

ZONING ORDINANCE



MEDINA, TENNESSEE

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CHAPTER 1

GENERAL PROVISIONS RELATING TO ZONING AUTHORITY

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

BE IT ORDAINED BY THE BOARD OF MAYOR AND ALDERMEN OF Medina, Tennessee, as follows:

11-101. Title - This ordinance shall be known and may be cited as the Zoning ordinance of Medina, Tennessee and the map herein referred to which is identified by the title “Official Zoning Map, Medina, Tennessee” and all explanatory matters thereon are hereby adopted and made a part of this ordinance. The Official Zoning Map shall be located in the Town Hall and shall be identified by the signature of the Mayor attested by the Recorder.

11-102. Purpose - The zoning regulations and districts as herein set forth have been made in accordance with a 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 town.

CHAPTER 2

GENERAL PROVISIONS

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

11-201. -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 or in conformity with the regulations herein specified for the district in which it is located, whether operated for or without compensation.

11--202. -Erection of More than One Principal Structure on a Lot – In commercial and industrial districts more than one structure housing permitted principal uses may be erected on a single lot, provided that yard and other requirements of this ordinance shall be met for each structure as though it were on an individual lot. In residential districts only one (1) permitted principal structure and its customary accessory uses shall be erected on any lot, with the exception of multi-family and mobile home park developments. Multi-family and mobile home park developments shall be allowed more than one (1) principal use and their customary accessory uses per lot and shall be governed per the provisions of Section 11-402.

11-203. -Reduction in Lot Area Prohibited - No lot even though it may consist of one or more adjacent lots of record shall be reduced in area so that yards, lot area per family, lot width, building area, or other requirements of this ordinance are not maintained. This section shall not apply when a portion of a lot is acquired for a public purpose.

11-204. -Required Yard Cannot be Used by Another Building - No part of a yard or other open space required about any building for the purpose of complying with the provisions of these regulations shall be included as part of a yard or other open space required under these regulations for another building.

11-205. - 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 set back from the street line, centerline of the street, or property line as required for adjacent properties which front on that street. In addition, any structure located within twenty-five (25) feet of that setback line shall be no closer to any side property line than the distance required for side yards on adjoining properties fronting on that street.

11-206 - Obstruction to Vision at Street Intersection Prohibited. - On a corner lot not in a B-2 (Central Business) District, within the area formed by the center lines of the intersection or intercepting streets and a line joining points on such center lines at a distance of one hundred (100) feet from their intersection, there shall be no obstruction to vision between a height of two and one-half (2 ½) feet and a height of ten (10) feet above the average grade of each street at the center line thereof. The requirements of this section shall not be construed to prohibit any necessary retaining wall.

Off-street Automobile Storage-

1. There shall be provided, at the time of erection of any building or structure, or at the time any main building or structure is enlarged or increased in capacity by adding dwelling units, guest rooms, seats or floor area, or before conversion from one zoning use of occupancy to another, permanent off-street parking space of at least one hundred and eighty (180) square feet per space with vehicular access to a street or alley for the specific uses as set forth below. For lot with no access to either a public or private alley, the town reserves the right to control ingress and egress over private right-of-way. Off-street parking space shall be deemed to be required open space associated with the permitted use and shall not hereafter be reduced or encroached upon in any manner. All parking spaces for all uses shall be arranged in such a manner to prevent a vehicle backing onto a public way during egress. The provisions of this section shall not apply to any building, structure, or use located in the B-2 (Central Business) District.
 - (a) Dwelling: Not less than two (2) spaces per dwelling unit.
 - (b) Boarding Houses, Rooming Houses: Not less than one (1) space for each room or unit occupied by boarders or roomers.
 - (c) Tourist Accommodations: Not less than one (1) space for each room or unit offered for tourist accommodations.
 - (d) Office Use: Not less than one (1) space per 300 gross square feet.
 - (e) Manufacturing or Other Industrial Use. Not less than one (1) space per 500 gross square feet.
 - (f) Retail Uses: In all business districts, except in B-2 (Central Business) Districts, not less than one (1) space for each two hundred (200) gross square feet.
 - (g) Theaters, Auditoriums, Stadiums, Churches, Funeral Homes, or other Use Designed to Draw an Assembly of Persons: Not less than one (1) space per 300 gross square feet.
 - (h) Public Building: Not less than one (1) space for each two hundred (200) square feet of total floor area of all floors in building except basement.
 - (i) Medical Offices: Not less than one (1) space per 200 gross square feet.
 - (j) Restaurant Uses. Not less than one (1) space per 100 gross square feet.
 - (k) Warehousing Uses. Not less than one (1) space per 500 gross square feet.
 - (l) Other Uses: As determined by the Board of Zoning Appeals.
2. Parking space maintained in connection with an existing and continuing main building or structure on the effective date of this ordinance up to the number required by this ordinance shall be continued and may not be

counted as serving a new structure or addition; nor may any parking space be substituted for a loading space, nor any loading space substituted for a parking space.

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

11-208. Off-Street Loading and Unloading Spaces - Every building or structure used for business or trade shall provide adequate space for the loading or unloading of vehicles off the street or public alley. Such space shall have access to a public alley or if there is no alley, to a public street. The provisions of this section shall not apply to any building, structure or use in the B-2 (Central Business) District.

11-209. - Access Control - In order to promote the safety of the motorist and pedestrian and to minimize traffic congestion and conflict by reducing the points of contact, the following regulations shall apply:

1. A point of access, i.e., a drive or other opening for vehicles onto a street shall not exceed forty (40) feet in width for commercial and industrial uses and thirty (30) feet for all other types of uses.
2. There shall be no more than two (2) points of access to any one (1) public street on a lot of less than 400 feet but ,more than 100 feet in width. Lots less than one hundred (100) feet in width shall have not more than one (1) point of access to any one (1) public street
3. No point of access shall be allowed within ten (10) feet of the right-of-way of any public street intersection.
4. Where sidewalks exist, the area existing between the street and an interior parking space or driveway parallel to the street shall have a curb at least six (6) inches in height and six (6) inches in width separating the parking area from the sidewalk to prevent encroachment of vehicles onto the sidewalk area.
5. No curbs on city streets or rights-of-way shall be cut or altered without written approval of the Building Inspector.
6. Cases requiring variances relative to this action, and hardships not caused by the property owner, shall be heard and acted upon by the Board of Zoning appeals, provided further, that no curb cuts for off-street automobile storage

or parking space shall be permitted where the arrangement would require that vehicles back directly into a public street.

7. Access control on property abutting state or federal highways shall be governed by official regulations of the Tennessee Department of Highways or the provisions of this ordinance whichever is higher.

11-210. - All residential uses must front on a public street for a distance of at least thirty-five (35) feet.

11-211. - No building or structure, whether conforming or non-conforming, shall be changed, expanded or any way altered except in conformance with all provisions of this ordinance. An example of a violation of this provision would be the division of a single dwelling unit into two (2) or more units except in conformance with this ordinance.

11-212.- No building permit shall be issued for the construction of any building for any residential, business, industrial or public use, which would be within the flood plain of any creek, ditch or stream, or which is subject to periodic or occasional inundation, as determined by the Board of Zoning Appeals. This shall be construed to include the storage of any material which may float and cause drainage obstructions.

11-213. - Non-Conformities

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, was 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 is as much a subject of health, safety and welfare as is the prevention of the establishment of new uses that would violate 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 this ordinance except as permitted by Chapter 279 of the Public Acts of 1973 which amends Section 13-7-208, Tennessee Code Annotated.

- (b) Rebuilt or repaired after damage exceeding seventy-five (75) percent of replacement value except in conformity with the provision of this ordinance or as permitted by Chapter 279 of the Public Acts of 1973 which amends Section 13-7-208, Tennessee Code Annotated.
3. Any non-conforming use of land may not be 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.
 4. 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 the use of the structure has been established as a conforming use.
 5. Any structure used for a non-conforming use shall have one (1) year in which to rebuild or replace in the event that such structure is damaged more than seventy-five (75) percent of replacement. If such structure is not rebuilt or replaced within one (1) year of receiving damage, then any future structure will be required to be used in conformity with the Zoning Ordinance.
 6. Non-conforming mobile homes and mobile home parks shall comply to the following provisions.
 - (a) Non-conforming mobile home parks shall not be expanded through the addition of mobile home pads and mobile homes
 - (b) When a non-conforming mobile home, in a mobile home park, has been removed, the mobile home may not be replaced.
 - (c) When a nonconforming mobile home has been removed, on an individual lot has been removed, it may not be replaced with another mobile home.

11-214. Site Plan Review Requirements - The following procedures and standards are established for those sections of this ordinance which require the submission and approval of a site plan prior the issuance of a building permit or certificate of occupancy for any affected lands, structures, or buildings, including those owned or occupied by governmental entities.

Site plans shall be reviewed and approved or disapproved under the following procedures and standards as specified by this ordinance.

- A. Site Plan Submission and Review - Site plan review is required under three (3) separate instances by the Medina Municipal Zoning Ordinance. These instances are:
1. The review and approval of a site plan by the Medina Building Inspector for any addition under three-thousand (3000) square feet in commercial and industrial districts or for any multi-family residential, townhouse or mobile home park developments. The building inspector reserves the right to refer any site plan to the appropriate body for additional review. This power of review may include, but not be limited to, setbacks, screening, lighting, parking location, layouts, access, drainage and general landscaping requirements. This power shall not include the authority to specify or alter the architectural style of proposed or existing buildings.
 2. The review and approval of a site plan for any Permitted Use in Commercial and Industrial districts by the Medina Municipal / Regional Planning Commission as required by this ordinance. The Planning Commission may require such changes in the presented site plan as may be necessary to minimize the impact of the requested use upon the town. This power of review may include, but not be limited to, setbacks, screening, lighting, parking location, layouts, access, drainage and general landscaping requirements. The Planning Commission further reserves the right to require off-site improvements when necessary and a traffic analysis, if deemed necessary by the City Engineer. This power of review shall not include the authority to specify or alter the architectural style of proposed or existing buildings.
 3. The review and approval of a site plan for any Use Permitted on Appeal by the Medina Municipal Board of Zoning Appeals as required by this ordinance. The Board of Zoning Appeals may require such changes in the presented site plan as may be necessary to minimize the impact of the requested use upon the town. This power of review may include, but not be limited to, setbacks, screening, lighting, parking location, layouts, access, drainage and general landscaping requirements. The BZA further reserves the right to require off-site improvements when necessary and a traffic analysis, if deemed necessary by the City Engineer. This power shall not include the authority to specify or alter the architectural style of proposed or existing buildings.

B. Review Procedure - In instances of review of a site plan by either the Medina Municipal / Regional Planning Commission, the Medina Municipal Board of Zoning Appeals or the Medina Building Inspector, the following procedures shall apply.

1. Building Inspector Review

In instances of review by the Medina Building Inspector, the site plan shall be reviewed in light of the provisions of this ordinance and approved or disapproved. The plans shall then be returned to the owner or agent with the date of such approval or disapproval noted thereon. In instances of disapproval, the applicant shall be notified in writing as to the reason(s) the site plan was disapproved.

2. Planning Commission Review

a. The owner or developer shall submit four (4) copies of the proposed site plan to the Building Inspector twenty-one (21) days prior to the regular meeting date of the Planning Commission. The site plan shall be reviewed in light of the provisions of this ordinance and approved or disapproved. The plans shall then be returned to the owner or agent with the date of such approval or disapproval noted thereon. When approval has been granted, the site plan shall be signed and dated by the Secretary of the Planning Commission. In instances of disapproval, the applicant shall be notified in writing as to the reasons(s) the site plan was disapproved.

b. Prior to the regular Planning Commission meeting, copies of the proposed site plan shall be distributed to the staff planner, staff engineer and other affected departments for review of areas under their concern. Once the town staff has reviewed the proposed development and has submitted a written review, a copy of these reviews shall be distributed to members of the Planning Commission and to the applicant prior to the scheduled meeting. To assist in resolving any potential problems, the owner, developer, or agent shall be required to attend the meeting at which the item is to be heard.

3. Board of Zoning Appeals Review

a. The owner or developer shall submit four (4) copies of the proposed site plan to the Building Inspector Twenty-one (21) days prior to the regular meeting date of the Board of Zoning

Appeals. The site plan shall be reviewed in light of the provisions of this ordinance and approved or disapproved. The plans shall then be returned to the owner or agent with the date of such approval or disapproval noted thereon. When approval has been granted, the site plan shall be signed and dated by the Chairman of the Board of Zoning Appeals. In instances of disapproval, the applicant shall be notified in writing as to the reason(s) the site plan was disapproved.

- b. Prior to the scheduled meeting, copies of the proposed site plan shall be distributed to the staff planner, staff engineer and other affected departments for review of areas under their concern. Once the town staff has reviewed the proposed development and has submitted a written review, a copy of these reviews shall be distributed to members of the Board of Zoning Appeals and to the applicant prior to the scheduled meeting. To assist in resolving any potential problems, the owner, developer, or agent shall be required to attend the meeting at which the item is to be heard.

C. Contents of the Site Plan - In instances where site plan review is required by either the Building Inspector, the Planning Commission or the Board of Zoning Appeals, the site plan shall be drawn to a scale of not less than 1" = 50' and shall include, at a minimum, the following:

1. Name and address of development.
2. Name and address of the applicant and owner of record.
3. Present zoning of the site and abutting properties.
4. Date, graphic scale, and north point with reference to source of meridian.
5. Courses and distances of center of all streets and all property lines, setback lines, property restricting lines, easements, covenants, reservations and rights-of-way.
6. The total land area.
7. A vicinity map showing the location of the property in relation to the Town of Medina
8. Topography of the existing ground and paved areas and elevations in relation to mean sea level of streets, alleys, utilities, sanitary and

storm sewers, and buildings and structures. Topography to be shown by dashed line illustrating one (1) foot contours and by spot elevation where necessary to indicate flat areas.

9. Certification as to the following: Certificate of accuracy of the plan by a licensed architect or engineer; and, certificate of approval by either the Medina Municipal / Regional Planning Commission or the Medina Municipal Board of Zoning Appeals, whichever is applicable to the type of use that is requested.
10. The location, dimensions, site and height of the following when existing:
 - a. Sidewalks, streets, alleys, easements and utilities.
 - b. Buildings and structures.
 - c. Public waste water systems.
 - d. Slopes, terraces and retaining walls.
 - e. Driveways, entrances, exits, parking areas and sidewalks.
 - f. Water mains and fire hydrants.
 - g. Trees and shrubs.
 - h. Recreational areas and swimming pools.
 - i. Natural and artificial water courses.
 - j. Limits of flood plains.
11. The location, dimensions, site and height of the following when proposed:
 - a. Sidewalks, streets, alleys, easements and utilities.
 - b. Buildings and structures including the front (street) elevation of proposed buildings.
 - c. Public waste water systems.
 - d. Slopes and terraces, and retaining walls.
 - e. Driveways, entrances, exits, parking areas and sidewalks.
 - f. Water mains and fire hydrants.
 - g. Trees and shrubs.
 - h. Recreational areas.
 - i. Distances between buildings.
 - j. Estimates of the following when applicable:
 - (1) Number of dwelling units.
 - (2) Number of parking spaces.
 - (3) Number of loading spaces.
 - (4) Number of commercial or industrial tenants and employees.
 - k. Plans for collecting storm water and methods of prevention of erosion, control of sedimentation and treatment of natural

and artificial water courses including stormwater detention, sedimentation basins and a delineation of limits or flood plains, if any. Drainage facilities shall be designed to accommodate a capacity of a ten (10) year return interval storm event, with adequate freeboard.

1. Proposed grading, surface drainage terraces, retaining wall heights, grades on paving area, and ground floor elevations of proposed building and structures. Proposed topography of the site shall be shown by one (1) foot contours.
12. In instances where the proposed construction is an individual single-family or two (2) family residence, the site plan shall consist of the following:
- a. All property lines and their surveyed distances and courses.
 - b. All building restricting lines, setback lines, easements, covenants, reservations and rights-of-way.
 - c. Total land area.
 - d. Present zoning of site and abutting properties.
 - e. Name, address of owner of record and applicant.
 - f. Provisions for utilities (water, sewer, etc.)
 - g. Location and dimensions of the proposed structures.
13. When an existing street is proposed for widening (including the addition of turning lanes) as part of the site plan process a new wearing surface shall be installed the full width of the street to cover the widened area and extended to include the entire length of the widened portion of the existing street. Construction drawings detailing the proposed improvements shall be included with the site plan.
14. For Design Review purposes the following should be shown:
- a. Architectural drawing showing the elevation of all proposed activities, including but not limited to all superstructures and units on the roof or above the roofline, projections from walls, mechanical units, etc.
 - b. Exterior materials to be used shall be identified by type, location, texture, and color, with samples of each made available upon request by the Building Inspector.

c. The location, size, height, and detailed description of all exterior lighting.

d. The materials to be used and a graphic portrayal of all signage.

D. Expiration of Approval and Renewal - A site plan approved by the Planning Commission or the Board of Zoning Appeals shall lapse unless a building permit, based thereon, is issued within one (1) year from the date of such approval unless an extension of time is applied for and granted by the appropriate approving body.

E. Site Plan Review Fees - In instances where construction exceeds 3,000 square feet in area, a site plan review fee of \$300 shall be required at the time of application. Where construction is less than 3,000 square feet in area no site plan review fee is required.

