Signs and Billboards. (As required in Section J, General Provisions, of this Ordinance).

Section D. B-4 (Impact Commercial) Districts. The Primary purpose of this district is to recognize and allow a limited range of commercial establishments with the potential to present an adverse impact on surrounding properties and land uses. Such districts should be situated in areas of the City having a minimal proximity to religious and educational facilities and residential neighborhoods. Areas zoned B-4 (Impact Commercial) should be situated no closer than 1,000 feet from major thoroughfares.

Within the B-4 (Impact Commercial) District as shown on the Zoning Map of Ripley, Tennessee, the following regulations shall apply.

1. Uses Permitted.
 - (a) Wholesale and Retail Trade.
 - (b) Services Limited to:
 1. Finance, Insurance and real estate services (61).
 2. Personal Services (62).
 3. Business Services (63) excluding: Warehousing and storage services (637).
 4. Professional Services (65) excluding: Hospitals (6513) and Sanitariums, convalescent and rest home services (6516).
 5. Governmental Services (67).
 7. Miscellaneous Services (69).
 - (c) Hotels, Motels and Transient Lodging
 - (d) Transportation, Communication and Utilities Limited to:
 1. Utilities (48) Limited to:
 - a. Electric (481)
 - b. Gas (482)
 - c. Water (483)
 - (e) Cultural, Entertainment and Recreational Uses
2. Uses Permitted on Appeal. Following public notice and hearing and subject to appropriate conditions and safe-guards, The Board of Zoning Appeals may permit:
 - (a) Adult Oriented Businesses: Adult oriented businesses as defined in Article X of this ordinance and as further defined in Section 2 of Ordinance 422 amending the Ripley Municipal Code, may be permitted provided that no Zoning Compliance Permit or Certificate of Occupancy for such use shall be issued without written approval of the Board of Zoning Appeals and subject to such conditions as the Board of Zoning Appeals may require in order to preserve and protect the

character of the neighborhood in which the proposed use is located; and further provided that the Board of Zoning Appeals may not approve such use unless conditions specified in the Sexually Oriented Business Regulations contained in the Ripley Municipal Code are complied with.

3. Uses Prohibited. All uses not specifically permitted herein are prohibited.

4. Regulations Controlling Lot Area, Lot Widths, Yards and Building Heights.

(a) Minimum Lot Size.

All uses - 1 acre or greater if required by the county environmentalist based on soil characteristics.

(b) Minimum Lot Width at the Building Line.

All uses - 100 feet

(c) Minimum Front Yard Depth.

All lots fronting arterial streets - 60 feet

All other Lots - 45 feet

(d) Minimum Side Yard.

All uses - 20 feet

(e) Minimum Rear Yard Depth.

All uses - 30 feet except when abutting residential property, 40 feet

(f) Maximum Building Coverage (total all buildings).

All uses - Forty (40%) percent

(g) Maximum Building Height.

a. No building shall exceed three (3) stories or thirty-five (35) feet in height.

b. No accessory building shall exceed two (2) stories in height.

c. Free standing poles, spires, towers, antennae and similar structures not designed or suitable for human occupancy may exceed the height provisions of this Ordinance provided they comply with all other codes and ordinances, and provided that they are located at a distance equal to their own height from the nearest property line.

Section E. B-5 (Fringe Commercial) District. Within the B-5 (Fringe Commercial) Districts as shown on the Zoning Map of Ripley, Tennessee, the following regulations shall apply:

1. Intent. The regulations for these districts as shown on the Official Zoning Map were designed to provide areas within the community where only general commercial (See Article VI, section B) activities could locate and satisfy their requirements for location convenient to the general public without adversely affecting adjacent housing areas or being adversely affected by industries or other uses with objectionable characteristics.
2. Uses Permitted
 - a. Banking institutions, motels, hotels, mortuaries, veterinary clinics, animal hospitals, flower shops, auto repair shops, auto sales, farm implement sales, offices, public parking lots and garages, bakery, book stores, camera shops, furniture stores, sporting goods, appliances, automobile parts, nurseries and greenhouses, mobile home sales, civic clubs, commercial recreation, paint and wall paper sales, churches, and federal, state, municipal uses; any retail or wholesale business whose major activity is the sale of goods or services and the storage of these items incidental to their operations; manufacturing incidental to retail business or services where products are sold on the premises and where not more than ten (10) employees are engaged in such activities; gasoline or other flammable liquids stored above ground but not in excess of five hundred (500) gallons, medical offices; dental offices.
 - b. Household Goods Warehousing and Storage Facility.
 - c. Portable accessory storage structures as defined in Article X and under such conditions specified in Article III., Section P., of this ordinance.
3. Uses Permitted on Appeal
 - a. Moving and storage companies, warehousing operations necessitating storage and warehousing facilities for the servicing of vehicles and equipment connected or associated with such operations under those conditions which the Board of Zoning Appeals may deem necessary in keeping with the objectives of this Ordinance.
 - b. Any other use which in the opinion of the Board of Zoning Appeals is similar in character to above permitted uses and not detrimental to the immediate area.
4. Site Plan Procedure
 - a. Before a permit is issued for any permitted use listed above, a site plan of the proposed development shall be reviewed and approved by the Planning Commission. The Planning Commission shall have the power to impose conditions regarding the location of the buildings on the site, the location and design of parking and access facilities, fencing and screening, noise abatement, outdoor advertising and other features affecting the character of the area and the compatibility of the proposed use and existing nearby uses.
 - b. In order that the Planning Commission may make an accurate determination of the character of the proposed use and its compliance with ordinance standards, the applicant shall submit an accurately and legibly drawn site plan, seven (7) days prior to the regular meeting at a scale of not less than 100 feet to one inch, illustrating the proposed development including, but not limited to, the following:
 1. a survey, certified by a registered land surveyor or engineer showing property lines and dimensions; the gross land area of the site; existing and proposed utilities; easements, streets and roadways; rail rights-of-way;

- public rights-of-way crossing and adjacent to the subject property; all building restricting lines and highway setback lines;
2. location, size and arrangement of proposed buildings and existing buildings which will remain including height in stories and feet, gross floor area in square feet for individual buildings and total for all buildings; and the front (street) elevations of all buildings;
 3. the proposed use of buildings, including the number of commercial or industrial tenants and employees;
 4. location, dimensions, and number of all vehicular and pedestrian circulation elements, including driveways, entrances, driving aisles, sidewalks, and parking spaces;
 5. any proposed regrading of the site and any significant natural topographical or physical features of the site including, at least, water courses and trees, including limits of flood plains;
 6. topography of existing and proposed ground levels to be illustrated by dashed lines at two-foot contours, as required by the Building Inspector;
 7. existing and proposed surface and subsurface drainage facilities per city drainage specifications;
 8. location, size and arrangement of all outdoor signs and lighting;
 9. landscaping and the location and height of fences or screen plantings and the type or kind of building materials or plantings to be used for fencing or screening;
 10. the name, address and telephone number of the applicant and the owner, if different from the applicant;
 11. the present zoning of the site and abutting property;
 12. date, scale and north point with reference to source of meridian; and
 13. a vicinity map showing the relation of the property to the City of Ripley.
- c. Provided, however, the Building Inspector may issue a permit without the necessity of fulfilling the requirements of paragraphs a. and b. above for the following types of developments:
1. construction of canopies;
 2. construction of signs;
 3. construction of accessory buildings;
 4. minor additions to an existing building. For the purposes of this section, a minor addition to an existing building shall be defined as any expansion of square footage under roof by accumulative amount during a five-year period of less than twenty percent (20%) of the square footage under roof of said structure prior to expansion; and
 5. installation of underground tanks.
- d. For the type of development in c. above to be exempt from the requirements of paragraphs a. and b., the property developed in paragraph c. above:
1. cannot increase the need for additional parking nor eliminate any parking that exists that is required by the use; and,

- b. No accessory building shall exceed two (2) stories in height.
 - c. Free-standing poles, spires, towers, antennae and similar structures not designed for or suitable for human occupancy may exceed the height provisions of this Ordinance provided they comply with all other codes and ordinances, and provided that they are located at a distance equal to their own height from the nearest property line.
8. Minimum Off-Street Parking Requirements. (As required in Section H, General Provisions, of this Ordinance.)
9. Limitations on Signs and Billboards. (As required in Section J, General Provisions, of this Ordinance.)

