

ZONING ORDINANCE
OF
MIDDLETON, TENNESSEE
AUTHORITY

An ordinance, pursuant to the authority granted by Sections 13-701 through 13-710, Tennessee Code Annotated, authorizing the City of Middleton, Tennessee to establish districts or zones within its corporate limits; to regulate, within such districts, the location height, bulk, number of stories and size of building structures, the percentage of lot occupancy, the required open spaces, the density of population methods of administration of this ordinance and to prescribe penalties for the violation thereof.

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

ARTICLE I. TITLE

This ordinance shall be known as the “Zoning Ordinance of Middleton, Tennessee.” The map herein referred to, which is identified by the title “Zoning Map of Middleton, Tennessee,” and the signature of the Mayor attested by the City Clerk, and all explanatory matter thereon are hereby adopted and made a part of this ordinance.

ARTICLE II. PURPOSE

The zoning regulations and districts as herein set forth have been made in accordance with a comprehensive plan for the purpose of promoting the health, safety, morals and the general welfare of the community. They have been designed

to lessen congestion in the street, 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, sewage, schools, parks and other public requirements. They have been made with reasonable consideration, among other things, of the character of each district and its peculiar suitability for particular uses, and with a view of conserving the value of building and encouraging the most appropriate use of land throughout the city.

ARTICLE III. DEFINITIONS

Section 31. 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.

31.1 “Alley. Any public or private way set aside for public travel, less than thirty (30) feet in width.

31.2 “Automobile Storage or Standing Space.” An area reserved and suitable for automobile storage, standing or parking space. Each space shall be a minimum of two hundred (200) square feet in area. Such area shall be provided with a safe vehicular access to a public street or alley.

31.3 “Building.” Any structure constructed or used for residence, business, industry or other public or private purposes, or accessory thereto, and including tents, lunch wagons, dining cars, trailers, billboards, signs, and similar structures whether stationary or moveable.

31.31 Principal Building.” A building in which is conducted the principal use of the lot on which it is situated. In any residence district any dwelling shall be deemed to be the principal building on the lot on which the same is situated.

- 31.32 “Accessory Building.” A subordinate building, the use of which is incidental to that of a principal building on the same lot.
- 31.4 “Carport.” A one-story structure attached to the principal building, open and to remain open on two or three sides except for necessary supporting posts; to be used only for the shelter of an automobile vehicle.
- 31.5 “Dwelling, Single-Family.” A detached residential dwelling unit other than a mobile home designed for and occupied by one family only.
- 31.6 “Dwelling, Two-Family.” A detached residential dwelling unit other than a mobile home designed for and occupied by two families only.
- 31.7 “Dwelling, Multiple-Family.” A residential building designed for or occupied by two or more families, with the number of families in residence not exceeding the number of dwelling units provided.
- 31.8 “Townhouse.” A building consisting of a series of three (3) or more non-communicating one-family dwelling sections with separate entrance on ground level to each unit, and having common wall between each two (2) adjacent sections.
- 31.9 “Dwelling Unit.” One room or rooms connected together constituting a separate independent housekeeping establishment for owner occupancy, or rental or lease on a weekly, monthly or longer basis, and physically separated from any other rooms or dwelling units which may be in the same structure and containing independent cooking and sleeping facilities.
- 31.10 “Essential Service.” Is the erection, construction, alteration, or maintenance by public utilities, or municipal departments, or commissions, or underground or overhead gas, electrical, steam, or water transmission or distribution systems, collection, communications, supply or disposal systems, conduits, cables, traffic signals, hydrants

and other similar equipment and accessories in connection therewith, but not including building or sub-stations reasonably necessary for the furnishing of adequate service by such public utilities or municipal departments or commissions, or for the public health or safety or general welfare.

31.11 “Family.” One (1) or more persons occupying a premises and living as a single, non-profit housekeeping unit.

31.12 “Height of Building.” The vertical distance from the established average sidewalk grade or street grade, or finished grade at the building line, whichever is the highest, to the highest point of the building.

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

(a) “Lot Line.” The boundary dividing a given lot from a street, an alley, or adjacent lots.

(b) “Lot of Record.” A lot, the boundaries to which are filed as a legal record.

31.14 “Mobile Home.” A detached residential dwelling unit designed for transportation after fabrication on streets or highways on its own wheels or on flatbed or other trailers, and arriving at the site where it is occupied as a dwelling complete and ready for occupancy except for minor and incidental unpacking and assembly operations, location on jacks and other temporary or permanent foundations, connection to utilities and non-permanent dwelling shall not be changed in the view of this ordinance by removal of the wheels and/or carriage or placement on a permanent foundation.

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

- (a) “Independent Mobile Home.” A mobile home equipped with interior toilet and bathing facilities and fixtures for connection of such facilities to permanent water supply and sewage collection system.
- (b) “Travel Trailer.” A trailer or vehicle designed for short term occupancy and built to be transported on its own wheels.

31.16 “Nonconforming Use.” A use of a building or of land lawful at the time of the enactment of this ordinance that does not conform with the provisions of this ordinance for the district in which it is located.

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

31.18 “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. The basement not used for human occupancy other than for a janitor or domestic employee shall not be counted as a story.

31.19 “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.”

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

31.21 “Yard.” A required open space unoccupied and unobstructed by any structure or portion of a structure from 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.

“Front Yard.” The yard extending across the entire width of the lot between the front yard line, and the nearest part of the principal building including covered porches and carports.

“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.

“Side Yard.” A yard extending along the side lot line from the front yard to the rear yard, and lying between the side lot line and the nearest part of the principal building, including covered porches and carports.

31.22 “Clinic.” A facility for the examination and treatment of ill and afflicted human out-patients provided, however, that patients are not kept over-night except under emergency conditions. This includes doctor and dental offices.

31.23 “Mobile Home Park.” Any plot of ground upon which three (3) or more mobile homes, occupied for dwelling or sleeping purposes, are located, regardless of whether or not a charge is made for such accommodation.

31.24 “Sign.” Any outdoor sign located within view of persons passing on a street, whether a separate structure, object or device, or attached to or painted on another structure, object, or device bearing an advertisement or announcement relating to the premises on which such

sign is located, except as announcement signs, (a) any sign designed to be read solely by persons on the premises; (b) any sign less than thirty-six (36) square inches in area.

