

**ORDINANCE 20220412**

**AN ORDINANCE TO READOPT THE BRIGHTON MUNICIPAL ZONING ORDINANCE IN ITS ENTIRETY**

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

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

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

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

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

**NOW, THEREFORE, BE IT ORDAINED BY THE BOARD OF MAYOR AND ALDERMEN OF THE TOWN OF BRIGHTON:**

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

**THE TOWN OF BRIGHTON, TN  
MUNICIPAL ZONING ORDINANCE**

**BRIGHTON, TENNESSEE**

**Updated and readopted in its entirety on**

**April 12, 2022**

**PREPARED FOR THE  
Town of Brighton Board of Mayor and Alderman**

**Stephanie Chapman-Washam, Mayor**

**Melissa Sartain, Vice-Mayor**

**David Boone**

**Eunice Foster**

**Shane Greer**

**BRIGHTON MUNICIPAL PLANNING COMMISSION**

**Cyndi Timbs, Chair  
John Pate, Vice-Chair  
Kinney Bridges, Secretary  
Stephanie Chapman-Washam, Mayor  
Shane Greer, Alderman  
Aubrey Foreman  
Jeremy Cates**

**R**

**RADFORD PLANNING SOLUTIONS**

**PREPARED BY  
Will Radford, AICP  
Corey Gatlin, Building Official  
Tammy McKinney, City Recorder/Treasurer**

## ARTICLE I

### TITLE, INTENT AND PURPOSE

#### Section 1. Title

##### 1. Long Title

An ordinance, in pursuance of the authority granted by the Sections 13-7-210 through 13-7-210, Tennessee Code Annotated, to provide for the establishment of districts within the corporate limits of Brighton, Tennessee: to regulate within such districts the location, height, bulk, number of stories and size of buildings and other structures, the percentage of lot occupancy, the size of open spaces, the density of population, and the uses of land, buildings and other structures, the percentage of lot occupancy, the size of open spaces, the density of population, and the uses of land, buildings and other structures for trade, industry, residence, recreation, public activities and similar purposes, to provide regulations governing nonconforming uses and structures; to provide for a Board of Appeals and for its powers and duties; to provide for permits; to establish and provide for the collection of fees; to provide for the administration of this Ordinance and for the official whose duty it shall be to enforce the provisions thereof, to provide penalties for the violation of this Ordinance; and to provide for conflicts with other ordinances or regulations.

##### 2. Short Title

This Ordinance may be cited as the Zoning Ordinance of Brighton, Tennessee. The map portion may be cited separately as the Zoning Map of Brighton, Tennessee.

#### Section 2. Intent and Purpose

This Ordinance is enacted pursuant to Title 13 of the Tennessee Code Annotated for the following purposes:

1. To promote and protect the public health, safety, morals, comfort, convenience, and general welfare of other people.
2. To divide the Town into zones and districts restricting and regulating herein the location, construction, reconstruction, alteration, and use of buildings, structures, and land for residence, business, commercial, manufacturing and other specified uses.
3. To protect the character and maintain the stability of areas within the Town, and to promote the orderly and beneficial development of such areas.

4. To provide adequate light, air, privacy, and convenience of access to property.
5. To establish building lines and regulate the location of buildings within such lines.
6. To prohibit uses, buildings or structures which are incompatible with the character of development of the permitted uses within specified zoning districts.
7. To prevent such additions to, and alterations or remodeling of, existing buildings or structures as would not comply with the regulations imposed herein.
8. To limit congestion in the public streets and so protect the public health, safety, convenience, and general welfare by providing for the off-street parking of motor vehicles.
9. To provide protection against fire, explosion, noxious fumes, and other hazards in the interest of the public health, safety, comfort, and general welfare.
10. To prevent overcrowding of land and undue concentration of structures in each district, by regulating the use and the bulk of buildings.
11. To conserve the value of land and buildings throughout the Town.
12. To provide the gradual elimination of these uses of land, buildings and structures, and of those buildings and structures which do not conform to the standards of the districts in which they are respectively located;
13. To provide for the condemnation of such nonconforming buildings and structures and of land as the Board of Mayor and Aldermen shall determine is necessary or appropriate for the rehabilitation of the area blighted by such buildings or structures.
14. To define and limit the powers and duties of the administration officers and bodies as provided herein.
15. These general purposes include the specific purposes stated in the various chapters throughout this Ordinance.

## ARTICLE II

### ESTABLISHMENT OF DISTRICTS AND OFFICIAL ZONING MAP

#### Section 1. Establishment of Districts.

In order to implement all purposes and provisions of the Ordinance, the lands within the corporate limits of the Town of Brighton, Tennessee, are divided into districts designated as follows:

- FAR - Forestry, Agricultural, Residential Districts
- R-1 - Residential (Single-family) District
- R-2 - Residential (Medium Density) District
- R-3 - Residential (Mobile Home) District
- B-1 - Restricted Commercial District
- B-2 - General Commercial District
- O-R - Neighborhood Office District
- M-1 - General Industrial District
- M-2 - Heavy Industrial District
- FH - Flood Hazard Zone

#### Section 2. Provisions for Official Zoning Map

##### 1. Incorporation of Map

The boundaries of districts established by this Ordinance are shown on the official zoning map which is hereby incorporated into the provisions of this Ordinance. The zoning map in its entirety, including all amendments shall be as much apart of this Ordinance as is fully setforth and described herein.

##### 2. Identification of the Official Zoning

The Official Zoning Map shall be identified by the signature of the Mayor attested by the Town Recorder and bearing the seal of the Town under the following words: "This is to certify that this is the official Zoning Map referred to in Article II, Subsection 2.2 of the Zoning Ordinance of the Town of Brighton, Tennessee, together with the date of the adoption of this Ordinance.

##### 3. Replacement of Official Zoning Map

In the event that the Official Zoning Map becomes damaged, destroyed, lost or difficult to interpret because of the nature or number of changes and

additions, the Board of Mayor and Aldermen may, by resolution, adopt a new Official Zoning Map which shall supersede the prior Official Zoning Map. The new Official Zoning Map may correct drafting or other errors or omissions in the prior Official Zoning Map which shall supersede the prior Official Zoning Map. The new Official Zoning Map may correct drafting or other errors or omissions in the prior Official Zoning Map, but no such corrections shall have the effect of amending the original Official Zoning Map or any subsequent amendment thereof. The new Official Zoning Map shall be identified by the signature of the Mayor attested by the Town Recorder and bearing the seal of the Town under the following words: "This is to certify that this Official Zoning Map supersedes and replaces the Official Zoning Map adopted \_\_\_\_\_ as part of Ordinance No. \_\_\_\_\_ of the Town of Brighton, Tennessee.

**ARTICLE III**  
**GENERAL PROVISIONS**

Section 1. General Provisions

For the purpose of this Ordinance, there shall be certain general provisions which shall apply to the Town as a whole.

1. 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 herein after provided.

2. Continuance of Nonconforming Uses and Structures

It is the intent of this Ordinance to recognize that the elimination of any existing building, structures, or uses 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 administer the elimination of nonconforming uses, buildings and structures so as to avoid an unreasonable invasion of established private property rights. Lawful nonconforming uses, buildings and structures existing at the time of the passage of this Ordinance or any amendment thereto shall be allowed to remain subject to the following provisions.

- (a) An existing nonconforming use of a building may be changed to a conforming use or to another nonconforming use of the same classification, provided however, that establishment of another nonconforming use of the same classification shall be subject to the written approval of the Board of Zoning Appeals and subject to conditions as the Board of Zoning Appeals may require in order to protect the area.
- (b) No existing non-conforming use or structure shall be enlarged, extended, constructed, reconstructed, moved or structurally altered except as herein provided.

Non-conforming, commercial, business, and industrial uses created after the passage of Tennessee Acts of 1973, Chapter 279.1 shall be allowed to expand operations and reconstruct facilities which involve an actual continuance and expansion of activities of the business which were permitted and being conducted prior to the change in zoning, provided that there is a reasonable amount of space for such expansion on the property owned by such business and that any construction, improvements or reconstruction shall be in conformance with the district requirements in which it is located.

(c) Except as provided in Chapter 279.1 of the 1973 Tennessee Acts:

- (1) A non-conforming use of land shall be restricted to the area occupied by such use as of the effective date of this Ordinance. A non-conforming use of a building or buildings shall not be enlarged to either additional land or buildings after the effective date of this Ordinance.
- (2) When non-conforming use of any building or land has ceased for a period of six (6) months, it shall not be re-established or changed to any other non-conforming use.
- (3) Any non-conforming building or nonconforming use, which is damaged by fire, flood, wind or other act of God or man, may be reconstructed and used as before if it is done within twelve (12) months of such damage, unless damaged to the extent of more than fifty (50) percent of its fair sales value immediately prior to damage, in which case any repair or reconstruction shall be in conformity with provisions of this ordinance. This provision shall not apply to any residential structure.
- (4) A non-conforming building or buildings housing a non-conforming use shall not be structurally altered except in conformance with the provisions of this Ordinance. This provision shall not be construed to prevent normal maintenance and repairs and alterations required for structural safety.

3. Minimum Required Street Frontage

No structure shall be erected on a lot which does not abut at least one public street and unless otherwise indicated, shall meet the minimum lot width measured at the building setback line.

4. 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 yard requirements, 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.

5. Any Yard that Abuts a Public Street

When a yard of a lot abuts a public street, all structures built in the yard shall observe the same setback from the street right-of-way or other yard requirements as required for adjacent properties which front on that street. (See Illustration 1)

6. Front Yards Requirements In Pre-existing Developments

The front yard requirements of this Ordinance for dwelling shall not apply to any lot where the average depth of existing front yards on developed lots, located within two hundred (200) feet on each side of such lot, is less than

the minimum required front yard depth. In such cases, the depth of the front yard on such lot may be less than the required front yard, but not less than the average of the existing front yard depth on the developed lots. In residential districts, however, the front yard shall in no case be less than fifteen (15) feet in depth

7. Lots 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. Permission to use such lot as a building site may be granted, however, providing 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 and it is a condition unique to the lot in question, is a condition not shared by the surrounding lots, and will not subvert the intent of this Ordinance. Where two or more substandard lots of record with a continuous frontage are 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.

8. Obstruction of Vision at Street Intersections

In all districts, on a corner lot, within the area formed by the centerlines of streets at a distance of one hundred (100) feet from their intersections, there shall be no obstruction of vision between a height of two and one-half (2 1/2) feet and a height of ten (10) feet above the average grade of such street or railroad at the centerline thereof. The requirements of this section shall not be deemed to prohibit any necessary retaining wall.

9. Fences, Walls and Hedges

Notwithstanding other provisions of this Ordinance, fences, walls, and hedges may be permitted in any required yard, or along the edge of any yard, provided that no fence, wall, or hedge along the sides or front edge of any front yard shall be over two and one-half (2 1/2) feet in height.

Neither fences nor walls shall be constructed within any known right-of-way, easement or on property lines unless a signed agreement is signed by owners of all effective properties. The requirements of this section shall not be deemed to prohibit any necessary retaining wall.

Construction of fences are required to have a building permit in accordance with Article XII of this ordinance.

10. 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:



**Intent** - The intent of the following provisions is to provide high-density residential area for mobile home parks. It is further the intent of these regulations to attempt to ensure a quality of life that is safe for the residents of the mobile home park and does not create an impact on adjacent districts.

Individual mobile homes are not to be subdivided or partitioned in anyway from the original park. As listed in this Article, provisions governing each individual mobile home in the park apply in addition to provisions governing the entire mobile home park.

Provisions Governing Mobile Home Park Developments - Single-family mobile homes in mobile home parks shall be allowed in designated districts as provided for in Sections R-3 (High Density Residential) of this Ordinance, and further provided that a site plan has been submitted to and approved by the Brighton Municipal-Regional Planning Commission and further provided that the mobile home park is developed in conformance with the following minimum requirements and provisions.