11-2-215. Adult Oriented Businesses. For the purposes of this ordinance, Adult Oriented Businesses as defined in Chapter 7., of this ordinance shall be permitted only in the districts and under such conditions where specifically permitted by the district provisions contained herein.

11-2-216. Flagpoles and Flags

A. The term flag in this subsection shall mean a piece of fabric or other flexible material solely containing distinctive colors, patterns, standards, words, or emblems used as a symbol of an organization or entity, including but not limited to political jurisdictions, such as the United States. References to flagpole height in this subsection refer to vertical flagpoles. References to the number of flags and flagpoles and flag dimensions refer to both vertical flagpoles and mast arm flagpoles (for example, staffs extending at an angle from a building.)

B. Except as otherwise provided herein, Flags shall be displayed on flag poles. Such poles in nonresidential zoning districts shall not exceed the allowed height of the zoning district or 70 feet whichever is less. Flagpoles may not be placed on top of buildings unless they are located in the CBD district or downtown design overlay district. Variations from this ordinance regarding the height of poles located on top of buildings may be granted by the Board of Zoning Appeals. Flagpoles in residential districts shall not exceed 35 feet. A fee shall not be charged for a use permit request for a residential flag.

C. The maximum dimensions of any flag shall be proportional to the flag pole height. The hoist side of the flag shall not exceed 20% of the vertical height of the pole. In addition, flags are subject to the following dimensional limitations:

<u>Pole Height (ft.)</u>	<u>Maximum Flag Size (total sq. ft.)</u>
Up to 25 ft	24 sq. ft.
25 to 39 ft.	40 sq. ft.
40 to 49 ft.	60 sq. ft.
50 to 59 ft.	96 sq. ft.
60 to 69 ft.	150 sq. ft.
70 ft.	216 sq. ft.

- D. Each property shall be allowed a maximum of 3 flag poles.
 - E. A maximum of 2 flags shall be allowed per flag pole.
 - F. Flags displaying a logo, message, statement, or expression relating to commercial interests, and banners not meeting the definition for a flag contained in paragraph 1 of this subsection must also conform with all sign regulations under the General Provisions of the Zoning Ordinance.
 - G. A vertical flag pole must be set back from all property boundaries a distance which is at least equal to the height of the pole, plus ten (10) feet.
 - H. The flag and flag poles shall be maintained in good repair. Flag poles with broken halyards shall not be used and flags which are torn or frayed shall not be displayed.
 - I. On United States and Tennessee holidays, there shall be no maximum flag size or number or other limitations on manner of display.
- 11-2-217. General Dwelling Standards
- A. Single family dwellings and two family dwellings must contain at least 950 square feet of heated space per unit. Multiple family dwellings must contain at least 800 square feet of heated space per dwelling unit.
 - B. No dwelling shall be fashioned from previously purposed structures, such as storage containers, grain bins, water tanks, train boxcars, or other similar structures.
 - C. All dwellings must be installed on a fully enclosed permanent foundation system consisting of reinforced masonry block and/or poured in-place concrete. bearing a minimum of 12” below finished grade.in compliance with all applicable requirements of the adopted building code.
 - D. All dwellings must be covered with an exterior material customarily used for conventional dwellings. The exterior covering material shall extend to the ground except that, when a solid concrete or masonry perimeter foundation is used, the exterior covering material need not extend below

the top of the foundation. Suitable exterior materials include but shall not be limited to clapboards, simulated clapboards, such as conventional or metal material, but excluding smooth, ribbed or corrugated metal or plastic panels.

- E. Any hitches or towing apparatus, axles and wheels attached to a structure must be removed prior to a structure being occupied as a dwelling.
- F. The roof of all dwellings must be pitched in compliance with applicable adopted building codes, residential manufactured housing codes and municipal mobile home standards. All roofs must consist of material that is customarily used for conventional dwellings.
- G. All dwellings shall be required to connect to a public utility system which includes gas, electric, water and sewer in compliance of the adopted applicable building and electric codes.

CHAPTER 3

ESTABLISHMENTS OF DISTRICTS

11-301. - Classification of Districts - For the purpose of this ordinance, Medina, Tennessee is hereby divided into five (5) districts, designated as follows:

- R-1 Low Density Residential
- R-2 High Density Residential
- B-1 General Business
- B-2 Central Business
- M-1 Industrial

11-302. - Boundaries of districts

1. The boundaries of districts in Section 11-301 of this Chapter are hereby established as shown on the Official Zoning Map entitled "Zoning Map of Medina, Tennessee," which is a part of this ordinance and which is on file in the City Hall.
2. Unless otherwise indicated on the zoning map, the boundaries are lot lines, the center lines of streets or alleys, railroad rights-of-way, or the corporate limit lines as they existed at the time of the enactment of this ordinance. Questions concerning the exact locations of district boundaries shall be determined by the Board of Zoning Appeals.
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 twenty (20) feet into the more restricted district within said lot.

CHAPTER 4

PROVISIONS GOVERNING RESIDENTIAL DISTRICTS

11-401. -R-1 (Low Density Residential) Districts. Within the R-1 (Low Density Residential) Districts, as shown on the Zoning Map of Medina, Tennessee, the following regulations shall apply:

1. Uses Permitted

- (a) Single family dwellings, not mobile homes.
- (b) Accessory buildings customarily incidental to any aforementioned permitted use.
- (c) Real estate signs advertising the sale, rental, or leasing of only the premises on which they are maintained, provided that they are not over four (4) square feet in area, and at least fifteen (15) feet from all lot lines.
- (d) Customary incidental home occupations provided that no building permit or certificate of occupancy for such use shall be issued without the written approval of the Building Inspector and subject to such conditions as the Building Inspector may require in order to preserve and protect the character of the neighborhood in which the proposed use is located; and provided further that:
 - (1) the proposed use shall be located and conducted in the principal building only;
 - (2) the principals and employees engaged in proposed use shall be residents of the dwelling unit in which the proposed use is located;
 - (3) not more than fifteen (15) percent of the total floor area in dwelling unit shall be devoted to proposed use;
 - (4) proposed use shall not constitute primary or incidental storage facilities for a business, industrial, or agricultural activity conducted elsewhere;
 - (5) No activity, materials, goods, or equipment indicative of the proposed use shall be visible from any public way;
 - (6) the proposed use shall not be advertised by the display of goods or signs on the lot on which the proposed use is located;

- (7) the proposed use shall not generate noise, odor, fumes, smoke, vehicular or pedestrian traffic, nor nuisance of any kind which would tend to depreciate the residential character of the neighborhood in which the proposed use is located.
- (8) the provisions of this section shall not be used under any circumstances to permit barber shops, beauty shops, gift shops, florist shops or business offices or professional offices.
- (9) the Building Inspector reserves the right to refer approval of any proposed Home Occupation to the Board of Zoning Appeals.

2. Uses Permissible on Appeal

- (a) Hospitals for human care except primarily for mental cases, churches and other places of worship., parish houses, public libraries, schools offering general education courses, public parks and public recreational facilities, railroad rights-of-way, as a matter of right, provided however, that the provisions of this ordinance are observed and subject to approval of the site plans by the Board of Zoning Appeals. The Board of Zoning Appeals may attach such conditions to the permit as are necessary to minimize vehicle and pedestrian congestion and to preserve and protect the character of the district in which the proposed use is located. This power shall include: the power to require greater setbacks and yard spaces than required by other provisions of this ordinance, the power to specify access points and driveway and parking locations, and similar site design matters. This power shall not include the power to specify or alter the architectural style of proposed buildings, the power to specify building materials or colors, or other similar powers.
- (b) The Board of Zoning Appeals may at its discretion permit county, state or federal uses, public utilities facilities, cemeteries, philanthropic institutions and clubs, except a club the chief activity of which is customarily carried on as a business, customary general farming uses, gardens and buildings incidental thereto, but not including animal or poultry farms or kennels; provided, however, that no permit shall be issued except with the written approval of the Board of Zoning Appeals and subject to such conditions as the Board of Zoning Appeals may require in order to preserve and protect the character of the district in which the proposed use is located.

- (c) Any other use which in the opinion of the Board of Zoning Appeals is similar in character to the permitted uses and uses permitted on appeal of the district and which will not be detrimental to the surrounding neighborhood.

3. Uses Prohibited

- (a) Any other use or structure not specifically permitted or permissible on appeal in this Chapter.

4. 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.
- (b) Accessory buildings on corner lots shall conform with front yard setbacks for both intersecting streets.

5. Regulations Controlling Lot Area, Lot Width, Yards, Building Height.

The principal building shall be located so as to comply with the following requirements.

(a) Minimum required lot area.

- | | |
|----------------|--|
| (1) Dwellings | 12,000 sq. ft. for the first dwelling unit plus 4,000 ft. for each additional dwelling unit. |
| (2) Churches | One (1) acre or 200 sq. ft. of lot area per auditorium seat, whichever is greater. |
| (3) Schools | Five (5) acres plus one (1) acre for each 100 students. |
| (4) Other Uses | As required by the Board of Zoning Appeals. |

(b) Minimum required lot width at the building line.

- | | |
|----------------|--|
| (1) Dwellings | 100 feet |
| (2) Churches | 200 feet |
| (3) Other uses | As required by the Board of Zoning Appeals |

(c) Minimum required front yard.

- (1) Dwellings 30 feet
 - (2) Churches 30 feet
 - (3) Other Uses 30 feet or more as required by the Board of Zoning Appeals
- (d) Minimum required rear yard.
- (1) Dwellings 30 feet
 - (2) Churches 30 feet
 - (3) Other uses 30 feet or more as required by the Board of Zoning Appeals
- (e) Minimum required side yard on each side
- (1) Dwellings 15 feet
(one & two story)
 - (2) Dwellings 20 feet
(three story)
 - (3) Churches 30 feet
 - (4) Other uses 15 feet
- (f) Minimum required side yard for side facing street on corner lots
- All uses - 30 feet.
- (g) Maximum lot coverage by all buildings.
- (1) Dwellings and accessories 25%
 - (2) Churches 25%
 - (3) Other uses As may be required by the Board of Zoning Appeals
- (h) Maximum permitted height of structures

(1) No building shall exceed three (3) stories or thirty-five (35) feet in height unless each side yard is increased over the required minimum by five (5) feet for every five (5) feet, or fraction thereof, of additional height over thirty-five (35) feet, not to exceed sixty-five (65) feet, however.

(2) One a lot less than fifty (50) feet in width at the building line no building shall exceed one and one-half (1 ½) stories or twenty-five (25) feet in height.

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

(4) Free standing poles, spires, towers, antennae, and similar structures not designed for, or suitable to human occupancy may exceed the height provisions of this ordinance provided they comply with all other codes and ordinances and provided that they are located a distance equal to their own height plus ten (10) feet from the nearest property line.

11-402. - R-1A (Medium Density Single Family Residential) Districts: Within the R-1A (Medium Density Single Family Residential) Districts, as shown on the Zoning Map of Medina, Tennessee, the following regulations shall apply:

1. Uses Permitted

(a) Single family dwellings, not mobile homes.

(b) Accessory buildings customarily incidental to aforementioned permitted use.

(c) Real estate signs advertising the sale, rental or lease of the premises on which they are maintained; provided that they are not over four (4) square feet in area, and at least fifteen (15) feet from all lot lines.

(d) Customary incidental home occupations provided that no building permit or certificate of occupancy for such use shall be issued without the written approval of the Building Inspector and subject to such conditions as the Building Inspector may require in order to preserve and protect the character of the neighborhood in which the proposed use is located; and provided further that:

(1) the proposed use shall be located and conducted in the principal building only;

- (2) the principals and employees engaged in proposed use shall be residents of the dwelling unit in which the proposed use is located;
- (3) not more than fifteen (15) percent of the total floor area in dwelling unit shall be devoted to proposed use;
- (4) proposed use shall not constitute primary or incidental storage facilities for a business, industrial, or agricultural activity conducted elsewhere;
- (5) No activity, materials, goods, or equipment indicative of the proposed use shall be visible from any public way;
- (6) the proposed use shall not be advertised by the display of goods or signs on the lot on which the proposed use is located;
- (8) the proposed use shall not generate noise, odor, fumes, smoke, vehicular or pedestrian traffic, nor nuisance of any kind which would tend to depreciate the residential character of the neighborhood in which the proposed use is located.
- (8) the provisions of this section shall not be used under any circumstances to permit barber shops, beauty shops, gift shops, florist shops or business offices or professional offices.
- (9) the Building Inspector reserves the right to refer approval of any proposed Home Occupation to the Board of Zoning Appeals.

2. Uses Permitted on Appeal;

- (a) Hospitals for human care except primarily for mental cases, churches and other places of worship, parish houses, public libraries, schools offering general education courses, public [parks and public recreational facilities, funeral homes, provided they are located on a street of at least a collector classification, and railroad rights-of-way shall be permitted as a matter of right, provided, however, that the provisions of this ordinance are observed and subject to approval of the site plans by the Board of Zoning Appeals. The Board of Zoning Appeals may attach such conditions to the permit as are necessary to minimize vehicle and pedestrian congestion and to preserve and protect the character of the district in which the proposed use is

located. The power shall include: the power to require greater setbacks and yard spaces than required by other provisions of this ordinance, the power to specify access points and driveway and parking locations, and similar site decision matters. This power shall not include the power to specify or alter the architectural style of proposed buildings, the power to specify building materials or colors, or other similar powers.

(b) The Board of Zoning Appeals may at its discretion permit county, state, or federal uses, public utility facilities, philanthropic institutions and clubs, except a club the chief activity of which is customarily carried on as a business, customary general farming uses, gardens and buildings incidental thereto, but not including animal or poultry farms or kennels; provided, however, that no permit shall be issued except with the written approval of the Board of Zoning Appeals and subject to such conditions the Board of Zoning Appeals may require in order to preserve and protect the character of the district in which the proposed use is located.

(c) Standards for Short Term Rental Units - The Board of Zoning Appeals may authorize the issuance of a special use permit for a Bed and Breakfast Inn after first holding a public hearing as provided in this section and subject to the following additional standards:

1. A minimum of one (1) off street parking space, per room to be occupied by guests, shall be provided for in addition to any parking on the premises for permanent residents.
2. The outside appearance of the dwelling unit shall maintain conformance with the general character of the neighborhood in which it is located.
3. On-premises signs advertising Short Term Rental Units shall be prohibited.
4. New Short Term Rental Units shall not locate within 300 feet of another Short Term Rental Unit.
5. Proprietors of the Short Term Rental Unit shall also be permanent residents of the property on which it is located. All area and yard requirements of the district must be met.
6. An accurately drawn scaled plan shall be presented to the Board of Zoning Appeals at least ten (10) days prior to the meeting. The scaled 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 other information as be required by the Medina Board of Zoning Appeals.

7. All applicable Federal, State and Municipal Codes, including fire, building and electrical codes, shall be complied with as a condition of approval by the Board of Zoning Appeals.
8. Lodging of guests at the proposed Short Term Rental shall be limited to no more than thirty (30) days during any one stay.
9. 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.
10. No more than two (2) paid staff members/employees are permitted for Short Term Rental Units.
11. No more than three (3) bedrooms and eight (8) guests per night are allowed at any Short Term Rental Unit.
12. A Permit of Zoning Compliance for Short Term Rental Units shall be obtained upon initial approval of the use and shall be renewed annually through the office of the City Inspector.

(d) Any other use which in the opinion of the Board of Zoning Appeals is similar in character to the permitted uses and uses permitted on appeal of the district and which will not be detrimental to the surrounding neighborhood.

3. Uses Prohibited

(a) Any other use or structure not specifically permitted or permissible on appeal in this Chapter.

4. 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.

5. Regulations Controlling Lot Area, Lot Widths, Yards, Building Coverage and Building Heights

(a) Minimum required lot area

- (1) Dwelling(single and two family)- 9,000 sq. ft. for the first dwelling plus an additional 2,000 sq. ft. for two family dwellings
- (2) Churches - 20,000 sq. ft. or 200 sq. ft. of lot per auditorium seat whichever is greater
- (3) Schools- Five (5) acres plus one (1) for each 100 students

(b) Minimum required lot width at the building line.

- (1) Dwellings and duplexes 70 feet
- (2) Churches 70 feet
- (3) Other Uses As required by the Board of Zoning Appeals

(c) Minimum required front yard

- (1) Dwellings and duplexes 30 feet
- (2) Churches 25 feet
- (3) Other Uses 25 feet or more as required by the Board Of Zoning

Appeals

- (d) Minimum required rear yard
 - (1) Dwellings and duplexes 25 feet
 - (2) Churches 20 feet
 - (3) Other Uses 15 feet or more as required by the Board of Zoning Appeals

- (e) Minimum required side yard on each side of lot
 - (1) Dwellings and duplexes (one & two story) 10 feet
 - (2) Three story 15 feet
 - (3) Churches 20 feet
 - (4) Other uses 10 feet or more as required by the Board of Zoning Appeals

- (f) Minimum required side yard for side facing street on corner lots
 - (1) All Uses 30 feet

- (g) Maximum lot coverage by all buildings
 - (1) Dwellings & Duplexes 40%

- (h) Maximum permitted height of structures
 - (1) No building shall exceed three (3) stories or thirty-five (35) in height, unless side yard is increased over the required minimum by five (5) feet for every five (5) feet, or fraction thereof, of additional height over thirty-five (35) feet, not to exceed sixty-five (65) feet, however
 - (2) On a lot less than fifty (50) feet in width at the building line no building shall exceed one and one-half (1 ½) stories or twenty-five feet in height.
 - (3) No accessory building shall exceed two (2) stories in height.