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

31.26 “Home Occupations.” An accessory use of a service character customarily conducted within a dwelling by the residents thereof, which is clearly secondary to the use of the dwelling for living purposes and does not change the character thereof or have any exterior evidence of such secondary use, other than a nameplate less than one (1) square foot in area and in connection therewith is not involved in the keeping of a stock in trade. The office of a physician, surgeon, dentist or other professional person, including an instructor in violin, piano, or other individual musical instrument limited to a single pupil at a time who offers skilled services to clients, and is not professionally engaged in the purchase or sale of economic goods, shall be deemed to be Home Occupations; and the occupations of dressmaker, milliner, or seamstress, each with not more than one (1) paid assistant, shall be deemed to be Home Occupations. Dancing instruction, bank instrument instruction in groups, tourist homes, real estate offices, convalescent homes, mortuary establishments, and stores, trades, or business or any kind not herein stated shall not be deemed to be Home Occupations.

ARTICLE IV. GENERAL PROVISIONS

For the purpose of this ordinance there shall be certain general provisions which shall apply to the city as a whole.

Section 41. Zoning Affects Every Building and Use. No building or land shall hereafter be used and no building or part thereof shall be erected, moved or altered unless for a use expressly permitted by and in conformity with the regulations herein specified for the district in which it is located, except as hereinafter provided.

Section 42. Continuance of Nonconforming Uses and Structures. 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.

42.1 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.

Extended, except in conformity with this ordinance or as permitted by Chapter 279 of the Public Acts of 1973 which amends Section 13-708 Tennessee Code Annotated.

42.2 Any non-conforming structure may not be:

Extended except in conformity with this ordinance except as permitted by Chapter 279 of the Public Acts of 1973 which amends Section 13-708, Tennessee Code Annotated.

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 13-708, Tennessee Code Annotated.

42.3 Any non-conforming use or structure 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.

Reestablished after discontinuance of one year except as permitted by Chapter 279 of the Public Acts of 1973 which amends Section 13-708, Tennessee Code Annotated.

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 13-708, Tennessee Code Annotated.

Section 43. More than One Principal Building on a Lot and Street Frontage Required

43.1 In any district, more than one structure housing a permitted or permissible principal use 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.

This provision does not apply to group housing developments as permitted under this ordinance.

43.2 No building shall be erected in any district except the B-2 (General Business District) on a lot which does not abut at least one public street for at least fifty (50) feet. This shall not be construed to apply to properties abutting a cul-de-sac type turn around; a minimum street abutment of twenty-five (25) feet shall apply to cul-de-sac turn-around.

Provided, however, that the minimum lot width is provided at the front yard setback (building) line.

Section 44. 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 required for a public purpose.

Section 45. Rear Yard Abuts a Public Street. When a rear yard of a lot abuts a public street, all structures built in that rear yard shall observe the same setback from the street line, centerline of the street or property line as required for adjacent properties which front on that street. 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.

Section 46. Off-Street Automobile Storage.

46.1 Off-street automobile storage or standing space shall be provided on any lot on which any of the following uses are hereafter established; such space shall be equal in area to at least the minimum requirements for the specific uses as set forth below:

46.11 Dwellings: Not less than one (1) space for each family dwelling unit.

46.12 Boarding Houses and Rooming Houses: Not less than one (1) space for each two (2) rooms occupied by boarders or roomers.

46.13 Tourist Accommodations: Not less than one (1) space for each room offered for tourist accommodations.

46.14 Any auditorium, church or other place of public assembly: Not less than one (1) space for each five (5) seats provided in such place of assembly.

46.15 Industrial Uses: Not less than one (1) space for each four (4) persons employed or intended to be employed on such lot in a single shaft.

46.16 Commercial Uses: In a B-1 (Specialized Business) District, not less than one (1) space for each two hundred (200) square feet of total floor area.

46.17 Medical or Dental Clinics: Three (3) spaces per doctor, plus an additional space for every two (2) employees.

46.2 If vehicle storage space or standing 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 three hundred (300) feet of the main entrance to such principal use. Such vehicle standing space shall be deemed to be required open space associated with the permitted use and shall not thereafter be reduced or encroached upon in any manner.

Section 47. Obstruction to Vision at Street Intersections Prohibited. In all districts, except B-2 (General Business), on a corner lot, within the area formed by the centerlines of streets or street and railroad at a distance of one hundred (100) feet from their intersections, there shall be no obstruction to vision between a height of two and one-half (2 ½) feet and height of ten (10) feet above the average grade of each street or railroad at the centerline thereof. The requirements of this section shall not be deemed to prohibit any necessary retaining wall.

47.1 The Board of Zoning Appeals may reduce this requirement where safety conditions will not be impaired.

Section 48. 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:

- 48.1 A point of access, i. e., a drive or other opening for vehicles onto a street shall not exceed thirty (30) feet in width.
- 48.2 There shall be not more than two (2) points of access to any one (1) public street in each one hundred (100) feet of frontage in any lot.
- 48.3 No point of access shall be allowed within ten (10) feet of the right-of-way of any public street, intersection or thirty (30) feet of another access point on the same lot.
- 48.4 Cases requiring variances relative to the above provisions 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.

Section 49. 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 to the issuance of a building permit or certificate of occupancy for any affected lands, structures, or buildings. Detailed site plans and formal engineering drawings shall only be required for Commercial Development or Subdivision Development, not individual residential site development. Site plans shall be reviewed and approved or disapproved under the following procedures and standards as specified by this ordinance.

- 49.1 Site Plan Submission and Review. Site plan review is required under three (3) separate instances by the Middleton Municipal Zoning Ordinance. These instances include:
 - 49.11 The review and approval of a site plan by the Middleton City Manager for all single family and two family residential structures and all additions. The City Manager 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, parking

location, layouts, and access requirements. This power shall not include the authority to specify or alter the architectural style of proposed or existing buildings.

49.12 The review and approval of a site plan for any Permitted Use by the Middleton Municipal 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 City. This power of review may include, but not be limited to setbacks, screening, lighting, parking location, layouts, access and general landscaping requirements. In addition, this power of review shall include the power to require the dedication of additional right-of-way and the construction of both additional pavement widths and curbs and gutters. This power of review shall not include the authority, to specify or alter the architectural style of proposed or existing buildings.

49.13 The review and approval of a site plan for any Use Permitted as a Special Exception by the 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 City. This power of review may include but not be limited to setbacks, screening, lighting, parking location, layouts, access and general landscaping requirements. This power shall not include the authority to specify or alter the architectural style of proposed or existing buildings.

49.2 Review Procedure – In instances of review of a site plan by either the Middleton City Manager, the Middleton Municipal Planning Commission or the Middleton Municipal Board of Zoning Appeals the following procedures shall apply.

49.21 City Manager Review – In instances of review by the Middleton City Manager, the site plan shall be reviewed in light of the provisions of this ordinance and approved or disapproved. In instances of disapproval, the applicant shall be notified in writing as to the reason(s) the site plan was disapproved.