ARTICLE VII. PROVISIONS GOVERNING HOSPITAL AND MEDICAL DISTRICT

Section A. H-1 Hospital and Medical District. Within the H-1 (Hospital and Medical District) as shown on the Official Zoning Map of Ripley, Tennessee, the following regulations shall apply:

1. Intent. The regulations for these districts as shown on the Official Zoning Map are designed to provide an area or areas within the community for the location of major medical and related services, to protect and advance the operation of this activity from adverse influences and promote the establishment of complimentary facilities.
2. Uses Permitted.
 - a. Hospitals; clinics; medical, dental and chiropractic offices; nursing homes; laboratories and establishments for the production of eye glasses, hearing aids and other related medical needs; drug stores; barber and beauty shops, florist, gift shops. Single and multi-family dwellings in accordance with the regulations of Article V, Section A, or as otherwise provided in this Section.
3. Permitted Accessory Uses
 - a. The sale of food, beverages, periodicals and tobacco will not be permitted except for the convenience of the employees, patients and visitors within each hospital, clinic or office building, and provided that any advertising of such sales shall be confined to the interior of the building and shall not be visible from the outside of such buildings. Access to any room or enclosure set aside for such sales shall be from the interior of the building only.
4. Uses Permitted on Appeal
 - a. Any other use which, in the opinion of the Board of Zoning Appeals, is similar in character to above permitted uses and will not be detrimental to the district in which located, subject to such conditions and safeguards as may be required by the Board of Zoning Appeals.
5. Site Plan Procedure
 - a. Before a permit is issued for any permitted use listed above, a site plan of the proposed development shall be reviewed and approved by the Planning Commission. The Planning Commission shall have the power to impose conditions regarding the location of the buildings on the site, the location and design of parking and access facilities, fencing and screening, noise abatement, outdoor advertising and other features affecting the character of the area and the compatibility of the proposed use and existing nearby uses.
 - b. In order that the Planning Commission may make an accurate determination of the character of the proposed use and its compliance with ordinance standards, the applicant shall submit an accurately and legibly drawn site plan, fourteen (14) days prior to the regular meeting at a scale of not less than 100 feet to one inch, illustrating the proposed development including, but not limited to, the following:

1. a survey, certified by a register land surveyor or engineer showing property lines and dimensions; the gross land area of the site; existing and proposed utilities; easements, streets and roadways; rail rights-of-way; public rights-of-way crossing and adjacent to the subject property; all building restricting lines and highway setback lines;
 2. location, size and arrangement of proposed buildings and existing buildings which will remain including height in stories and feet, gross floor area in square feet for individual buildings and total for all buildings; and the front (street) elevations of all buildings;
 3. the proposed use of buildings, including the number of commercial or industrial tenants and employees;
 4. location, dimensions, and number of all vehicular and pedestrian circulation elements, including driveways, entrances, driving aisles, sidewalks, and parking spaces;
 5. any proposed regrading of the site and any significant natural topographical or physical features of the site including, at least, water courses and trees, including limits of flood plains;
 6. topography of existing and proposed ground levels to be illustrated by dashed lines at two-foot contours, as required by the Building Inspector;
 7. existing and proposed surface and subsurface drainage facilities per city drainage specifications;
 8. location, size and arrangement of all outdoor signs and lighting;
 9. landscaping and the location and height of fences or screen plantings and the type or kind of building materials or plantings to be used for fencing or screening;
 10. the name, address and telephone number of the applicant and the owner, if different from the applicant;
 11. the present zoning of the site and abutting property;
 12. date, scale and north point with reference to source of meridian; and
 13. a vicinity map showing the relation of the property to the City of Ripley.
- c. Provided, however, the Building Inspector may issue a permit without the necessity of fulfilling the requirements of paragraphs a. and b. above for the following types of developments:
1. construction of canopies;
 2. construction of signs;
 3. construction of accessory buildings excluding portable accessory storage structures as defined in Article X of this ordinance.

4. minor additions to an existing building. For the purposes of this section, a minor addition to an existing building shall be defined as any expansion of square footage under roof by accumulative amount during a five-year period of less than twenty percent (20%) of the square footage under roof of said structure prior to expansion; and
 5. installation of underground tanks.
 - d. For the type of development in c. above to be exempt from the requirements of paragraphs a. and b., the property developed in paragraph c. above:
 1. cannot increase the need for additional parking nor eliminate any parking that exists that is required by the use; and,
 2. complies with all yard requirements.
 - e. Requirements for issuance of a permit by the Building Inspector shall be provided for in Chapter XII.
 - f. Certificate of Occupancy: Where there is any change of use or occupancy of property, the Building Inspector may issue a certificate of occupancy without review by the Planning Commission where the Building Inspector determines that all the development requirements of the use or property are currently being met.
6. Uses Prohibited. Any other use not specifically permitted or permitted on appeal in this section is prohibited.
7. Required Lot area Width, Yards, Setbacks and Access Points.
- a. The minimum required lot area, widths, yards, setbacks and access point shall be as follows:

	<u>Non-Residential</u>	<u>Residential</u>
Lot Area	None	10,000 sq. ft.
Lot Width	None	75 ft.
Yards: Front	30 ft.	30 ft.
Rear	20 ft.	20 ft.
Side (1 & 2 story bldgs.)	15 ft.	15 ft.
Side (3 story bldgs.)	20 ft.	20 ft.

Access Points. The following standards shall apply to the location of all access points in H-1 Hospital and Medical District.

Number of driveways - 2 per 100 feet of frontage

Maximum width of driveway at outside edge of sidewalk - 32 feet

Minimum distance from:	Intersections	25 feet
	Property lines	5 feet
	Other driveways	10 feet
	Fire hydrants, catch basins, etc.	5 feet
	Maximum angle of driveway to street	45 degrees to 90 degrees

- b. On lots adjacent to a residential district, all buildings shall be located so as to comply with the side yard requirements of the adjacent residential district on the side adjoining the residential district. In addition, on any corner lot, a side yard of 25 feet shall be provided.

8. Maximum Permitted Height of Structures.

- a. No building shall exceed three (3) stories or thirty-five (35) feet in height.
- b. No accessory building shall exceed two (2) stories in height.
- c. Free standing poles, spires, towers, antennae and similar structures not designed for or suitable to human occupancy may exceed the height provisions of this Ordinance provided they comply with all other codes and ordinances, and provided that they are located a distance equal to their own height from the nearest property line.

9. Minimum Off-Street Parking Requirements. (As required in Section H, General Provisions of this Ordinance.)

10. Limitations on Signs and Billboards. (As required in Section J, General Provisions, of this Ordinance.)

ARTICLE VIII. PROVISIONS GOVERNING INDUSTRIAL DISTRICTS

Section A. M-1 (Light Industrial) Districts. Within the M-1 (Light Industrial) District, as shown on the Official Zoning Map of Ripley, Tennessee, the following regulations shall apply.

1. Intent. The regulations for these districts, as shown on the Official Zoning Map, are designed to provide areas for industrial uses with limited objectionable external affects on the adjacent residential areas and the community at large. Industrial uses including light manufacturing, wholesaling and warehousing operations whose activity character is such, that each may operate in a clean and acceptable manner are the general functions permitted within the district.
2. Uses Permitted.
 - a. Any use permitted in a B-2 (General Business) District except motels and hotels and residences.
 - b. Wholesaling or warehousing operations; trucking terminals; food processing industries; manufacturing of clothing and apparel; research laboratories; the manufacture of electrical appliances; public utility operations; bottling plants; machine shops; the manufacture of optical goods and scientific instruments; the manufacture of hand tools and printing and engraving operations.
 - c. Federal, state and municipal uses.
 - d. Accessory uses customarily incidental to any aforementioned permitted use.
 - e. portable accessory storage structures as defined in Article X and under such conditions specified in Article III., Section P., of this ordinance.
3. Uses Permitted on Appeal. Gasoline, oil or other flammable materials stored above ground in excess of five hundred (500) gallons; building materials yard; ice plant; animal hospitals; any other use in which in the opinion of the Board of Zoning Appeals, is similar in character to above permitted uses and will not be detrimental to the district in which it is located, subject to such conditions and safeguards as may be required by the Board of Zoning Appeals.
4. Site Plan Procedure
 - a. Before a permit is issued for any permitted use listed above, a site plan of the proposed development shall be reviewed and approved by the Planning Commission. The Planning Commission shall have the power to impose conditions regarding the location of the buildings on the site, the location and design of parking and access facilities, fencing and screening, noise abatement, outdoor advertising and other features affecting the character of the area and the compatibility of the proposed use and existing nearby uses.
 - b. In order that the Planning Commission may make an accurate determination of the character of the proposed use and its compliance with ordinance standards, the applicant shall submit an accurately and legibly drawn site plan, fourteen (14) days prior to the regular meeting at a scale of not less than 100 feet to one inch, illustrating the proposed development including, but not limited to, the following:

1. a survey, certified by a registered land surveyor or engineer showing property lines and dimensions; the gross land area of the site; existing and proposed utilities; easements, streets and roadways; rail rights-of-way; public rights-of-way crossing and adjacent to the subject property; all building restricting lines and highway setback lines;
 2. location, size and arrangement of proposed buildings and existing buildings which will remain including height in stories and feet, gross floor area in square feet for individual buildings and total for all buildings; and the front (street) elevations of all buildings;
 3. the proposed use of buildings, including the number of commercial or industrial tenants and employees;
 4. location, dimensions, and number of all vehicular and pedestrian circulation elements, including driveways, entrances, driving aisles, sidewalks, and parking spaces;
 5. any proposed regrading of the site and any significant natural topographical or physical features of the site including, at least, water courses and trees, including limits of flood plains;
 6. topography of existing and proposed ground levels to be illustrated by dashed lines at two-foot contours, as required by the Building Inspector;
 7. existing and proposed surface and subsurface drainage facilities per city drainage specifications;
 8. location, size and arrangement of all outdoor signs and lighting;
 9. landscaping and the location and height of fences or screen plantings and the type or kind of building materials or plantings to be used for fencing or screening;
 10. the name, address and telephone number of the applicant and the owner, if different from the applicant;
 11. the present zoning of the site and abutting property;
 12. date, scale and north point with reference to source of meridian; and
 13. a vicinity map showing the relation of the property to the City of Ripley.
- c. Provided, however, the Building Inspector may issue a permit without the necessity of fulfilling the requirements of paragraphs a. and b. above for the following types of developments:
1. construction of canopies;
 2. construction of signs;
 3. construction of accessory buildings;

4. minor additions to an existing building. For the purposes of this section, a minor addition to an existing building shall be defined as any expansion of square footage under roof by accumulative amount during a five-year period of less than twenty percent (20%) of the square footage under roof of said structure prior to expansion; and
 5. installation of underground tanks.
- d. For the type of development in c. above to be exempt from the requirements of paragraphs a. and b., the property developed in paragraph c. above:
 1. cannot increase the need for additional parking nor eliminate any parking that exists that is required by the use; and,
 2. complies with all yard requirements.
 - e. Requirements for issuance of a permit by the Building Inspector shall be provided for in Chapter XII.
 - f. Certificate of Occupancy: Where there is any change of use or occupancy of property, the Building Inspector may issue a certificate of occupancy without review by the Planning Commission where the Building Inspector determines that all the development requirements of the use or property are currently being met.
5. Uses Prohibited.
 - a. The foregoing use authorizations do not include any such uses which emit any fumes, vibration, smoke, noise, or other objectionable conditions, except the noise of vehicles coming and going, which is detectable from off the premises by the senses of normal human beings, and unless all operations, including the storage of anything except merchandise displayed for sale, are conducted in a fully enclosed building or entirely behind walls or fences which conceal them from visibility from off the lot.
 - b. The Board of Zoning Appeals shall specifically not have the authority to permit residential dwellings; auto wrecking; bag cleaning; boiler and tank works; central mixing plant for cement, mortar, plaster or paving materials; creamery; crematory; curing, tanning, and storage of raw hides and skins; distillation of bones, coal, wood, or tar; fat rendering; fore plant or foundry; metal fabrication plant; quarry; gasoline or oil storage above ground in excess of five hundred (500) gallons; junk; scrap paper, rag storage and baling; sawmills; slaughter house or stockyard; smelting plant; and the manufacture of acetylene, acid, alcohol, alcoholic beverages, ammonia, bleaching powder, condensed milk, chemicals, brick, pottery, terra cotta or tiles, candles, disinfectants, dye stuffs, fertilizers, illuminating or heating gas (or storage of same), linseed oil, paint, oil, turpentine, varnish, soap and tar products; crews and bolts; wire and tires; or any other use which would cause injurious or any other uses which would cause injurious or obnoxious noise, vibrations, smoke, gas, fumes, odors, dust or other objectionable conditions.
6. Required Area, Width, Yards and Setbacks.
 - a. All buildings and structures shall be located so as to comply with the following requirements:

Minimum required depth of front yard	35 feet
Minimum required depth of rear yard	20 feet
Minimum required width of each side yard	10 feet

- b. No yard will be required for that part of a lot which fronts on a railroad siding.
- c. On lots adjacent to a residential district, all buildings shall be located so as to conform to the side yard requirements of the adjacent residential district on the side adjacent to the residential district.
- d. Where structures are less than 100 feet from adjacent residential property proper screening is required. A buffering device may either take the form of plantings or to be constructed or suitable materials which would not be offensive to the character of the adjacent residential district.

7. Maximum Permitted Height of Structures.

- a. No building shall exceed three (3) stories or thirty-five (35) feet in height.
- b. Free standing poles, spires, towers, antennae, and similar structures may be allowed provided they comply with all codes and ordinances and provided that they are located a distance equal to their own height from the nearest property line.

8. Minimum Off-Street Parking Requirements. (As required in Section H, General Provisions, of this Ordinance).

9. Limitations on Signs and Billboards. (As required in Section J, General Provisions of this Ordinance).

Section B. M-2 (Heavy Industrial) Districts. Within the M-2 (Heavy Industrial) Districts, as shown on the Official Zoning Map of Ripley, Tennessee, the following regulations shall apply:

1. Intent. The regulations for these districts as shown on the Official Zoning Map are designed to provide areas for industrial uses that by virtue of their external effects; smoke, dust, odors, noise and heavy truck and rail traffic should be isolated from residential, business and other less noxious uses, in order that each of these activities might respond to each others needs properly without injury to one another and the community at large.
2. Uses Permitted.
 - a. Any use permitted in an M-1 (Light Industrial) District.
 - b. Bakery; bottling works, building materials yard; cabinet making; carpenter's shop; shoe and clothing manufacture; contractor's yard; electric welding; feed or fuel yard; fruit canning or packing; ice plant; laundry; machine shop; milk distribution station; paper boxes and pencil manufacturing; printing; publication or engraving concern; tinsmith shop.
 - c. Federal, State and Municipal uses.
 - d. Accessory uses customarily incidental to any aforementioned permitted use.
3. Uses Permissible on Appeal. Auto wrecking; bag cleaning; boiler and tank works; central mixing plant for cement, mortar; plaster or paving materials; creamery; crematory; curing, tanning and storage of raw hides and skins; distillation of bones, coal, wood or tar; fat rendering; forge plant or foundry; metal fabrication plant; quarry; gasoline or oil storage above ground in excess of five hundred (500) gallons; junk scrap paper, rag storage and baling; sawmill; slaughter house or stockyard; smelting plant; and the manufacture of acetylene, acid, alcohol, alcoholic beverages, ammonia, bleaching powder, condensed milk, chemicals, brick pottery, terra cotta or tile, candles, disinfectants, dye stuffs, fertilizers, illuminating or heating gas (or storage of same), linseed oil, paint, oil, turpentine, varnish, soap and tar products, screws and bolts, wire and tires, or any other use which in the opinion of the Board of Zoning Appeals would not cause injurious or obnoxious noise, vibrations, smoke, gas, fumes, odors, dust or other objectionable conditions, provided that written approval of the Board of Zoning Appeals is obtained.
4. Site Plan Procedure
 - a. Before a permit is issued for any permitted use listed above, a site plan of the proposed development shall be reviewed and approved by the Planning Commission. The Planning Commission shall have the power to impose conditions regarding the location of the buildings on the site, the location and design of parking and access facilities, fencing and screening, noise abatement, outdoor advertising and other features affecting the character of the area and the compatibility of the proposed use and existing nearby uses.
 - b. In order that the Planning Commission may make an accurate determination of the character of the proposed use and its compliance with ordinance standards, the applicant shall submit an accurately and legibly drawn site plan, fourteen (14)

days prior to the regular meeting at a scale of not less than 100 feet to one inch, illustrating the proposed development including, but not limited to, the following:

1. a survey, certified by a registered land surveyor or engineer showing property lines and dimensions; the gross land area of the site; existing and proposed utilities; easements, streets and roadways; rail rights-of-way; public rights-of-way crossing and adjacent to the subject property; all building restricting lines and highway setback lines;
 2. location, size and arrangement of proposed buildings and existing buildings which will remain including height in stories and feet, gross floor area in square feet for individual buildings and total for all buildings; and the front (street) elevations of all buildings;
 3. the proposed use of buildings, including the number of commercial or industrial tenants and employees;
 4. location, dimensions, and number of all vehicular and pedestrian circulation elements, including driveways, entrances, driving aisles, sidewalks, and parking spaces;
 5. any proposed regrading of the site and any significant natural topographical or physical features of the site including, at least, water courses and trees, including limits of flood plains;
 6. topography of existing and proposed ground levels to be illustrated by dashed lines at two-foot contours, as required by the Building Inspector;
 7. existing and proposed surface and subsurface drainage facilities per city drainage specifications;
 8. location, size and arrangement of all outdoor signs and lighting;
 9. landscaping and the location and height of fences or screen plantings and the type or kind of building materials or plantings to be used for fencing or screening;
 10. the name, address and telephone number of the applicant and the owner, if different from the applicant;
 11. the present zoning of the site and abutting property;
 12. date, scale and north point with reference to source of meridian; and
 13. a vicinity map showing the relation of the property to the City of Ripley.
- c. Provided, however, the Building Inspector may issue a permit without the necessity of fulfilling the requirements of paragraphs a. and b. above for the following types of developments:
1. construction of canopies;
 2. construction of signs;

3. construction of accessory buildings;
 4. minor additions to an existing building. For the purposes of this section, a minor addition to an existing building shall be defined as any expansion of square footage under roof by accumulative amount during a five-year period of less than twenty percent (20%) of the square footage under roof of said structure prior to expansion; and
 5. installation of underground tanks.
- d. For the type of development in c. above to be exempt from the requirements of paragraphs a. and b., the property developed in paragraph c. above:
1. cannot increase the need for additional parking nor eliminate any parking that exists that is required by the use; and,
 2. complies with all yard requirements.
- e. Requirements for issuance of a permit by the Building Inspector shall be provided for in Chapter XII.
- f. Certificate of Occupancy: Where there is any change of use or occupancy of property, the Building Inspector may issue a certificate of occupancy without review by the Planning Commission where the Building Inspector determines that all the development requirements of the use or property are currently being met.
5. Uses Prohibited. Residential dwellings; hotels and motels or any other use not specifically permitted; or any use which is permissible on appeal but which in the opinion of the Board of Zoning Appeals would be injurious to the public welfare because of injurious or obnoxious noise, vibrations, smoke, gas, fumes, odors, dust or other similar reasons.
6. Required Lot Area, Lot Width and Yards.
- a. All buildings and structures shall be located so as to comply with the following requirements:

Minimum required depth of front yard	35 feet
Minimum required depth of rear yard	20 feet
Minimum required width of each side yard	10 feet
 - b. No yard will be required for that part of a lot which fronts on a railroad siding.
 - c. On lots adjacent to a residential district all buildings shall be located so as to conform to the side yard requirements of the adjacent residential district on the side adjacent to the residential district.
 - d. Where structures are less than 100 feet from adjacent residential property proper screening is required. A buffering device may either take the form of plantings or be constructed of suitable materials which should not be offensive to the character of the adjacent residential district.

7. Maximum Permitted Height of Structures.
 - a. No building shall exceed three (3) stories or thirty-five (35) feet in height.
 - b. Free standing poles, spires, towers, antennae, and similar structures may exceed the height provisions provided they comply with the provisions of all other codes and ordinances and provided that they are located a distance equal to their own height from the nearest property line.
8. Minimum Off-Street Parking Requirements. (As required in Section H, General Provisions, of this Ordinance.)
9. Limitations on Signs and Billboards. (As required in Section J, General Provisions, of this Ordinance.)

ARTICLE IX. PROVISIONS GOVERNING OVERLAY DISTRICTS

Flood Hazard Districts

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

Section A. Statutory Authorization

The Legislature of the State of Tennessee has in Tennessee Code Annotated Section 6-2-201 (Mayor-Aldermanic Charter). Delegated the responsibility to units of local government to adopt regulations designed to promote the public health, safety, and general welfare of its citizenry. Therefore, the Ripley, Tennessee Mayor and its Legislative Body does ordain as follows:

Section B. Findings of Fact

1. The Ripley Mayor and its Legislative Body wishes to maintain eligibility in the National Flood Insurance Program and in order to do so must meet the requirements of 60.3 of the Federal Insurance Administration Regulations found at 44 CFR Ch. 1 (10-1-04 Edition).
2. Areas of Ripley 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, flood-proofed, or otherwise unprotected from flood damages.

Section C. Statement of Purpose

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

1. Restrict or prohibit uses which are vulnerable to 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 floodwaters;
4. Control filling, grading, dredging and other development which may increase flood damage or erosion, and;
5. Prevent or regulate the construction of flood barriers which will unnaturally divert flood waters or which may increase flood hazards to other lands.

Section D. Objectives

The objectives of this Ordinance are:

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

ARTICLE II. DEFINITIONS

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

"Erosion" means the process of the gradual wearing away of 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 first floodplain management code or ordinance adopted by the community as a basis for that community's participation in the National Flood Insurance Program (NFIP)).

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

"Historic Structure" means any structure that is:

1. Listed individually in the National Register of Historic Places (a listing maintained by the U.S. Department of Interior) or 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 a local inventory of historic places and determined as eligible by communities with historic preservation programs that have been certified either:
 - a. By an approved state program as determined by the Secretary of the Interior, or
 - b. Directly by the Secretary of the Interior.

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

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

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

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

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

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

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

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

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

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

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

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

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

"Recreational Vehicle" means a vehicle which is:

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

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

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

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

"Start of Construction" includes substantial improvement, and means the date the building permit was issued, provided the actual start of construction, repair, reconstruction, rehabilitation, addition, placement, or other improvement was within 180 days of the permit date. The actual start means either the first placement of permanent construction of a structure (including a manufactured home) on a site, such as the pouring of slabs or footings, the installation of piles, the construction of columns, or any work beyond the stage of excavation; and includes the placement of a manufactured home on a foundation. (Permanent construction does not include initial land preparation, such as clearing, grading and filling; nor does it include the installation of streets and/or walkways; nor does it include excavation for a basement, footings, piers, or foundations or the erection of temporary forms; nor does it include the installation on the

property of accessory buildings, such as garages or sheds, not occupied as dwelling units or not part of the main structure. For a substantial improvement, the actual start of construction means the first alteration of any wall, ceiling, floor, or other structural part of a building, whether or not that alteration affects the external dimensions of the building.

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

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

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

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

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

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

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

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

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

ARTICLE III. GENERAL PROVISIONS

Section A. Application

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

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

The Areas of Special Flood Hazard identified on the Ripley, Tennessee, Federal Emergency Management Agency, Flood Insurance Study (FIS) and Flood Insurance Rate Map (FIRM), Community Panel Numbers 0218, 0219, 0352, 0354, 0356, 0357, 0358 and 0359, dated September 28, 2007, along with all supporting technical data, are adopted by reference and declared to be a part of this Ordinance.

Section C. Requirement for Development Permit

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

Section D. Compliance

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

Section E. Abrogation and Greater Restrictions

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

Section F. Interpretation

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

Section G. Warning and Disclaimer of Liability

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

Section H. Penalties for Violation

Violation of the provisions of this Ordinance or failure to comply with any of its requirements, including violation of conditions and safeguards established in connection with grants of variance shall constitute a misdemeanor punishable as other misdemeanors as provided by law. Each day such violation continues shall be considered a separate offense. Nothing herein

contained shall prevent the City of Ripley, Tennessee from taking such other lawful actions to prevent or remedy any violation.

ARTICLE IV. ADMINISTRATION

Section A. Designation of Ordinance Administrator

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

Section B. Permit Procedures

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

1. Application stage

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

2. Construction Stage

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

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

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

be prepared by, or under the direct supervision of, a professional engineer or architect and certified by same.