- (4) Free standing poles, spires, towers, antennas, and similar structures not designed for, or suitable to human occupancy may exceed the height provisions of this ordinance, provided they comply with all other codes and ordinances and provided that they are located a distance equal to their own height plus ten (10) feet from the nearest property line.

403. - R-2 (High Density Residential) Districts. Within the R-2 (High Density Residential) Districts, as shown on the Zoning Map of Medina, Tennessee, the following regulations shall apply:

1. Uses Permitted

- (a) Single and multiple-family dwellings not mobile homes.
- (b) Townhouses. Provided that a site plan is reviewed and approved by the Building Inspector. The Building Inspector shall have the power to require screening adjacent uses, adequate parking, access for fire protection and service vehicles and to assure that the maximum density standards are met.
- (c) Accessory buildings customarily incidental to any aforementioned permitted use.
- (d) Real estate signs advertising the sale, rental or lease of only the premises on which they are maintained; provided that they are not over four (4) square feet in area, and at least fifteen (15) feet from all lot lines.
- (e) Customary incidental home occupations provided that no building permit or certificate of occupancy for such use shall be issued without the written approval of the Building Inspector and subject to such conditions as the Building Inspector may require in order to preserve and protect the character of the neighborhood in which the proposed use is located; and provided further that:
 - (1) the proposed use shall be located and conducted in the principal building only;
 - (2) the principals and employees engaged in proposed use shall be residents of the dwelling unit in which the proposed use is located;
 - (3) not more than fifteen (15) percent of the total floor area in dwelling unit shall be devoted to proposed use;
 - (4) proposed use shall not constitute primary or incidental storage facilities for a business, industrial, or agricultural activity conducted elsewhere;
 - (5) No activity, materials, goods, or equipment indicative of the proposed use shall be visible from any public way;
 - (6) the proposed use shall not be advertised by the display of goods or signs on the lot on which the proposed use is located;
 - (7) the proposed use shall not generate noise, odor, fumes, smoke, vehicular or pedestrian traffic, nor nuisance of any kind which would tend to depreciate

the residential character of the neighborhood in which the proposed use is located.

- (8) the provisions of this section shall not be used under any circumstances to permit barber shops, beauty shops, gift shops, florist shops or business offices or professional offices.
- (9) the Building Inspector reserves the right to refer approval of any proposed Home Occupation to the Board of Zoning Appeals.

2. Uses Permissible on Appeal

- (a) Hospitals for human care except primarily for mental cases, churches and other places of worship, parish houses, public libraries, schools offering general education courses, public parks and public recreational facilities, funeral homes provided they are located on a street of at least a collector classification, and railroad rights-of-way shall be permitted as a matter of right, provided, however, that the provisions of this ordinance are observed and subject to approval of the site plans by the Board of Zoning Appeals. The Board of Zoning Appeals may attach such conditions to the permit as are necessary to minimize vehicle and pedestrian congestion and to preserve and protect the character of the district in which the proposed use is located. This power shall include: the power to require greater setbacks and yard spaces than required by other provisions of this ordinance, the power to specify access points and driveway and parking locations, and similar site design matters. This power shall not include the power to specify or alter the architectural style of proposed buildings, the power to specify building materials or colors, or other similar powers.
- (b) The Board of Zoning Appeals may at its discretion permit county, state or federal uses, public utilities facilities, cemeteries, philanthropic institutions and clubs, except a club the chief activity of which is customarily carried on as a business, customary general farming uses, gardens and buildings incidental thereto, but not including animal or poultry farms or kennels; provided, however, that no permit shall be issued except with the written approval of the Board of Zoning Appeals and subject to such conditions as the Board of Zoning Appeals may require in order to preserve and protect the character of the district in which the proposed use is located.
- (c) Standards for Short Term Rental Units - The Board of Zoning Appeals may authorize the issuance of a special use permit for a Bed and Breakfast Inn after first holding a public hearing as provided in this section and subject to the following additional standards:

1. A minimum of one (1) off street parking space, per room to be occupied by guests, shall be provided for in addition to any parking on the premises for permanent residents.
2. The outside appearance of the dwelling unit shall maintain conformance with the general character of the neighborhood in which it is located.
3. On-premises signs advertising Short Term Rental Units shall be prohibited.
4. New Short Term Rental Units shall not locate within 300 feet of another Short Term Rental Unit.
5. Proprietors of the Short Term Rental Unit shall also be permanent residents of the property on which it is located. All area and yard requirements of the district must be met.
6. An accurately drawn scaled plan shall be presented to the Board of Zoning Appeals at least ten (10) days prior to the meeting. The scaled 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 other information as be required by the Medina Board of Zoning Appeals.
7. All applicable Federal, State and Municipal Codes, including fire, building and electrical codes, shall be complied with as a condition of approval by the Board of Zoning Appeals.
8. Lodging of guests at the proposed Short Term Rental shall be limited to no more than thirty (30) days during any one stay.
9. 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.
10. No more than two (2) paid staff members/employees are permitted for Short Term Rental Units.
11. No more than three (3) bedrooms and eight (8) guests per night are allowed at any Short Term Rental Unit.
12. A Permit of Zoning Compliance for Short Term Rental Units shall be obtained upon initial approval of the use and shall be renewed annually through the office of the City Inspector.

- (d) Any other use which in the opinion of the Board of Zoning Appeals is similar in character to the permitted uses and uses permitted on appeal of the district and which will not be detrimental to the surrounding neighborhood.

3. Uses Prohibited

- (a) Any other use or structure not specifically permitted or permissible on appeal in this Chapter.

4. 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.
- (b) Accessory buildings on corner lots shall conform with front yard setbacks for both intersecting streets.

5. Regulations Controlling Lot Area, Lot Widths, Yards, Building Coverage and Building Height. The principal building shall be located so as to comply with the following requirements:

(a) Minimum required lot area.

- | | |
|--|---|
| (1) Dwellings (single and multiple family) | 9,000 sq. ft. for the first dwelling plus 2000 sq. ft. for each additional dwelling unit. |
| (2) Churches | 20,000 sq. ft. or 200 sq. ft. of lot area per auditorium seat, whichever is greater. |
| (3) Schools | Five (5) acres plus one (1) acre for each 100 students |
| (4) Townhouses | 2,600 square feet. |
| (5) Other uses | As required by the Board of Zoning Appeals. |

(b) Minimum required lot width at the building line.

- | | |
|------------------------------|---------|
| (1) Dwellings and apartments | 70 feet |
| (2) Churches | 70 feet |

- (3) Townhouses 20 feet
- (4) Other uses As required by the Board of Zoning Appeals

(c) Minimum required front yard.

- (1) Dwellings, townhouses and apartments 20 feet
- (2) Churches 25 feet
- (3) Other uses 25 feet or more as required by the Board of Zoning Appeals

(d) Minimum required rear yard.

- (1) Dwellings and apartments 25 feet
- (2) Townhouses 15 feet
- (3) Churches 20 feet
- (4) Other uses 15 feet or more as required by the Board of Zoning Appeals.

(e) Minimum required side yard on each side of lot.

- (1) Dwellings and apartments (one and two story) 5 feet
- (2) Three story 15 feet
- (3) Churches 20 feet
- (4) Townhouses no side yard is required for townhouse dwellings having adjoining walls, otherwise 5 feet.
- (4) Other uses 10 feet or more as required by the Board of Zoning Appeals

(f) Minimum required side yard for side facing street on corner lots.

(1) All uses 20 feet

(g) Maximum lot coverage by all buildings

(1) Dwellings and apartments 60 %

(2) Townhouses 60%

(h) Maximum permitted height of structures

(1) No building shall exceed three (3) stories or thirty-five (35) feet in height unless each side yard is increased over the required minimum by five (5) feet for every five (5) feet, or fraction thereof, of additional height over thirty-five (35) feet, not to exceed sixty-five (65) feet, however.

(2) On a lot less than fifty (50) feet in width at the building line no building shall exceed one and one-half (1 ½) stories or twenty-five (25) feet in height.

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

(4) Free standing poles, spires, towers, antennae and similar structures not designed for, or suitable to human occupancy may exceed the height provisions of this ordinance provided they comply with all other codes and ordinances and provided that they are located a distance equal to their own height plus ten (10) feet from the nearest property line.

11-404. R-3 (Mobile Home Residential) Districts. Within the R-3 (Mobile Home Residential) Districts as shown on the Zoning Map of Medina, Tennessee, the following regulations shall apply:

Intent

The intent of the R-3 (Mobile Home Residential) District is to provide areas for high-density mobile home parks. These areas should be served by all municipal services.

Uses Permitted

1. Single-family mobile homes in mobile home parks.
2. Mobile home park offices.
3. Accessory buildings and accessory uses customarily incidental to the permitted uses.
4. Real estate signs advertising the sale, rental or lease of only the premises on which they are maintained, provided that they are not over four (4) square feet in area and at least six (6) feet from all lines and from the street right-of-way.
5. Single-family dwellings

C. Uses Permitted on Appeal- None

D. Uses Prohibited- Any use not specifically permitted in section 404.B or in section 404.D.

E. Required Lot Area, Lot Width, Yards and Setbacks- Buildings hereafter constructed shall be so located as to comply with the following minimum requirements.

1. Minimum Lot Area
 - a. Mobile Home Parks Five (5) Acres
 - b. Single Family mobile homes Four thousand-five hundred (4,500) square feet
2. Minimum Lot Width at the Building Line

- | | | |
|--|----------------------------|--|
| a. | Mobile home Parks | One hundred (100) feet for the overall development |
| b. | Single-family mobile home | Twenty (20) feet per mobile home space |
| 3. <u>Minimum Required Front Yard</u> | | |
| a. | Mobile Home Parks | Twenty five (25) feet for the overall development |
| b. | Single-family mobile home | Twenty (20) feet per mobile home space |
| 4. <u>Minimum Required Side Yard on Each Side of the Lot</u> | | |
| a. | Mobile home parks | Twenty-five (25) feet for the overall development |
| b. | Single-family mobile home | Ten (10) feet per mobile home space |
| 5. <u>Minimum Required Rear Yard</u> | | |
| a. | Mobile home parks | Twenty-five (25) feet for the overall development |
| b. | Single-family mobile homes | Ten (10) feet per mobile home space |
- F. Maximum Number of Principal Buildings Permitted- Uses shall have no limitations on the number of principal buildings per lot provided that the lot area and the yard requirements are met.
- G. Height Regulations- No building shall exceed three (3) stories or thirty-five (35) feet in height.
- H. Parking Requirements- Off-street parking space shall be provided on the same lot as the principal building(s) in accordance with Section 211.
- I. Accessory Buildings and Uses-

1. Accessory buildings and uses shall include private garages, swimming pools, carports and accessory uses customarily incidental to the previously permitted uses.
2. No accessory building or use shall be erected in any required front or side yard.
3. Accessory buildings or uses shall not cover more than thirty (30) percent of any required rear yard and shall be at least five feet from all lot lines, recorded easements or other buildings on the same lot.
4. Accessory buildings on corner lots shall conform with front yard setbacks for both intersecting streets.
5. No accessory building shall exceed two (2) stories or twenty-five (25) feet in height.

J. Development Requirements- All mobile homes in the City of Medina must meet certain development requirements. A site plan for the proposed mobile home park must be submitted to the Planning Commission and must adhere to the following requirements.

1. Mobile Homes Parks Screening- There must be screening along the side and the rear lot lines. The screening must either be a five (5) foot wide green strip with evergreen plants at least five (5) feet tall or a fence with a minimum height of six (6) feet. The fence shall be designed to totally block visibility of the development even when the viewer is moving. The Planning Commission may waive the screening requirements for some or all of the proposed development if they feel that the development area is already adequately screened by topographic features or by existing natural features.
2. Mobile Home Space- The site plan shall show that there is a lot for each mobile home with minimum amount of area as set forth in Section 503.E.1. Each space shall front on a street which is part of the mobile home system.
3. Mobile Home Pads- All mobile homes moved into any mobile home park, existing or new, after the effective date of this Ordinance shall be under-skirted to prevent the accumulation of refuse and rodents.
4. Street System
 - A. The internal street system shall consist of, at a minimum, gravel surfaced streets that have surface of a minimum of twenty-two (22) feet measured from the edge of the surface to the edge of the surface.

- B. The construction standards for the streets are: The grade shall consist of six (6) inches of compacted chert or gravel and two (2) inches of asphalt wearing surface.
5. Water Line Requirements- Water Lines shall be a minimum of six (6) inches looped for adequate water pressure and fire protection with fire hydrants being located every five hundred (500) feet. The water system shall be designed in accordance with the same standards that are required in the City's Municipal Subdivision Regulations.
 6. Sewer Line Requirements- Sewer lines shall be a minimum of four (4) inches, with four (4) inch force mains where applicable, designed in accordance with the same standards that are required in the City's Municipal Subdivision Regulations.
 7. Parking Requirements- All mobile home lots or spaces shall provide a minimum of four hundred (400) square feet of parking area.
 8. Drainage Plan Requirements- A drainage plan shall be submitted to and approved by the City Engineer.
 9. Recreational Facilities- For all mobile home parks and including phased developments, recreational space and facilities shall be provided and approved as part of the overall development. The recreational space shall constitute fifteen (15) percent of the required minimum lot area as set forth in Section 503.E.1 of this article and shall be landscaped, lighted and furnished appropriate to the anticipated clientele, i.e., including playground equipment when children are anticipated. The Planning Commission shall have the authority to modify this proposed recreational space and facilities so as to reasonably serve the anticipated residents.
 10. Regulations Governing the Establishment of Mobile Home Parks
 - A. Prior to the issuance of a building permit for the construction of mobile home parks, the developer shall submit a site plan to the Planning Commission for review and approval. The site plan shall include the following:
 1. The location of the mobile home park.
 2. The proposed design, including streets, proposed street names, lot lines, approximate dimensions, easements, land to be reserved or dedicated for public uses and any land used for purposes other than mobile home spaces.

3. The provisions for water supply, sewerage and drainage.
 4. The location of each mobile home lot and mobile home pad.
- B. The Planning Commission may require modification of the site plan with respect to the following items to ensure that the proposed project is compatible with and does not adversely affect the adjacent properties:
1. The relocation of drives and parking areas.
 2. The requirement of increased lot areas and/or increased setbacks.
 3. The requirement of additional screening.
 4. The alteration of building locations.
- C. 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 the design of access points or other features as may be required to protect the neighborhood from traffic congestion or other undesirable conditions, which may include but not be limited to, the arrangement of structures, parking or other facilities, required screening, vegetative buffers, fencing, the location and content of the required recreational facilities and the provision of landscaping.
- D. The Planning Commission shall not have the power to regulate the architectural style of buildings or of 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.
11. Licenses and License Fees-
- A. It shall be unlawful for any person to maintain or to operate, within the City of Medina, any mobile park unless such person first obtains a license for that park.
 - B. Licenses shall not be transferred.
 - C. The annual license fee for such mobile home parks shall be established by the Medina Board of Aldermen.

- D. The license shall be conspicuously posted in the office of, or on the premises of the mobile home park at all times.
12. Application for Licenses- Applications for a mobile home license shall be filed with and issued by the Building Inspector. Applications shall be in writing, shall be signed by the applicant and shall contain the following:
- A. The name and address of the applicant.
 - B. The location and a legal description of the mobile home park.
 - C. A valid state permit issued by the Tennessee Department of Environment and Conservation.
 - D. A site plan in accordance with Section 503.J.10. drawn to a scale of one hundred (100) feet to one (1) inch. The plan shall show buildings and structures, streets, existing road ways, utilities, the location of pads and individual mobile home spaces.
 - E. Any further information as may be requested by the Building Inspector to enable him to determine if the proposed park will comply with legal requirements.
13. Issuance of License- The Building Inspector shall inspect the development for conformance with the provisions of this Ordinance, the approved site plan and the health and environmental laws. If such development conforms to these requirements, the applicant shall be issued a license.
14. Revocation of License- The Building Inspector shall make periodic inspections of the park to ensure compliance with this Ordinance. In a case of non-compliance with any provisions of this Ordinance, the Building Inspector shall serve warning to the license. Thereafter, upon failure to the licensee to remove said violation, the Building Inspector shall have the authority of revocation of such license. The license may be reissued if the circumstances leading to the revocation have been remedied and the park can be operated and maintained in full compliance with the law.
15. Register of Mobile Homes- It shall be the duty of the licensee to keep a register containing a record of all mobile home owners, located within the park. The park shall keep the register available, at all times, for inspection by law enforcement officers, public health officials and other officials whose duties necessitate acquisition of the information contained in the register. The register of records shall not be destroyed for a period of three (3) years

following the date of registration. The register shall contain the following information:

- A. The make, model and year of all of the park's mobile homes.
 - B. The owner and/or person leasing of each mobile home.
 - C. The dates of arrival and/or departure of each mobile home.
- K. Non-conforming Mobile Home Parks-All additions or improvements to an existing non-conforming mobile home park must be conforming with these regulations.