49.22 Planning Commission Review

49.22.1 The site plan shall be reviewed in light of the provisions of this ordinance and approved or disapproved.

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.

49.22.2 Prior to the regular Planning Commission meeting, copies of the proposed site plan shall be distributed to affected City departments for review of areas under their concern. Once City 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.

49.23. Board of Zoning Appeals Review

49.23.1 The site plan shall be reviewed in light of the provisions of this ordinance and approved or disapproved. 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.

49.23.2 Prior to the scheduled meeting, copies of the proposed site plan shall be distributed to affected City departments to review areas under their responsibility. Once City 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 at least 24 hours prior to the meeting date. 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.

49.3 Contents of the Site Plan

49.31 City Manager Review – In instances where site plan review is required by the City Manager, prior to issuance of a building

permit, the owner shall provide the City Manager with information documenting the following (such information does not require scaled or professional engineering drawings):

49.31.1 All property lines and their surveyed distances and courses.

49.31.2 All building restricting lines, setback lines, easements, covenants, reservations and rights-of-way.

49.31.3 Total land area.

49.31.4 Present zoning of site and abutting properties.

49.31.5 Name, address of owner of record and applicant.

49.31.6 Provisions for utilities (water, sewer, etc.)

49.31.7 Location and dimensions of the proposed structures.

49.32 Planning Commission and Board of Zoning Appeals: – In instances where site plan review is required by either 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 (review of single or two-family residential sites does not require scaled or engineering drawings):

49.32.1 Name and address of development.

49.32.2 Name and address of the applicant and owner of record.

49.32.3 Present zoning of the site and abutting properties.

49.32.4 Date, graphic scale, add north point with reference to source of meridian.

49.32.5 Courses and distances of center of all streets and all property lines, highway setback lines, property restricting lines, easements, covenants reservations and rights-of-way.

49.32.6 The total land area.

- 49.32.7 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 2-foot contours and by spot elevation where necessary to indicate flat areas.
- 49.32.8 Certification as to the accuracy of the plan by a licensed architect or engineer.
- 49.32.9 A certificate, with a space for a signature and date, which states that the site plan has been approved by either the Middleton Municipal Planning Commission or the Middleton Municipal Board of Zoning Appeals, which ever is applicable to the type of use that is requested.
- 49.32.10 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.

49.32.11 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:
 - (i) Number of dwelling units.
 - (ii) Number of parking spaces.
 - (iii) Number of loading spaces.
 - (iv) Number of commercial or industrial

tenants and employees.

(v) Plans for collecting storm water and methods of treatment of natural and artificial watercourses including a delineation of limits or flood plains, if any.

(vi) 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 2 foot contours.

49.4 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 1 year from the date of such approval unless an extension of time is applied for and granted by the appropriate approving body.

ARTICLE V. ESTABLISHMENT OF DISTRICTS

Section 51. Classification of Districts

51.1 For the purpose of this ordinance, the City of Middleton, Tennessee, is hereby divided into eight (8) classes of districts, designated as follows:

- E (Estate Residential)
- R-1 (Low Density Residential)
- R-2 (Intermediate Density Residential)
- R-3 (High Density Residential)
- M-HR (Mobile Home Residential)
- B-1 (Specialized Commercial)
- B-2 (General Commercial)
- M (Industrial)

Section 52. Boundaries of Districts

52.1 The boundaries of districts are hereby established as shown on the map entitled, "Zoning Map of Middleton, Tennessee" which is a part of this ordinance and which is on file in the City Hall of the City of Middleton.

52.2 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 enactment of this ordinance. Questions concerning the exact location of district boundary lines shall be determined by the Board of Zoning Appeals.

52.3 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 restrictive district, the regulations relative to that district may extend as well to such portion of said lot which is not more than twenty (20) feet within the more restricted district.

ARTICLE VI. PROVISIONS GOVERNING RESIDENTIAL DISTRICTS

Section 61. E (Estate Residential) Districts. The intent of the E (Estate Residential) Districts is to provide suitable areas for single family residential development free from conflicting residential uses with the purpose of maintaining the rural atmosphere of the outlying areas of the City. This area does not require extensive municipal services. Within the E (Estate Residential) Districts as shown on the Zoning Map of Middleton, Tennessee, the following regulations shall apply:

61.1 Uses Permitted

61.11 Single-family detached dwellings, not to include mobile homes.

61.12 Accessory buildings customarily incidental to the permitted use.

61.13 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 lot lines and street right-of-way lines.

61.14 Accessory buildings customarily incidental to any aforementioned permitted use.

61.2 Uses Permissible on Appeal

Following public notice and hearing and subject to appropriate conditions and safeguards, the Board of Zoning Appeals may permit, as a special exception, the following uses:

61.21 Churches and other places of worship, schools offering general education courses, public parks and public recreational facilities, railroad rights-of-way, essential services, and public uses such as public golf courses, membership and non-membership county clubs; provided, however, that such use shall not be permitted 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.

61.22 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 Board of Zoning Appeals and subject to such conditions as the Board of Zoning Appeals may require in order to preserve and protect the character of the neighborhood in which the proposed use is located; and provided further that:

61.221 The proposed use shall be located and conducted in the principal building only;

61.222 the persons engaged in any such use shall be residents of the dwelling unit in which the proposed use is located;

61.223 not more than twenty (20) per cent of the total floor area in the dwelling unit shall be devoted to such proposed use;

61.224 the proposed use shall not constitute primary or incidental storage facilities for a business, industrial, or agricultural activity conducted elsewhere;

61.225 no activity, materials, goods, or equipment indicative of the proposed use shall be visible from any public way;

61.226 and the proposed use shall not be advertised by the display of goods or signs on the lot on which the proposed use is located.

61.3 Uses Prohibited

61.31 Any other use not specifically permitted or permissible on appeal in this Article.

61.32 Advertising signs and billboards except those specifically permitted under Section 61.13 of this Article.

61.4 Side Yards on Corner Lots. The minimum width of side yards for dwellings along an intersecting street shall be twenty (20) feet for the side facing street.

61.5 Height. No building shall exceed three (3) stories or thirty-five (35) feet in height except that free standing poles, towers, spires and structures not designed for or suitable for human occupancy may not exceed this height provided that they comply with the provisions of all other pertinent codes and ordinances, and provided that they are located no closer to the nearest property line than the distance equal to their own height plus five (5) feet. No accessory building shall exceed two (2) stories or twenty-five (25) feet in height.

61.6 Building Area. On any lot the area occupied by all buildings, including accessory building, shall not exceed thirty (30) per cent of the total area of the lot.