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

Section C. Duties and Responsibilities of the Administrator

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

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

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

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

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

ARTICLE V. PROVISIONS FOR FLOOD HAZARD REDUCTION

Section A. General Standards

In all flood prone areas the following provisions are required:

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

9. Any alteration, repair, reconstruction or improvements to a building that is in compliance with the provisions of this Ordinance, shall meet the requirements of "new construction" as contained in this Ordinance; and,
10. Any alteration, repair, reconstruction or improvements to a building that is not in compliance with the provision of this Ordinance, shall be undertaken only if said non-conformity is not further extended or replaced.

Section B. Specific Standards

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

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

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

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

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

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

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

allow for the entry and exit of flood waters to automatically equalize hydrostatic flood forces on exterior walls.

- a. Designs for complying with this requirement must either be certified by a professional engineer or architect or meet the following minimum criteria.
 - 1) Provide a minimum of two openings having a total net area of not less than one square inch for every square foot of enclosed area subject to flooding;
 - 2) The bottom of all openings shall be no higher than one foot above the finish grade; and
 - 3) Openings may be equipped with screens, louvers, valves or other coverings or devices provided they permit the automatic flow of floodwaters in both directions.
- b. Access to the enclosed area shall be the minimum necessary to allow for parking of vehicles (garage door) or limited storage of maintenance equipment used in connection with the premises (standard exterior door) or entry to the elevated living area (stairway or elevator); and
- c. The interior portion of such enclosed area shall not be partitioned or finished into separate rooms in such a way as to impede the movement of floodwaters and all such petitions shall comply with the provisions of Article V. Section B. of this Ordinance.

4. Standards for Manufactured Homes and Recreational Vehicles

- a. All manufactured homes placed, or substantially improved, on: (1) individual lots or parcels, (2) in expansions to existing manufactured home parks or subdivisions, or (3) in new or substantially improved manufactured home parks or subdivisions, must meet all the requirements of new construction, including elevations and anchoring.
- b. All manufactured homes placed or substantially improved in an existing manufactured home park or subdivision must be elevated so that either:
 - 1) When base flood elevations are available the lowest floor of the manufactured home is elevated on a permanent foundation no lower than one (1) foot above the level of the base flood elevation; or,
 - 2) Absent base flood elevations the manufactured home chassis is elevated and supported by reinforced piers (or other foundation elements) at least three (3) feet in height above the highest adjacent grade.
- c. Any manufactured home, which has incurred “substantial damage” as the result of a flood or that has substantially improved, must meet the standards of Article V. Section B. 4 of this Ordinance.
- d. All manufactured homes must be securely anchored to an adequately anchored foundation system to resist flotation, collapse and lateral movement.
- e. All recreational vehicles placed on identified flood hazard sites must either:

- 1) Be on the site for fewer than 180 consecutive days;
- 2) Be fully licensed and ready for highway use. (A recreational vehicle is ready for highway use if it is licensed, on its wheels or jacking system, attached to the site only by quick disconnect type utilities and security devices, and has no permanently attached structures or additions.
- 3) The recreational vehicle must meet all the requirements for new construction, including the anchoring and elevation requirements of this section above if on the site for longer than 180 consecutive days.

5. Standards for Subdivisions

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

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

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

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

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

2. New construction or substantial improvements of buildings shall comply with all applicable flood hazard reduction provisions of Article V.

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

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

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

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

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

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

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

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

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

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

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

Section H. Standards for Unmapped Streams

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

1. In areas adjacent to such unmapped streams, no encroachments including fill material or structures shall be located within an area of at least equal to twice the width of the stream, measured from the top of each stream bank, unless certification by a

registered professional engineer is provided demonstrating that the cumulative effect of the proposed development, when combined with all other existing and anticipated development, will not increase the water surface elevation of the base flood more than one (1) foot at any point within the locality.

2. When new elevation data is available, new construction or substantial improvements of buildings shall be elevated or flood proofed to elevations established in accordance with Article IV.

ARTICLE VI. VARIANCE PROCEDURES

Section A. Board of Floodplain Review

1. Creation and Appointment

A Board of Floodplain Review is hereby established which shall consist of three (3) members appointed by the Chief Executive Officer. The term of membership shall be four (4) years except that the initial individual appointments to the Board of Floodplain Review shall be terms of one, two, and three years respectively. Vacancies shall be filled for any unexpired term by the Chief Executive Officer.

2. Procedure

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

3. Appeals: How Taken

An appeal to the Board of Floodplain Review 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 Board of Floodplain Review 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 Board of Floodplain Review all papers constituting the record upon which the appeal action was taken. The Board of Floodplain Review 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 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 the 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 Ripley Board of Floodplain Review shall hear and decide appeals and requests for variances from the requirements of this Ordinance.
- 2) Variances may be issued for the repair or rehabilitation of historic structures (see definition) upon a determination that the proposed repair or rehabilitation will not preclude the structure's continued designation as a historic structure and the variance is the minimum to preserve the historic character and design of the structure.
- 3) In passing upon such applications, the Board of Zoning Appeals shall consider all technical evaluations, all relevant factors, all standards specified in other sections of this Ordinance, and:
 - a) The danger that materials may be swept onto other property to the injury of others;
 - b) The danger to life and property due to flooding or erosion;
 - c) The susceptibility of the proposed facility and its contents to flood damage;
 - d) The importance of the services provided by the proposed facility to the community;
 - e) The necessity of the facility to a waterfront location, in the case of a functionally dependent facility;
 - f) The availability of alternative locations, not subject to flooding or erosion damage, for the proposed use;
 - g) The relationship of the proposed use to the comprehensive plan and floodplain management program for that area;
 - h) The safety of access to the property in times of flood for ordinary and emergency vehicles;
 - i) The expected heights, velocity, duration, rate of rise and sediment transport of the flood waters and the effects of wave action, if applicable, expected at the site, and;
 - j) The costs of providing governmental services during and after flood conditions including maintenance and repair of public utilities and facilities such as sewer, gas, electrical, and water systems, and streets and bridges.

- 4) Upon consideration of the factors listed above, and the purposes of this Ordinance, the Board of Floodplain Review may attach such conditions to the granting of variances, as it deems necessary to effectuate the purposes of this Ordinance.
- 5) Variances shall not be issued within any designated floodway if any increase in flood levels during the base flood discharge would result.

Section B. Conditions for Variances

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

ARTICLE VII. LEGAL STATUS PROVISIONS

Section A. Conflict with Other Ordinances

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

Section B. Validity

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

Section C. Effective Date

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

Approved and adopted by the Ripley, Tennessee Mayor and Legislative Body.

(CRZ)Downtown Courthouse Square Revitalization Zone District

Section A. CRZ (Downtown Courthouse Square Revitalization Zone) District.

Within the CRZ (Downtown Courthouse Square Revitalization Zone) District as shown on the Zoning Map of Ripley, Tennessee, the following regulations shall apply:

1. General. The Downtown and Courthouse Square Revitalization District (CRZ) shall be superimposed on existing districts to designate areas, sites, and structures of sufficient historical and cultural significance in the downtown and courthouse square areas to warrant public protection and revitalization efforts. It is the intent and purpose to encourage the preservation and revitalization of structures, sites, and areas that have historical and cultural value to the community. It is intended that the use of these structures shall be in character with their original design or of a cared for and attractive state, which will not create congestion or increase fire hazards.

Section B. How Zoning Map Amended to Designate Downtown and Courthouse Square Revitalization Districts. Any amendments to the Zoning Map of the City of Ripley designating Downtown and Courthouse Square Revitalization Districts shall be subject to the provisions of the Ripley Zoning Ordinance. In addition thereto, the specific use to which the structure, site, or area is to be put must be specified in the petition to amend the zoning map, and the amendment to the zoning map shall be for only the use so specified. Should this use not be established within six (6) months from the date of the amendment to the official zoning map designated the structure, site, or area as a Downtown and Courthouse Square Revitalization District, the property so rezoned shall revert to its prior zoning status.

Section C. Appointment of Design Review Commission. The Design Review Commission shall consist of five (5) members, and shall be appointed by the Mayor and confirmed by a majority vote by the City Council. The Ripley Downtown Development Organization or the Ripley Design Review Commission shall provide the Mayor and City Council with a list of qualified potential members prior to appointments. The appointments to the membership on the Commission shall be for terms of five (5) years. All members shall serve without compensation. The Design Review Commission shall consist of a representative of the Downtown/Courthouse Square area, a member of the Ripley Planning Commission at the time of his or her appointment, and an architect, if available or another highly qualified person.