11-405. PRD-Planned Residential District

A. Planned Residential Developments

This section is intended to provide the means and the guidelines through which tracts of land may be developed through an overall unified approach rather than the traditional lot-by-lot treatment afforded by other districts in this Ordinance. It is intended to provide a maximum of design freedom in order to create a better living environment, by making the best use of topography and land features and by permitting the developer an opportunity to more fully utilize the physical characteristics of the site through the reduction of lot sizes, the absence of yard and bulk restrictions and the planned mixing of uses. Through the requirement of a development plan, it is the intent that property under this section will be developed through a unified design providing continuity between the various elements and ultimately leading to a better environment. Increased residential densities may be permitted under this Section if such increase can be substantiated on the basis that the superior design makes greater densities possible with no reduction of amenities. This section is not intended as a panacea and should not be utilized as a device for making increased densities more acceptable or as a means of circumventing the City's development regulations.

B. Objectives

The Board of Mayor and Aldermen may, upon proper application, rezone a site of at least five (5) acres to PRD to facilitate the use of flexible techniques of land development and site design by providing relief from zone requirements designed for conventional developments. In addition, the Board may establish standards and procedures, including restricting land uses to only those compatible to surrounding development prior to a rezoning in order to obtain one or more of the following objectives:

1. Promote flexibility in design and permit planned diversification in the location of structures.
2. Promote the efficient use of land to facilitate a more economic arrangement of buildings, circulation systems, land use and utilities.
3. Preserve to the greatest extent possible the existing landscape features and amenities and to utilize such features in a harmonious fashion.
4. Provide for more usable and suitably located recreation facilities and other public and common facilities than would otherwise be provided under conventional land development procedures.
5. Combine and coordinate architectural styles, building forms and building relationships within the planned developments.
6. Insure a quality of construction commensurate with other developments within the city.

7. Creation of a safe and desirable living environment for residential areas characterized by a unified building and site development program.
8. Rational and economic development in relation to public services.
9. Efficient and effective traffic circulation, both within and adjacent to the development site.
10. Creation of a variety of housing compatible with surrounding neighborhoods to provide a greater choice of types of environment and living units.

C. Types of Planned Residential Developments

Under this section, the following types of Planned Residential Developments (PRD) shall be permitted, subject to the stated requirements. PRD's are established by overlaying a Preliminary Development Plan over the existing district. The overlays are as follows: PRD (Planned Residential Development) over R-1, R-1A and R-2 districts. A zoning amendment is required following the procedures outlined in this section and in accordance with Section 11-907 of this Zoning Ordinance.

D. Modification of District Regulations

Planned Residential Developments may be constructed in the above zoning districts subject to the standards and procedures set forth below:

1. Except as modified by and approved in the ordinance approving a preliminary development plan, a Planned Residential Development shall be governed by the regulations of the district or districts in which the said Planned Residential Development is located.
2. The ordinance approving the preliminary development plan for the Planned Residential Development may provide for such exceptions from the district regulations governing area, setback, width and other bulk regulations, parking, and such subdivision regulations as may be necessary or desirable to achieve the objectives of the proposed Planned Residential Development, provided such exceptions are consistent with the standards and criteria contained in this section and have been specifically requested in the application for a Planned Residential Development and further provided that no modification of the district requirements or subdivision regulations may be allowed when such proposed modification would result in:
 - a. Inadequate or unsafe access to the Planned Residential Development.
 - b. Traffic volume exceeding the anticipated capacity of the proposed major street network in the vicinity.

- c. An undue burden on public parks, recreation areas, schools, fire and police protection and other public facilities which serve or are proposed to serve the Planned Residential Development.
- d. A development which will be incompatible with the purposes of this Ordinance.

Such exceptions shall supersede the regulations of the zoning district in which the Planned Residential Development is located. Provided, however, in no case shall the uses or densities be varied, except as herein provided, and setbacks along the boundary of the Planned Residential Development shall not be less than those allowed in the underlying zoning.

E. Coordination with Subdivision Regulations

The uniqueness of each proposal for a Planned Residential Development may require that specifications for which the width and surfacing of streets, public ways, public utility right-of-ways, curbs and other standards may be subject to modification from the specifications established in the Subdivision Regulations adopted by the Planning Commission. Modifications may be incorporated only with the review of the Medina Planning Commission and approval of the Board of Mayor and Aldermen as part of its review of the Final Development Plan for a PRD and granted as a variance in the preliminary approval of the subdivision which must be concurrent with the final approval by the Planning Commission of the plan.

- 1. It is the intent of this Ordinance that subdivision review under the Subdivision Regulations be carried out simultaneously with the review of a Planned Residential Development under this section of the Zoning Ordinance.
- 2. The development plans submitted under Sub-section H. of this Section must be submitted in a form that will satisfy the requirements of the Subdivision Regulations for preliminary and final plats.
- 3. The requirements for both this section of the Zoning Ordinance and those of the Subdivision Regulations shall apply to all PRD's and all actions of the City Board pertaining to PRD's shall be based upon a recommendation by the Planning Commission.

F. General Provisions

The following general provisions shall apply to any Planned Residential Development Districts created by the Board Mayor and Aldermen.

- 1. Application for Planned Residential Development Permit Required
Each application for a Planned Residential Development shall be submitted in accordance with requirements of these regulations and the requirements set forth in the Subdivision Regulations. Variances

to the requirements of both regulations may be granted upon review of the Planning Commission and approval by the Board of Zoning Appeals.

2. Waiver of Board of Zoning Appeals Action

No action of the Board of Zoning Appeals shall be required in the approval of a Planned Residential Development District.

3. Ownership and Division of Land

No tract of land may be considered for or approved as a PRD unless such tract is under the single ownership of a landowner. For the purpose of this Ordinance, a landowner may be a person, partnership, corporation, association or any other legal entity entitled to own property. The holder of a written option to purchase, a party purchaser to a contract for the sale of real property contingent upon the success of a PRD application for the property, or any governmental agency shall be considered landowners for the purpose of this Section. Unless otherwise provided as a condition of approval of PRD, the landowner of an adopted PRD may divide and transfer parts of such development. The transferee shall complete each section and use and maintain it in strict conformance with the final development plan.

4. Professional Design

The Medina Planning Commission shall not consider any development plan for any proposed Planned Residential Development, either on a preliminary or final basis, nor shall the Medina Board of Mayor and Aldermen concur with any preliminary development plan for a proposed Planned Residential Development unless such proposed plan includes a certification that the services of a licensed civil engineer or licensed land surveyor was utilized in the preparation of the master plan.

5. Development Period; Staging

The expeditious construction of any planned residential development authorized under these provisions shall be undertaken to assist in the assurance of the full completion of the development in accordance with the adopted final development plan.

a. Start of Development

Within one year from and after the date of the action establishing a PRD, actual construction shall have commenced in such development. Actual construction is defined to include the placing of construction materials in a permanent position and fastened permanently or extensive grading including demolition or removal of existing structures necessary for the development.

b. Completion Period

The Medina Planning Commission may recommend and the Board of Mayor and Aldermen may establish a reasonable period of time for the completion of the Planned Residential Development at the time the PRD district is established. If no substantial construction, as determined by the Building Inspector, has begun or no use established in the PRD within the time stated in the final development and construction schedule, the final development plan shall lapse upon written notice to the applicant from the City Board and shall be of no further effect. At its discretion and for good cause, the City Board, upon recommendation by the Planning Commission, may extend for a reasonable time, not to exceed one year, the period for the beginning of construction or the establishment of a use.

c. Staging of Development

The Board of Mayor and Aldermen may elect to permit the staging of development, in which case, the following provision shall be complied with:

- (1) Each stage shall be so planned and so related to existing surrounding and available facilities and services that failure to proceed to the subsequent stages will not have an adverse impact on the development or its surrounding at any stage of the development. The development staff shall review any proposed phasing plan and recommend to the Planning Commission a plan for the phasing and recommended construction of improvements including site improvements, streets, surface and subsurface drainage, water lines, sewer lines, parking areas, landscaping, plantings and screening. The Developer shall also prepare a cost estimate of the recommended improvements for bonding purposes.

6. Common Open Space and Public Facilities

The requirements of common open space and public facilities shall be in accord with the provisions of this Section.

- a. Common open space must be usable for recreational purpose or must provide visual, aesthetic and environmental amenities. The uses authorized for the common open space must be appropriate to the scale and character of the Planned Residential Development considering its size, density, expected population, topography and the number and type of structures to be provided.

- b. Common open space must be suitably improved for its intended use, but open space containing natural features worthy of preservation may be left unimproved. Any buildings, structures and improvements to be located in the common open space must be appropriate to the uses which are authorized therefor, and must conserve and enhance the amenities of the common open space having regard to its topography and the intended function of the common open space.
- c. The development phasing sequence which is part of the preliminary development plan must coordinate the improvement of the common open space, the construction of the buildings, structures and improvements in the common open space, the construction of public improvements and the construction of residential dwellings in a Planned Residential Development, but in no event shall occupancy permits for any phase of the final development plan be issued unless and until the open space which is part of that phase has been dedicated or conveyed and improved.
- d. No common open space of a Planned Residential Development shall be conveyed or dedicated by the developer or any other person to any public body, homeowner's association or other responsible party unless the Medina Planning Commission has determined that the character and quality of the tract to be conveyed make it suitable for the purpose for which it was intended. The Planning Commission may give consideration to the size and character of the dwellings to be constructed within the Planned Residential Development, the topography and existing trees, the ground cover and other natural features, the manner in which the open space is to be improved and maintained for recreational or amenity purposes, and the existence of public parks or other public recreational facilities in the vicinity.
- e. All land shown on the final development plan as common open space may be either:
 - (1) conveyed to a public body, if said public body agrees to accept conveyance and to maintain the common open space and any buildings, structures or improvements which have been placed on it; or
 - (2) conveyed to an organization for ownership and maintenance subject to the following:
 - (a) The Medina Planning Commission and Medina Board of Mayor and Aldermen may

require that the landowner provide for and establish an organization for the ownership and maintenance of any common open space and such organization shall not be dissolved nor shall it dispose of any common open space, by sale or otherwise (except to an organization conceived and established to own and maintain the common open space), without first offering to dedicate the same to the City of Medina and said dedication be approved by the Board of Mayor and Aldermen. However, the conditions of any transfer shall conform to the adopted final development plan.

- (b) In the event that the organization established to own and maintain common open space, or any successor organization, shall at any time after the establishment of the Planned Residential Development fail to maintain the common open space in reasonable order and condition in accordance with the adopted final development plan, the Building Official may serve written notice upon such organization and/or the owners or residents of the Planned Residential Development and hold a public hearing. After 30 days when the deficiencies of maintenance are not corrected, the Building Official shall call upon any public or private agency to maintain the common open space.
- (c) The cost of such maintenance by such agency shall be assessed proportionally against the properties within the Planned Residential Development that have a right of enjoyment of the common open space and shall become a lien on said properties.
- (d) If the common open space is deeded to a Homeowners' and/or Property Owners Association, the developer shall file a declaration of covenants and restrictions that will govern the association, to be submitted with the application for preliminary approval. The provisions shall include but not be limited to the following:

- (i) The Association must be set up before the homes are sold.
- (ii) Membership must be mandatory for each homebuyer and any successive buyer.
- (iii) The open space restrictions must be permanent, not just for a period of years.
- (iv) The Association must be responsible for liability insurance, local taxes and the maintenance of recreational and other facilities.
- (v) Homeowners/Property owners must pay their pro rata share of the cost of the assessment levied by the association to meet changed needs.

7. Dedication of Public Facilities

The Medina Planning Commission and the Medina Board of Mayor and Aldermen may, as a condition of approval and adoption and in accordance with the final development plan, require that suitable areas for streets, public rights-of-way, schools, parks and other public areas be set aside, improved and/or dedicated for public use.

8. Bond Requirement for Improvements

The Planning Commission shall require that a performance bond be furnished and filed with the City of Medina for private and public improvements. An escrow agreement and account approved by the City Attorney as to form and content and by the Planning Commission shall be required in the amount of one hundred (100) percent of the estimated construction cost and engineering. These funds may be dispersed upon certification by the Building Inspector and by the City acting through the City Attorney. Said escrow shall accompany the request for final plan approval to insure completion of all improvements including, but not limited to, public site improvements, streets, surface and subsurface drainage, water lines, sewer lines, parking areas, landscaping, planting, and screening, as recommended by the Development Staff.

9. Relation to Utilities, Public Facilities

PRD districts shall be so located in relation to sanitary sewers, water lines, storm and surface drainage systems and other utilities systems and installations that neither extension nor enlargement of such systems will be required in manner, form, character, location, degree, scale, or timing resulting in higher net public cost or earlier

incursion of public cost than would development in a form generally permitted in the area. Such districts shall be so located with respect to schools, parks, playgrounds and other public facilities required as to have access in the same degree as would development in a form generally permitted in the area.

10. Site Planning

Site planning within any PRD shall provide for the protection of the development from potentially adverse surrounding influences and shall also provide for the protection of surrounding areas from potentially adverse influences within the development, including, but not limited to, area storm water management plans, hydrological studies, water and wastewater facilities, streets, noise and other environmental considerations.

All reports and plans shall be submitted to the City Planner for review and approval and shall be made a part of the final development plan.

11. Accessory Off-Street Parking and Loading

Accessory off-street parking and loading in the PRD shall be regulated by Chapter 2 of this Zoning Ordinance.

G. Specific Standards and Criteria for Planned Residential Developments

In addition to the general standards and general provisions set forth above, Planned Residential Developments shall comply with the requirements and standards that follow.

1. Permitted Uses

It is the intent of this Ordinance that any site or parcel of land to be developed as PRD shall not be less than five (5) acres and shall be under single ownership. Within the PRD District, the following uses are permitted subject to review by the Planning Commission and approval of the Board of Mayor and Aldermen.

a. Any permitted use, accessory use, or conditional use allowed in the underlying residential district or districts.

2. Residential Densities

In PRD Developments there are no minimum lot sizes or yard requirements. However, lot dimensions and lot sizes must be shown on the Preliminary Development Plan that must be reviewed by the Planning Commission and approved by the Board of Mayor and Aldermen. Within any PRD classification, the Board of Mayor and Aldermen may authorize an increase in overall residential density within the project area. The base densities are as follows:

<u>Zone</u>	<u>Density</u>
R-1	3.60 units per acre

R-1A	4.80 units per acre
R-2	4.80 units per acre

- a. An increase in density not to exceed sixteen (16) percent will be granted for the dedication of six (6) percent of the total PRD to the City of Medina, with the Planning Commission reserving the right to require greater than six (6) percent being dedicated, in order to receive the extra sixteen (16) percent in density. The site must be of such nature that excessive cut or fill is not required. The site must also be landscaped to the specifications of a landscape plan that must be submitted by the developer and approved by the Planning Commission. The City reserves the right to accept or decline any proposed land dedication. The minimum lot size for donation to the City of Medina shall be two (2) acres.

An increase in density not to exceed ten (10) percent may be granted for incorporating the following provisions into the development:

1. Providing additional recreational uses and facilities, or imagination in recreation design such as providing clubhouses, swimming pools, tennis courts, and other major facilities.
 2. Developing a system of pedestrian walkways for safe circulation to schools, churches, shopping and other traffic generators.
 3. Providing additional landscaping, where applicable on the public land with a minimum of six (6) shade trees per acre with a height of between eight (8) to ten (10) feet.
- b. An increase in density, not to exceed ten (10) percent may be granted for providing superior aesthetics within a development by:
1. Combining distinctiveness and excellence in architectural setting and design.
 2. Exceptional design of the automobile circulation system to include a minimum of paved surfaces.
 3. Providing enclosed or sub-surface parking where applicable.
 4. Providing a comprehensive fencing or screening system that offers the greatest possible degree of privacy.
- c. All provisions for increases in density granted under this section must be accomplished at the time that fifty (50)

percent of the dwelling units per development phase are occupied.

The Board of Mayor and Aldermen may prohibit or limit an increase in density to avoid the following conditions:

1. Inconvenient or unsafe access to the Planned Residential Development.
2. Traffic congestion in the streets within or adjoining the Planned Residential Development.
3. An excessive burden on parks, recreation areas, schools, police and fire protection, and other public facilities which serve or are proposed to serve the Planned Residential Development.

The developer shall submit documentation, plans and drawings as necessary to justify density increases. The Board of Mayor and Aldermen may decrease or eliminate allowed density increases if it is determined that the developer is not performing as agreed upon.

3. Accessibility of Site

All proposed streets and driveways shall be adequate to serve the residents, occupants, visitors or other anticipated traffic of the Planned Residential Development, but may be designed so as to discourage outside through traffic from traversing the development. The location of the entrance points of the streets and driveways upon existing public roadways shall be subject to the approval of the Planning Commission.

4. Off-Street Parking

Off-street parking shall be conveniently accessible to all dwelling units and other uses. Where appropriate, common driveways, parking areas, walks and steps may be provided, maintained and lighted for night use. Screening of parking and service areas shall be required through use of trees, shrubs, berms, and/or hedges and screening walls.

5. Pedestrian Circulation

The pedestrian circulation system and its related walkways shall be separated, whenever feasible, from the vehicular street system in order to provide an appropriate degree of separation of pedestrian and vehicular movement.

6. Privacy

The Planned Residential Development shall provide reasonable visual and acoustical privacy for dwelling units within and adjacent

to the Planned Residential Development. Protection and enhancement of property and the privacy of its occupants may be provided by the screening of objectionable views or uses and reduction of noise through the use of fences, insulation, natural foliage, berms and landscaped barriers.