61.7 Location of Accessory Buildings.

61.71 No accessory building shall be erected in any required front or side yard. Accessory buildings shall not cover more than thirty (30) per cent 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.

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

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

61.81 Minimum required lot area

Single family dwelling units-	1 acre.
Churches	One (1) acre or 200 sq. ft. of lot area per auditorium seat, whichever is greater.
Schools	Eight (8) acres plus one (1) one acre for each 100 students.
Police stations, fire stations and parks	2 acres
Public golf membership courses, and non- membership country clubs	10 acres
Other Uses	As required by the Board of Zoning Appeals.

61.82 Minimum required lot width at the building line

Single Family Dwellings	100 ft.
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	Police stations, fire stations and parks	100 ft.
	Churches and cemeteries	200 ft.
	Elementary and secondary schools	200 ft.
	Public golf courses, membership and non-membership country clubs	300 ft.
61.83	Minimum required front yard.	
	Single family dwellings	35 ft.
	All other uses	40 ft or more as required by the Board of Zoning Appeals.
	Appeals.	
61.84	Minimum required rear yard	
	Single-family dwellings	25 feet
	Other Uses	40 feet or more as required by the Board of Zoning Appeals.
61.85	Minimum required side yard on each side of lot.	
	Single-family dwellings	15 feet
	All other uses	25 feet or more as required by the Board of Zoning Appeals

61.9 Site Plan Review – Prior to the issuance of a building permit, site plan review is required in accordance with Article IV, Section 49 of this ordinance for all permitted uses and special exceptions. Once a site plan has been approved and all modifications, if any, have been made, a building permit may be issued. The City Manager shall maintain a copy of the site plan in the permanent files of the City.

Section 62. R-1 (Low Density Residential) Districts. The intent of the R-1 (Low Density Residential) Districts is to provide suitable areas for single family residential development having a density level no greater than 2.9 units per acre and free from conflicting residential uses. These areas should be served by all municipal services. Within the R-1 (Low Density Residential) Districts as shown on the Zoning Map of Middleton, Tennessee, the following regulations shall apply:

62.1. Uses Permitted

62.11 Single-family detached dwellings, not to include mobile homes.

62.12 Accessory buildings customarily incidental to the permitted use.

62.13 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 lot lines and street right-of-way lines.

62.14 Accessory buildings customarily incidental to any aforementioned permitted use.

62.2 Uses Permissible on Appeal

Following public notice and hearing and subject to appropriate conditions and safeguards, the Board of Zoning Appeals may permit, as a special exception, the following uses:

62.21 Churches and other places of worship, schools offering general education courses, public parks and public recreational facilities, railroad rights-of-way, essential services, and public uses such as public golf courses, membership and non-membership country clubs; provided, however, that such use shall not be permitted 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.

62.22 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 Board of Zoning Appeals and subject to such conditions as the Board of Zoning Appeals may require in order to preserve and protect the character of the neighborhood in which the proposed use is located; and provided further that:

62.221 the proposed use shall be located and conducted in the principal building only;

62.222 the persons engaged in any such use shall be residents of the dwelling unit in which the proposed use is located;

62.223 not more than twenty (20) per cent of the total floor area in the dwelling unit shall be devoted to such proposed use;

62.224 proposed use shall not constitute primary or incidental storage facilities for a business, industrial, or agricultural activity conducted elsewhere;

62.225 no activity, materials, goods, or equipment indicative of the proposed use shall be visible from any public way;

62.226 and the proposed use shall not be advertised by the display of goods or signs on the lot on which the proposed use is located.

62.3 Uses Prohibited

62.31 Any other use not specifically permitted or permissible on appeal in this Article.

62.32 Advertising signs and billboards except those specifically permitted under Section 62.13 of this Article.

62.4 Side Yards on Corner Lots. The minimum width of side yards for dwellings along an intersecting street shall be twenty (20) feet for the side facing street.

62.5 Height. No building shall exceed three (3) stories or thirty-five (35) feet in height except that free standing poles, towers, spires and structures not designed for or suitable for human occupancy may not exceed this height provided that they comply with the provisions of all other pertinent codes and ordinances, and provided that they are located no closer to the nearest property line than the distance equal to their own height plus five (5) feet. No accessory building shall exceed two (2) stories or twenty-five (25) feet in height.

62.6 Building Area. On any lot the area occupied by all buildings, including accessory building, shall not exceed thirty (30) per cent of the total area of the lot.

62.7 Location of Accessory Buildings.

62.71 No accessory building shall be erected in any required front or side yard. Accessory buildings shall not cover more than thirty (30) per cent 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.

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

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

62.81 Minimum required lot area

Single family dwelling units- 15,000 sq.ft.

Churches One (1) acre
or 200 sq. ft.
of lot area
per auditorium
seat, whichever
is greater.

Schools Eight (8)
acres plus one
(1) acre for
each 100
students.

Police stations, fire stations and parks 2 acres

Public golf membership courses, and non-
membership country clubs 10 acres

Other Uses As required by
the Board of
Zoning Appeals.

62.82 Minimum required lot width at the building line

Single Family Dwellings	100 ft.
Police stations, fire stations and parks	100 ft.
Churches and cemeteries	200 ft.
Elementary and secondary schools	200 ft.
Public golf courses, membership and non-membership country clubs	300 ft.

62.83 Minimum required front yard.

Single family dwellings	30 ft.
All other uses	40 ft or more as required by the Board of Zoning Appeals.

62.84 Minimum required rear yard

Single-family dwellings	25 feet
Other Uses	40 feet or more as required by the Board of Zoning Appeals.

62.85 Minimum required side yard on each side of lot.

Single-family dwellings	15 feet
All other uses	25 feet or more as

required by the
Board of Zoning
Appeals

62.9 Site Plan Review – Prior to the issuance of a building permit, site plan review is required in accordance with Article IV, Section 49 of this ordinance for all permitted uses and special exceptions. Once a site plan has been approved and all modifications, if any, have been made, a building permit may be issued. The City Manager shall maintain a copy of the site plan in the permanent files of the City.

Section 63. R-2 (Intermediate Density Residential) Districts. The intent of the R-2 (Intermediate Density Residential) Districts is to provide suitable areas for single family residential development having a density level no greater than 4.4 units per acre and free from conflicting residential uses. These areas should be served by all municipal services. Within the R-2 (Intermediate Density Residential) Districts as shown on the Zoning Map of Middleton, Tennessee, the following regulations shall apply:

63.1. Uses Permitted

63.11 Single-family detached dwellings, not to include mobile homes.

63.12 Accessory buildings customarily incidental to the permitted use.

63.13 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 lot lines and street right-of-way lines.