Section D. Approval of the Design Review Commission. After a structure or site or area has been designated as having historical or cultural value to the community as evidenced by rezoning, all applications for building and or occupancy permits for new construction, additions, exterior renovations, building or site alterations, demolition, relocation, signage, fencing, or changes in the use of the building or land shall be referred by the Building Inspector to the Design Review Commission, who shall have broad powers to request detailed construction plans and related data pertinent to thorough review of the proposal. The Design Review Commission shall, within thirty (30) days following the availability of a completed application shall grant approval and provide a recommendation to the Ripley Planning Commission or refuse approval.

Section E. Within the CRZ (Downtown and Courthouse Square Zone) District as shown on the Official Zoning Map of Ripley, Tennessee, the following regulations shall apply.

1. Intent. The regulations of this district as shown on the Official Zoning Map are designed to:
 - a. Provide ample space for community activity needing a central location.
 - b. Encourage the tendency of commercial development to concentrate to the mutual advantage of the merchant and the customer.
 - c. Protect commercial development against the encroachment of uses which would tend to create fire hazards, offensive noise, truck traffic, smoke, dust and other objectionable influences.
 - d. Promote the stability of commercial development and conserve the land values of the area thus promoting health, safety, welfare and general prosperity of the community.
2. Uses Permitted
 - a. For uses permitted refer to the underlying zoning districts..
 - b. Residential uses restricted to upper floors of buildings.
3. Uses Permitted on Appeal
 - a. Any other use which in the opinion of the Design Review Commission is similar in character to above permitted uses and not detrimental to the immediate area.
4. Site Plan Procedure
 - a. Before a site plan can be reviewed by the Ripley Planning Commission for a structure, site, or area that is located within the overlay Downtown and Courthouse Square Revitalization Zone (CRZ) District, it first must be submitted for approval to the Design Review Commission, upon approval from that body it can be submitted to the Planning Commission for review.
 - b. For site plan procedure and site plan requirements for the Ripley Planning Commission refer to the Site Plan Procedure section of the zoning ordinance for the underlying zoning district.
5. Uses Prohibited
 - a. Any other use not specifically permitted in this Section or permissible in the opinion of the Design Review Commission.
6. Required Yard Setbacks
 - a. The building should be placed to create the effect of a street-wall. Building setbacks should be 0'-0' or no more than 5'-0' from the property line to allow for easy pedestrian access from the sidewalk. Setbacks of up to 10'-0 are permitted to be used as pedestrian access shared between two or more adjacent establishments and a 25'-0' setback can be used for outdoor dining or open public spaces. Side setbacks of 0'-0' are acceptable to help attain the street-wall effect. Buildings should align with streets and the front of the building should relate to

adjacent building fronts. Corner buildings and lots should be treated as two fronts.

7. Minimum Off-Street Parking Requirements (As required in Section H of the General Provisions, of this Ordinance.
8. Limitations on Signs and Billboards (As required in Section J, of the City of Ripley Downtown and Courthouse Square Revitalization Zone Illustrated Guide to the Planned Development.)

ARTICLE X. DEFINITIONS

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

"Administrator." - Refers to the Federal Insurance Administrator, to whom the Director has delegated the administration of the program.

"Adult Oriented Businesses." A commercial enterprise that exploits sex in one form or another comprising a large variety of sexually oriented businesses including movie theaters, bookstores, video rental outlets, houses of prostitution, escort agencies, massage parlors and topless/bottomless bars. Adult oriented business also refers to the materials or services that these businesses market including movies, videos, photographs, books, magazines, sexual devices as well as nude or semi-nude dancing and massages. Specific adult oriented businesses and related terms as further defined in Section 2 of Ordinance 422 adopted June 5th, 2000, amending the Ripley Municipal Code.

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

"Automobile Dead Storage" - Extended or dead storage of more than two (2) inoperable or junk automobiles or other types of vehicles. This definition is applicable to the terms "junk yard", "Salvage yard" and "Auto Wrecking" as may be referenced in other sections of this ordinance.

"Automobile Repair and Service Stations" - Operations furnishing to the general public any or a combination of the following: automotive repair, rental and leasing services; retail dispensing of vehicular fuels; sale, dispensing and installation of vehicular lubricants, tires and similar accessories; vehicular towing; accessory temporary automobile parking and automobile dead storage accessory to any above repair or towing use not exceeding ten (10) vehicles nor exceeding a storage duration of ten (10) days, exempting wrecked vehicles being held for an extended time for insurance adjustment or legal reasons; excluding tire rebuilding, retreading and recapping services and salvage operations including the retail or wholesale sale of dismantled automobile or vehicle parts.

"Base Flood" - See One-Hundred Year Flood.

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

"Building" Any structure constructed or used for residence, business, industry or other public or private purpose, or accessory thereto, and including tents, lunch wagons, dining cars, billboards, signs and similar structures whether stationary or movable, including prefabricated domestic grounds and gardening sheds designed for such purposes.

a. **"Principal Building"**. A building in which is conducted the principal use of the lot on which it is situated. In any residential district all dwellings shall be deemed to be the principal building on the lot on which the same is situated.

- b. **"Accessory Building"**. A subordinate building, excluding portable accessory storage structures as defined herein, the use of which is incidental to that of the principal building on the same lot, including prefabricated domestic grounds and gardening sheds designed for such purposes. Swimming pools shall be considered accessory buildings in residential districts.

"Cellular on Wheels" (COW) means a temporary PWSF placed on property to provide short term, high volume telecommunications services to a specific location and which can be easily removed from the property.

"Clinic." A facility for the examination and treatment of ill and afflicted human out-patients provided, however, that patients are not kept over-night except under emergency conditions.

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

"Day Care Home, Family" - A home operated by any person who receives pay for providing less than 24 hour supervision and care, without transfer of custody, for five (5), six (6), or seven (7) children under 17 years of age who are not related to the operator and whose parents or guardians are not residents of the household. A license is not required for a home providing care for fewer than five (5) children.

"Day Care Home, Group" - any place operated by a person, social agency, corporation or institution, or any other group which receives eight (8) or more children under 17 years of age less than 24 hours per day for care outside their own homes, without transfer of custody. A group day care home may care for not more than 12 children.

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

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

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

"Townhouse". A building consisting of a series of three (3) or more non-communicating one family dwelling sections with separate entrance of ground level to each unit, and having a common wall between each two (2) adjacent sections.

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

"Eligible support structure" means any tower or base station existing at the time the application is filed with the City of Ripley. For purposes of this ordinance, the definition

of "eligible support structure" shall include utility structures currently hosting fiber, cable and wire.

"Family." One (1) or more persons occupying a premise and living as a single, nonprofit housekeeping unit.

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

"Flood Hazard Boundary Map" (FHBM) means an official map of a community, issued by the Administrator, where the boundaries of the flood, mudslide (i.e., mudflow), and flood-related erosion areas having special hazards have been designed as Zone A, M, and/or E.

"Flood Insurance Rate Map" (FIRM) - means an official map of a community, on which the Administrator has delineated both the special hazard areas and the risk premium zones applicable to the community.

"Flood Insurance Study" - is the official report provided by the Federal Emergency Management Agency. The report contains flood profiles, as well as the Flood Boundary Floodway Map and the water surface elevation of the base flood.

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

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

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

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

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

"Kennel" - Any place where four (4) or more dogs, or four (4) or more cats, over three (3) months of age are kept, raised, sold, boarded, bred, shown, treated, or groomed.

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

- a. **"Lot Line."** The boundary dividing a given lot from a street, an alley, or adjacent lots.
- b. **"Lot of Record."** A lot, the boundaries to which are filed as a legal record.

"Lowest Floor" - means the lowest floor of the lowest enclosed area (including basement). An unfinished or flood resistant enclosure, usable 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.

"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 flood plain. For purposes of this Ordinance, the term is synonymous with National Geodetic Vertical Datum (NGVD).

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

"New Construction" - means structures for which the "start of construction" commenced on or after the effective date of this Ordinance.

"Manufactured Home" (Flood Definition) For the purpose of interpreting the term "manufactured home" as used in the Flood Hazard District Section, the term means a structure, transportable in one or more sections, which is built on a permanent chassis and is designed for use with or without a permanent foundation when attached to the required utilities. The term "manufactured home" does not include a "recreational vehicle".