H. Procedures for Planned Residential Development Approval

The provisions of this Section govern the procedure for approval of all Planned Residential Developments provided herein.

1. Pre-Application Procedure

- a. At least fifteen (15) days prior to filing any application for a Planned Residential Development, the prospective applicant shall request a pre-application conference with the Planning Staff.
- b. To obtain information, each applicant shall confer with the City Planner in connection with the preparation of the Planned Residential Development application. The general outlines of the proposal, evidenced schematically by sketch plans, are to be considered before submission of the Planned Residential Development application. Thereafter, the City Planner shall furnish the applicant with comments regarding such conference, including appropriate recommendations to inform and assist the applicant prior to his preparing the components of the Planned Residential Development application.

2. Preliminary Development Plan

A preliminary development plan shall be submitted to the Planning Commission with the application for the Planned Residential Development. A final development plan, including all the requirements of a preliminary development plan, may be submitted as a single application when the proposed development plan shall contain all items required by this Ordinance and shall include those items which the Planning Commission shall specify in rules published from time to time, as well as the following.

a. Written Documents

- (1) A legal description of the total site proposed for development, including a statement of present and proposed ownership and present and proposed zoning.
- (2) A statement of planning objectives to be achieved by the PRD through the particular approach proposed by the applicant. This statement should include a description of the character of the proposed development and the rationale behind the assumptions and choices made by the applicant.

- (3) A development schedule indicating the approximate date when construction of the PRD or stages of the PRD can be expected to begin and be completed.

If the Planned Residential Development is proposed to be constructed in stages or units during a period extending beyond a single construction season, a development schedule indicating:

- (a) the approximate date when construction of the project can be expected to begin;
 - (b) the order in which the phases of the project will be built; and
 - (c) the minimum area and the approximate location of common open space and public improvements that will be required at each stage.
- (4) A statement of the applicant's intentions with regard to the future selling or leasing of all or portions of the PD, such as land areas, dwelling units, etc.
 - (5) Quantitative data for the following: total number and type of dwelling units; parcel size; proposed lot coverage of buildings and structures; approximate gross and net residential densities; total amount of open space (including a separate figures for usable open space).
 - (6) A statement setting forth in detail either, (1) the exceptions which are required from the zoning and subdivision regulations otherwise applicable to the property to permit the development of the proposed Planned Residential Development, or, (2) the bulk regulations under which the Planned Residential Development is proposed.

b. Site Plan and Supporting Maps

A site plan and any maps necessary to show the major details of the proposed PD must contain the following minimum information:

1. The existing site conditions including contours at two (2) foot intervals, water courses, flood plains, unique natural features and forest cover.
2. Proposed lot lines and plot designs.
3. The location and floor area size of all existing and proposed buildings, structures and other

improvements including maximum heights, types of dwelling units, and density per type.

4. The location and size in acres or square feet of all areas to be conveyed, dedicated or reserved as common open spaces, public parks, recreational areas, school sites and similar public and semi-public uses.
 5. The existing and proposed circulation system of arterial, collector and local streets including off-street parking areas, service areas, loading areas and major points of access to public rights-of-way (including major points of ingress and egress to the development). Notations of proposed ownership, public or private, should be included where appropriate.
 6. The existing and proposed pedestrian circulation system, including its interrelationships with the vehicular circulation system, indicating proposed treatments of points of conflict.
 7. The existing and proposed utility systems including sanitary sewers, storm sewers, water lines, and drainage. (Detailed drainage plan and calculations shall be handled at the final development plan stage.)
 8. A general landscape plan indicating the treatment of materials used for private and common open spaces.
 9. Enough information on land areas adjacent to the proposed PRD to indicate relationships between the proposed development and existing and proposed adjacent areas, including land uses, zoning classifications, densities, circulation systems, public facilities and unique natural features of the landscape.
 10. The proposed treatment of the perimeter of the PRD, including materials and techniques used such as screens, fences and walls.
 11. Any additional information as required by the Planning Commission necessary to evaluate the character and impact of the proposed PRD.
3. Preliminary Development Plan Approval Process and Effect of Approval
- a. At least thirty (30) days prior to the Planning Commission meeting at which it is to be considered, the owner of the

property or his agent shall submit to the Planning Commission the Preliminary Development Plan, a completed application form, and all other information required under this Section. The Planning Commission shall review the application and shall recommend to the Board of Mayor and Aldermen to: approve; disapprove; or approve the Planned Residential Development subject to conditions. The Planning Commission may also defer a decision or take the matter under advisement until the next regular meeting.

- b. The Board of Mayor and Aldermen shall hold a public hearing on the application for the Planned Residential Development and the preliminary plan after receipt of recommendations from the Department of Development Services and any notice of appeal. The Board of Mayor and Aldermen shall establish a date for a public hearing and shall provide written notice and publication in accordance with Section 11-907 of this Ordinance. The Board of Mayor and Aldermen shall render a decision on any appeal and shall: approve; disapprove; or approve the proposed Planned Residential Development and preliminary development plan subject to conditions, and if approved, shall set forth the conditions imposed.
- c. The approved preliminary development plan shall bind the applicant, owner, and mortgagee, if any, and the City of Medina Board with respect to the contents of such plan.
- d. The preliminary development plan shall be used in lieu of a Master Subdivision Plan to comply with the provisions of the Subdivision Regulations pertaining to Master Plans.
- e. The Medina Planning Commission may amend or waive a development schedule upon submission of written justification by the applicant.

4. Final Development Plan Approval Process

- a. An application for approval of a final development plan of the entire Planned Residential Development, if it is to be completed in one phase, or of a portion of the Planned Residential Development, if it consists of more than one phase, shall be submitted by the applicant at least thirty (30) days prior to the Planning Commission meeting.
- b. The application for final development plan approval shall be filed with the Planning Commission and shall include, but not be limited to, the following:
 - (1) A plan suitable for recording with the Gibson County Register's Office.

- (2) Proof referred to on the plan and satisfactory to the City Attorney as to the provision and maintenance of common open space.
 - (3) All certificates, seals and signatures required for the dedication of land and recordation of documents.
 - (4) Tabulations of each separate use area, including land area, bulk regulations and number of dwelling units per gross acre and the gross floor area for commercial and industrial uses.
 - (5) Location and type of landscaping.
 - (6) Location and dimensions of utility and drainage facilities.
 - (7) All other requirements of a Final Plan under the Medina Subdivision Regulations.
- c. A decision shall be rendered on a final development plan by the Planning Commission. If a final plan is disapproved by the Planning Commission the applicant may file a final development plan that substantially conforms to the approved preliminary plan, or the applicant may file for an amendment to the approved preliminary development plan.
- d. After a final development plan is approved by the Planning Commission, the Building Inspector shall record such plan in the Gibson County Register's Office after receipt of any necessary bonds, fees and contracts to provide improvements required in the City of Medina Subdivision Regulations and the required signatures for recordation have been secured.

5. Zoning Administration - Permits

The Building Official may issue building permits for the area of the Planned Residential Development covered by the approved final development plan for work in conformity with the approved final development plan and with all other applicable ordinances and regulations. However, the Building Official shall not issue an occupancy permit for any building or structure shown on the final development plan of any stage of the Planned Residential Development unless the open space and public facilities allocated to that stage of the development schedule have been conveyed to the designated public agency or Homeowners' Association or a responsible party. The Building Official shall issue a certificate of occupancy for any completed building or structure located in an area covered by the approved final development plan if the completed building or structures conforms to the requirements of the approved

final development plan and all other applicable regulations and ordinances.

6. Reapplication if Denied

If any application for a Planned Residential Development is denied by the legislative body, a reapplication pertaining to the same property and requesting the same Planned Residential Development may not be filed within twelve (12) months of the date final action was taken on the previous application unless such reapplication is initiated by the Planning Commission or authorized by the Board of Mayor and Aldermen.

7. Procedure for Amendment

A Planned Residential Development and the approved preliminary development plan may be amended in accordance with the procedure that governed its approval as set forth in this Section.

CHAPTER 5

PROVISIONS GOVERNING COMMERCIAL DISTRICTS

11-501. B-1 (General Business) Districts. Within the B-1 (General Business) Districts as shown on the Zoning Map of Medina, Tennessee, the following regulations shall apply:

1. Uses Permitted

- (a) Retail sales: Automobile sales; automobile parts; bakery and dairy products; drugs and pharmaceuticals; clinics; florist shops; gift shops; book stores; newspaper stands; groceries; hardware; boats and boating equipment; sporting goods; mobile home sales; paint and wallpaper stores; agricultural implements; furniture; household appliances; floor coverings and draperies; nursery and greenhouses; and beverage stores.
- (b) Services: Assisted living or nursing homes, automobile repair; animal hospital or veterinarian clinic; commercial recreation; banks; savings and loan associations; barber shops; beauty shops; communications uses, not to include communications towers; funeral homes; automobile service stations; laundry and dry cleaning establishments; business and professional offices; radio and television sales and service; shoe repair; motels and hotels; restaurants; trucking terminals; and moving companies.
- (c) Manufacturing, processing and fabrication: Manufacturing incidental to retail business or service where products are sold on the premises by producers and where not more than ten (10) operatives are employed in such manufacturing.
- (d) Churches; and federal, state and municipal uses.
- (e) Advertising signs and advertising structures or lights for illuminating signs or buildings, provided that they shall not be placed within the street right-of-way nor shall they be lighted by flashing or rotating lights.
- (f) Any accessory use or building customarily incidental to the above permitted uses.

2. Uses Permitted on Appeal

- (a) Adult oriented businesses as defined in Chapter 7 of this ordinance may be permitted, provided that they are no closer than 650 feet from a church, school or residence.

- (b) Communications towers if the following conditions are met:
 - (1) The structure is proposed to be located a distance equal to its own height plus ten (10) feet from the nearest property line.
 - (2) Such use shall be located no closer than 500 feet from existing residential uses.
 - (3) Location on existing, in-use utility structures, such as water towers, shall be encouraged. The Board of Zoning Appeals may waive the setback requirements of the proposed use from the property line and from residential uses, if such a location is deemed favorable.
 - (3) In order that the Board of Zoning Appeals may make an accurate determination of the character of the proposed uses and its compliance with Zoning standards, the applicant shall submit an accurately and legibly drawn site plan at a scale of not more than 100 feet to one (1) inch, illustrating the proposed structure including, but not limited to the following if requested by the Board of Zoning Appeals, 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 and public right-of-way crossing and adjacent to the subject property. Distances from existing structures on adjacent property will be required in order to review compliance with the established regulated distances for such uses above.

- (c) Day Care Centers, Group Day Care Homes, and Family Day Care Homes may be permitted by the Board of Zoning Appeals upon approval of a site plan drawn to scale that addresses all the criteria with which the Board of Zoning Appeals may be concerned as enumerated in Section 10-1804 (2), and subject to such conditions as the Board of Zoning Appeals may require in order to preserve and protect the character of the district in which the proposed use is located. In addition, the following conditions shall be met:
 - (1) Minimum required lot area:
 - (a) Day Care Center - 30,000 square feet
 - (b) Group Day Care Home - 12,000 square feet
 - (c) Family Day Care Home - 12,000 square feet
 - (2) In the cases of Group Day Care Homes, Group Day Care Homes, and Family Day Care Homes a fenced play area of not less than four thousand (4,000) square feet shall be provided for the first

twenty (20) or less children, with two hundred (200) square feet for each additional child; provided that such a fenced play area may be required for Day Care Centers where, in the opinion of the Board of Zoning Appeals, such a fenced play area is necessary.

- (3) No portion of the fenced play area shall be closer than ten (10) feet to any residential lot line, nor shall the fenced play area be located within any required front yard.
- (4) In the cases of Group Day Care Homes, Family Day Care Homes, and Day Care Centers, a densely planted vegetative screen consisting of evergreen shrubs or trees which can be expected to reach at least six (6) feet in height within three (3) year thereafter, shall be provided and maintained between fenced play areas and residential lot lines in such locations as the Board of Zoning Appeals may direct; provided that such screening may be required for Day Care Centers where, in the opinion of the Board of Zoning Appeals; such screening is necessary.
- (5) All outdoor play activities shall be conducted within the fenced play area.
- (6) The facilities, operation and maintenance shall meet the requirements of the Tennessee Department of Human Services.

Criteria for Review:

- a) All area, yard, density and parking and requirements shall be met.
- b) A site plan of the proposed use shall be submitted prior to consideration by the Board of Zoning Appeals. If approved, all modifications requested by the Board of Zoning Appeals shall be made prior to the issuance of any permits. The site plan shall be retained in the permanent file of the City of Medina.
- c) The Board of Zoning Appeals shall have the power to require such change in the site plan as may be necessary to minimize the impact of this requested use. These shall include but shall not be limited to setbacks, screening; lighting, parking location and layout access and general landscaping requirements. The power of review shall not include the authority to specify building materials, colors or similar considerations.
- (d) Any other use which in the opinion of the Board of Zoning Appeals is similar in character and not detrimental to the neighborhood.
- (e) Self-Service Storage Facilities may be permitted by the Board of Zoning Appeals upon approval of a site plan drawn to scale that

addresses all the criteria with which the Board of Zoning Appeals may be concerned as enumerated in Section 10-1804 (2), and subject to such conditions as the Board of Zoning Appeals may require in order to preserve and protect the character of the district in which the proposed use is located. In addition, the following conditions shall be met:

- (1) Minimum required lot area – One (1) acre
- (2) Self-service Storage Facilities must have direct access to a collector or arterial street as shown on the Major Route Plan, or have access to a street or easement classified as nonresidential.
- (3) No activities other than rental of storage and pick-up and deposit of dead storage shall be allowed on the premises. Examples of activities prohibited on the premises are:
 - a. Auctions, commercial wholesale, retail, garage or other miscellaneous sales, except for content sales of on-site self-storage units in the event that conditions of the lease agreement have not been met by the lessee.
 - b. The servicing, repair, or fabrication of motor vehicles, boats, trailers, lawn mowers, appliances, or other similar equipment.
 - c. The operation of power tools, spray painting equipment, table saws, lathes, compressors, welding equipment, kilns, or other similar equipment.
 - d. The establishment of a transfer and storage business.
 - e. Any use that is noxious or offensive because of odors, dust, noise, fumes, or vibrations.
 - f. The storage of hazardous chemicals or materials.
- (4) No electrical power supply shall be accessible to the renter/lessee of the storage unit.
- (5) All storage shall be within an enclosed building, except propane or gasoline engines or storage tanks or any boat or vehicle incorporating such components, which shall be stored only in designated screened areas. This provision shall not be interpreted to permit the storage of partially dismantled, wrecked, or inoperable vehicles.
- (6) Incidental manager's quarters, either separate office and living quarters or a combination thereof, is permitted.
- (7) Off-street Parking:

One (1) space for each employee;

One (1) space for each 300 square feet of business office space.

(1) All uses 20 feet

(e) Minimum required side yard on each side of lot.

(1) Churches 25 feet

(2) Other uses None required, however, if buildings do not have common or adjoining walls, there shall be a side yard of at least five (5) feet.

(3) On lots adjoining 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.

(f) Minimum required side yard for side facing street on corner lots
25 feet

(g) Installations essential to the business operation ,may be required to set back a greater distance from the street or alley so that any service rendered by the business will not obstruct any public way. This determination is to be made by the building inspector.

(h) Maximum permitted height of structure.

(1) No building shall exceed three (3) stories or thirty -five (35) feet in height unless each side yard is increased over the required minimum by five (5) feet for every five (5) feet, or fraction thereof, of additional height over thirty-five (35) feet, not to exceed sixty-five (65) feet, however.

(2) On a lot less than fifty (50) feet in width at the building line no building shall exceed one and one-half (1 ½) stories or twenty-five (25) feet in height.

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

(4) 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 a distance equal to their own height plus ten (10) feet from the nearest property line.

11-502. B-2 (Central Business) District. Within the B-2 (Central Business) District as shown on the Zoning Map of Medina, Tennessee, the following regulations shall apply.

1. Uses Permitted

- (a) Retail sales; bakery and dairy products; drugs and pharmaceuticals; florist shops; gift shops; camera shops; sporting goods; paint and wallpaper stores; furniture; household appliances; floor coverings and draperies; hats; shoes; air conditioning equipment; automobile parts; tires; jewelry stores; cloth shops; musical instruments; records and phonographs; motorcycle and bicycle sales and service; department stores and general merchandise; and variety stores; automobile service stations; and beverage stores.
- (b) Services: banks, saving and loan associations; barber shops; beauty shops; clinics; communications uses, not to include communications towers; laundry and dry cleaning pick up stations; self service laundry and dry cleaning printing; business and professional offices; radio and television sales and service; shoe repair; hotels and motels; restaurants; photography studios; upholstery shops; commercial recreation; movie theaters and billiard parlors; business schools; art and music schools; driving schools, correspondence schools; beauty and barber schools; dancing schools; tailoring and dressmaking; and watch repair.
- (c) Churches, clubs and lodge halls, federal state and municipal uses.
- (d) Advertising signs and advertising structures or lights for illuminating signs or building provided that they shall not be placed within the street right-of-way nor shall they be lighted by flashing or rotating lights.
- (e) Any accessory use or building customarily incidental to the above permitted uses.