1. Mobile Home Plat - Each mobile home park development will have a plat of land for each mobile home with a minimum size of four-thousand five hundred (4,500) square feet and each plot shall front on a street which is part of the mobile home park street system.
2. Mobile Home Parks Screening - There will be screening along the front, side and rear lot lines. The screening on the outside of the fence will either be a five (5) foot wide green strip with evergreen plants at least five (5) foot tall and a fence of a minimum height of six (6) foot. The fence will be designed to totally block visibility of the development even when the viewer is moving.
3. Mobile Homes (Pads)
  - A. All mobile homes permitted under this section shall be set upon masonry blocks or steel piers, which are constructed upon a concrete footing. And each mobile home shall be anchored with approved anchors as required by Tennessee Code Annotated, Section 68-45-103.
  - B. All mobile homes moved into any mobile home park existing or new, after the effective date of this Ordinance shall be underskirted to prevent the accumulation of refuse and rodents.
4. Required Lot Area, Lot Width, Yards and Setbacks
  - A. Minimum Lot Area
    1. Mobile home parks - Two (2) acres with fifteen (15%) percent of the park area set aside for recreation and open space requirements. No portion of the required square footage for the mobile home dwelling shall be counted toward the fifteen (15%) percent open space requirement.
    2. Single-family mobile homes - four thousand five hundred (4,500) square feet for each individual mobile home space.

- B. Minimum Lot Width at Building Line
  - 1. Mobile home parks – sixty (60) feet for the overall development (periphery)
  - 2. Single-family mobile home – fifty (50) feet per mobile home space.
- C. Minimum Required Front Yard
  - 1. Mobile Home parks – twenty-five (25) feet for the overall development
  - 2. Single-family mobile homes – twenty (20) feet for the interior front yard
- D. Minimum Required Side Yard on Each Side of Lot
  - 1. Mobile home parks – twenty-five (25) feet for the overall development
  - 2. Single-family mobile homes – ten (10) feet for the interior side yard
- E. Yards on Corner Lots
  - 1. On corner lots there shall be a minimum required front yard abutting each of the intersecting streets. The remaining yards shall be considered side yards.
- F. Minimum Required Rear Yard
  - 1. Mobile home parks – twenty-five (25)- feet for the overall development
  - 2. Single-family mobile homes – ten (10) feet for the interior front yard

5. Parking Requirements

- A. Single-family mobile homes – Two (2) parking space per mobile home space
- B. Mobile Home Park Office – One (1) parking space for each two-hundred (200) square feet of gross floor space in the office building. There shall be a minimum of two (2) spaces with one (1) handicap space. The spaces shall comply with the minimum size requirements of the Brighton Municipal Zoning Ordinance.

6. Street System

- A. The internal street system shall consist of paved private drives with a paved surface a minimum of twenty-two (22) feet wide measured from the edge of the paved surface to the edge of the paved surface.
  - B. The construction standards for the private drives are: The sub-grade shall consist of six (6) inches of compacted chert or gravel topped with asphalt primer as per the subdivision regulation standards.
  - C. The road design shall be approved by the fire department before final approval.
  - D. All lots within the mobile home park shall be accessed by internal private drives.
7. Water Line Requirements – Water lines shall be a minimum six (6) inch water main looped for adequate water pressure for fire protection with fire hydrants every five hundred feet and shall be approved by the fire, water and sewer departments.
  8. Sewer Line Requirements – Sewer lines shall be minimum four (4) inch sewer pipe, with four (4) inch force mains where applicable, designed according to the standards required in the subdivision regulations and shall be approved by the water and sewer department.
  9. Paved Parking Requirements – Each mobile home space shall provide a minimum of four hundred (400) sq. feet of paved parking area.
  10. Drainage Plan Requirements – A drainage plan must be approved by the City Engineer
  11. Recreational facilities
    - A. For all mobile home parks and including phased developments, recreational space and facilities shall be provided and approved as part of the approval process established in this section.
    - B. The recreational space shall constitute ten percent of the required minimum lot area as set forth in this section and shall be landscaped, lighted, and furnished. The Planning Commission shall have the authority to modify this proposed recreational space and facilities so as to reasonably serve the anticipated residents.
  12. Location of Accessory Buildings – one accessory building not to exceed one hundred and fifty (150) square feet may be located with each mobile home but shall be located at least ten (10) feet from the principal building. In addition, the accessory building shall conform to the following standards.
    - A. No accessory building shall be utilized for human occupation.
    - B. No accessory building shall extend beyond the required front yard or the front line of the principal building.
    - C. No accessory building shall extend into the required side yard.

Accessory buildings may extend into the rear yard, but shall be located a distance from the rear property line equal to the height of the structure.

D. No accessory building shall exceed twenty (20) feet in height.

13. Regulations for Establishment of Mobile Home Parks

A. The applicant desiring to establish a mobile home park will submit a site plan of the proposed development. The Planning Commission shall have the power to require such changes in the required site plan as may be necessary to minimize the impact of the requested use. These may include but shall not be limited to setbacks, screening, lighting, parking location and layout, access and general landscaping requirements. This power of review shall not include the authority to specify or alter the architectural style of proposed or existing buildings, the authority to specify building materials, colors or similar considerations.

B. 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. Drawn to a scale not smaller than one (1) inch equals 100 feet;
2. Name and owner of record;
3. Proposed park name;
4. North point and graphic scale and date;
5. Vicinity map showing location and acreage of mobile home park;
6. Exact boundary lines of the tract by bearing and distance;
7. Names of adjoining property owners;
8. Existing streets; utilities, easements, and water courses adjacent to the tract;
9. The location of the mobile home Park and the boundaries of the mobile home plots will be indicated.
10. Proposed design including streets, proposed street names, lot line with approximate dimensions, easements, land to be reserved or dedicated for public uses, and any land for purposes other than mobile home spaces;
11. Provisions for water supply, sewage and drainage; and
12. The following certificates: (1) owner's certification (2) Planning Commission approval signed by the secretary (3) certification of county health officer.

13. Recreational space and an enumeration of facilities.
14. Certification by the Secretary of the Planning Commission as to the conformity of the site plan to the provisions of this Ordinance.

### **CERTIFICATE OF COMPLIANCE**

I hereby certify that the site plan shown hereon has been found to comply with the Municipal Zoning Ordinance for Brighton Tennessee.

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Secretary, Planning Commission

- A. 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. Relocation of drives and parking area.
  2. Require increased lot and/or setbacks.
  3. Require screening
  4. Alter building locations.
    - A. In addition, the Planning Commission shall have the power to impose greater requirements than those set forth in this section or to impose conditions on the location and design of access points or other features as maybe 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 the other facilities; required screening, vegetative buffers, or fencing; the location and content of required recreational facilities; and the provision of landscaping.
    - B. The Planning Commission shall not have the power to regulate the architectural style of buildings or other similar features not directly related to the public health, safety and welfare. The Planning Commission shall state in writing the reasons for denial of any properly submitted site plan.
    - C. A surety instrument shall be provided in lieu of the completion of improvements.

14. Licenses and License Fees

- A. No mobile home may be located in the City of Brighton unless the same shall be in an approved and duly licensed Mobile Home Park.
  - B. It shall be unlawful for any person to maintain or operate within the corporate limits of the City of Brighton any mobile home park unless such person shall first obtain a license for that park.
  - C. Licenses shall not be transferred.
  - D. License shall be renewed annually.
  - E. The Board of Mayor and Aldermen of the City of Brighton shall establish the annual license fee for each mobile home park.
  - F. The license shall be conspicuously posted in the office of, or on the premises of the mobile home park at all times.
15. Application for Mobile Home Parks – Applications for mobile home parks license shall be filed with the Building Inspector and upon approval by the Planning Commission, the business license will be issued by the Recorder/Treasurer. Applications shall be in writing, signed by the applicant and shall contain the following:
- A. Name and address of applicant
  - B. Location and legal description of mobile home park
  - C. A valid state permit issued by the Tennessee Department of Environment and Conservation.
  - D. A complete plan shall be clearly and legibly drawn to a scale of one hundred (100) feet to one (1) inch. The plan shall show buildings, and structures, streets, existing roadways, utilities, and the location of pads and individual mobile home spaces.
  - E. Such further information as may be requested by the Building Inspector to enable him to determine if the proposed park would comply with legal requirements.
  - F. The application and all accompanying plans and specification shall be filed in triplicate. The Building Inspector and the Health Officer shall investigate the applicant and inspect the proposed plans and specifications.

If the proposed mobile home park will be in compliance with all provisions of this Ordinance, the Building Inspector shall approve the application and upon completion of park according to the plans, a license shall be issued by the Recorder/Treasurer.

16. Revocation of License – The Building Inspector shall make annual inspections of the park to ensure compliance with this Ordinance. In case of non-compliance with any provisions of this Ordinance, the Health Officer and/or Building Inspector shall serve warning to the licensee. Thereafter,

upon failure to the licensee to remove said violation, the Health Officer and Building Inspector shall have the authority for the revocation of the license. The license may be reissued if the circumstances leading to revocation have been remedied and the park can be maintained and operated in full compliance with the law.

17. 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 register shall contain the following information:
  - A. The make, model and year of all mobile homes
  - B. Owner and lease of each mobile home
  - C. The dates of arrival and departure of each mobile home or recreational vehicle. The park shall keep the register available for inspection at all times by law enforcement officers, public health officials and other officials whose duties necessitate acquisition of the information contained in the register. The register records shall not be destroyed for a period of three (3) years following the date of registration.
  - D. The register of mobile homes shall be reported annually to the tax assessor's office.
18. Non-conforming mobile home parks – All additions or improvements to an existing non-conforming mobile home park shall be conforming to these regulations.

## ARTICLE IV

### PROVISIONS GOVERNING RESIDENTIAL DISTRICTS

#### Section 1. FAR - Forestry-Agricultural, Residential District

##### 1. Intent

The intent of the FAR-Forestry, Agricultural, Residential district is to maintain and/or preserve areas of the Town of Brighton for the purposes of farm or forestry protection and to allow for limited residential development not requiring extensive municipal services.

##### 2. Use Permitted

- (a) Single-family dwellings, not to include mobile homes on individual lots.
- (b) Agricultural production - except for farms (predominantly poultry) including egg production.
- (c) Forestry activities and related services.
- (d) Roadside sales offering for sale only farm products produced on the premises.
- (e) Recreational activities: limited to riding stables.
- (f) Accessory buildings customarily incidental to the permitted use.
- (g) Signs as permitted in Article VIII.3.

##### 3. Special Exceptions

The following uses are permitted on approval by the Board of Zoning Appeals upon review of the criteria established herein.

##### (a) Uses Permitted

- (1) Public uses, including but not limited to municipal, State or Federal uses.
- (2) Churches
- (3) Private or parochial schools.

(b) Criteria for Review

- (1) The special exception requested must be located on a route designated as either an existing or proposed arterial or collector status street on the Official Major Road Plan for the Town of Brighton.
- (2) All area, yard, density and parking requirements shall be met.
- (3) All site plan requirements, as set forth in Article VIII.2 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 building permit. The site plan shall be maintained in the permanent files of the Town of Brighton.
- (4) The Board of Zoning Appeals shall have the power to require such changes in the required site plan as may be necessary to minimize the impact of the requested use. These may include but shall not be limited to setbacks, screening, lighting, parking location and layout, access and general landscaping requirements. This power of review shall not include the authority to specify or alter the architectural style of proposed or existing buildings, the authority to specify building materials, colors or similar consideration.

4. Uses Prohibited

Any use not specifically permitted or permitted as a special exception by the Board of Zoning Appeals including mobile homes as defined in this Ordinance. Interpretation of use categories shall be determined by reference to the Standard Land Use Coding Manual.

5. Minimum Lot Area

- |     |   |   |
|-----|---|---|
| (a) | Permitted Uses  | One acre or 43,560 sq. ft.  |
| (b) | Public Uses   | One acre or 43,450 sq. ft.<br>except as set forth below:  |
| (1) | Schools, including<br>parochial or private<br>schools | Five (5) acres plus one (1) acre<br>for each one hundred (100) or<br>fraction over one hundred<br>(100) students. |
| (2) | Churches  | Two (2) acres   |

6. Minimum Lot Width Measured at the Building Line

- (a) Permitted Uses One hundred (100) feet
- (b) Public Uses One hundred (100) feet except as set forth below
  - (1) Schools, including parochial or private schools Three hundred (300) feet
  - (2) Churches Two hundred (200) feet

7. Minimum Depth of Front Yards

- (a) Permitted Uses Thirty (30) feet
- (b) Special Exceptions Forty (40) feet or greater if required by the Board of Zoning Appeals.

8. Minimum Width of Side Yards

- (a) Permitted Uses Twenty (20) feet
- (b) Special Exceptions Twenty-five (25) feet or greater if required by the Board of Zoning Appeals.