63.14 Accessory buildings customarily incidental to any aforementioned permitted use.

63.2 Uses Permissible on Appeal

Following public notice and hearing and subject to appropriate conditions and

safeguards, the Board of Zoning Appeals may permit, as a special exception, the following uses:

63.21 Churches and other places of worship, schools offering general education courses, public parks and public recreational facilities, railroad rights-of-way, essential services, and public uses such as public golf courses, membership and non-membership country clubs; provided, however, that such use shall not be permitted 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.

63.22 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 Board of Zoning Appeals and subject to such conditions as the Board of Zoning Appeals may require in order to preserve and protect the character of the neighborhood in which the proposed use is located; and provided further that:

63.22.1 the proposed use shall be located and conducted in the principal building only;

63.22.2 the persons engaged in any such use shall be residents of the dwelling unit in which the proposed use is located;

63.22.3 not more than twenty (20) per cent of the total floor area in the dwelling unit shall be devoted to such proposed use;

63.22.4 the proposed use shall not constitute primary or incidental storage facilities for a business, industrial, or agricultural activity conducted elsewhere;

63.22.5 no activity, materials, goods, or equipment indicative of the proposed use shall be visible from any public way;

63.22.6 and the proposed use shall not be advertised by the display of goods or signs on the lot on which the proposed use is located.

63.3 Uses Prohibited

63.31 Any other use not specifically permitted or permissible on appeal in this Article.

63.32 Advertising signs and billboards except those specifically permitted under Section 63.13 of this Article.

63.4 Side Yards on Corner Lots. The minimum width of side yards for dwellings along an intersecting street shall be twenty (20) feet for the side facing street.

63.5 Height. No building shall exceed three (3) stories or thirty-five (35) feet in height except that free standing poles, towers, spires and structures not designed for or suitable for human occupancy may not exceed this height provided that they comply with the provisions of all other pertinent codes and ordinances, and provided that they are located no closer to the nearest property line than the distance equal to their own height plus five (5) feet. No accessory building shall exceed two (2) stories or twenty-five (25) feet in height.

63.6 Building Area. On any lot the area occupied by all buildings, including accessory building, shall not exceed thirty (30) per cent of the total area of the lot.

63.7 Location of Accessory Buildings.

63.71 No accessory building shall be erected in any required front or side yard. Accessory buildings shall not cover more than thirty (30) per cent 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.

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

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

63.81 Minimum required lot area

Single family dwelling units– 10,000 sq. ft.

Churches One (1) acre
or 200 sq. ft.
of lot area
per auditorium
seat, whichever
is greater.

Schools Eight (8)
acres plus one
(1) acre for
each 100
students.

Police stations, fire stations and parks 2 acres

Public golf membership courses, and non-
membership country clubs 10 acres

Other Uses As required by

the Board of
Zoning Appeals.

63.82 Minimum required lot width at the building line

Single Family Dwellings	85 ft.
Police stations, fire stations and parks	100 ft.
Churches and cemeteries	200 ft.
Elementary and secondary schools	200 ft.
Public golf courses, membership and non- membership country clubs	300 ft.

63.83 Minimum required front yard.

Single family dwellings	25 ft.
All other uses	40 ft or more as required by the Board of Zoning Appeals.

63.84 Minimum required rear yard

Single-family dwellings	25 feet
Other Uses	40 feet or more as required by the Board of Zoning Appeals.

63.85 Minimum required side yard on each side of lot.

Single-family dwellings	10 feet
All other uses	25 feet or more as required by the Board of Zoning Appeals

63.9 Site Plan Review – Prior to the issuance of a building permit, site plan review is required in accordance with Article IV, Section 49 of this ordinance for all permitted uses and special exceptions. Once a site plan has been approved and all modifications, if any, have been made, a building permit may be issued. The City Manager shall maintain a copy of the site plan in the permanent files of the City.

Section 64. R-3 (High Density Residential) Districts. The intent of the R-3 (High Density Residential) Districts is to provide suitable areas for single family residential development having a density level no greater than 10.0 units per acre and free from conflicting residential uses. These areas should be served by all municipal services. Within the R-3 (High Density Residential) Districts as shown on the Zoning Map of Middleton, Tennessee, the following regulations shall apply:

64.1. Uses Permitted

64.11 Single-family and multifamily detached dwellings, not to include mobile homes.

64.12 Accessory buildings customarily incidental to the permitted use.

64.13 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 lot lines and street right-of-way lines.

64.14 Accessory buildings customarily incidental to any aforementioned permitted use.

64.2 Uses Permissible on Appeal. Following public notice and hearing and subject to appropriate conditions and safeguards, the Board of Zoning Appeals may permit, as a special exception, the following uses:

64.21 Churches and other places of worship, schools offering general education courses, public parks and public recreational facilities, railroad rights-of-way, essential services, and public uses such as public golf courses, membership and non-membership country clubs, and apartment complexes; provided, however, that such use shall not be permitted 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.

64.22 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 Board of Zoning Appeals and subject to such conditions as the Board of Zoning Appeals may require in order to preserve and protect the character of the neighborhood in which the proposed use is located; and provided further that:

64.221 the proposed use shall be located and conducted in the principal building only;

64.222 the persons engaged in any such use shall be residents of the dwelling unit in which the proposed use is located;

64.223 not more than twenty (20) per cent of the total floor area in the dwelling unit shall be devoted to such proposed use;

64.224 proposed use shall not constitute primary or incidental storage facilities for a business, industrial, or agricultural activity conducted elsewhere;

64.225 no activity, materials, goods, or equipment indicative of the proposed use shall be visible from any public way;

64.226 and the proposed use shall not be advertised by the display of goods or signs on the lot on which the proposed use is located.

64.3 Uses Prohibited

64.31 Any other use not specifically permitted or permissible on appeal in this Article.

64.32 Advertising signs and billboards except those specifically permitted under Section 64.13 of this Article.

64.4 Side Yards on Corner Lots. The minimum width of side yards for dwellings along an intersecting street shall be twenty (20) feet for the side facing street.

64.5 Height. No building shall exceed three (3) stories or thirty-five (35) feet in height except that free standing poles, towers, spires and structures not designed for or suitable for human occupancy may not exceed this height provided that they comply with the provisions of all other pertinent codes and ordinances, and provided that they are located no closer to the nearest property line than the distance equal to their own height plus five (5) feet. No accessory building shall exceed two (2) stories or twenty-five (25) feet in height.

64.6 Building Area. On any lot the area occupied by all buildings, including accessory building, shall not exceed thirty (30) per cent of the total area of the lot.