2. Uses Permitted on Appeal

- (a) Apartments provided all of the following conditions are met:
 - (1) Apartments shall be an incidental use to a permitted commercial or service use.
 - (2) Apartments shall be located either above the ground floor or in the rear portion of a structure used for commercial or service use.
 - (3) A floor layout to ensure adequate space and a separate outside entrance from the commercial entrance.
 - (4) No more than one (1) apartments shall be allowed in any one (1) building.
 - (5) The use must meet the parking requirements of Chapter 2, Section 11-207.a. of this ordinance.
 - (7) The character of the building as a commercial structure shall not be changed by the addition of the residential use.

- (8) Above the ground floor apartments may occupy no more than fifty percent of a building, while apartments in the rear of a building may occupy no more than thirty-five percent of a building.
 - (9) The occupant of the apartment use must either be the owner or an employee of the business located in the building.
 - (10) A site plan and floor layout shall be presented to the BZA to ensure the provisions of 1 through 9 above are met. Detailed construction information shall be required to ensure compliance with all pertinent codes of the city.
- 3. Uses Prohibited. Any use not specifically permitted or permissible on appeal in this Section.
 - 4. Regulations Controlling Lot Area, Lot Width, Yards, Building Coverage and Building Height. No minimum requirements.

CHAPTER 6

PROVISIONS GOVERNING INDUSTRIAL DISTRICTS

11-601. M-1 (Industrial) Districts - Within the M-1 (Industrial) Districts as shown on the Zoning Map of Medina, Tennessee, the following regulations shall apply.

1. Site Plan Prerequisite to Approval (Procedures)

(a) Before a permit is issued for any use permitted by right or on appeal the site plan of the proposed development shall be reviewed and approved by the Town Planning Commission. The planning commission shall have the power to impose conditions regarding the location of buildings

(b) 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 proposed buildings, parking and access facilities, use of proposed buildings, landscaping, location and general design of outdoor advertising, and the front (street) elevation of proposed buildings. The planning commission may make other reasonable requirements for information when necessary.

(c) The planning commission shall meet and act upon any application within thirty-five (35) days from the date of the first meeting at which properly prepared site plan are presented. Failure to act shall constitute approval. When an application is denied the planning commission shall state the reason for such action in writing and they shall be entered in the official records of the planning commission.

2. Uses Permitted

(a) Retail and wholesale sales: automobile sales and service; automobile parts; agricultural implement sales and service; lawnmower sales and service; lumber and building materials; paint; mobile home sales and service; boats and boating equipment sales and service; sporting goods; greenhouse and nursery products; hardware; motorcycle sales and service; and, welding supplies.

(b) Services: Animal hospitals and clinics; automobile service stations; auto repair garages; truck stops; barber shops; beauty shops; communications uses, not to include communications towers; laundry and dry cleaning; restaurants; truck terminals; printing; tire repair and recapping; pest extermination; sign shops; upholstery shops; plumbing and heating supply; outdoor advertising signs and structures; sheet metal shops; and warehousing; including wholesale sales which are predominately an enclosed warehouse operation, but not including gravel, sand, fertilizers, or other nuisances producing goods.

(c) Manufacturing, processing or fabrication: canned or preserved fruits or vegetables; bakery products; bottling plants; candy and confectioneries; apparel and other finished products made from fabrics; drugs; footwear, except rubber; leather gloves and mittens; luggage goods; glass products, made of purchased glass; communication equipment, scientific and controlling instruments; photographic and optical goods; watches and clocks; and jewelry, silverware and plated ware, cotton ginning.

(d) Federal, state and municipal uses.

(e) Research laboratories.

(f) Accessory uses customarily incidental to any aforementioned permitted use.

3. Uses Permitted on Appeal.

(a) All Manufacturing, Processing or Fabrication not permitted in Section 11-601.2.(c), subject to the following criteria being met:

- All storage of goods must be contained either indoors or behind an opaque fence of no less than six feet in height.
- The use may not create excessive levels of odor or noise, so as to negatively impact neighboring properties.
- Any additional screening and landscaping requirements (especially when the use abuts residential property), stipulated as necessary by the Board of Zoning Appeals, must be adhered to.

(b) Any other use which, in the opinion of the Board of Zoning Appeals, is similar in character to those enumerated in Section Two (2) of this Chapter 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.

4. Uses Prohibited. Any use not specifically permitted or permissible on appeals in this Chapter.

5. Regulations Controlling Yards and Building Height.

(a) Minimum required lot area None

(b) Minimum required front yard

(1) All uses 20 feet

(c) Minimum required rear yard

- (1) All uses 20 feet
- (d) Minimum required side yard on each side of lot
 - (1) All uses 20 feet except on lots adjacent to a residential district all buildings shall be located so as to comply with side yard requirements of adjacent residential district on the side adjacent to the residential district.
- (e) Notwithstanding the above provision, no yard will be required for that part of a lot which fronts on a railroad siding.
- (f) Maximum permitted height of structures.
 - (1) No building shall exceed six (6) stories or seventy-five (75) feet in height.
 - (2) 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 plus ten (10) feet from the nearest property line.

CHAPTER 7

FLOOD REGULATIONS

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

Section A. Statutory Authorization

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

Section B. Findings of Fact

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

Section C. Statement of Purpose

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

1. Restrict or prohibit uses which are vulnerable to flooding or erosion hazards, or which result in damaging increases in erosion, flood heights, or velocities;
2. Require that uses vulnerable to floods, including community facilities, be protected against flood damage at the time of initial construction;
3. Control the alteration of natural floodplains, stream channels, and natural protective barriers which are involved in the accommodation of floodwaters;

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

Section D. Objectives

The objectives of this Ordinance are:

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

ARTICLE II. DEFINITIONS

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

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

1. Accessory structures shall only be used for parking of vehicles and storage.
2. Accessory structures shall be designed to have low flood damage potential.
3. Accessory structures shall be constructed and placed on the building site so as to offer the minimum resistance to the flow of floodwaters.
4. Accessory structures shall be firmly anchored to prevent flotation, collapse, and lateral movement, which otherwise may result in damage to other structures.

5. Utilities and service facilities such as electrical and heating equipment shall be elevated or otherwise protected from intrusion of floodwaters.

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

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

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

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

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

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

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

"Building" see "Structure".

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

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

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

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

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

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

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

"Existing Structures" see "Existing Construction".

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

"Historic Structure" means any structure that is:

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

"Recreational Vehicle" means a vehicle which is:

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

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

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

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

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

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

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

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

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

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

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

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

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

"Violation" means the failure of a structure or other development to be fully compliant with the community's floodplain management regulations. A structure or other development

without the elevation certificate, other certification, or other evidence of compliance required in this Ordinance is presumed to be in violation until such time as that documentation is provided.

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

ARTICLE III. GENERAL PROVISIONS

Section A. Application

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

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

The Areas of Special Flood Hazard identified on the City of Medina, Tennessee, as identified by FEMA, and in its Flood Insurance Study (FIS) and Flood Insurance Rate Map (FIRM), Community Panel Numbers 47053C0410D and 47053C0420D, dated November 5, 2008, 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 Medina, Tennessee or by any officer or employee thereof for any flood damages that result from reliance on this Ordinance or any administrative decision lawfully made hereunder.

Section H. Penalties for Violation

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

ARTICLE IV. ADMINISTRATION

Section A. Designation of Ordinance Administrator

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

Section B. Permit Procedures

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

1. Application stage
 - a. Elevation in relation to mean sea level of the proposed lowest floor, including basement, of all buildings where Base Flood Elevations are available, or to certain height above the highest adjacent grade when applicable under this Ordinance.
 - b. Elevation in relation to mean sea level to which any non-residential building will be floodproofed where Base Flood Elevations are

available, or to certain height above the highest adjacent grade when applicable under this Ordinance.

- c. A FEMA Floodproofing Certificate from a Tennessee registered professional engineer or architect that the proposed non-residential floodproofed building will meet the floodproofing criteria in Article V, Sections A and B.
- d. Description of the extent to which any watercourse will be altered or relocated as a result of proposed development.

2. Construction Stage

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

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

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

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

Section C. Duties and Responsibilities of the Administrator

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

- 1. Review all development permits to assure that the permit requirements of this Ordinance have been satisfied, and that proposed building sites will be reasonably safe from flooding.

2. Review proposed development to assure that all necessary permits have been received from those governmental agencies from which approval is required by Federal or State law, including Section 404 of the Federal Water Pollution Control Act Amendments of 1972, 33 U.S.C. 1334.
3. Notify adjacent communities and the Tennessee Department of Economic and Community Development, Local Planning Assistance Office, prior to any alteration or relocation of a watercourse and submit evidence of such notification to FEMA.
4. For any altered or relocated watercourse, submit engineering data/analysis within six (6) months to FEMA to ensure accuracy of community FIRM's through the Letter of Map Revision process.
5. Assure that the flood carrying capacity within an altered or relocated portion of any watercourse is maintained.
6. Record the elevation, in relation to mean sea level or the highest adjacent grade, where applicable, of the lowest floor (including basement) of all new and substantially improved buildings, in accordance with Article IV, Section B.
7. Record the actual elevation, in relation to mean sea level or the highest adjacent grade, where applicable to which the new and substantially improved buildings have been floodproofed, in accordance with Article IV, Section B.
8. When floodproofing is utilized for a nonresidential structure, obtain certification of design criteria from a Tennessee registered professional engineer or architect, in accordance with Article IV, Section B.
9. Where interpretation is needed as to the exact location of boundaries of the Areas of Special Flood Hazard (for example, where there appears to be a conflict between a mapped boundary and actual field conditions), make the necessary interpretation. Any person contesting the location of the boundary shall be given a reasonable opportunity to appeal the interpretation as provided in this Ordinance.
10. When Base Flood Elevation data and floodway data have not been provided by FEMA, obtain, review, and reasonably utilize any Base Flood Elevation and floodway data available from a Federal, State, or other sources, including data developed as a result of these regulations, as criteria for requiring that new construction, substantial improvements, or other development in Zone A on the City of Medina, Tennessee FIRM meet the requirements of this Ordinance.
11. Maintain all records pertaining to the provisions of this Ordinance in the office of the Administrator and shall be open for public inspection. Permits issued under the provisions of this Ordinance shall be maintained in a separate file or marked for expedited retrieval within combined files.

ARTICLE V. PROVISIONS FOR FLOOD HAZARD REDUCTION

Section A. General Standards

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

1. New construction and substantial improvements shall be anchored to prevent flotation, collapse and lateral movement of the structure;
2. Manufactured homes shall be installed using methods and practices that minimize flood damage. They must be elevated and anchored to prevent flotation, collapse and lateral movement. Methods of anchoring may include, but are not limited to, use of over-the-top or frame ties to ground anchors. This requirement is in addition to applicable State of Tennessee and local anchoring requirements for resisting wind forces.
3. New construction and substantial improvements shall be constructed with materials and utility equipment resistant to flood damage;
4. New construction and substantial improvements shall be constructed by methods and practices that minimize flood damage;
5. All electrical, heating, ventilation, plumbing, air conditioning equipment, and other service facilities shall be designed and/or located so as to prevent water from entering or accumulating within the components during conditions of flooding;
6. New and replacement water supply systems shall be designed to minimize or eliminate infiltration of flood waters into the system;
7. New and replacement sanitary sewage systems shall be designed to minimize or eliminate infiltration of flood waters into the systems and discharges from the systems into flood waters;
8. On-site waste disposal systems shall be located and constructed to avoid impairment to them or contamination from them during flooding;
9. Any alteration, repair, reconstruction or improvements to a building that is in compliance with the provisions of this Ordinance, shall meet the requirements of "new construction" as contained in this Ordinance;
10. Any alteration, repair, reconstruction or improvements to a building that is not in compliance with the provision of this Ordinance, shall be undertaken only if said non-conformity is not further extended or replaced;
11. All new construction and substantial improvement proposals shall provide copies of all necessary Federal and State permits, including Section 404 of the Federal Water Pollution Control Act amendments of 1972, 33 U.S.C. 1334;
12. All subdivision proposals and other proposed new development proposals shall meet the standards of Article V, Section B;

13. When proposed new construction and substantial improvements are partially located in an area of special flood hazard, the entire structure shall meet the standards for new construction;
14. When proposed new construction and substantial improvements are located in multiple flood hazard risk zones or in a flood hazard risk zone with multiple Base Flood Elevations, the entire structure shall meet the standards for the most hazardous flood hazard risk zone and the highest Base Flood Elevation.

Section B. Specific Standards

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

1. Residential Structures

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

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

2. Non-Residential Structures

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

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

hydrostatic forces on both sides of exterior walls shall be provided in accordance with the standards of this section: “Enclosures”

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

3. Enclosures

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

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

4. Standards for Manufactured Homes and Recreational Vehicles

- a. All manufactured homes placed, or substantially improved, on: (1) individual lots or parcels, (2) in expansions to existing manufactured home parks or subdivisions, or (3) in new or substantially improved manufactured home parks or subdivisions, must meet all the requirements of new construction.

- b. All manufactured homes placed or substantially improved in an existing manufactured home park or subdivision must be elevated so that either:
 - 1) In AE Zones, with Base Flood Elevations, the lowest floor of the manufactured home is elevated on a permanent foundation to no lower than one (1) foot above the level of the Base Flood Elevation or
 - 2) In approximate A Zones, without Base Flood Elevations, the manufactured home chassis is elevated and supported by reinforced piers (or other foundation elements of at least equivalent strength) that are at least three (3) feet in height above the highest adjacent grade (as defined in Article II).
- c. Any manufactured home, which has incurred “substantial damage” as the result of a flood, must meet the standards of Article V, Sections A and B.
- d. All manufactured homes must be securely anchored to an adequately anchored foundation system to resist flotation, collapse and lateral movement.
- e. All recreational vehicles placed in an identified Special Flood Hazard Area must either:
 - 1) Be on the site for fewer than 180 consecutive days;
 - 2) Be fully licensed and ready for highway use (a recreational vehicle is ready for highway use if it is licensed, on its wheels or jacking system, attached to the site only by quick disconnect type utilities and security devices, and has no permanently attached structures or additions), or;
 - 3) The recreational vehicle must meet all the requirements for new construction.

5. Standards for Subdivisions and Other Proposed New Development Proposals

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

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

- c. All subdivision and other proposed new development proposals shall have adequate drainage provided to reduce exposure to flood hazards.
- d. In all approximate A Zones require that all new subdivision proposals and other proposed developments (including proposals for manufactured home parks and subdivisions) greater than 50 lots or 5 acres, whichever is the lesser, include within such proposals Base Flood Elevation data (See Article V, Section E).

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

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

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

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

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

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

2. New construction and substantial improvements of buildings, where permitted, shall comply with all applicable flood hazard reduction provisions of Article V, Sections A and B.

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

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

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

capacities are maintained and manufactured homes provisions are complied with as required.

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

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

1. All new construction and substantial improvements of residential and non-residential buildings shall have the lowest floor, including basement, elevated to at least one (1) foot above as many feet as the depth number specified on the FIRM's, in feet, above the highest adjacent grade. If no flood depth number is specified on the FIRM, the lowest floor, including basement, shall be elevated to at least three (3) feet above the highest adjacent grade. Openings sufficient to facilitate automatic equalization of hydrostatic flood forces on exterior walls shall be provided in accordance with standards of Article V, Section B.
2. All new construction and substantial improvements of non-residential buildings may be floodproofed in lieu of elevation. The structure together with attendant utility and sanitary facilities must be floodproofed and designed watertight to be completely floodproofed to at least one (1) foot above the flood depth number specified on the FIRM, with walls substantially impermeable to the passage of water and with structural components having the capability of resisting hydrostatic and hydrodynamic loads and the effects of buoyancy. If no depth number is specified on the FIRM, the structure shall be floodproofed to at least three (3) feet above the highest adjacent grade. A Tennessee registered professional engineer or architect shall certify that the design and methods of construction are in accordance with accepted standards of practice for meeting the provisions of this Ordinance and shall provide such certification to the Administrator as set forth above and as required in accordance with Article IV, Section B.
3. Adequate drainage paths shall be provided around slopes to guide floodwaters around and away from proposed structures.

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

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

Section H. Standards for Unmapped Streams

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

1. No encroachments including fill material or other development including structures shall be located within an area of at least equal to twice the width of the stream, measured from the top of each stream bank, unless certification by a Tennessee registered professional engineer is provided demonstrating that the cumulative effect of the proposed development, when combined with all other existing and anticipated development, will not increase the water surface elevation of the base flood more than one (1) foot at any point within the locality.
2. When a new flood hazard risk zone, and Base Flood Elevation and floodway data is available, new construction and substantial improvements shall meet the standards established in accordance with Articles IV and V.

ARTICLE VI. VARIANCE PROCEDURES

Section A. Municipal Board of Zoning Appeals

1. Authority

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

2. Procedure

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

3. Appeals: How Taken

An appeal to the Municipal Board of Zoning Appeals may be taken by any person, firm or corporation aggrieved or by any governmental officer, department, or bureau affected by any decision of the Administrator based in whole or in part upon the provisions of this Ordinance. Such appeal shall be taken by filing with the Municipal Board of Zoning Appeals a notice of appeal, specifying the grounds thereof. The Administrator shall transmit to the Municipal Board of Zoning Appeals all papers constituting the record upon which the appeal action was taken. The Municipal Board of Zoning Appeals shall fix a reasonable time for the hearing of the appeal, give public notice thereof, as well as due notice to parties in interest and decide the same within a reasonable time which shall not be more than seven (7) days from

the date of the hearing. At the hearing, any person or party may appear and be heard in person or by agent or by attorney.