9. Minimum Depth of Rear Yards

- (a) Permitted Uses Thirty (30) feet
- (b) Special Exceptions Forty (40) feet or greater if required by the Board of Zoning Appeals.

10. Maximum Lot Coverage by all Buildings

- (a) All Uses Twenty-five (25) per-cent

11. Maximum Number of Principal Buildings

- (a) Residential Uses One (1) principal building
- (b) All other uses None providing the provisions of IV 1.5 through IV.1.10 are met.

12. Maximum Height

- (a) No structure shall exceed three (3) stories or thirty-five (35) feet in height, except that this provision shall not apply to: belfries, chimneys, church spires, flagpoles, radio or television antennas, water tanks or stand pipes, barns, silos, grain storage bins or sheds for the storage of farm or forestry products provided they comply with all pertinent codes and ordinances and provided that they are located a distance equal to their height plus ten (10) feet from the nearest property line.
- (b) No accessory building shall exceed twenty-five (25) feet in height except as set forth in Article V.1.12 (a) above.

13. Accessory Buildings

Accessory buildings shall be subject to the following restrictions:

- (a) No accessory building shall extend beyond the required front yard or the front line of the principal building.
- (b) No accessory buildings shall extend into the required side yard.
- (c) Accessory buildings may extend into the rear yard but shall be located a distance from the rear property line equal to the height of the structure.
- (d) Accessory buildings shall not cover more than twenty-five (25) percent of the required rear yard.

Section 2. (R-1) Residential District (Single-Family).

Within areas designated R-1 (Single-family) on the Zoning Map of the Town of Brighton, Tennessee, the following provisions shall apply.

1. Intent

The intent of the R-1 (Single-family) Residential District is to provide a single-family residential area free from conflicting residential uses. These areas should be served by all municipal services.

2. Uses Permitted

- (a) Single-family dwellings not to include mobile homes on individual lots.
- (b) Accessory buildings customarily incidental to the permitted use
- (c) Home Occupations
- (d) Signs as permitted in Article VIII.3



- |     |   |  |
|-----|---|--|
| (b) | Public uses   | 40,000 sq. ft. except as set forth below   |
|     | (1) Schools, including parochial or private schools         | Five (5) acres plus one (1) acre for each one hundred (100) or fraction of one hundred (100) students over one hundred (100) |
| (c) | Churches and/or cemeteries                                  | Two (2) acres  |
| (d) | Philanthropic or religious institutions other than churches | 40,000 sq. ft.   |
6. Minimum Lot Width Measured at the Building Line
- |     |   |  |
|-----|---|--|
| (a) | Permitted Uses  | Seventy (70) feet                                |
| (b) | Public Uses   | One hundred (100) feet except as set forth below |
|     | (1) Schools, including parochial or private schools         | Three hundred (300) feet                         |
| (c) | Churches  | Two hundred (200) feet                           |
| (d) | Philanthropic or religious institutions other than churches | One hundred (100) feet                           |
7. Minimum Depth of Front Yard
- |     |                        |   |
|-----|------------------------|---|
| (a) | Single-family dwelling | Thirty (30) feet  |
| (b) | All other uses         | Fifty (50) feet or greater if required by the Board of Zoning Appeals |
8. Minimum Width of Side Yards
- |     |                        |  |
|-----|------------------------|--|
| (a) | Single-family dwelling | Fifteen (15) feet  |
| (b) | All other uses         | Twenty-five (25) feet or greater if required by the Board of Zoning Appeals. |

9. Minimum Depth of Rear Yard

- (a) Single-family dwellings Twenty (20) feet
- (b) All other uses Forty (40) feet or greater if required by the Board of Zoning Appeals

10. Maximum Lot Coverage by All Buildings

- (a) Single-family dwellings Twenty-five (25) per-cent
- (b) All other uses Twenty-five (25) per-cent

11. Maximum Number of Principal Buildings

- (a) Dwellings One (1) principal building
- (b) All other uses None providing the provisions of IV.2.5 through IV.2.10 are met.

12. Maximum Height

- (a) No structure shall exceed thirty-five (35) feet in height. This limitation shall not apply to belfries, chimneys, church spires, flagpoles, radio and television antennas, and water tanks or stand pipes provided they comply with the provisions of all pertinent codes and ordinances and provided that they are located a distance equal to their height plus ten (10) feet from the nearest property line.
- (b) No accessory building shall exceed twenty (20) feet in height.

13. Accessory Buildings

Accessory Buildings shall conform to the following standards:

- (a) No accessory building shall be utilized for human occupation.
- (b) No accessory building shall extend beyond the required front yard or the front line of the principal building.
- (c) No accessory building shall extend into the required side yard.
- (d) Accessory buildings may extend into the rear yard but shall be located a distance from the rear property line equal to the height of the structure.
- (e) Accessory buildings shall not cover more than thirty (30) percent of the required rear yard.

Section 3. R-2 Residential District (Medium)

Within the area designated R-2 (Medium Density) Residential on the Zoning Map of the Town of Brighton, Tennessee, the following provisions shall apply:

1. Intent

The intent of the R-2 Residential District is to allow a combination of single-family and higher density development in a harmonious setting.

2. Uses Permitted

- (a) Single-family dwellings not to include mobile homes on individual lots.
- (b) Two-family dwellings
- (c) Townhouse dwellings \*
- (d) Multi-family dwellings \*
- (e) Home occupations
- (f) Accessory buildings customarily incidental to the permitted use
- (g) Signs as permitted in Article VIII.3

\*Subject to site plan approval as set forth in Article VIII.2

3. Special Exceptions

The following uses are permitted on approval by the Board of Zoning Appeals upon review of the criteria established herein.

(a) Uses Permitted

- (1) Public uses, including but not limited to Municipal, State or Federal uses such as schools, museums, office buildings, utilities.
- (2) Churches and cemeteries
- (3) Private or parochial schools
- (4) Philanthropic or religious institutions other than churches
- (5) Golf courses or country clubs

(b) Criteria for Review

- (1) The use requested is to be located on a route designated as either an arterial or collector street on the Official Major Road Plan for Brighton.

- (2) All area, yard, density and parking requirements shall be met.
- (3) All site plan requirements, as set forth in Article VIII.2 shall be submitted prior to consideration by the Board. If approved, all modifications requested by the Board of Zoning Appeals shall be made prior to the issuance of any building permit. The site plan shall be maintained in the permanent files of the Town of Brighton.
- (4) The Board of Zoning Appeals shall have the power to require such changes in the required site plan as may be necessary to minimize the impact of the requested use. These shall include but not be limited to setbacks, screening, lighting, parking location and layout, access, and general landscaping requirements. This power of review shall not include the authority to specify or alter architectural style of proposed or existing buildings, the authority to specify building materials, colors or similar considerations.

4. Uses Prohibited. Any use not specifically permitted or permitted as a special exception by the Board of Zoning Appeals including mobile homes as defined in this Ordinance.

5. Minimum Lot Area

- |     |   |   |
|-----|---|---|
| (a) | Single-family dwellings                         | 10,000 sq. ft.  |
| (b) | Two-family dwellings                            | 13,000 sq. ft.  |
| (c) | Townhouse dwellings                             | 13,000 sq. ft. for the first unit plus 3,000 sq. ft. for each additional unit shall be required for the overall development |
| (d) | Multi-family dwellings                          | 13,000 sq. ft. for the first unit plus 3,000 sq. ft. for each additional unit   |
| (e) | Public uses:                                    | 40,000 sq. ft. except as setforth below   |
| (1) | Schools, including parochial or private schools | Five (5) acres plus one (1) acre for each one-hundred (100), or fraction of one hundred (100) students over one hundred.    |
| (f) | Churches and/or cemeteries                      | Two (2) acres   |

- (g) Philanthropic or religious institutions other than churches 40,000 sq. ft.
- (h) Golf courses, and/or country clubs including publicly owned 10 acres

6. Minimum Lot Width Measured at the Building Line

- (a) Single-family dwellings Sixty-five (65) ft.
- (b) Two-family dwellings Seventy (70) ft.
- (c) Townhouse dwellings One hundred (100) feet of lot width shall be required for the development, however, individual townhouse lots shall be 20 ft. in width
- (d) Multi-family dwellings One hundred (100) ft.
- (e) Public uses: One hundred (100) ft. except as set forth below
  - (1) Schools, including parochial and private schools Three hundred (300) ft.
- (f) Churches and/or cemeteries Two hundred (200) ft.
- (g) Philanthropic or religious institutions other than churches One hundred (100) ft.
- (h) Golf courses, and/or country clubs including publicly owned Two hundred (200) ft.

7. Minimum Depth of Front Yard

- (a) Single-family dwellings Thirty (30) ft.
- (b) Two-family dwellings Thirty (30) ft.
- (c) All other uses Fifty (50) ft. or greater if required by the Board of Zoning Appeals.

8. Minimum Width of Side Yards

- (a) Single-family dwellings Ten (10) ft.
- (b) Two-family dwellings Fifteen (15) ft.
- (c) All other uses Twenty-five (25) ft. or greater if required by the Board of Zoning Appeals.

9. Minimum Depth of Rear Yard

- (a) Single-family dwellings Twenty (20) ft.
- (b) Two-family dwellings Twenty (20) ft.
- (c) All other uses Forty (40) ft. or greater if required by the Board of Zoning Appeals.

10. Maximum Lot Coverage by all Buildings

- (a) Single-family dwellings Thirty (30) percent
- (b) Two-family dwellings Thirty (30) percent
- (c) All other uses Twenty-five (25) per-cent

11. Maximum Number of Principal Buildings

- (a) Single-family dwellings One (1) principal building
- (b) Two-family dwellings One (1) principal building
- (c) All other uses None providing the provisions of IV.3.5 through IV.3.10 are met.

12. Maximum Height

- (a) No structure shall exceed thirty-five (35) feet in height. This limitation shall not apply to belfries, chimneys, church spires, flagpoles, radio and television antennas and water tanks or stand pipes provided they comply with the provisions of all pertinent codes and ordinances and provided that they are located a distance equal to their height plus ten (10) feet from the nearest property line.
- (b) No accessory building shall exceed twenty (20) feet in height.

13. Accessory buildings shall conform to the following standards:

- (a) No accessory building shall be utilized for human occupation.
- (b) No accessory building shall extend beyond the required front yard or the front line of the principal building.
- (c) No accessory building shall extend into the required side yard.
- (d) Accessory buildings may extend into the rear yard but shall be located a distance from the rear property line equal to the height of the structure.
- (e) Accessory building shall not cover more than thirty (30) percent of the required rear yard.

Section 4. R-3 Residential Mobile Home District

Within the area designated R-3 (Residential Mobile Home) on the Zoning Map of the Town of Brighton, Tennessee, the following provisions shall apply:

1. Intent

The intent of the R-3 Residential District is to allow a combination of single-family homes, mobile homes, and higher density development in a harmonious setting.

2. Uses Permitted

- (a) Single-family dwellings
- (b) Two-family dwellings
- (c) Townhouse dwellings \*
- (d) Multi-family dwellings \*
- (e) Mobile Homes
- (f) Mobile Home Parks subject to the provisions of Chapter 3 GENERAL PROVISIONS, section 14 of this Zoning Ordinance.
- (f) Home occupations
- (g) Accessory buildings customarily incidental to the permitted use
- (h) Signs as permitted in Article VIII.3

\*Subject to site plan approval as set forth in Article VIII.2

3. Special Exceptions

The following uses are permitted on approval by the Board of Zoning Appeals upon review of the criteria established herein.

(a) Uses Permitted

- (1) Public uses, including but not limited to Municipal, State or Federal uses such as schools, museums, office buildings, utilities.
- (2) Churches and cemeteries
- (3) Private or parochial schools
- (4) Philanthropic or religious institutions other than churches
- (5) Golf courses or country clubs

(b) Criteria for Review

- (1) The use requested is to be located on a route designated as either an arterial or collector street on the Official Major Road Plan for Brighton.
- (2) All area, yard, density and parking requirements shall be met.
- (3) All site plan requirements, as set forth in Article VIII.2 shall be submitted prior to consideration by the Board. If approved, all modifications requested by the Board of Zoning Appeals shall be made prior to the issuance of any building permit. The site plan shall be maintained in the permanent files of the Town of Brighton.
- (4) The Board of Zoning Appeals shall have the power to require such changes in the required site plan as may be necessary to minimize the impact of the requested use. These shall include but not be limited to setbacks, screening, lighting, parking location and layout, access, and general landscaping requirements. This power of review shall not include the authority to specify or alter architectural style of proposed or existing buildings, the authority to specify building materials, colors or similar considerations.