64.7 Location of Accessory Buildings.

64.71 No accessory building shall be erected in any required front or side yard. Accessory buildings shall not cover more than thirty (30) per cent 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.

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

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

64.81 minimum required lot area

Single family dwelling units 7,500 sq. ft.

Two family dwelling units 10,000 sq. ft.

Multi-family dwelling units 3,500 sq. ft per unit

Churches One (1) acre
or 200 sq. ft.
of lot area
per auditorium
seat, whichever
is greater.

Schools	Eight (8) acres plus one (2) acre for each 100 students.
Police stations, fire stations and parks	2 acres
Public golf membership courses, and non- membership country clubs	10 acres
Other Uses	As required by the Board of Zoning Appeals.

64.82 Minimum required lot width at the building line

Single Family Dwellings	65 ft.
Two family dwelling units	75 ft.
Townhouses and multifamily	100 ft.
Police stations, fire stations and parks	100 ft.
Churches and cemeteries	200 ft.
Elementary and secondary schools	200 ft.
Public golf courses, membership and non- membership country clubs	300 ft.

64.83 Minimum required front yard.

Single family dwellings	20 ft.
Multi-family dwelling units	30 ft.
All other uses	40 ft or more as required by the Board of Zoning Appeals.

64.84 minimum required rear yard

Single-family dwellings	25 feet
Townhouses and multi-family dwellings	25 feet
Other Uses	40 feet or more as required by the Board of Zoning Appeals.

64.85 Minimum required side yard on each side of lot.

Single-family dwellings	8 feet
Townhouses and multi-family dwellings	15 feet
All other uses	25 feet or more as required by the Board of Zoning Appeals

64.9 Site Plan Review – Prior to the issuance of a building permit, site plan review is required in accordance with Article IV, Section 49 of this ordinance for all permitted uses and special exceptions. Once a site plan has been approved and all modifications, if any, have been made, a building permit may be issued. The City Manager shall maintain a copy of the site plan in the permanent files of the City.

Section 65. M–HR, Mobile Home Residential Districts. The intent of the M–HR (Mobile Home Residential) District is to provide suitable areas for the placement of mobile homes in mobile home parks and to allow for the construction of mobile home parks.

65.1 Uses Permitted

65.11 Mobile home parks.

65.12 Single family homes in mobile home parks.

65.13 Accessory buildings customarily incidental to the permitted use.

65.14 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 lot lines and street right-of-way lines.

65.2 Uses Permissible on Appeal. Following public notice and hearing and subject to appropriate conditions and safeguards, the Board of Zoning Appeals may permit, as a special exception, the following uses:

65.21 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 Board of Zoning Appeals and subject to such conditions as the Board of Zoning Appeals may require in order to preserve and protect the character of the neighborhood in which the proposed use is located; and provided further that:

- a. the proposed use shall be located and conducted in the principal building only;
- b. the persons engaged in any such use shall be residents of the dwelling unit in which the proposed use is located;

- c. not more than twenty (20) per cent of the total floor area in the dwelling unit shall be devoted to such proposed use;
- d. proposed use shall not constitute primary or incidental storage facilities for a business, industrial, or agricultural activity conducted elsewhere;
- e. no activity, materials, goods, or equipment indicative of the proposed use shall be visible from any public way;
- f. and the proposed use shall not be advertised by the display of goods or signs on the lot on which the proposed use is located.

65.3 Uses Prohibited

65.31 Any other use not specifically permitted or permissible on appeal in this Article.

65.32 Advertising signs and billboards except those specifically permitted under Section 65.14 of this Article.

65.4 Minimum Lot Area

- a. Mobile home parks 5 acres
- b. Single family mobile home 4,500 sq. ft.

65.5 Minimum Lot Width at the Building Line

- a. Mobile home parks 100 ft.
- b. Single family mobile home 50 ft.

65.6 Minimum Required Front Yard

- a. Mobile home parks 50 ft.

- b. Single family mobile home 20 ft.

65.7 Minimum Required Side Yard on Each Side of the Lot

- a. Mobile home parks 25 ft.
- b. Single family mobile home 10 ft.

65.8 Minimum Required Rear Yard

- a. Mobile home parks 25 ft.
- b. Single family mobile home 10 ft.

65.9 Maximum Number of Principal Buildings Permitted

- a. 1 mobile home per lot outside a mobile home park.
- b. Mobile homes inside a mobile home park shall have no limitations on the number of buildings provided however, that the aggregate of all buildings shall not cover more than 50% of the entire lot area.

65.10 Height Regulations – The maximum height of all structures shall be as follows:

- a. No building shall exceed 3 stories or 35 feet in height
- b. No accessory building shall exceed 20 feet in height
- c. Flagpoles, belfries, chimneys, church spires or water tanks not designed for, or suitable for human occupancy, may exceed the height provisions of this ordinance provided that they comply with all other codes and ordinances, and further provided that they are located a distance equal to their own height plus 10 feet from the nearest property line.

65.11 Non-Conforming Mobile Home Parks – All additions or improvements to an existing non-conforming mobile home park shall be conforming with these regulations.

65.12 Site Plan Review – Prior to the issuance of a building permit, site plan

review is required in accordance with Article IV, Section 49 of this ordinance for all permitted uses and special exceptions. Once a site plan has been approved and all modifications, if any, have been made, a building permit may be issued. The City Manager shall maintain a copy of the site plan in the permanent files of the City.

ARTICLE VII. PROVISIONS GOVERNING BUSINESS DISTRICTS

Section 71. B-1 (Specialized Commercial) Districts. Within the B-1 (Specialized Commercial) Districts as shown on the Zoning Map of Middleton, Tennessee, the following regulations shall apply:

71.1 Uses Permitted

71.11 Retail sales: Bakery and dairy products; drug and pharmaceutical; florist shops; gift shops; book stores; groceries; hardware; hobby shops; decorator's shops; and camera shop.

71.12 Services: Banks, savings and loan associations; barber shops; beauty shops; funeral homes, automobile service stations; laundry and dry cleaning pick-up stations and self service laundry and professional offices; radio and television sales and service; shoe repair; and restaurants.