4. Powers

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

a. Administrative Review

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

b. Variance Procedures

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

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

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

Section B. Conditions for Variances

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

ARTICLE VII. LEGAL STATUS PROVISIONS

Section A. Conflict with Other Ordinances

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

Section B. Severability

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

Section C. Effective Date

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

CHAPTER 8

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.

1. “Alley”. Any public or private way set aside for public travel, twenty (20) feet or less in width.
2. “Assisted Living Home” An establishment of housing and limited care that is designed for senior citizens who need some assistance with day-to-day activities but are not sufficiently incapacitated to require care in a nursing home and that usually includes private quarters, meals, personal assistance, housekeeping aid, monitoring of medications, and nurses' visits.
3. “Building”. Any structure or installation constructed or used for residence, business, industry, or other public or private purposes, or accessory thereto, and including tents, gasoline pump island, lunch wagons, dining cars, trailers, antenna systems, and similar structures whether stationary or movable.
 - (a) “Principal Building.” A building in which is conducted the principal use of the lot on which it is situated. In any residential district, any dwelling shall be deemed to be the principal building on the lot on which the same is situated.,
 - (b) “Accessory Building”. A subordinate building, the use of which is incidental to that of a principal building on the same lot.
4. “Day Care Center”. A facility operated by a person, society, agency, corporation, institution or group that receives pay for the care of thirteen (13) or more children under 17 years of age for less than 24 hours per day, without transfer of custody.
5. “Day Care Home, Group”. A facility operated by a person, society, agency, corporation, institution or group that receives from eight (8) to twelve (12) children under 17 years of age for less than 24 hours per day for care outside their own homes, without transfer of custody.
6. “Day Care Home, Family”. A facility operated by any person who receives pay for providing less than 24 hour supervision and care, without transfer of custody, for 5,6 and 7 children under 17 years of age who are not related to the operator and whose parents or guardians are not residents of the household.

7. “Dwelling, Single-Family”. A detached residential dwelling unit other than a mobile home designed for and occupied by one family only.
8. “Dwelling, Multi-Family”. A residential building designed for or occupied by two (2) or more families, with the number of families, with the number of families in residence not exceeding the number of families, with the number of families in residence not exceeding the number of dwelling units provided, but not including townhouses.
9. “Dwelling, Townhouse”. An attached residential dwelling unit designed for occupancy by one (1) family constructed in a row of three (3) to eight (8) such dwelling units, each dwelling unit being separated from the adjoining dwelling units in each story by adjoining fire resistant walls without openings extending at least from the lowest floor level through the roof. And each dwelling unit having independent access to the exterior in the ground story. For the purpose of this ordinance, a townhouse dwelling shall not be considered a single-family dwelling or a multi-family dwelling.
10. “Dwelling Unit”. One room, or rooms connected together, constituting a separate independent housekeeping establishment for owner occupancy, or rental or least 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.
11. “Family”. One (1) or more persons occupying a premises and living as a single non-profit housekeeping unit.
12. “Lot”. A piece, parcel or plot of land in one ownership, which may include one (1) or more lots of record, occupied or to be occupied by buildings and accessory buildings and including the open spaces required under this ordinance. All lots shall front on and have access to a street.
 - (a) “Lot Line”. The boundary dividing a given lot from a street, an alley, or adjacent lots.
 - (b) “Lot of Record”. A lot, the boundaries of which are filed as a legal record.
 - (c) “Lot Frontage”. The front of a lot shall be construed to be the portion nearest the street. For the purpose of determining yard requirements on corner lots and through lots, all sides of a lot adjacent to a street shall be considered frontage, and yards shall be provided as indicated under “Yards” in this section.
13. “Mobile Home”. A structure, transportable in one or more sections, and which is built on a permanent chassis and designed to be used as a dwelling with or without permanent foundation when connected to the required utilities, and includes the plumbing, heating, air conditioning and electrical systems contained therein.

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

(a) “Independent Mobile Homes”. A mobile home equipped with interior toilet and bathing facilities and fixtures for connection of such facilities to permanent water supply and sewage collection systems.

(b) “Travel Trailer”. A trailer or vehicle designed for short term occupancy and built to be transported on its own wheels.

14. “Nursing Home” An establishment of housing providing maintenance and personal or nursing care for persons (as the aged or the chronically ill) who are unable to care for themselves properly.
15. “Self-Service Storage Facility” A building or group of buildings in a controlled access compound that contains varying sizes of individual, compartmentalized, and controlled access stalls or lockers for dead storage of customer’s goods and wares.
16. “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.
17. “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”.
18. “Total Floor Area”. The area of all floors of a building including finished attic, finished basement and covered porches.
19. “Townhouse”. A townhouse dwelling is an attached single- family dwelling constructed in a row of two (2) to eight (8) single-family dwellings, each dwelling on an individual lot, being separated from the adjoining dwellings in each story by a two (2) hour rated masonry fire wall, with no penetrations such wall extended through the roof, two feet and each dwelling having independent access to the exterior in the ground story.
20. “Yard”. A required open space other than a court occupied and unobstructed by any structure or portion of a structure from thirty (30) inches above the general ground level of the graded lot upward, provided, however, that fences, walls, poles, posts and other customary yard accessories, ornaments, and furniture may be permitted in any yard subject to height limitations and requirements limiting obstruction of visibility.

- (a) “Front Yard”. The yard extending across the entire width of the lot between the front yard line, and the nearest part of the principal buildings, 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.
 - (d) “Special Yard”. A yard required to perform the same functions as a side or rear yard, but adjacent to a lot line so placed or oriented that neither the term “side yard” nor the term “rear yard” clearly applies. In such cases, the Building Inspector shall require a yard with minimum dimensions as generally required for a side yard or a rear yard in the district, determining which shall apply by the relation of the portion of the lot on which the yard is to be relation of the portion of the lot on which the yard is to be located to the adjoining lot or lots, with due regard to the orientation and location of structures and buildable areas thereon.
- 21. “Clinic”. A facility for the examination and treatment of ill and afflicted human out-patients provided, however, that patients are not kept overnight except under emergency conditions. This includes doctor and dental offices.
 - 21. “Mobile Home Park”. Any plot of ground upon which two (2) or more mobile homes, occupied for dwelling or sleeping purposes, are located regardless of whether or not a charge is made for such accommodation.
 - 22. “Public Way”. Right-of-way.
 - 23. “Signs”. Any structure or part thereof or device attached thereto or represented thereon, which shall display or include any letter, words, model, banner, flag, pennant insignia or representation used as, or which is in the nature of an announcement, direction or advertisement. The word “sign” includes the word “billboard” or any other type of advertising device, but does not include the flag, pennant or insignia of any nation, state, city or other political unit.
 - 24. “Development”. Any manmade change to improved or unimproved real estate, including but not limited to buildings or other structures, mining, dredging, filling, grading, paving, excavating, or drilling operations. Agricultural activities such as plowing or cultivating and gardening activities are not included in this definition of development.
 - 25. “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 repair accumulation of runoff of surface waters from any source.

26. “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. The following are further definitions of specific adult oriented businesses and related terms:

A. Adult Entertainment Establishments

1. Adult Arcade means an establishment where, for any form of consideration, one or more motion picture projectors, slide projectors or similar machines, for viewing by five or fewer persons each are used to show films, motion pictures, video cassettes, slides or other photographic reproductions which are characterized by emphasis upon the depiction or description of "specified sexual activities" or "specified anatomical areas."
2. Adult Bookstore means an establishment which has as any of its stock-in-trade and offers for sale for any form of consideration any one or more of the following:
 - (a) books, magazines, periodicals, or other printed matter, or photographs, films, motion pictures, video cassettes, slide or other visual presentations which are characterized by an emphasis of the depiction or description of "specified sexual activities" or "specified anatomical areas; or
 - (b) instruments, devices, or paraphernalia which are designed for use in connection with "specified sexual activities".
3. Adult Cabaret means a nightclub, bar, restaurant or similar establishment which regularly features live performances which are characterized by the exposure of "specified anatomical areas" or by "specified sexual activities," or films, motion pictures, video cassettes, slides, or other photographic reproductions which are characterized by an emphasis upon the depiction or description of "specified sexual activities" or "specified anatomical areas."
4. Adult Motel means a motel or similar establishment offering public accommodations for any form of consideration which provides

patrons which closed circuit television transmission, films, motion pictures, video cassettes, slides, or other photographic reproductions which are characterized by an emphasis upon the depiction or description of "specified sexual activities" or "specified anatomical areas."

5. Adult Motion Picture Theater means a establishment where, for any form of consideration, films, motion pictures, video cassettes, slides or similar photographic reproductions are shown, and in which a substantial portion of the total presentation time is devoted to the showing of material which is characterized by an emphasis upon the depiction or description of "specified sexual activities" or "specified anatomical areas."
6. Adult Theater means a theater, concert hall, auditorium, or similar establishment which, for any form of consideration, regularly features live performances which are characterized by the exposure of "specified anatomical areas" or by "specified sexual activities."
7. Massage parlor means an establishment where, for any form of consideration, massage, alcohol rub fomentation, electric or magnetic treatment, or similar treatment or manipulation of the human body is administered unless such treatment or manipulation is administered by a medical practitioner, chiropractor, acupuncturist, physical therapist or similar professional person licensed by the state, This definition does not include an athletic club, health club, school, gymnasium, reducing salon, spa or similar establishment where massage or similar manipulation of the human body is offered as an incidental or accessory service.
8. Sexual encounter establishment means an establishment, other than a hotel, motel or similar establishment offering public accommodations, which, for any form of consideration, provides a place where two or more persons may congregate, associate or consort in connection with "specified sexual activities" or the exposure of "specified anatomical areas." This definition does not include an establishment where a medical practitioner, psychologist, psychiatrist or similar professional person licensed by the state engages in sexual therapy.

B. Specified Anatomical Areas means any of the following:

1. Less than completely and opaquely covered human genitals, pubic region, buttocks, anus or female breasts below a point immediately above the top of the aureole; or

2. Human male genitals in a discernibly turgid state, even if completely and opaquely covered.

C. Specified Sexual Activities means any of the following:

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

CHAPTER 9

EXCEPTIONS AND MODIFICATIONS

11-801. Lot of Record. Where the owner of a lot consisting of one or more adjacent lots of official record at the time of the adoption of this ordinance, does not own sufficient land to enable him to conform to the yard or other requirements of this ordinance, an application may be submitted to the Board of Zoning Appeals for a variance from the terms of this ordinance, in accordance with Section 11-904. 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.

11-802. Front Yards. The front yard requirements of this ordinance 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 depths on the developed lots.

11-803. Group Housing Project. In the case of a group housing project of two or more buildings to be constructed on a plat of ground not subdivided into the customary street and lots, and which will not be subdivided or where the existing or contemplated street and lot layout make it impracticable to apply the requirements of this ordinance to the individual building units in such housing projects, the application of the terms of this ordinance may be varied by the Board of Zoning Appeals in a manner that will be in harmony with the character of the neighborhood, will insure substantially the same character of occupancy and an intensity of land use no higher and a standard of open space no lower than that permitted by this ordinance in the district in which the proposed project is to be located. However, in no case shall the Board of Zoning Appeals authorize a use prohibited in the district in which the project is to be located, or a smaller area per family than the minimum required in such district, or a greater height, or a larger coverage than the requirements of this ordinance permit in such district.

Chapter 10 –

LANDSCAPING

11-1001. LANDSCAPE PLAN

- A. Requirement A Landscape Plan shall be required for all major subdivisions and for all new development projects requiring a site plan.
- B. Approval An approved Landscape Plan as defined in this Chapter shall be required for the entire premises, prior to issue of development permits.

11-1001. ADMINISTRATION AND ENFORCEMENT

- A. Standards A Landscape Plan that complies with the minimum standards set forth in this Chapter shall be submitted to the Planning Commission and Building Inspector, as appropriate, along with the proposed property development plans.
- B. Permitting
A Landscape Plan is required for a Building Permit. The landscaping must be installed completely and approved by the Planning Commission prior to issuance of a Certificate of Occupancy by the Building Inspector.

11-1002. LANDSCAPE PLAN AND PLANTING REQUIREMENTS

- A. Scale The Landscape Plan shall be drawn to a scale of no less than 1"=50' and may be a part of the Grading Plan, Site Plan, or on a separate drawing labeled Landscape Plan.
- B. Utility Avoidance
 - 1. Trees shall not be planted within 5 feet of underground utilities. Street or canopy trees shall not be planted within 10 feet of the alignment of overhead utility lines.
 - 2. Trees shall not be planted closer than 10 feet to a fire hydrant, utility pole, or street light.
- C. Visibility The only planting allowed within the "clear site triangle" is grass, ground cover, or shrubs maintained at 30 inches or less. No trees shall be allowed within the triangle. Foliage from adjacent trees should be cleared and maintained to a height of 6 feet above the ground surface to insure visibility.

11-1003. LANDSCAPING REGULATIONS FOR MULTI-FAMILY (WITH MORE THAN 3 UNITS), COMMERCIAL AND INDUSTRIAL SITES

- A. Landscape Zones
 - 1. All site boundaries fronting onto streets shall have a Landscape Zone consisting of an unpaved area planted in grass or mulched

with bark. The area shall be landscaped with trees (and shrubs if the developer so desires). The zone shall be a minimum of 5 feet wide facing two lane streets and 10 feet wide facing four lane streets. This shall be behind the property line between right-of-way and any paving. No parking or structures (except signs) will be allowed in the Landscape Zone. At least one tree for every 30 linear feet or portion thereof shall be planted in the landscaped strip; however, this shall not be construed as requiring the planting of trees on thirty (30) foot centers.

2. All site boundaries facing adjacent properties shall have an unpaved Landscape Zone. At least one tree for every 30 linear feet or portion thereof shall be planted in the landscaped strip. A minimum zone five (5') wide shall be provided. The Landscape Zone shall be increased if there is a larger buffer required because of a zoning or land use difference between properties.
4. The preferred trees for Landscape Zones facing adjacent properties are canopy or shade trees and evergreen trees. In the event overhead or underground utilities are present, 1½" caliper understory trees may be planted.
5. In the event the proper number of trees cannot be planted in the Landscape Zones because of utilities or site development problems, the trees shall be placed elsewhere on the property.

B. Screening

1. A 6 foot in height screen shall be planted and/or fence shall be erected between parcels of land with different uses such as commercial and residential, and to screen unsightly elements such as dumpsters, air conditioner units, or storage areas. A landscape screen shall consist of a minimum of 6 foot in height evergreen shrubs or trees planted a maximum of 8 feet on center.
2. Additional screening may be requested at the discretion of the Planning Commission or request of Planning Staff.

CHAPTER 11

ENFORCEMENT

11-1101. 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.

11-1102. 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 Permit. In applying to the Building Inspector for a building permit, the applicant shall submit a dimensional sketch of all buildings to be erected, altered or moved and of any building already on the lot. He shall also state the existing or intended use of all buildings to be erected, altered or moved and of any building already on the lot. He shall also state the existing or 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 Town of Medina, Tennessee, then in force, the Building Inspector shall issue a building permit for such excavation or construction. If a building permit is refused, the Building Inspector shall state such refusal in writing with the cause.
 - (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 theretofore 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, sketches, and plans shall be maintained in the office of the Building Inspector.

11-1103. **Penalties.** Any person violating any provisions of this ordinance shall be guilty of a misdemeanor, and upon conviction, shall be fined not less than two dollars (\$2.00) nor more than fifty dollars (\$50.00) for each offense. Each day such violation shall continue shall constitute a separate offense.

11-1104. **Remedies.** In case any building or structure is erected, constructed, reconstructed, repaired, converted, or maintained, or any building, structure, or land is used in violation of this ordinance, the Building Inspector or any other appropriate authority, or any adjacent or neighboring property owner who would be damaged by such violation, in addition to other remedies may institute injunction, mandamus, or other appropriate action in proceeding to prevent the occupancy or use of such building, structure or land.

CHAPTER 12
PROVISIONS GOVERNING SIGNS

11-1201. STATEMENT OF 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 Medina 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.

11-1202. 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 that 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 there from 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 chapter.

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.

Central Business District - The area contained within the CB (Central Business) zone as identified on the Official Zoning Map of Medina, Tennessee.

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 that 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. These signs are grandfathered provided they do not violate the provisions of Section 11-1507(b).

Obscene - Means: (a) The average person applying contemporary community standards would find that the work, taken as a whole, appeals to the prurient interest; (b) The average person applying contemporary community standards would find that the work depicts or describes, in a patently offensive way, sexual conduct; and (c) The work, taken as a whole, lacks serious literary, artistic, political, or scientific value.

Off - Premise Sign (billboard) - 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 leaseholder 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 Medina zoned R-1, R-1A, R-2 or R-3.

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 leaseholder 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.

11-1203. PERMANENT SIGNS

A. Business Identification Signs, Ground Signs, and Off-Premises Signs (Billboards)

- 1 Shall be allowed in B-1, B-2, PC, and M-1 zones only.
- 2 Only one sign per business shall be allowed. The sign shall be no greater than 150 square feet in area per side and shall have no more than three (3) sides. Double signs are allowed. The top sign shall be no greater than 150 square feet and the lower sign shall be no greater than 32 square feet in area. The lower sign may be used for advertising, community service, or a message board.
- 3 Signs must be located a minimum of five (5) feet from the right-of-way of any highway, street, or road, and a minimum of three (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 The height for Business Identification and Off-Premises signs shall not exceed 25 feet above the ground elevation.
- 6 The height for ground signs must not exceed eight (8) feet above the ground elevation.