4. Uses Prohibited. Any use not specifically permitted or permitted as a special exception by the Board of Zoning Appeals including mobile homes as defined in this Ordinance.

5. Minimum Lot Area

- (a) Single-family dwellings 8,000 sq. ft.
- (b) Two-family dwellings 10,000 sq. ft.
- (c) Townhouse dwellings 10,000 sq. ft. for the first unit plus 3,000 sq. ft. for each additional unit shall be required for the overall development
- (d) Multi-family dwellings 10,000 sq. ft. for the first unit plus 3,000 sq. ft. for each additional unit
- (e) Public uses: 40,000 sq. ft. except as setforth below
  - (1) Schools, including parochial or private schools Five (5) acres plus one (1) acre for each one-hundred (100), or fraction of one hundred (100) students over one hundred.

- (f) Churches and/or cemeteries Two (2) acres
- (g) Philanthropic or religious institutions other than churches 40,000 sq. ft.
- (h) Golf courses, and/or country clubs including publicly owned 10 acres

6. Minimum Lot Width Measured at the Building Line

- (a) Single-family dwellings and Mobile Homes Sixty-five (65) ft.
- (b) Two-family dwellings Seventy (70) ft.
- (c) Townhouse dwellings One hundred (100) feet of lot width shall be required for the development, however, individual townhouse lots shall be 20 ft. in width
- (d) Multi-family dwellings One hundred (100) ft.
- (e) Public uses: One hundred (100) ft. except as set forth below
  - (1) Schools, including parochial and private schools Three hundred (300) ft.
- (f) Churches and/or cemeteries Two hundred (200) ft.
- (g) Philanthropic or religious institutions other than churches One hundred (100) ft.
- (h) Golf courses, and/or country clubs including publicly owned Two hundred (200) ft.

7. Minimum Depth of Front Yard

- (a) Single-family dwellings and Mobile Homes Thirty (30) ft.
- (b) Two-family dwellings Thirty (30) ft.
- (c) All other uses Fifty (50) ft. or greater if required by the Board of Zoning Appeals.

8. Minimum Width of Side Yards

- (a) Single-family dwellings and Mobile Homes Ten (10) ft.
- (b) Two-family dwellings Fifteen (15) ft.
- (c) All other uses Twenty-five (25) ft. or greater if required by the Board of Zoning Appeals.

9. Minimum Depth of Rear Yard

- (a) Single-family dwellings and Mobile Homes Twenty (20) ft.
- (b) Two-family dwellings Twenty (20) ft.
- (c) All other uses Forty (40) ft. or greater if required by the Board of Zoning Appeals.

10. Maximum Lot Coverage by all Buildings

- (a) Single-family dwellings and Mobile Homes Thirty (30) percent
- (b) Two-family dwellings Thirty (30) percent
- (c) All other uses Twenty-five (25) per-cent

11. Maximum Number of Principal Buildings

- (a) Single-family dwellings and Mobile Homes One (1) principal building
- (b) Two-family dwellings One (1) principal building
- (c) All other uses None providing the provisions of IV.3.5 through IV.3.10 are met.

12. Maximum Height

- (a) No structure shall exceed thirty-five (35) feet in height. This limitation shall not apply to belfries, chimneys, church spires, flagpoles, radio and television antennas and water tanks or stand pipes provided they comply with the provisions of all pertinent codes and ordinances and provided that they are located a distance equal to their height plus ten (10) feet from the nearest property line.
- (b) No accessory building shall exceed twenty (20) feet in height.

13. Accessory buildings shall conform to the following standards:

- (a) No accessory building shall be utilized for human occupation.
- (b) No accessory building shall extend beyond the required front yard or the front line of the principal building.
- (c) No accessory building shall extend into the required side yard.
- (d) Accessory buildings may extend into the rear yard but shall be located a distance from the rear property line equal to the height of the structure.
- (e) Accessory building shall not cover more than thirty (30) percent of the required rear yard.

**Planned Residential Development District**

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.

1. **Objectives**

The Board of Mayor and Aldermen may, upon proper application, rezone a site of at least three (3) 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 building, Circulation systems, land use and utilities.
3. Preserve to the greatest extent possible the existing landscape featured 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 area 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 verity of housing compatible with surrounding neighborhoods to provide a greater choice of type of environment and living units.

## 2. **Planned Residential Developments**

Under this section, Planned Residential Developments (PDR) 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 FAR, R-1 and R-2 districts.

## 3. **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 modifications 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 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.

#### **4. 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 Brighton Planning Commission and approval of the Board of Mayor and Aldermen as part of its review of the 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 section IV 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.

**5. General provisions**

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

**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 is under the single ownership of a la. 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 party 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 Brighton Planning Commission Shall not consider any development plan for any proposed Planned Residential Development, either on a preliminary or final basis, nor shall the Brighton Board of May 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. If no substantial construction, as determined by the Building Inspector, has begun 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 Planning Commission and shall be of no further effect. At its discretion and for good cause, the Planning Commission may extend for a reasonable time, not to exceed one year, the period for the beginning of construction.

##### **b. Completion Period**

The BRIGHTON Planning Commission may establish a reasonable period of time for the completion of the Planned

Residential Development at the time the PRD district is established.

c. Staging of Development

The Planning Commission 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 of 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 to be approved by the City Engineer for bonding purposes.

**6. Common Open Space and Public Facilities**

The requirements of common open space and public facilities shall be in accordance 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 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 the 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 Brighton 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 Brighton Planning Commission and Brighton 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 Brighton 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 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 Town of Brighton Planning Commission, 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 Town of Brighton for private and public improvements in coordination with the procedures set forth in Brighton's Municipal Subdivision Regulations.

**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.

**(a) 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 planning staff for review and approval and shall be made a part of the final development plan. Site plan shall be required for all uses except single family detached dwellings.

**(b) Accessory Off-Street Parking and Loading**

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

**10. 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.

**(a) 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 three acres (3) 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.

**(b) 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 which 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	3.48 units per acre
R-2	5.40 units per acre

- a. An increase in density not to exceed sixteen percent (16%) will be granted for the dedication of six percent (6%) of the total PRD to the Town of Brighton. 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.

An increase in density not to exceed ten percent (10%) 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 percent (10%) 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 percent (50%) 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 conforming to standards as agreed upon.

#### **11. 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.

#### **12. 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.

**13. 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.

**14. 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.

**15. 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 planning staff 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 planning staff 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. 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 PRD, 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 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 PRD must contain the following minimum information:

1. The existing site conditions including contours at two foot (2') 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.

**16. 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 Planning Commission 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 Article XIV 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 Town of Brighton 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 Town of Brighton Planning Commission may amend or waive a development schedule upon submission of written justification by the applicant.

**17. 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/plat suitable for recording with the Tipton County Register's Office.
  - (2) Proof referred to on the plan and satisfactory to the Town Manager 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 Brighton Municipal 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 Tipton County Register's Office after receipt of any necessary bonds, fees and contracts to provide improvements required in the Town of Brighton Subdivision Regulations and the required signatures for recordation have been secured.

**18. 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.

**19. 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.

**20. 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.

## ARTICLE V

### PROVISIONS GOVERNING BUSINESS DISTRICTS

#### Section 1. B-1 (Restricted Commercial)

The B-1 (Restricted Commercial) District shall be considered a restricted commercial-service oriented district. Within the areas designated B-1 (Restricted Commercial) on the Zoning Map of the Town of Brighton, Tennessee, the following provisions shall apply.

#### 1. Uses Permitted

##### (a) Retail trade

- (1) Retail trade - general merchandise
- (2) Retail trade - food
- (3) Retail trade - apparel and accessories
- (4) Retail trade - furniture, home furnishings and equipment
- (5) Retail trade - eating and drinking
- (6) Other retail trade: except for farm and garden supplies - retail fuel and ice - retail

##### (b) Services, limited to

- (1) Finance, insurance real estate services
- (2) Personal services
- (3) Business services, including only
  - a. Advertising service
  - b. Consumer and mercantile credit reporting services, adjustment and collection services.

- c. Duplicating, mailing and stenographic services
- d. News syndicate services
- e. Employment services
- f. Other business services, NEC \*

(4) Professional Services

\* Not Elsewhere Coded

- (5) Contract construction services - offices only
- (6) Governmental services; excluding correctional institutions and military bases and reservations
- (7) Educational Services
- (8) Miscellaneous Services
- (c) Public uses, including but not limited to Municipal, State, or Federal uses such as schools, museums, office buildings and utilities.
- (d) Group quarters
- (e) Accessory buildings customarily incidental to the permitted use.
- (f) Signs as permitted in Article VIII.3.

2. Special Exceptions

Telecommunications towers or structures upon approval by the Board of Zoning Appeals and in compliance with the provisions of Article VIII, Section 4, "Telecommunications Tower Requirements".

3. Uses Prohibited

Any use not specifically permitted by the Ordinance.

4. Minimum Lot Area

All Uses	No minimum providing all yard, density and parking requirements are met.
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5. Minimum Lot Width Measured at the Building Line

All uses	No minimum providing all yard, density and parking requirements are met.
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6. Minimum Depth of Front Yards

All uses	No minimum providing all yard, density and parking requirements are met.
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7. Minimum Width of Side Yards

All uses	None provided that when the B-1 (Restricted Commercial) lot adjoins a residential district along the side yard, the minimum side yard shall be twenty-five (25) ft.
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Structures not constructed at the side line shall be located at least ten (10) feet from the side lot line.

8. Minimum Depth of Rear Yard

All uses

Twenty (20) feet, provided that when the B-1 (Restricted Commercial) lot adjoins a residential district along the rear lot line that the minimum depth of the rear yard shall be twenty-five (25) ft.

9. Maximum Lot Coverage by all Buildings

All uses

No maximum providing the provisions of V.1.4 through V.1.8 are met

10. Maximum Number of Principal Buildings

All uses

No maximum providing the provisions of V.1.4 through V.1.9 are met.

11. Maximum Height

- (a) No structures shall exceed three (3) stories or thirty-five (35) feet in height. This limitation shall not apply to belfries, chimneys, church spires, flagpoles, radio and television antennas and water tanks or stand pipes provided they comply with the provisions of all pertinent codes and ordinances and provided that they are located a distance equal to their height plus ten (10) feet from the nearest property line.

12. Accessory Buildings

Accessory buildings shall conform to the following standards:

- (a) No accessory building shall extend beyond the front line of the principal building.
- (b) No accessory building shall extend into the required front, side, or rear yard.

13. Site Plan Review

Prior to the issuance of a building permit all site plan requirements as set forth in Article VIII.2 shall be submitted for review by the Planning Commission. If approved, any modifications required by the Planning Commission shall be made prior to the issuance of any building permit. The site plan shall be maintained in the permanent files of the Town of Brighton.

Section 2. B-2 General Commercial.

The B-2 (General Commercial) District shall be considered a general highway commercial-service oriented district. Within the areas designated B-2 (General Commercial) on the Zoning Map of Brighton, Tennessee, the following provisions shall apply:

1. Uses Permitted

(a) Retail trade

- (1) Retail trade - building materials, hardware and farm equipment
- (2) Retail trade - general merchandise
- (3) Retail trade - food
- (4) Retail trade - automotive, marine craft, aircraft and accessories
- (5) Retail trade - apparel and accessories
- (6) Retail trade - furniture, home furnishing and equipment
- (7) Retail trade - eating and drinking
- (8) Other retail trade, NEC\*

(b) Services

- (1) Finance, insurance and real estate services
- (2) Personal services
- (3) Business services, excluding warehousing and storage services
- (4) Repair services
- (5) Professional services
- (6) Contract Construction services
- (7) Educational services
- (8) Miscellaneous services

(c) Amusements

(d) Recreational Activities

\* Note Elsewhere Coded

- (e) Transient lodgings
  - (1) motels
  - (2) tourist courts
  - (3) hotels
- (f) Public uses, including but not limited to Municipal, State or Federal uses such as schools, museums, office buildings and utilities.
- (g) Educational services
- (h) Miscellaneous services
- (i) Public Assembly
- (j) Accessory buildings customarily incidental to the permitted use.
- (k) Signs as permitted in Article VIII.3

2. Special Exceptions

Telecommunications towers or structures upon approval by the Board of Zoning Appeals and in compliance with the provisions of Article VIII, Section 4, "Telecommunications Tower Requirements".