71.13 Churches; and, federal, state and municipal uses.

71.14 Outdoor advertising signs and advertising structures.

71.15 Any accessory use or building customarily incidental to the above permitted uses.

71.2 Uses Permitted on Appeal.

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

71.3 Uses Prohibited. Any use not specifically permitted or permissible on appeal in this section.

71.4 Regulations Controlling Lot Area, Lot Width, Yards, Building Coverage and Building Weight.

71.41 Minimum required lot area

Churches	One (1) acre or 200 sq. ft. of lot area per auditorium seat, whichever is greater.
Other Uses	No minimum requirement

71.42 Minimum required lot width at the building line.

Gasoline service stations	120 feet
Churches	100 feet
Other uses	No minimum requirement

71.43 Minimum required front yard

Gasoline	15 feet
Churches	30 feet
Other Uses	30 feet

71.44 Minimum required rear yard

All uses 20 feet

71.45 Minimum required side yard on each side of lot.

Churches 15 feet

Other Uses No minimum requirement however, if buildings do not have common or adjoining yard of walls, there shall be a side at least five (5) feet.

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

71.46 Maximum permitted height of structures.

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

71.5 Site Plan Review – Prior to the issuance of a building permit, site plan review is required in accordance with Article IV, Section 49 of this ordinance for all permitted uses and special exceptions. Once a site plan has been approved and all modifications, if any, have been made, a building permit may be issued. The City Manager shall maintain a copy of the site plan in the permanent files of the City.

Section 72. B-2 (General Commercial) Districts. Within the B-2 (General Commercial) District as shown on the Zoning Map of Middleton, Tennessee, the following regulations shall apply:

72.1 Uses Permitted

72.11 Retail Sales: Bakery and dairy products; drugs and pharmaceuticals; florist shops, gift shop; book store; groceries; hardware; clothing and drygoods; paint and wallpaper; furniture; household appliances; floor coverings and draperies; hats; shoes; air conditioning equipment; automobile parts; tires; jewelry stores; cloth shops; musical instruments; records and phonographs, motor cycle and bicycle sales and services; department stores and general merchandise; variety stores; automobile sales and service; heating and plumbing.

72.12 Services: Banks, savings and loan associations; barber shop; beauty shops; laundry and dry cleaning; printing; business and professional offices; radio and television sales and service stations; tire recapping and repair.

72.13 Churches, civic clubs and lodge halls, federal, state, and municipal uses.

72.14 Outdoor advertising signs and advertising structures.

72.15 Any accessory use or building customarily incidental to the above permitted uses.

72.2 Uses Permitted on Appeal

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

72.3 Uses Prohibited. Any use not specifically permitted or permissible on appeal in this Section.

72.4 Regulations Controlling Lot Area, Lot Width, Yards, Building Coverage and Building Height.

- 72.41 Minimum required lot area None
- 72.42 Minimum required lot width at the building line None
- 72.43 Minimum required front yard None
- 72.44 Minimum required rear yard None required, however if provided, the rear yard shall not be less than ten (10) feet
- 72.45 Minimum required side yard None required, however, if provided, the side yard shall not be less than five (5) feet.
- 72.46 Maximum permitted height of structures.

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

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

72.5 Site Plan Review – Prior to the issuance of a building permit, site plan review is required in accordance with Article IV, Section 49 of this ordinance for all permitted uses and special exceptions. Once a site plan has been approved and all modifications, if any, have been made, a building permit may be issued. The City Manager shall maintain a copy of the site plan in the permanent files of the City.

ARTICLE VIII. PROVISIONS GOVERNING INDUSTRIAL DISTRICTS

Section 81. M (Industrial) Districts. Within the M (Industrial) Districts, as shown on the Zoning Map of Middleton, Tennessee, the following regulations shall apply:

81.1 Uses Permitted

81.11 Agricultural implement sales and service; automobile and truck sales; repair garages; filling stations; laundry and dry cleaning plants; building materials and lumber yards; cotton gins; general manufacturing including clothing, paper box factories, pencils, printing and elevators.

81.12 Gasoline and oil storage above ground provided no storage tank or building shall be closer than 100 feet to any property line other than a property line abutting a railroad right-of-way.

81.13 Any necessary use or building customarily incidental to the above permitted uses.

81.2 Uses Permissible on Appeal.

81.21 Other manufacturing, fabricating, or assembly plants; warehousing or wholesaling; blacksmith shop; contractor office and storage yard; sand and gravel storage; power saw sales and service; auto wrecking yards; junk yards; central mixing plant for cement, mortar, plaster or paving materials; sawmills, feed and grain mill; slaughter house and stockyard; or any similar use, provided, however, that no permit shall be issue except with the written approval of the Board of Zoning Appeals and subject to such conditions as the Board of Zoning Appeals shall require in order to prevent smoke, odor, noise or other detrimental effects.

81.3 Uses Prohibited. Any use not specifically permitted or permissible on appeal in this Chapter.

81.4 Required Lot Area, Lot Width and Yards.

81.41 All buildings and structures shall be located so as to comply with the following minimum requirements:

Minimum required front yard	35 feet
Minimum required rear yard	20 feet
Minimum required side yard on each side	15 feet

81.42 No yard shall be required for that part of a lot which fronts on a railroad siding.

81.43 Gasoline pumps and pump islands shall be set back a minimum of fifteen (15) feet from the street rights-of-way.

81.44 On a lot adjacent to a residential district all buildings shall be located so as to comply with the front and rear yard requirement of the adjacent residential district, and a minimum side yard of (50) feet shall be provided. Streets or public rights-of-way of thirty (30) feet or more in width may be included in the side yard requirements of this subsection, but in no case shall a building be erected closer to the side property line than (25) feet.

81.5 Maximum Permitted Height of Structures

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

81.52 Free standing poles, spires, towers, antenna's, 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 (10) feet from the nearest property line.

81.6 Site Plan Review – Prior to the issuance of a building permit, site plan review is required in accordance with Article IV, Section 49 of this ordinance for all permitted uses and special exceptions. Once a site plan has been approved and all modifications, if any, have been made, a building permit may be issued. The City Manager shall maintain a copy of the site plan in the permanent files of the City.

ARTICLE IX. EXCEPTIONS AND MODIFICATIONS

Section 91. Lot of Record. _____ Where the owner of a lot 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 114.3, Article XI. Permission to use such lot as a building site may be granted, however, providing that the yards and other requirements of the district are complied with as closely as is possible in the opinion of the Board of Zoning Appeals.

91.1 Minimum Size. In no case shall the Board of Zoning Appeals permit a residence to be erected on a lot whose width at the building line is less than forty (40) feet and whose total lot area is less than three thousand five hundred (3,500) square feet.

91.2 Adjoining Substandard Lots of Record: Where two or more substandard lots of record with a continuous frontage are under the same ownership, or where a substandard lot of record has continuous frontage with a larger tract under the same ownership, such lots shall be combined to form one or more building sites meeting the minimum requirements of the district in which they are located.