B. Attached Business Signs

- 1 Shall be allowed in all Business and Industrial districts.

- 2 Each business is limited to two (2) attached business sign per building face. The total area of both signs 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 allowed in addition to the 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 eight (8) feet above the ground.

C. Mall Grouping Signs

- 1 Shopping Centers. A sign designating a shopping center and its tenants shall have a maximum area of eighty (80) square feet plus ten (10) square feet for each tenant over two, not to exceed one hundred-fifty (150) square feet. 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-four (64) square feet.
- 3 Mall grouping signs must be located a minimum of ten (10) feet from the right-of-way of any highway, street, or road and a minimum of three (3) feet 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.

D. Residential District Signs

- i. Apartment complexes, churches, and schools in residential districts may have a single identification sign not to exceed thirty-two (32) square feet. 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.
- ii. Nameplates are allowed in residential districts but must be limited to three (3) square feet.
- iii. No sign in a residential district (permanent, temporary, or exempt) shall exceed thirty-two (32) square feet in size per facing.

E. Projecting Signs

Projecting signs shall be allowed in Business and Industrial districts, not to exceed twenty (20) square feet in area and they shall have a minimum of nine (9) feet of clearance above the ground or sidewalk. A projecting sign must be structurally sound and approved by the Building Inspector.

F. Portable Signs

Portable signs will be allowed only for two weeks per calendar quarter in Business and Industrial Districts. They may not utilize flashing lights.

11-1204. 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 Chapter. Temporary signs are allowed in all zoned districts. A sign permit is required for all temporary signs except for vehicle signs, construction signs, posters, garage or yard sale signs, and non-profit organization event signs.

A. Real Estate Signs

- 1 Real estate signs are limited to one sign per road frontage, not to exceed thirty-two (32) square feet in area in a residential zone or forty-eight (48) square feet in a commercial or industrial zone. No real estate signs shall have a height greater than twelve (12) feet.
- 2 In multi-unit developments (commercial or industrial), one additional sign per unit, not to exceed ten (10) square feet in area is allowed.
- 3 Real estate signs must be located a minimum of five (5) feet from the right-of-way of any highway, street, or road, and a minimum of three (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 Real estate signs do not require a permit.

B. 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.

C. 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) square feet in total area. On-building banners that do not require a permit, however, total signage on any face of a building must not exceed 25% of the total surface area.

D. 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.

E. 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.

- F. 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) square feet and a height of twelve (12) feet. The sign announcement shall be limited to the project name, sponsor or funding agent, owner, general contractor and subcontractors, architect or engineer.
- G. On-site or off-site signs not exceeding five (5) square feet in area noting garage or yard sales. These signs shall be allowed to be erected no more than two (2) days prior to and one (1) day after the event that it advertises.

11-1205. PROHIBITED SIGNS

The following types of signs are prohibited in all zoning districts in Medina.

- A. Signs on public property, except for public signs in conjunction with city, state and federal government uses, political signs in street right-of-ways, 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) feet and ten (10) feet on 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.
- F. Signs which display thereon or advertises any obscene matter.

11-1206. EXEMPTIONS

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

- a. Signs not more than two (2) square feet 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 on windows.
- e. Public signs that 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 chapter; which may be of any type, number, area, height above grade, location, illumination or animation, required by law, statute or chapter 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) square feet.
- m. Advertising signs located within public spaces, such as parks, not oriented towards any public street. Policies, relative to the placement, size, and leasing arrangements for such signs shall be established and enforced separate of this ordinance by the appropriate entity with jurisdiction over such public space.
- n. Political signs provided that they are located only on private property and street right-of-ways (provided that they are not placed in a manner as to obstruct the necessary lines of sight of motorists and pedestrians) and are not located in public parks, and other public spaces. Political signs shall not exceed the maximum allowable square footage allowed for permanent signs in a particular zoning district. Signs encouraging the support or opposition of a candidate or proposal in a specific election shall be allowed in place no longer than 180 days prior to such election and seven (7) days after such election.

11-1207. CONSTRUCTION, ILLUMINATION, ELECTRICAL, AND MAINTENANCE STANDARDS

A. Construction Standards

- a. All signs and their locations shall comply with the provisions of the City of Medina Zoning Ordinance, the International 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:
 - (a) Under six hundred (600) volt, insulated - 3 feet
 - (b) Under six hundred (600) volt, bare - 5 feet
 - (c) Six hundred one (601) volt to twenty-five hundred (2,500) volt - 5 feet
 - (d) Two thousand five hundred one (2,501) volt to nine thousand (9,000) volt - 6 feet
 - (e) Nine thousand one (9,001) volt to twenty-five thousand (25,000) volt - 9 feet
 - (f) Twenty-five thousand one (25,001) volt to seventy-five (75) kV - 10 feet
 - (g) Above seventy-five (75) kV - 12 feet
 7. 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.
 8. Supports and braces shall be an integral part of the sign design. Angle irons, channels, or wires used for supports or braces shall be hidden from public view to the extent technically feasible.
 9. Freestanding signs shall be self-supporting structures and be permanently attached to sufficient foundations.
 10. Attached business signs must derive their principle and total support from the building to which they are attached.
 11. All signs shall be constructed to withstand wind loads of 30 pounds per square foot on the largest face of the sign and structure.
 12. In no case shall the existing ground elevation be built up in order to have a taller sign.
- B. Sign Illumination Standards: Signs shall comply with the following regulations in order to preclude any adverse effects on residential districts.
1. Flashing or intermittent or animated illumination is prohibited within one hundred and fifty (150) feet of any residential district.

2. All directly illuminated signs are prohibited within fifty (50) feet of any residential district.
3. Any light used for illumination shall be so arranged as to reflect light away from any adjoining residential districts.
4. Signs that use flashing, intermittent, or animated illumination must display images that are complete in themselves, without continuation in content to the next image or message, or to any other sign.
5. No sign shall be brighter than is necessary for clear and adequate visibility and shall not exceed a maximum of 5,000 nits during the day and 500 nits during nighttime hours.
6. Illumination must not be so brilliant, as to cause glare or otherwise impair the vision of an automobile driver or result in a nuisance to an automobile driver.
7. Illumination must not be so brilliant, as to interfere with the effectiveness of an official traffic sign, device, or signal.
8. Signs that utilize Light Emitting Diodes (LED) must be equipped with both a dimmer and a photocell that automatically adjusts the display's intensity, according to natural ambient light.
9. Images and messages displayed shall remain static for a minimum of eight (8) seconds, with a maximum change time of two (2) seconds.

C. Electrical Standards

- 1 Electrical service to freestanding signs shall be concealed.
- 2 Electrical signs shall be marked with input amperes at full load.
- 3 Each 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.
- 4 In no case shall electrical wiring, extension cords, or any other means of power be laid on the ground or parking areas.

D. 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.

11-1208. 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 Chapter 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 Chapter 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 - Any sign that has been erected, constructed or placed in its location and that is being used as of the effective date of this Chapter, shall be conclusively presumed to have been so erected, constructed or placed and used in compliance with the codes and chapters of the City of Medina 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 Chapter 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 Chapter 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 to the provisions of this chapter. 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 that 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, to be 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 reconstruction 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.
- 1. **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.
- 2. A request for a variance or interpretation of this chapter, as it pertains to the non-conformity, and which is filed within thirty (30) days of the effective date of this chapter, 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 that meets any of the following criteria:
 - a. A sign that identifies an establishment or goods or services that are no longer provided on the premises where the sign is located.
 - b. A sign that 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 C.(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 C.(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 C. (1) (b) of this subsection 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:**
 - (1) 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 offense.

- (2) 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.

11-1209. 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 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 the granting of the appeal would not have the effect of applying sign standards from a less restrictive zone.
 - c. That the property cannot be reasonably used in conformity with the provisions of this Ordinance.
 - d. That the difficulty complained of is unique to the property in question and is not common to all properties similarly situated.

11-1210. PERMITS

In accordance with this Ordinance, 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 International 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 religious, scientific, educational, and charitable organizations will not be charged a fee.

G.

CHAPTER 13

BOARD OF ZONING APPEALS

11-1301. Creation and Appointment. A Board of Zoning Appeals is hereby established in accordance with Section 13-7-205 of the Tennessee Code Annotated. The Board of Zoning Appeals shall consist of five (5) members. They shall be appointed by the chief executive officer of the city, and confirmed by a majority vote of the Board of Mayor and Aldermen. The terms of membership shall be three (3) years except that the initial individual appointments to the Board shall be terms of one (1), one (1), two (2), two (2), and three (3) years respectively.

11-1302. Procedure. Meetings of the Board of Zoning Appeals shall be held at the call of the chairman, and at such other times as the Board may determine. All meetings of the Board shall be open to the public. The Board shall adopt rules of procedure and shall keep records of applications and action thereon, which shall be a public record.

11-1303. 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 or bureau affected by any decision of the Building Inspector based in whole or in part upon the provisions of this ordinance. Such appeal shall be taken by filing with the Board of Zoning Appeals a notice of appeal, specifying the grounds thereof. The Building Inspector shall transmit to the Board all papers constituting the record upon which the action 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 of interest and decide the same within a reasonable time which shall not be more than fifteen (15) days from the date of the hearing. Any person or party may appear at the hearing and be heard in person or by agent or by attorney. An application fee of \$100.00 shall be made upon request of appeal by the requesting party. This fee shall not be applicable when the request for appeal is made by the building inspector or by city officials acting in official capacity.

11-1304. 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 special exceptions upon which the Board of Zoning Appeals is specifically authorized to pass.

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 topographical conditions or other extraordinary or exceptional situations or condition of a piece of property the strict application of the provisions of this ordinance would result in exceptional practical difficulties to or exceptional and undue hardship upon the owner of such property, provided that such relief may be granted without detriment to the public good and the intent and purpose of this ordinance.

- (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 property in the neighborhood.

CHAPTER I4

AMENDMENT

11-1401. Zoning Amendment Petition. The Board of Mayor and Aldermen of Medina, Tennessee may amend the regulations, restrictions, boundaries or any provision of this ordinance. Any Member of the Board of Mayor and Aldermen may introduce such amendment, or any official board or any other person may present a petition to the Board of Mayor and Aldermen requesting an amendment or amendments to this ordinance.

11-1402. Planning Commission Review. No such amendment shall become effective unless the same be first submitted for approval, disapproval, or suggestions to the Town Planning Commission. If the Town Planning Commission disapproved it shall require the favorable vote of a majority of the entire membership of the Board of Mayor and Aldermen to become effective. If the Town Planning Commission neither approves or disapproves such proposed amendment within thirty-five (35) days after such submission, the absence of action shall be considered as approval of the proposed amendment.

11-1403 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 Town of Medina, 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.

CHAPTER 15

LEGAL STATUS PROVISIONS

11-1501. Conflict With Other Ordinances. In case of conflict between this ordinance or any part thereof, and the whole or part of any existing or future ordinance of the Town of Medina the most restrictive shall in all cases apply.

11-1502. 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.

11-1503. Effective Date. This ordinance shall take effect and be in force fifteen (15) days from and after its passage, the public welfare demanding it.

Adopted and passed on second and final reading on this 27 day of January, 1985.

Mayor

Recorder

CHAPTER 16 DESIGN REVIEW GUIDELINES

SECTIONS

- 11-1601 Authority & Scope
- 11-1602 Purpose
- 11-1603 Architectural
- 11-1604 Screening & Fencing
- 11-1605 Lighting
- 11-1606 Miscellaneous

11-1601 AUTHORITY & SCOPE – The below Design Review Guidelines (“Guidelines”) will be utilized to enhance the visual appearance and living environment of the City of Medina through effective design, landscaping, and control of visual clutter. Adherence and acknowledgement of these Guidelines will be a requirement prior to issuance of building permits for nonresidential properties, multifamily residential properties, and nonresidential developments within the City Limits of Medina. One and two family detached residences are not affected by these Guidelines. These Guidelines are to be utilized as an associate set of guidelines in addition to and accompanying provisions in the current Zoning Ordinance. In the event that provisions within these Guidelines appear to conflict with other provisions in the Zoning Ordinance, or any other similar set of requirements, the more stringent requirements will apply.

11-1602 PURPOSE – The purpose of the establishment and utilization of these Guidelines is to:

1. Promote qualities in the environment that will sustain economic well-being while maximizing potential for preservation of green space and open space throughout Medina
2. Foster attractiveness and functional utility resulting in a rural, small City atmosphere where people desire to live, work, and relax
3. Preserve indigenous heritage by maintaining the integrity of discernible characters that contribute to this heritage
4. Safeguard public investment
5. Raise the level of citizen expectations favoring the quality of Medina’s unique charm

11-1603 ARCHITECTURAL

1. *Structures* should be compatible or superior to established local character.
2. In most cases, *buildings* are not viewed in isolation, but rather in the context of nearby *buildings* and sites. While architectural style may vary, *buildings* should be compatible with their environment with regard to massing, scale, proportion of openings, roof types, types of glazed openings, and degree of detail.
3. *Building* forms should be tailored to complement the existing or approved manipulations of the topography and site features.
4. *Buildings* should be oriented such that their main entrances are visible from the approach, unless the characteristics of the site result in an unacceptable burden.

5. Where a clearly established development character and scale exists, new infill development should include key design elements of adjoining *buildings* with respect to windows, doors, rhythm of bays, detailing, roof forms, materials, and colors.
6. Exterior colors should be earth tones and compatible with adjacent properties. Subdued, muted colors are preferred; bright colors may be permitted on a limited basis to achieve accent or contrast.
7. *Buildings* should have a defined base and cap.
8. Long, uninterrupted façade planes greater than 50' should be avoided.
9. Window and door openings should have a vertical orientation and should be vertically coordinated between floors.
10. The following are acceptable as exterior materials: brick, rock, tile, plaster, stucco, glass and glazing, or other materials as deemed acceptable and in accordance with established historical contexts. Unacceptable exterior materials include standard block, prefabricated metal siding, and vinyl. Ground face masonry may be used as an accent only.
11. Primary facade materials should change at outside corners. Material changes should occur along a horizontal line or where two forms meet. It may be acceptable, however, for a change of materials as accent around windows, doors, cornice lines, at *building* corners, in a repetitive pattern, or to articulate an architectural theme.
12. Exterior walls, excluding windows and doors, should be comprised primarily of one material. Complementary secondary materials are recommended to provide detail and scale.
13. The primary architectural treatment will normally be required only on the front of the *building*, with the exceptions of situations where the *building* is situated on an intersection, in which case exposed sides would be included. Sides and rear of *buildings*, as well as any *accessory structures* pertinent to the primary use, may be accentuated with similar materials as previously described. The primary material should extend over a minimum of 50% of the exterior wall.
14. Blank walls facing streets should be avoided.
15. Roof forms should be appropriate to the general design and scale and should be applied to the entire roof. Flat roofs or low-pitched roofs with parapet walls are encouraged for larger *buildings*. Alternative roof forms may be acceptable if deemed appropriate in consideration of a unique architectural style.
16. Roofs that are visible from the street should be finished with colors and features consistent with the architecture of the façade.
17. Rooftop units should be screened from all non-aerial views and should be compatible in color and material with the overall *building* palette.
18. Service or loading areas should be located away from streets, be adequately screened, or appropriately designed as an attractive feature.
19. Prototype or franchise appearances shall reflect these architectural restrictions. National standard designs shall be adapted to complement the local context by careful siting, use of compatible materials, and prudent landscaping to appropriately blend with the neighborhood.

11-1604 SCREENING & FENCING

1. Screening should be utilized to soften transitional areas between land uses, and as nuisance barriers for service and loading areas, dumpsters, material storage areas, utility boxes, etc.
2. Screening may be composed of *shrubs*, *understory trees*, landscaped earthen berms, or constructed fencing.
3. Fences should not exceed 8 feet in height and may be composed of rock, masonry, durable wood, or ornamental metal. In some cases, the use of chain link (dark green or black only), plastic, or wire fencing may be considered.
4. Long, solid fencing should be softened by addition of *shrubs* or *trees* along the fence.
5. Screens should not divert or impede natural water flow unless specifically designed for that purpose.

11-1605 LIGHTING

1. Lighting guidelines do not apply to street lighting which is subject to subsequent ownership by the City of Medina.
2. LED lighting is encouraged as an energy and cost saving tool.
3. The lighting plan should complement the surrounding features with minimum adverse impact on adjacent properties and the public realm.
4. Lighting levels should be as level as practical.
5. Light fixtures that cast light downward are preferred.
6. Warm lighting colors are preferred; blue-white color is discouraged.
7. Lighting fixtures should be shielded to reduce glare.
8. Ornamental lighting is strongly encouraged with consistent poles and fixtures throughout a development.
9. Concrete pole bases should not exceed 12 inches in height.
10. Ground-mounted, pedestrian scale lighting and bollards should be considered as an alternate to pole mounted lighting where practical.

11-1606 MISCELLANEOUS – The Planning Commission shall serve as the Design Review Commission and shall review all aspects of the Site Plan and in addition to consideration of the hereinabove described Guidelines, the Design Review Commission shall review proper utilization of parking, buffering, erosion control, storm run-off and any other factors deemed appropriate and in accordance with various provisions within the Medina Zoning Ordinance.