3. Uses Prohibited

Any use not specifically permitted by the Ordinance

4. Minimum Lot Area

All uses	No minimum providing all yard, density, and parking requirements are met.
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5. Minimum Lot width Measured at the Building Line

All uses	No minimum providing all yard, density and parking requirements are met.
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6. Minimum Depth of Front Yards

All uses	Fifty (50) ft.
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7. Minimum Width of Side Yards

All uses	Twenty-five (25) ft.
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8. Minimum Depth of Rear Yard

All uses

Twenty (20) feet, provided that when the commercial lot adjoins a residential district along the rear lot line that the minimum depth of the rear yard shall be twenty-five (25) feet.

9. Maximum Lot Coverage by All Buildings

All uses

Forty-five (45) percent

10. Maximum Number of Principal Buildings

All uses

No maximum providing the provisions of V.2.4 through V.2.9 are met.

11. Maximum Height

- (a) No structures shall exceed three (3) stories or thirty-five (35) feet in height. This limitation shall not apply to belfries, chimneys, church spires, flagpoles, radio and television antennas and water tanks or stand pipes provided they comply with the provisions of all pertinent codes and ordinances and provided that they are located a distance equal to their height plus ten (10) feet from the nearest property line.

12. Accessory buildings

Accessory buildings shall conform to the following standards:

- (a) No accessory building shall extend into the required front, side or rear yard.

13. Site Plan Review

Prior to the issuance of a building permit all site plan requirements as set forth in Article VIII.2 shall be submitted for review by the Planning Commission. If approved, any modifications required by the Planning Commission shall be made prior to the issuance of any building permit. The site plan shall be maintained in the permanent files of the Town of Brighton.

### **Section 3. O-R Neighborhood Office District**

#### **Description**

This district is intended primarily to provide locations for neighborhood and community serving office and related services at locations within the Town of Brighton which are easily accessible. The district is normally small and may include older homes undergoing conversion. The district is often situated between business and residential districts and the regulations are designed to protect and complement nearby districts.

#### **Uses Permitted**

- a. Professional Office
- b. Finance, insurance, Real Estate Offices serving a local clientele
- c. Personal services, such as consulting, tax preparation and related services
- d. Any use not specifically permitted by this Ordinance is prohibited

#### **Special Exceptions**

Special Use exceptions to this Zoning category are not permitted

#### **Structure setbacks and densities**

Structure setbacks and land use densities shall conform to the R-1 Residential Zoning District, unless special circumstances prohibit these restrictions, in which case the Board of Zoning Appeals may consider the particular site involved.

#### **Provisions**

When petitioning rezoning to this district, the petitioner shall submit to the Planning Commission a preliminary site plan of the proposed development which shall contain details such as the size, shape and location of the site, and indicating the proposed egress, off-street parking, and any other requirements of the City. All required parking shall be provided in rear or side yards, unless conditions specifically require front yard parking. Any deviation from the final Site Plan, (which is also required prior to issuance of a building permit) shall constitute a violation of the building permit. If the site is to be subdivided, it must meet all requirements of the subdivision ordinance.

## ARTICLE VI

### PROVISIONS GOVERNING INDUSTRIAL DISTRICTS

#### Section 1. M-1 General Industrial District

The M-1 (General Industrial) District is designed to allow a broad range of industrial uses complemented by other uses such as wholesale sales and limited retail sales and services, within the Town of Brighton. This district is not intended to allow uses which may be considered hazardous because of the use of, or one on production of, toxic or highly flammable materials. Within the areas designated M-1 (General Industrial) on the Zoning Map of the Town of Brighton, Tennessee, the following provisions shall apply.

#### 1. Uses Permitted

##### (a) Wholesale Trade including:

- (1) Motor vehicles and automotive equipment wholesale.
- (2) Drugs, chemicals and allied products - wholesale.
- (3) Dry goods and apparel - wholesale
- (4) Groceries and related products - wholesale
- (5) Farm products (raw materials) - wholesale except for livestock, horses and mules - wholesale
- (6) Electrical goods - wholesale
- (7) Hardware, plumbing and heating equipment and supplies - wholesale
- (8) Machinery, equipment, and supplies - wholesale
- (9) Other wholesale trade, \*NEC - limited to:
  - a. Metals and minerals (Except petroleum products and scrap) - wholesale.
  - b. Tobacco and tobacco products - wholesale
  - c. Beer, wine and distilled alcoholic beverages - wholesale
  - d. Paper and paper products - wholesale
  - e. Furniture and home furnishings - wholesale

\* Not Elsewhere Coded

- f. Lumber and construction materials - wholesale
  - g. Other wholesale trade, NEC - except for scrap and waste materials - wholesale
- (b) Retail trade - limited to:
    - (1) Retail trade - eating and drinking
    - (2) Retail trade - materials, hardware and farm equipment
  - (c) Business services - limited to:
    - (1) Dwelling and other building services
    - (2) Warehousing and storage services
  - (d) Repair Services
  - (e) Professional services - limited to:
    - (1) medical laboratory services
    - (2) dental laboratory services
    - (3) other medical and health services
  - (f) Contract construction services
  - (g) Governmental services
  - (h) Agricultural related activities - limited to: animal husbandry services
  - (i) Manufacturing - including
    - (1) Apparel and other finished products made from fabrics, leather and similar materials - manufacturing except for:
      - a. Leather tanning and finishing
    - (2) Furniture and fixtures - manufacturing
    - (3) Printing, publishing and allied industries
    - (4) Rubber and miscellaneous plastic products - manufacturing
    - (5) Fabricated metal products - manufacturing
    - (6) Professional, scientific and controlling instruments; photographic and optical goods; watches and clocks - manufacturing
    - (7) Miscellaneous manufacturing, NEC.

- (k) Motor Vehicle Transportation
- (l) Communication
- (m) Utilities
- (n) Other transportation, communication and utilities, NEC
- (o) Signs as permitted in Article VIII.3.

2. Special Exceptions

Telecommunications towers or structures upon approval by the Board of Zoning Appeals and in compliance with the provisions of Article VIII, Section 4, "Telecommunications Tower Requirements".

3. Uses Prohibited

Any use not specifically permitted by this Ordinance

4. Minimum Lot Area

- (a) All uses

No minimum providing all yard, density, and parking requirements are met.

5. Minimum Lot Width at the Building Line

- (a) All uses

No minimum providing all yard, density and parking requirements are met.

6. Minimum Depth of Front Yard

- (a) All uses

Fifty (50) feet

7. Minimum Width of Side Yard

- (a) All uses

Twenty-five (25) feet provided that when the M-1 (General Industrial) lot adjoins a residential districts at the side yard, the minimum side yard shall be forty (40) feet.

8. Minimum Depth of Rear Yard

- (a) All uses

Twenty-five (25) feet provided that when the M-1 (General Industrial) lot adjoins a residential district along the rear yard, the minimum rear

yard shall be forty-five (45) feet.

9. Landscaping

The first ten (10) feet of any required yard shall be devoted to landscaping. This provision shall not apply to required rear or side yards except when the rear or side yards adjoin a residential district.

10. Maximum Lot Coverage of Buildings

(a) All uses Sixty-five (65) percent

11. Maximum Number of Principal Buildings

(a) All uses None providing the provisions of VI.1.4 through VI. 1.9 are met.

12. Maximum Height

(a) No structures shall exceed three (3) stories or thirty-five (35) feet in height. This limitation shall not apply to belfries, chimneys, church spires, flagpoles, radio and television antennas and water tanks or stand pipes provided they comply with the provisions of all pertinent codes and ordinances and provided that they are located a distance equal to their height plus ten (10) feet from the nearest property line.

13. Accessory Buildings

Accessory buildings shall conform to the following standards:

- (a) No accessory building shall extend beyond the required front yard or the front line of the principal building.
- (b) No accessory building shall extend into the required side or rear yard.

14. Site Plan Review

(a) Prior to the issuance of a building permit all site plan requirements as set forth in Article VIII.2 shall be submitted for review by the Planning Commission. If approved, any modifications required by the Planning Commission shall be made prior to the issuance of any building permit. The site plan shall be maintained in the permanent files of the Town of Brighton.

Section 2. M-2 Heavy Industrial District

The M-2 (Heavy Industrial) District is designed to allow a broad range of industrial uses complimented by other uses such as wholesale sales, and limited retail sales and services, within the Town of Brighton. This district is intended to allow uses which may need to be somewhat isolated because of the permitted use production activity. Within the areas designated M-2 (Heavy Industrial) on the Zoning Map of the Town of Brighton, Tennessee, the following provisions shall apply:

1. Uses Permitted

(a) Wholesale Trade including:

- (1) Farm products (raw materials) - wholesale except for livestock, horses and mules - wholesale
- (2) Machinery, equipment and supplies - wholesale
- (3) Other wholesale trade, NEC - limited to:
  - a. metals and minerals (Except petroleum products and scrap) - wholesale
  - b. Petroleum bulk stations and terminals - wholesale
  - c. Tobacco and tobacco products - wholesale
  - d. Lumber and construction materials - wholesale

(b) Retail trade - limited to:

- (1) Retail trade - eating and drinking

(c) Business services - limited to:

- (1) Warehousing and storage services - excluding:
  - a. Stockyards

(d) Repair Services

(e) Contract construction services

(f) Governmental services

(g) Agricultural related activities

(h) Manufacturing - including

- (1) Food and kindred products - manufacturing
- (2) Textile mill products - manufacturing

- (3) Apparel and other finished products made from fabrics, leather and similar materials - manufacturing except for:
  - a. Leather tanning and finishing
- (4) Lumber and wood products - manufacturing
- (5) Furniture and fixtures - manufacturing
- (6) Paper and allied products - manufacturing - limited to:
  - a. Converted paper and paperboard products (except containers and boxes) - manufacturing
  - b. Paperboard containers and boxes - manufacturing
  - c. Building paper and board manufacturing
- (7) Printing, publishing and allied industries
- (8) Chemicals and allied products - manufacturing limited to:
  - a. Drug - manufacturing
  - b. Soap, detergents and cleaning preparations, perfume, cosmetics and other toilet preparations - manufacturing
  - c. Paints, varnishes, lacquers, enamels, and allied products - manufacturing
- (9) Rubber and miscellaneous plastic products - manufacturing
- (10) Stone, clay and glass products - manufacturing
- (11) Primary metal products - manufacturing
  - a. Rolling drawing and extruding of non-ferrous metals
- (12) Fabricated metal products - manufacturing
- (13) Professional, scientific and controlling instruments; photographic and optical goods; watches and clocks - manufacturing
- (14) Miscellaneous manufacturing, NEC
  - (i) Motor Vehicle Transportation
  - (j) Communication
  - (k) Utilities
  - (l) Other transportation, communications and utilities, NEC

(m) Signs as permitted in VIII.3.

2. Special Exceptions

Telecommunications towers or structures upon approval by the Board of Zoning Appeals and in compliance with the provisions of Article VIII, Section 4, "Telecommunications Tower Requirements".

3. Uses Prohibited

Any use not specifically permitted by this Ordinance.

4. Minimum Lot Area

(a) All uses No minimum providing all yard, density and parking requirements are met.

5. Minimum Lot Width at the Building Line

(a) All uses No minimum providing all yard, density and parking requirements are met

6. Minimum Depth of Front Yard

(a) All uses Fifty (50) feet

7. Minimum Width of Side Yard

(a) All uses Twenty-five (25) feet provided that when the M-2 (Heavy Industrial) lot adjoins a residential district at the side yard. The minimum side yard shall be forty (40) feet.

8. Minimum Depth of Rear Yard

(a) All uses Twenty-five (25) feet provided that when the M-2 (Heavy Industrial) lot adjoins a residential district along the rear yard, the minimum rear yard shall be forty-five (45) feet.

9. Landscaping

The first ten (10) feet of any required yard shall be devoted to landscaping. This provision shall not apply to required rear or side yards except when the rear or side yards adjoin a residential district.