"Manufactured Residential Dwelling." A structure, transportable in one or more sections, which may be built on a permanent chassis and designed to be used as a single family dwelling with or without a permanent foundation when connected to the required utilities, and includes the plumbing, heating, air conditioning, and electrical systems contained therein. For the purpose of these regulations the term "manufactured home" does not include "mobile home" as herein defined and as further defined in Tennessee Code Annotated Section 13-24-201.

"Mobile Home." A factory-built residential structure constructed as a single, self-contained unit and mounted on a single chassis or under-carriage which includes axles, wheels, and a tongue or hitch. A mobile home is designed for transportation after fabrication on streets and highways on its own wheels or on a flat bed or other trailer for delivery to a mobile home dealer, or arriving at the site ready for occupancy, except for minor and incidental unpacking assembly operations, location on jacks or permanent foundations, and connections to utilities. The character of a mobile home as a non-permanent dwelling shall not be changed by removal of the wheels and/or carriage or placement on a permanent foundation.

The term "mobile home" shall include further definition as provided in Tennessee Code Annotated Section 68-36-202.

"Mobile Home" (Flood Definition) - for the purpose of interpreting the term "mobile home: as the term is used within the Flood Hazard District section, it shall also include, though only herein, park trailer, travel trailers, manufactured homes, and similar transportable

structures placed on a site for 180 consecutive days or longer and intended to be improved property.

"Mobile Home Park" Any plot of ground on which five (5) or more mobile homes, occupied for dwelling or sleeping purposes are located.

"Modular Home." A factory-fabricated transportable building design to be used by itself or to be incorporated with similar units at a building to apply to major assemblies and does not include prefabricated panels, trusses, plumbing, trees, and other prefabricated, supplements which are to be incorporated into a structure at the site. The unit is not built on a chassis, has never had wheels, is placed on a permanent foundation, and is required to meet local building codes.

"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 floodplain management regulations adopted by a community.

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

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

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

"Pedestrian Travelway" means the portion of a sidewalk or multi-use path intended to facilitate the unobstructed through movement of pedestrians and/or bicyclists.

"Portable Accessory Storage Structure". A fully enclosable, prefabricated, relocatable, accessory structure not designed for human habitation limited to bulk-freight storage containers, semi truck trailers or other similar structures when placed on a premise that supports a related principal use, excluding prefabricated domestic grounds and gardening sheds designed for such purposes.

"Recreational Vehicle." means a vehicle which is built on a single chassis 400 square feet or less when measured at the largest horizontal projection; designed to be self-propelled or permanently towable by a light duty truck; and designed primarily not for use as a permanent dwelling but as temporary living quarters for recreational, camping, travel, or seasonal use.

"Sign." Any outdoor sign located within view of persons passing on a street, whether a separate structure, object, or device bearing an advertisement or announcement relating to the premises on which such sign is located.

"Start of Construction" - (for other than new construction or substantial improvements under the Coastal Barrier Resources Act (P.L. 97-348), includes substantial improvement, and means the date the building permit was issued, provided the actual start of construction, repair, reconstruction, or improvement was within 180 days of the permit date. The actual start means the first placement of permanent construction of a structure (including a manufactured home) on a site, such as the pouring of slabs or footings, installation of piles, construction of columns, or any work beyond the stage of excavation or the placement of a manufactured home on a foundation. Permanent construction does not include 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.

"State Coordination Agency" - is a reference to the Local Planning Assistance Office of the Department of Economic and Community Development of the State of Tennessee.

"Substantial Improvement" - means any combination of repairs, reconstruction, alteration, or improvements to a structure, taking place during (the life of a structure), in which the cumulative costs equals or exceeds fifty percent of the market value of the structure. The market value of the structure should be (1) the appraised value of the structure prior to the start of the initial repair or improvement, or (2) in the case of damage, the value of the structure prior to the damage occurring. For the purpose of this definition, "substantial improvement" is considered to occur when the first alteration of any wall, ceiling, to occur when the first alteration of any wall, ceiling, floor, or other structural part of the building commences, whether or not that alteration affects the external dimensions of the structure. The term does not, however, include any project for improvement of a structure required to comply with existing health, sanitary, or safety code specifications which are solely necessary to assure safe living conditions.

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

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

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

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

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

- a. can operate independently of connections to external sewer, water, and electrical systems;
- b. contains water storage facilities and may contain a lavatory, kitchen sink and/or bath facilities; and/or

- c. is identified by the manufacturer as a travel trailer.

"Travel Trailer Park." Any plot of ground on which two (2) or more travel trailers, occupied for camping or periods of short stay, are located.

"Warehousing and storage facility, household goods" - A facility designed and used for the purpose of renting or leasing individual storage space to occupants who are to have access to such space for the purpose of storing and removing personal property; provided, however, that the term "household goods warehousing and storage facility" shall not include any facility used for residential purposes.

"Yard." An open space on the same lot with a principal building, open, unoccupied and unobstructed by buildings from the ground to the sky except as otherwise provided in this Ordinance.

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

ARTICLE XI. EXCEPTIONS AND MODIFICATIONS

Section A. Lot of Record. Where the owner of a lot consisting of one or more adjacent lots of official record at the time of the adoption of this Ordinance, does not own sufficient land to enable him to conform to the yard or other requirements of this Ordinance, an application may be submitted to the Board of Zoning Appeals for a variance from the terms of this Ordinance, in accordance with Article XI, Section D-3a. Such lot may be used as a building site, provided, however, that the yard and other requirements of the district are complied with as closely as is possible in the opinion of the Board of Zoning Appeals.

Section B. Front Yard. The front yard requirements of this Ordinance for dwellings shall not apply to any lot where the average depth of existing front yards on developed lots, located within one hundred (100) feet on each side of such lot and within the same block and zoning district and fronting on the same street as such lot, is less than the minimum required front yard depth. In such case, the minimum front yard shall be the average of the existing front yard depth. In such case, the minimum front yard shall be the average of the existing front yard depth on the developed lots. However, in no case shall the front yard depth on any lot be less than ten (10) feet.

ARTICLE XII. ENFORCEMENT

Section A. Enforcing Officer. The provisions of this Ordinance shall be administered and enforced by a Building Inspector appointed by the Board of Mayor and Aldermen who shall have the power to make inspection of buildings or premises necessary to carry out his duties in the enforcement of this Ordinance.

Section B. Building Permits and Certificates of Occupancy.

1. **Building Permit Required.** It shall be unlawful to commence the excavation for the construction of any building, including accessory buildings, or to commence the moving or alteration of any building, including accessory buildings until the Building Inspector has issued a building permit for such work.
2. **Issuance of Building Permits.** In applying to the Building Inspector for a building permit, the applicant shall submit a dimensional sketch or a scale plan indicating the shape, size, height and location on the lot of all buildings to be erected, altered or moved and of any building already on the lot. He shall also state the existing and intended use of all such buildings and supply such other information as may be required by the Building Inspector for determining whether the provisions of this Ordinance are being observed. If the proposed excavation or construction as set forth in the application are in conformity with the provisions of this Ordinance and other ordinances of the City of Ripley, Tennessee then in force, the Building Inspector shall issue a building permit for such excavation or construction. If a building permit is refused, the Building Inspector shall state refusal in writing with the cause.
 - a. The issuance of a permit shall in no case be construed as waiving any provision of this Ordinance.
 - b. A building permit shall become void six (6) months from the date of issuance unless substantial progress has been made by that date on the project described therein.
3. **Certificate of Occupancy.** No land or building or part thereof hereafter erected or altered in its use or structure shall be used until the Building Inspector shall have issued a certificate of occupancy stating that such land, building or part thereof, and the proposed use thereof are found to be in conformity with the provisions of this Ordinance. Within three (3) days after notification that a building or premises or part thereof is ready for occupancy or use, it shall be the duty of the Building Inspector to make a final inspection thereof and to issue a certificate of occupancy if the land, building or part thereof and the proposed use thereof are found to conform with the provisions of this Ordinance; or, if such certificate is refused, to state such refusal in writing with the cause.
4. **Records.** A complete record of such application, sketch and plans shall be maintained in the Office of the Building Inspector.

Section C. **Penalties.** Any person violating any provision of this Ordinance shall be guilty of a misdemeanor, and upon conviction shall be fined not less than two (\$2.00) nor more than fifty dollars (\$50.00) for each offense. Each day such violation shall continue shall constitute a separate offense.