Section 92. Setback Line. The setback requirements of this ordinance for dwellings shall not apply to any lot where the average depth of existing setbacks on the developed lots located within one hundred (100) feet on each side of such lot is less than the minimum required front yard depth. In such cases, the front yard

setback may be less than required but not less than the average of the existing depth for front yards on developed lots with one hundred feet. In residential districts, however, the setback shall in no case be less than twenty (20) feet from the center line of the streets.

Section 93. Group Housing. In the case of group housing developments of two or more buildings to be constructed on a plot of ground of four (3) acres or more, not subdivided into the customary streets and lots and which will not be so subdivided, or where the existing or contemplated street and lot layout makes it impracticable to apply the requirements of this ordinance to the individual building units in such group housing, the application of the term of this ordinance may be varied by the Board of Zoning Appeals in a manner which will be in harmony with the character of the neighborhood, will insure 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 housing is to be located. However, in no case shall the Board of Zoning Appeals authorize a use prohibited in the district in which the housing is to be located or a smaller lot area per family than the minimum required in such district, or a greater height, or a larger coverage than the requirements of this ordinance permits in such a district.

Section 94. Exceptions on Height Limits. The height limitations of this ordinance shall not apply to church spires, belfries, cupolas and domes not intended for human occupancy, monuments, water towers, observation towers, transmission towers, windmills, chimneys, smokestacks, derricks, conveyors, flag poles, radio towers, masts and aerials.

ARTICLE X. ENFORCEMENT

Section 101. Enforcing Officer. The provisions of this ordinance shall be administered and enforced by a building inspector, appointed by the chief legislative body, who shall have the power to make inspection of buildings or premises necessary to carry out his duties in the enforcement of this ordinance.

Section 102. Building Permits and Certificates of Occupancy.

102.1 Building Permit Required. It shall be unlawful to commence the excavation or filling of any lot 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

102.2 Issuance of Building Permit. In applying to the building inspector for a building permit, the applicant shall submit a dimensioned sketch or scale plan indicating the shape, size and location of the lot to be built upon and the shape, size, height and location of all buildings to be erected, altered, or moved and of any building already on the lot. He shall also state the existing and intended use of 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, filling or construction, as set forth in the application, are in conformity with the provisions of this ordinance and other ordinances of the City of Middleton then in force, the building inspector shall issue a building permit for such excavation or construction upon payment of the required fee. If a building permit is refused, the building inspector shall state such refusal in writing with the cause. Building permits must be used within six (6) months from date of issue. If no substantial progress on construction has been made six (6) months after permit is issued, permit is invalid and must be renewed.

102.3 Certificate of Occupancy. Upon the completion of the construction or alteration of a building or structure for which a building permit has been granted, application shall be made to the building inspector for a certificate of occupancy. Within three (3) days of such application, the building inspector shall make a final inspection of the property in question and shall issue a certificate of occupancy if the building or structure is found to conform to the provisions of this ordinance and the statements made in the application for the building permit. If such certificate is refused, the building inspector shall state such refusal in writing, with the cause. No land or building hereafter erected or altered

in its use shall be used until such a certificate of occupancy has been granted. **WE DO NOT DO THIS**

Section 103. 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.

Section 104. Remedies. In case any building, structure or land is used, erected, constructed, reconstructed, repaired, converted or maintained 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 or proceeding to prevent the occupancy or use of such building.

ARTICLE XI. BOARD OF ZONING APPEALS

Section III. Creation and Appointment. A Board of Zoning Appeals is hereby established in accordance with Section 13-705 of the Tennessee Code Annotated. The Board of Zoning Appeals shall consist of three (3) members, not less than one (1) of whom may be a member of the Middleton Municipal Planning Commission. 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 term of membership shall be three (3) years except that the initial individual appointments to the board shall be terms of one (1), two (2) and three (3) years respectively. Vacancies shall be filled for any unexpired term by appointment by the chief executive officer and confirmation by the Board of Mayor and Aldermen.

Section 112. 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.

Section 113. Appeals. 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 in interest, and decide the same within fifteen (15) days from the date of the hearing. Upon the hearing any person or party may appear and be heard in person or by agent or attorney.

Section 114. Powers. The Board of Zoning Appeals shall have the following powers:

114.1 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 and for interpretation of the zoning map and ordinance.

114.2 Special Exceptions. To hear and decide application for those exceptions which the Board of Zoning Appeals is specifically authorized to act upon.

114.3 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 situation or condition of a piece of property, strict application of the provisions of this ordinance would result in practical difficulties to, or undue hardship upon the owner of such property provided that such relief may be granted without substantial detriment to the public good and without substantially impairing the

intent and purpose of this ordinance. In granting a variance the board, as it may deem advisable in furtherance of the purpose of this ordinance, may attach thereto conditions regarding the location, character and other features of the proposed building, structure or use.

114.31 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.

114.4 The Board of Zoning Appeals shall not have the power to permit a use prohibited by this ordinance, have the power to expand a nonconforming use or have the power to subdivide land.

ARTICLE XII. AMENDMENT

Section 121. Zoning Amendment Petition. The Board of Mayor and Aldermen of Middleton, 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.

Section 122. Planning Commission Review. No amendment shall become effective until it is first submitted to and approved or disapproved by the Middleton Municipal Planning Commission. If the proposed amendment is disapproved by the planning commission it shall require the favorable vote of a majority of the entire membership of the Board of Mayor and Aldermen to make such amendment effective. If the Middleton Municipal Planning Commission does not approve or disapprove an amendment which has been submitted for their review with thirty days after such submission the failure to act on such amendment shall be deemed approval.

Section 123. Public Hearing on Proposed Amendment. Upon the introduction of any 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 time set for hearing by the Board of Mayor and Aldermen on the requested change. Said notice shall be published in some newspaper of general circulation in the City of Middleton, Tennessee. Such hearing by the Board of Mayor and Aldermen shall take place not sooner than fifteen (15) days after the date of publication of such notice.

ARTICLE XIII. LEGAL STATUS PROVISIONS

Section 131. 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 Middleton, Tennessee, the most restrictive shall in all cases apply.

Section 132. Validity. If any section, clause, provision or portion of this ordinance shall be held to be invalid or unconstitutional by any court of competent jurisdiction, such holding shall not affect any other section, clause, provision, or portion of this ordinance which is not of itself invalid or unconstitutional.

Section 133. Effective Date – This Ordinance shall be in full force and effect and after its passage on third and final reading and adoption, the public welfare requiring it.

133.1 Approved and certified by Planning Commission

Chairman

Attest: -----
Secretary of Planning Commission

133.2 Approved by the Board of Mayor and Aldermen in final reading:

Mayor

Attest: -----
City Recorder

Passed 1st Reading -----

Passed 2nd Reading -----

Passed 3rd Reading -----