10. Maximum Lot Coverage of Buildings

- (a) All uses Sixty-five (65) percent

11. Maximum Number of Principal Buildings

- (a) All uses None, providing the provisions of VI.2.4 through VI.2.10 are met

12. Maximum Height

- (a) No structures shall exceed three (3) stories or thirty-five (35) feet in height. This limitation shall not apply to belfries, chimneys, church spires, flagpoles, radio and television antennas, and water tanks or stand pipes provided they comply with the provisions of all pertinent codes and ordinances and provided that they are located a distance equal to their height plus ten (10) feet from the nearest property line.

13. Accessory Buildings

Accessory buildings shall conform to the following standards:

- (a) No accessory building shall extend beyond the required front yard or the front line of the principal building.
- (b) No accessory building shall extend into the required side yard.

14. Site Plan Review

- (a) Prior to the issuance of a building permit all site plan requirements as set forth in Article VIII.2 shall be submitted for review by the Planning Commission. If approved, any modifications required by the Planning Commission shall be made prior to the issuance of any building permit. The site plan shall be maintained in the permanent files of the Town of Brighton.

**ARTICLE VII**  
**FLOOD DAMAGE PREVENTION PROVISIONS**

**MUNICIPAL FLOODPLAIN ZONING ORDINANCE**

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

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

**Section A. Statutory Authorization**

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

**Section B. Findings of Fact**

1. The Town of Brighton, Tennessee, Mayor and its Board of Mayor and Aldermen wishes to maintain eligibility in the National Flood Insurance Program (NFIP) and in order to do so must meet the NFIP regulations found in Title 44 of the Code of Federal Regulations (CFR), Ch. 1, Section 60.3.
2. Areas of the Town of Brighton, 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"**

(a) 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.
3. Mudslides (i.e., mudflows) which are proximately caused by flooding as defined in paragraph (a)(2) of this definition and are akin to a river of liquid and flowing mud on the surfaces of normally dry land areas, as when earth is carried by a current of water and deposited along the path of the current.

(b) The collapse or subsidence of land along the shore of a lake or other body of water as a result of erosion or 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 flash flood or an abnormal tidal surge, or by some similarly unusual and unforeseeable event which results in flooding as defined in paragraph (a)(1) of this definition.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

**"Historic Structure"** means any structure that is:

1. Listed individually in the National Register of Historic Places (a listing maintained by the U.S. Department of Interior) or preliminarily determined by the Secretary of the Interior as meeting the requirements for individual listing on the National Register;
2. Certified or preliminarily determined by the Secretary of the Interior as contributing to the historical significance of a registered historic district or a district preliminarily determined by the Secretary to qualify as a registered historic district;
3. Individually listed on the Tennessee inventory of historic places and determined as eligible by states with historic preservation programs which have been approved by the Secretary of the Interior; or
4. Individually listed on the Town of Brighton, 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.

**"Regulatory Flood Protection Elevation"** means the "Base Flood Elevation" plus the "Freeboard". In "Special Flood Hazard Areas" where Base Flood Elevations (BFEs) have been determined, this elevation shall be the BFE plus 1 foot. In "Special Flood Hazard Areas" where no BFE has been established, this elevation shall be at least three (3) feet above the highest adjacent grade.

**"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 Emergency Management Agency, State NFIP Office, as designated by the Governor of the State of Tennessee at the request of FEMA to assist in the implementation of the NFIP for the State.

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

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

**"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 Town of Brighton, Tennessee.

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

The Areas of Special Flood Hazard identified on the Town of Brighton, Tennessee, as identified by FEMA, and in its Flood Insurance Study (FIS) and Flood Insurance Rate Map (FIRM), Community Panels 470310F and 470330F, Effective Date: December 19, 2006, along with all supporting technical data, are adopted by reference and declared to be a part of this Ordinance.

#### **Section C. Requirement for Development Permit**

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

#### **Section D. Compliance**

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

#### **Section E. Abrogation and Greater Restrictions**

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

#### **Section F. Interpretation**

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

**Section G. Warning and Disclaimer of Liability**

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

**Section H. Penalties for Violation**

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

e. In order to determine if improvements or damage meet the Substantial Improvement or Substantial Damage criteria, the applicant shall provide to the Floodplain Administrator a detailed cost to repair all damages and/or cost of improvements which includes the complete costs associated with all types of work necessary to completely repair or improve a building. These include the costs of all materials, labor, and other items necessary to perform the proposed work. These must be in the form of:

- An itemized costs of materials, and labor, or estimates of materials and labor that are prepared by licensed contractors or professional construction cost estimators
- Building valuation tables published by building code organizations and cost-estimating manuals and tools available from professional building cost-estimating services.
- A qualified estimate of costs that is prepared by the local official using professional judgement and knowledge of local and regional construction costs.
- A detailed cost estimate provided and prepared by the building owner. This must include as much supporting documentation as possible (such as pricing information from lumber companies, plumbing and electrical suppliers, etc). In addition, the estimate must include the value of labor, including the value of the owner's labor.

## 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.

3. Finished Construction Stage

A final Finished Construction Elevation Certificate is required after construction is completed and prior to Certificate of Compliance/Occupancy issuance. It shall be the duty of the permit holder to submit to the Floodplain Administrator a certification of final as-built construction of the elevation of the reference level and all attendant utilities. The Administrator will keep the certificate on file in perpetuity.

**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 Emergency Management Agency, State NFIP Office, prior to any alteration or relocation of a watercourse and submit evidence of such notification to FEMA.
4. For any altered or relocated watercourse, submit engineering data/analysis within six (6) months to FEMA to ensure accuracy of community FIRM's through the Letter of Map Revision process.
5. Assure that the flood carrying capacity within an altered or relocated portion of any watercourse is maintained.
6. Record the elevation, in relation to mean sea level or the highest adjacent grade, where applicable, of the lowest floor (including basement) of all new and substantially improved buildings, in accordance with Article IV, Section B.
7. Record the actual elevation, in relation to mean sea level or the highest adjacent grade, where applicable to which the new and substantially improved buildings have been floodproofed, in accordance with Article IV, Section B.
8. When floodproofing is utilized for a nonresidential structure, obtain certification of design criteria from a Tennessee registered professional engineer or architect, in accordance with Article IV, Section B.

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

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

12. A final Finished Construction Elevation Certificate (FEMA Form 086-0-33) is required after construction is completed and prior to Certificate of Compliance/Occupancy issuance. It shall be the duty of the permit holder to submit to the Floodplain Administrator a certification of final as-built construction of the elevation of the reference level and all attendant utilities. The Floodplain Administrator shall review the certificate data submitted. Deficiencies detected by such review shall be corrected by the permit holder immediately and prior to Certificate of Compliance/Occupancy issuance. In some instances, another certification may be required to certify corrected as-built construction. Failure to submit the certification or failure to make required corrections shall be cause to withhold the issuance of a Certificate of Compliance/Occupancy. The Finished Construction Elevation Certificate certifier shall provide at least 2 photographs showing the front and rear of the building taken within 90 days from the date of certification. The photographs must be taken with views confirming the building description and diagram number provided in Section A. To the extent possible, these photographs should show the entire building including foundation. If the building has split-level or multi-level areas, provide at least 2 additional photographs showing side views of the building. In addition, when applicable, provide a photograph of the foundation showing a representative example of the flood openings or vents. All photographs must be in color and measure at least 3" x 3". Digital photographs are acceptable.

## **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 fill, new construction, substantial improvements or other development within the adopted regulatory floodway. Development may be permitted however, provided it is demonstrated through hydrologic and hydraulic analyses performed in accordance with standard engineering practice that the encroachment shall not result in any increase in flood levels or floodway widths during a base flood discharge. A registered professional engineer must provide supporting technical data and certification thereof;
2. A community may permit encroachments within the adopted regulatory floodway that would result in an increase in base flood elevations, provided that the applicant first applies for a conditional letter of map revision (CLOMR) and floodway revision, fulfills the requirements for such revisions as established under the provisions of § 65.12, and receives the approval of FEMA;
3. ONLY if Article V, Section C, provisions (1) through (2) are satisfied, then any new construction or substantial improvement shall comply with all other 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. Require until a regulatory floodway is designated, that no new construction, substantial, or other development, including fill shall be permitted within Zone AE on the community's FIRM, unless it is demonstrated through hydrologic and hydraulic analyses performed 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.

2. A community may permit encroachments within within Zones AE on the community's FIRM, that would result in an increase in the water surface elevation of the base flood, provided that the applicant first applies for a conditional letter of map revision (CLOMR) and floodway revision, fulfills the requirements for such revisions as established under the provisions of § 65.12, and receives the approval of FEMA;
3. ONLY if Article V, Section D, provisions (1) through (2) are satisfied, then any new construction or substantial improvement shall comply with all other applicable flood hazard reduction provisions of Article V, Sections A and B.

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

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

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

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. In addition to Article V, Sections A and B, all new construction and substantial improvements shall meet the following requirements:

1. The lowest floor (including basement) shall be elevated at least as high as the depth number specified on the Flood Insurance Rate Map (FIRM), in feet, plus a freeboard of one (1) foot above the highest adjacent grade; or at least three (3) feet above the highest adjacent grade, if no depth number is specified.
2. Non-residential structures may, in lieu of elevation, be floodproofed to the same level as required in Article V, Section F(1) so that the structure, together with attendant utility and sanitary facilities, below that level shall be watertight with walls substantially impermeable to the passage of water and with structural components having the capability of resisting hydrostatic and hydrodynamic loads and effects of buoyancy. Certification is required in accordance with Article 4, Section B(1) (c) and Article V, Section B(2).
3. Adequate drainage paths shall be provided around structures on slopes, to guide floodwaters around and away from proposed structures.

**Section G. Standards For Areas of Shallow Flooding (Zone AH)**

Located within the Special Flood Hazard Areas established in Article III, Section B, are areas designated as shallow flooding areas. These areas are subject to inundation by 1-percent-annual-chance shallow flooding (usually areas of ponding) where average depths are one (1) to three (3) feet. Base Flood Elevations are derived from detailed hydraulic analyses are shown in this zone. In addition to meeting the requirements of Article V, Sections A and B, all new construction and substantial improvements shall meet the following requirements:

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

**Section H. 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 I. Standards for Unmapped Streams

Located within the Town of Brighton, 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.
3. ONLY if Article V, Section I, provisions (1) and (2) are satisfied, then any new construction or substantial improvement shall comply with all other applicable flood hazard reduction provisions of Article V, Sections A and B.

**ARTICLE VI. VARIANCE PROCEDURES**

**Section A. Municipal Board of Zoning Appeals**

1. Authority

The Town of Brighton, 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 Board of Mayor and Aldermen.

3. Appeals: How Taken

An appeal to the Municipal Board of Zoning Appeals may be taken by any person, firm or corporation aggrieved or by any governmental officer, department, or bureau affected by any decision of the Administrator based in whole or in part upon the provisions of this Ordinance. Such appeal shall be taken by filing with the Municipal Board of Zoning Appeals a notice of appeal, specifying the grounds thereof. In all cases where an appeal is made by a property owner or other interested party, a fee of fifty (\$50) dollars for the cost of publishing a notice of such hearings shall be paid by the appellant. The Administrator shall transmit to the Municipal Board of Zoning Appeals all papers constituting the record upon which the appeal action was taken. The Municipal Board of Zoning Appeals shall fix a reasonable time for the hearing of the appeal, give public notice thereof, as well as due notice to parties in interest and decide the same within a reasonable time

which shall not be more than 15 days from the date of the hearing. At the hearing, any person or party may appear and be heard in person or by agent or by attorney.

#### 4. Powers

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

##### a. Administrative Review

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

##### b. Variance Procedures

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

- 1) The Town of Brighton, Tennessee Municipal Board of Zoning Appeals shall hear and decide appeals and requests for variances from the requirements of this Ordinance.
- 2) Variances may be issued for the repair or rehabilitation of historic structures as defined, herein, upon a determination that the proposed repair or rehabilitation will not preclude the structure's continued designation as a historic structure and the variance is the minimum necessary deviation from the requirements of this Ordinance to preserve the historic character and design of the structure.
- 3) In passing upon such applications, the Municipal Board of Zoning Appeals shall consider all technical evaluations, all relevant factors, all standards specified in other sections of this Ordinance, and:
  - a) The danger that materials may be swept onto other property to the injury of others;
  - b) The danger to life and property due to flooding or erosion;
  - c) The susceptibility of the proposed facility and its contents to flood damage;
  - d) The importance of the services provided by the proposed facility to the community;
  - e) The necessity of the facility to a waterfront location, in the case of a functionally dependent use;
  - f) The availability of alternative locations, not subject to flooding or erosion damage, for the proposed use;
  - g) The relationship of the proposed use to the comprehensive plan and floodplain management program for that area;
  - h) The safety of access to the property in times of flood for ordinary and emergency vehicles;
  - i) The expected heights, velocity, duration, rate of rise and sediment transport of the flood waters and the effects of wave action, if applicable, expected at the site;

j) The costs of providing governmental services during and after flood conditions including maintenance and repair of public utilities and facilities such as sewer, gas, electrical, water systems, and streets and bridges.