Section D. **Remedies.** In case any building or structure is erected, constructed, reconstructed, repaired, converted, or maintained, or any building, structure or land is used in the violation of

this Ordinance, the Building Inspector or any other appropriate authority or any adjacent or neighboring property owner who would be damaged by such violation, in addition to other remedies may institute injunction, mandamus, or other appropriate action in preceding to prevent the occupancy or use of such building, structure or land.

ARTICLE XIII. BOARD OF ZONING APPEALS

Section A. Creation and Appointment. A Board of Zoning Appeals is hereby established in accordance with section 13-705, Tennessee Code Annotated, Volume 3, same being Section 5, Chapter 44 of the Public Acts of Tennessee of 1935. The Board of Zoning Appeals shall consist of three members, at least one of whom is a member of the Ripley Municipal Planning Commission. They shall be appointed by the Mayor and confirmed by a majority vote of the Board of Aldermen. The term of membership shall be three years except that the initial individual appointment to the Board shall be terms of one, two and three years respectively. Vacancies shall be filled for any unexpired term by the Mayor in confirmation by the Board of Aldermen.

Section B. Procedure. Meetings of the Board of Zoning Appeals shall be held at the call of the Chairman, and at such other times as the Board may determine. All meetings of the Board of Zoning Appeals shall be open to the public. The Board shall adopt rules of procedures and shall keep records of applications and action thereon, which shall be a public record.

Section C. Appeals; How Taken. An appeal to the Board of Zoning Appeals may be taken by any person, firm or corporation aggrieved or by any governmental officer, department, board of bureau affected by any decision of the Building Inspector based in whole or in part upon the provisions of this Ordinance. Such appeal shall be taken by filing with the Board of Zoning Appeals a notice of appeal, specifying the ground thereof. The Building Inspector shall transmit to the Board all papers constituting the record upon which the action appealed was taken. The Board shall fix a reasonable time for the hearing of the appeal, give public notice thereof, as well as due notice to the parties in interest and decide the same within a reasonable time which shall not be more than fifteen (15) days from the date of the hearing. Upon the hearing any person or party may appear and be heard in person or by agency or by attorney.

Section D. Powers. The Board of Zoning Appeals shall have the following powers:

1. Administrative Review. To hear and decide appeals where it is alleged by the appellant that there is error in any order, 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 uses permissible on appeal upon which the Board of Zoning Appeals is specifically authorized to pass as follows:

Article III, Section H-3

Article V, Section A-3

Section B-3

Article VI, Section A-3

Section B-3

Section C-3

Article VIII, Section A-3

Section B-3

3. Variance. To hear and decide applications for variance from the terms of this Ordinance, but only where, by reason of exceptional narrowness, shallowness or shape of a specific piece of property which at the time of the adoption of this Ordinance was a lot of record; or where by reason of exceptional topographic conditions or other extraordinary or exceptional situations or condition of a piece of property the strict application of the provisions of this Ordinance would result in exceptional and undue hardship upon the owner of such property, provided that such relief may be granted without detriment to the public good and the intent and purpose of this Ordinance. Financial disadvantage to the property owner is no proof of hardship within the purpose of zoning.
 - a. In granting a variance the Board may attach thereto such conditions regarding the location, character and other features of the proposed building, structure or use as it may deem advisable in furtherance of the purpose of this Ordinance.
 - b. Before any variance is granted it shall be shown that circumstances are attached to the property which do not generally apply to other properties in the neighborhood.
 - c. The Board of Zoning Appeals does not have the power to permit a use prohibited by this Ordinance.

ARTICLE XIV. AMENDMENT

The regulations, restrictions, boundaries, and options set forth in this Ordinance may be amended, supplemented, revised or repealed from time to time as conditions warrant, subject to the following conditions:

Section A. Right to Petition. Amendments to the zoning map may be proposed by the Board of Mayor and Aldermen, the Planning Commission or by any owner of property or his authorized agent (an option holder may petition also provided both he and the owner sign the application), provided, however, that an owner of property or his authorized agent, including option holder, shall not initiate action for an amendment to the zoning map affecting the same parcel more often than once every twelve (12) months. Amendments to the text of this Ordinance may be initiated by any citizen of Ripley, the Planning Commission or the Board of Mayor and Aldermen. When the Planning Commission or the Board of Mayor and Aldermen shall initiate an amendment, the public notice fee, as described below, shall be waived. All petitions to amend the zoning map shall be made at least fourteen (14) days prior to the regularly scheduled Planning Commission.

Section B. Application Fee. Each application shall be accompanied by a payment (determined by the City Clerk) to cover the expense of advertising for public hearing. No payment shall be refunded for any reason other than if a public notice is not given (such as, if the application is withdrawn).

Section C. Procedure. Each application shall be accompanied by the following:

1. A plat prepared by a competent professional person showing:
 - a. All property lines with accurate dimensions;
 - b. Adjoining streets with right-of-way and pavement widths;
 - c. Location of buildings or other structures, easements, etc;
 - d. Other pertinent information that the Planning Commission or Board may request in order to properly evaluate the application.

Section D. Planning Commission Review. No such amendment shall become effective unless the same be first submitted for approval, disapproval or suggestions to the City Planning Commission. If the City Planning Commission within sixty (60) days disapproves after such submission, it shall require the favorable vote of a majority of the Board of Mayor and Aldermen to become effective if the City Planning Commission neither approves or disapproves such proposed amendment within sixty (60) days after such submission, the action on such amendment by said Commission shall be deemed favorable.

Section E. Public Hearing on Proposed Amendment. Upon the introduction of an amendment to this Ordinance or upon the receipt of a petition to amend this Ordinance, the Board of Mayor and Aldermen shall publish a notice of such request for an amendment, together with the notice of time set for hearing by the Board of Mayor and Aldermen on the requested change. Said notice shall be published in some newspaper of general circulation in the City of Ripley, Tennessee. Said hearing by the Board of Mayor and Aldermen shall take place not sooner than fifteen (15) days after the date of publication of such notice.

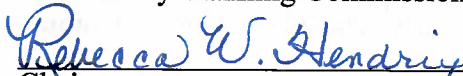
ARTICLE XV. LEGAL STATUS PROVISIONS

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 City of Ripley, Tennessee, the most restrictive shall in all cases apply.

Section B. Validity. If any section, clause, provision or portion of this Ordinance shall be held to be invalid or unconstitutional by any court of competent jurisdiction, such holding shall not effect 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 take effect and be in force fifteen (15) days from and after its passage, the public welfare demanding it.


Certified by Planning Commission March 22, 2022


Chairman

Passed on 1st Reading April 4, 2022

Passed on 2nd Reading May 2, 2022

Adopted by Board of Mayor and Aldermen in open meeting May 2, 2022


Mayor

ATTEST:


Recorder

APPROVED AS TO FORM:


City Attorney

APPLICANT'S NAME AND ADDRESS
OWNER'S NAME AND ADDRESS
PROPERTY ADDRESS

GENERAL INFORMATION

APPLICANT'S NAME AND ADDRESS
OWNER'S NAME AND ADDRESS
PROPERTY ADDRESS

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PROPERTY ADDRESS

NATURE AND CHARACTER OF APPLICATION

APPLICANT'S NAME AND ADDRESS
OWNER'S NAME AND ADDRESS
PROPERTY ADDRESS

TABLE

APPENDIX

APPLICANT'S NAME AND ADDRESS
OWNER'S NAME AND ADDRESS
PROPERTY ADDRESS

APPLICANT'S NAME AND ADDRESS
OWNER'S NAME AND ADDRESS
PROPERTY ADDRESS

PROPERTY LOCATION - Address

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including setbacks, yards and heights, the spatial relationship of the property to adjoining properties showing use, and the distance from the nearest traffic intersections at a scale of not more than one (1) inch equals fifty (50) feet.

I hereby certify that the statements made by me herein and the maps and other accompanying data submitted herewith are true and correct.

Signature of Applicant

REVIEW AND ADMINISTRATION

Recommendations from Other Agencies, Boards or Departments:

APPLICATION REVIEWED BY BUILDING INSPECTOR

Date

**Required only in the case of variance.

APPLICATION REVIEWED BY PLANNING STAFF

Date

Comments and Action

Application Reviewed by Planning Commission

Date

Comments and Action

DISPOSITION

Publication Date of Public Hearing : _____ (Attach newspaper notice).

Public Hearing Commentary _____

ACTION BY BOARD OF MAYOR AND ALDERMEN

ZONING ORDINANCE

RIPLEY, TENNESSEE

As Amended

May, 2022

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