4) Upon consideration of the factors listed above, and the purposes of this Ordinance, the Municipal Board of Zoning Appeals may attach such conditions to the granting of variances, as it deems necessary to effectuate the purposes of this Ordinance.

5) Variances shall not be issued within any designated floodway if any increase in flood levels during the base flood discharge would result.

### **Section B. Conditions for Variances**

1. Variances shall be issued upon a determination that the variance is the minimum relief necessary, considering the flood hazard and the factors listed in Article VI, Section A.

2. Variances shall only be issued upon: a showing of good and sufficient cause, a determination that failure to grant the variance would result in exceptional hardship; or a determination that the granting of a variance will not result in increased flood heights, additional threats to public safety, extraordinary public expense, create nuisance, cause fraud on or victimization of the public, or conflict with existing local laws or Ordinances.

3. Any applicant to whom a variance is granted shall be given written notice that the issuance of a variance to construct a structure below the Base Flood Elevation will result in increased premium rates for flood insurance (as high as \$25 for \$100) coverage, and that such construction below the Base Flood Elevation increases risks to life and property.

4. The Administrator shall maintain the records of all appeal actions and report any variances to FEMA upon request.

## **ARTICLE VII. LEGAL STATUS PROVISIONS**

### **Section A. Conflict with Other Ordinances**

In case of conflict between this Ordinance or any part thereof, and the whole or part of any existing or future Ordinance of the Town of Brighton, 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.



- (c) Hotels, motels, tourist Courts and similar transient lodging
  - One (1) space per unit plus one space per each two (2) employees
- (d) Wholesale Trade
  - One (1) space per 1,000 foot of gross floor area
- (e) Retail business and service establishments except eating and drinking and professional services:
 

Gross Floor Area	Minimum required parking area (including driveways)
0-5,000 sq. ft.	At least equal to the gross floor area
5,001-10,000 sq. ft.	At least equal to twice the gross floor area
over 10,000 sq. ft.	At least equal to three times the gross floor area

  - (1) Eating and drinking
    - One (1) space per three seats in the dining area for a full service restaurant
    - One (1) space per 15 square foot of usable floor area for a fast food restaurant plus one (1) for each two (2) employees based on the largest shift.
  - (2) Professional Services
    - a. Hospitals including nursing homes and sanitariums
      - One (1) space for each employee, two (2) spaces, for each bed plus one (1) space for each emergency vehicle
    - b. Other
      - Three (3) spaces per employee including the professionals

(f) Education Services

- (1) Nursery School  
One (1) space per five (5) children accommodated
- (2) Elementary, Junior High and Equivalent Private or Parochial Schools  
One (1) space per employee plus one (1) space for each 150 square foot of floor area in the seating area of any auditorium
- (3) Senior High Schools, and Equivalent Private or Parochial schools and Post Secondary schools  
One (1) space per employee plus one (1) space per three (3) students and one (1) space for each 150 square feet of floor area in the seating area of the auditorium, gymnasium or cafeteria intended to be used as an auditorium.
- (4) Other Education Services  
One (1) space for each 150 square foot of usable floor area
- (5) Cultural Activities
  - a. Museums and Galleries  
One (1) space per 200 square feet of usable floor area
  - b. Libraries  
One (1) space per 400 square feet of gross floor area
- (6) Public Assembly
  - a. Movie and other theaters and other places of Public Assembly  
One (1) space for each three (3) seats in the main auditorium or one (1) space for each 50 square feet of seating floor area if seating is not fixed



- (b) There shall be a minimum of fifteen (15) feet over head clearance for all loading spaces.
- (c) For all establishments having loading docks there shall be a minimum size space of fourteen (14) feet by fifty-five (55) feet for each dock. In addition to the space there shall be an apron or maneuvering area with sixty (60) feet depth to allow the trucks to maneuver into the loading dock without entering public streets.
- (d) In the Industrial Districts (M-1 and M-2), there shall be loading spaces provided of a minimum size of fourteen (14) feet by fifty-five (55) feet and maneuvering space as mentioned in 4. (c) in the numbers mentioned below.

<u>Gross Floor Area (In Square Feet)</u>	<u>Loading and Unloading Space Rquired</u>
0 - 1,400	None
1,401 - 20,000	One (1) Space
20,000 - 100,000 and over	One (1) space plus (1) space for each additional 20,000 square feet in excess of 20,001 square feet with no more than five (5) spaces required.

## Section 2. Procedures and Requirements for Site Plan Review

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 land, structures, or buildings. Site plans shall be reviewed and approved or disapproved under the following procedures and standards as specified by the Zoning Ordinance.

### 1. Site Plan Submission and Review

- (a) Site plan review is required under three (3) separate instances by the Zoning Ordinance. These instances includes:
  - (1) Review and approval by the Brighton Building Inspector prior to the issuance of a building permit.
  - (2) Review and approval by the Brighton Board of Zoning Appeals prior to the approval of a permitted special exception.
  - (3) Review and approval by the Brighton Planning Commission as required by this Ordinance.

### 2. Review Procedure

- (a) In instances of review by the Brighton Planning Commission or Board of Zoning Appeals the following procedure shall apply:
  - (1) The owner or developer shall submit twelve (12) copies of the proposed site plan to the Building Inspector fifteen (15) days prior to the regular meeting date of the Planning Commission or Board of Zoning Appeals. The site plan shall be reviewed in light of the provisions of this Section and approved or disapproved. The plans then shall be returned to the owner or agent with the date of such approval or disapproval noted thereon over the signature of the Secretary of the Planning Commission or Chairman of the Board of Zoning Appeals, whichever is applicable.
  - (2) Prior to the regular Planning Commission or Board of Zoning Appeals meeting, copies of the proposed site plan will be distributed by the Building Inspector to other affected Town departments to review and approve those areas under their responsibility. A coordinated staff position will be developed for submission to the Planning Commission or Board of Zoning Appeals. The owner, developer, or agent will be invited to attend the meeting when there are unresolved problem areas.

3. Building Inspector Review

(a) In instances of review by the Brighton Building Inspector prior to the issuance of a building permit the following procedure shall apply.

(1) Prior to the issuance of a building permit, a site plan shall be submitted to the Building Inspector. The Site plan shall be reviewed.

(2) Contents of the Site Plan

The site plan shall include:

- a. Name of development or address.
- b. Name and address of owner of record and the applicant.
- c. Present zoning of the site and abutting property.
- d. Date, graphic scale, and north point with reference to source of meridian.
- e. 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.
- f. The total land area.
- g. Topography of 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 two-foot contours and by spot elevations where necessary to indicate flat areas.

The Site Plan shall show the location of the following when existing:

- a. Sidewalks, streets, alleys, easements and utilities.
- b. Buildings and structures.
- c. Public sewer 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.

The Site Plan shall show 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 sewer 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 water courses 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 two (2) foot contours.

In instances where the proposed construction is an individual Single-family home, the site plan shall include 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.

4. Planning Commission Review

(a) In instances of review by the Brighton Planning Commission prior to the issuance of a building permit, the following procedure shall apply.

(1) Prior to the issuance of a building permit a site plan shall be submitted to the Planning Commission. The plan shall be reviewed for compliance with the provisions of this Section and approved or disapproved. In the instance of disapproval, reasons for such disapproval shall be stated in writing.

(2) Contents of the Site Plan

The site plan shall show the following:

- a. Name of development or address.
- b. Name and address of owner of record and the applicant.
- c. Present zoning of the site and abutting property.
- d. Date, graphic scale, and north point with reference to source of meridian.
- e. 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.
- f. The total land area.

- g. Topography of 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 two-foot contours and by spot elevations where necessary to indicate flat areas.
- h. Two (2) spaces for signed approval of the Planning Commission.

The Site Plan shall show the location of the following when existing:

- a. Sidewalks, streets, alleys, easements and utilities.
- b. Building and structures.
- c. Public sewer 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.

The Site Plan shall show the location, dimensions, site and height of the following when proposed.

- a. Sidewalks, streets, alleys, easements and utilities.
- b. Buildings and structures.
- c. Public sewer 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 and swimming pools.

- i. Natural and artificial water courses.
- j. Limits of flood plains.

The Site Plan shall show 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 sewer 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 parkign 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 artifical water courses including a delineation of limits of flood plains, if any.
  - vi. Proposed grading, surface drainage terraces, retainign wall heights, grades on paving areas, and ground floor elevations of proposed buildings and structures. Proposed topography of the site shall be shown by two foot contours.

5. Board of Appeals Review

(a) In instances of review by the Brighton Board of Zoning Appeals prior to the issuance of a building permit, the following procedure shall apply.

(1) Prior to the issuance of a building permit a site plan shall be submitted to the Board of Zoning Appeals. The site plan shall be reviewed for compliance with the provisions of this section and approved or disapproved. In the instance of disapproval, reasons for such disapproval shall be stated in writing.

(2) Contents of the Site Plan

The site plan shall show the following:

- a. Name of development or address.
- b. Name and address of owner of record and the applicant.
- c. Present zoning of the site and abutting property.
- d. Date, graphic scale, and north point with reference to source of meridian.
- e. Courses and distances of center of all streets and all property lines
- f. All building restriction lines, setback lines, easements, covenants, reservations and rights-of-way.
- g. The total land area.
- h. Topography of 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 two-foot contours and by spot elevations where necessary to indicate flat areas.
- i. Two (2) spaces for signed approval of the Board of Zoning Appeals.

The Site Plan shall show the location of the following when existing:

- a. Sidewalks, streets, alleys, easements and utilities.
- b. Building and structures.

- c. Public sewer 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.

The Site Plan shall show 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 sewer 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 loading spaces.
  - v. Plans for Collecting storm water and methods of treatment of natural and artificial

water courses including a delineation of limits or flood plains, if any.

- vi. Proposed grading, surface drainage terraces, retaining wall heights, grades on paving areas, and ground floor elevations of proposed buildings and structures. Proposed topography of the site shall be shown by two contours.

### Section 3. Sign Regulations

#### 1. Purpose

The provisions set forth in this chapter regulate the size, location and general nature of signs in the Town of Brighton, Tennessee. The purpose of these sign regulations is to provide for signs necessary for identification and advertisement without impairing the overall safety and visual quality of the community.

#### 2. General Provisions - within all districts except as herein provided, the following general provision shall apply to all signs.

##### (a) Directives

- (1) Signs less than six square feet for advertising the sale, lease or rental of land or buildings shall be permitted in all districts when located on the parcel on which the land or building is offered for sale, lease or rental.
- (2) Directional signs for City, County, State or Federal uses shall be allowed in all districts, but subject to the provisions of this Ordinance.
- (3) Construction signs (see temporary signs).
- (4) Special events (see temporary signs).
- (5) Signs in side or rear yards shall be located so as to be their height plus one foot from the adjacent property line. Signs in the front yard shall be their own height plus one foot from the adjoining right-of-way line.

##### (b) Restrictions

- (1) Illumination - It shall be unlawful to erect or maintain any illumination sign which does not have a light sources of continuous intensity and color or which interferes with the readability or visibility of any traffic or safety sign.
- (2) Official Signs - It shall be unlawful to erect or maintain signs which resemble an official traffic or safety sign and it shall also be unlawful to display the words "Stop", "Go Slow", "Caution", "Danger", "Warning" or other words commonly use to draw attention to traffic or roadway hazards by governmental or construction signs.
- (3) Obstruction of Vision at Intersections
  - a. No sign shall be located between two and a half (2.5) and ten (10) feet in height in relation to the road surface within any required front yard.

(4) The height of signs shall not exceed the height regulations of the zoning district in which they are located or the height of the principal buildings.

(5) Signs Distance from Streets

- a. No sign shall be located in, nor extend into, any street right-of-way.
- b. Signs shall not be closer than 6 feet from the edge of the shoulder, or if none, 12 feet from the edge of the travelled way in non-commercial districts. In commercial districts two (2) feet of working minimum is required, however, a clearance of one (1) foot from the curb face is permissible where sidewalk width is limited or where existing poles are close to the curb.
- c. Off-site signs shall conform to all front-yard setbacks.
- d. All signs shall either be so designed as to minimize the impact forces of collisions or otherwise protect motorists adequately by a physical barrier or guardrail of suitable design.

(7) Temporary Signs - No temporary or portable signs shall be allowed except as set forth herein and which is permanently affixed to building, pole, standard or structure located on the same property and allowed under the provisions of this Ordinance.

- a. Street Banners - It shall be unlawful for any person to have placed across or upon any 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, parade or electoral event and shall be allowed only 24 hours before and after the event.
- b. Posters - Shall only be authorized in conjunction with an official, civic, or philanthropic or electoral event and shall be allowed only one month prior and 24 hours after the event.
- c. 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 display on a vehicle in operable condition carrying all current valid licenses tags or plates as required by all governmental authorities.
- d. Construction - Construction signs shall be allowed in all districts during the actual period of construction and shall be limited in size to 64 square feet. The sign announcement shall be limited to the project name,

sponsor or funding agent, owner, general contractor and subcontractors, architect or engineer.

- e. Special Events - Civic, philanthropic, or publicly sponsored events shall be allowed one on-site sign 32 square feet in area and two directional signs, each of which may not exceed 16 square feet in area. Such signs shall be allowed seven (7) days prior to and 24 hours after said event.
- f. Public Property - No signs shall be located on or extend over any public property, right-of-way or easement except for official signs of City, County, State or Federal Origin.

(c) Exemptions

The following signs shall be exempt from the general provision of this chapter, except provisions governing the placement of signs on public properties, right-of-ways, easements or in relation to side or rear property lines or front right-of-way lines. Said sign shall be an on-site sign.

- (1) Signs less than one square foot which identify street number, owner names, occupant name, professional name, and home occupations are allowed herein.
- (2) Official national, state or municipal flags, properly displayed.
- (3) Signs, less than one square foot, identifying merchandise, or manufacturer offered for sale if on a dispensing machine or inside premises or on windows.
- (4) Signs wholly within buildings.
- (5) Signs not exceeding one square foot noting garage sales providing it is on-site.
- (6) Historic or commemorative plaques.
- (7) Gravestones.

3. On-Site Signs

(a) Permitted Districts

On site signs shall be permitted only in the B-1, B-2, M-1, and M-2 districts.

(b) Size of Signs

- (1) On-site signs shall have an allowable area of one(1) square foot for each foot of road frontage not to exceed 100 square feet in the B-1 and B-2 districts.

- (2) On-site signs shall have an allowable area of one (1) square foot for each foot of road frontage not to exceed 350 square feet in the M-1 and M-2 districts.

4. Off-site Signs

(a) Permitted Districts

Off-site signs shall be permitted only in the M-1 and M-2 districts.

(b) Size of Signs

Off-site signs shall have an allowable area of one (1) square foot for each foot of road frontage of the advertised location not to exceed 350 square feet.

(c) General Provisions

- (1) The off-site sign shall be located no less than 1,000 feet from any other off-site sign on the same side of the street.
- (2) The off-site sign shall be constructed of nonflammable materials.
- (3) The off-site sign shall be lighted by indirect lighting oriented so as to prevent any glare to residential properties or traffic on adjacent streets.

5. Non-Conforming Signs - It is the intent of this chapter to provide for the orderly elimination of all nonconforming signs. Any lawfully erected sign may continue to be maintained exactly as it existed prior to the enactment of these provisions except as provided below.

No Non-Conforming Sign:

- (a) Shall be changed to another non-conforming sign.
  - (b) Shall have any changes in the words, logo or symbols which are part of a message unless the sign is an off-site sign or bulletin board.
  - (c) Shall be structurally altered so as to prolong the life of the sign, increased in size, or shape, or type, or design.
  - (d) Shall be re-established after damage or destruction if the estimated expense of construction exceeds 50% of the value of the original structure.
  - (e) Shall be re-established after the activity or name of the business or ownership shall have changed requiring a change in the sign name or advertisement itself.
6. Permits. From and after the effective date of this Ordinance, it shall be unlawful for any person to erect, construct, enlarge, or covert any sign without first obtaining a sign permit as required by this Ordinance. Each

sign permit shall become null and void if work is not commenced within one-hundred twenty (120) days from the date of such permit.

(a) Application for Permit

All applications for permit must be reviewed by the Building Inspector, and shall be accompanied by such information as may be required to assure compliance with all appropriate laws and regulations of the Town of Brighton including:

- (1) Name and address of owner of the sign.
- (2) Name and address of owner and of the person or persons in possession of the premises where the sign is located or to be located.
- (3) A drawing clear and legible drawn to a scale of 1" equal 10 feet with a description definitely showing location of the sign which is the subject of the permit and all other existing signs whose construction required permits, when such signs are on the same premises.
- (4) Signature of applicant
- (5) Signature of property owner shall be followed by statement to read as follows:

I am aware of and in agreement with the application of the above requested sign. I am aware that the responsibility for conformance with the provisions of the Brighton Zoning Ordinance shall revert to me if the applicant should no longer be located at the above address. this responsibility may include removal of the sign as required by this Ordinance.

7. Illegal or Abandoned Signs - A sign illegally erected or any sign abandoned from use may be legally removed by order of the Building Inspector after written notification to the owner or property owner of sixty (60) days.

Any such removal shall require that a charge be assessed the sign owner, lessor or property owner.

#### Section 4. TELECOMMUNICATIONS TOWER REQUIREMENTS

1. Purpose- The purpose of this section is to protect the health and enhance the safety of the residents of the Town of Brighton by providing provisions relative to controlling the height, number and light emission of telecommunication towers in the Town.
2. Applicability – All new telecommunication towers which are defined as any system of wires, poles, rods, reflecting discs, or similar devices that exceed a height of 20 feet, are not constructed upon a residential structure and are used for the transmission or reception of electromagnetic waves shall be required to submit a site plan for approval.
3. Plan Requirement- Prior to the issuance of a building permit for the construction of a tower or the utilization of an existing utility structure for telecommunications purposes, a site plan shall be submitted and reviewed in accordance with the provisions of the Site Plan Review requirements in Article 8, Section 8.1 of this ordinance and the following provisions:
  - a. All new telecommunications towers not on an existing utility structure shall show the location of the tower and accessory structure and the location of two (2) future antenna arrays and accessory structures.
  - b. A letter of intent from the owner allowing for the shared use of the tower.
  - c. A letter from a professional engineer certifying that the tower's height and design complies with these regulations and all applicable structural standards and, also, describes the tower's capacity which includes the number and type of antennas that can be accommodated.
  - d. A letter indicating why all existing towers within 1 mile radius of the proposed tower cannot be utilized.
4. Permitted Uses – All telecommunications towers shall be governed by the uses permitted and uses permitted on appeals section of each district with all uses being governed by the Standard Industrial Coding Manual>
5. Prohibited Uses - All telecommunication towers that exceed a height of 20 feet constructed in a lattice type manner and any tower that is not specifically permitted as a use permitted or permitted on appeal the Town of Brighton shall be specifically prohibited.
6. Type – All new telecommunications towers that exceed a height of 25 feet shall be of a monopole type structure. No lattice type telecommunication towers or antennas shall be permitted in the Town of Brighton.
7. Accessory Uses and Structures
  - a. A telecommunications tower, as defined in this section, shall not be considered as an accessory use to any permitted use or use permitted on appeal in any district in the Town of Brighton. For the purpose of

this section, transmission, switching and receiving buildings that provide for the operation of the tower, shall be considered as accessory uses. Any building that allows for the conduct of business or requires partial occupation by a person or persons for any part of a day shall not be considered as an accessory structure to a tower.

- b. A utility structure shall be limited to no more than 2 accessory buildings or structures at the base of the power line structure or water tower.

## 8. Structural Requirements

- a. All new telecommunications towers not on an existing utility structure within the Town of Brighton shall be designed to accommodate a minimum of 3 antennae arrays.
- b. All telecommunications towers on an existing utility structure shall be designed to accommodate a minimum of 2 antenna arrays.
- c. All new telecommunications towers, whether freestanding or on an existing utility structure shall be designed to withstand winds of a minimum of 70 miles per hour with half an inch radial ice.

## 9. Setback

- a. All telecommunications towers and accessory structures that are not constructed on an existing utility structure shall be setback from the property lines a distance equal to 20 percent of the tower height or the district yard requirements, whichever is greater. The setback shall be measured from the security fence to any surrounding property lines.
- b. In instances when a telecommunications tower and accessory structures are constructed adjacent to a residential district, either immediately adjacent to such property or across a public way, the minimum setback from a residential lot line or a residential district, measured from the security fence, shall be 100 percent of the tower height.

## 10. Co-Use of Utility Structures

The co-use of existing utility structures on the Town of Brighton shall be encouraged on existing power line structures exceeding 30 feet in height and water towers.

## 11. Height

No tower shall exceed a height of 150 feet. In instances when a tower is to be located upon or within an existing utility structure, which is defined as an existing power line structure that exceeds 30 feet or an existing water tower, the maximum height shall not exceed the height of the structure plus 15 feet.

12. Shared Use

The shared use of existing towers within the Town of Brighton shall be encouraged through the requirement of having all new towers designed for additional users. All proposals for a new telecommunications tower shall demonstrate, through documentation, that no existing towers within a one mile radius of the proposed tower will accommodate a new antenna array for one or more of the following reasons:

- a. The planned antenna array equipment would exceed the structural capacity of all existing or approved towers and existing utility structures and said towers and structures cannot be upgraded at a reasonable cost.
  - b. The planned equipment would cause radio frequency (RF) interference with other existing or planned equipment.
  - c. The planned equipment would not function effectively and reasonably on an existing tower or utility structure.
  - d. Geographic services requirements would prevent the co-use of an existing tower or utility structure.
13. Security – All telecommunications towers, whether freestanding or on an existing utility structure, be secured through the installation of a security fence/wall system of a minimum height of 8 feet or the height of the accessory structures, whichever is greater.
14. Landscaping – All freestanding towers and utility structures shall have a 4 foot wide landscaping strip around the perimeter of the security fence. The landscaping strip shall be installed for the permanent year round protection of adjacent property owners by visually shielding the contents at the base of the tower from adjoining property owners. The landscaping strip shall consist of a combination of trees, shrubs, vines and other ground covers that are expected to grow to a height of 8 feet. The landscaping provisions of this section may be varied or reduced if the proposed plan provides for unique and innovative landscaping treatment or there are existing physical features that meet the intent and purpose of this section.
15. Vehicle Access/Parking
- a. The location and design of driveways and/or access easements to the facility from a public street shall be depicted on the site plan and shall be approved by the Planning Commission in accordance with access control regulations within this ordinance.
  - b. No parking spaces shall be required for the site since the site shall not have workers that remain at the site on a full-or part-time basis.
16. Lighting
- a. Towers: No artificially lighted tower shall be permitted in the Town of Brighton. If a proposed tower is required to be lighted by the FAA

(General Aviation Administration), then the applicant shall be required to reduce the height of the tower or move the tower to eliminate the requirement for lighting.

- b. Structures: Outside lighting of structures, if required for safety and security purposes, shall be of a sensory fashion in which illumination offers only when this site is approached. The lighting shall be arranged to minimize glare and reflection on adjacent properties and public streets.

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

#### Section 5. Provisions Governing Modular Homes

1. The unit must be installed on a permanent masonry foundation system in compliance with all applicable requirements of the Southern Standard Buildings Code.
2. The home must be covered with an exterior material customarily used on conventional dwellings. The exterior material shall extend to the ground except that the exterior covering material need not extend below the top of the foundation.
3. The hitches or towing apparatus, axles and wheels must be removed.
4. The roof must be pitched so there is at least a four inch vertical rise for every twelve (12) inches of horizontal run. The roof must consist of material that is customarily used for conventional dwellings including, but not limited to approved wood, asphalt composition shingles or fiberglass or metal roof.
5. The unit must be oriented on the lot so that its long axis is parallel with the street.
6. All such units shall be required to connect to a public utility system which includes gas, electric, water and sewer in compliance with the Southern Standard Building Code and National Electric Code.

ARTICLE IX  
DEFINITIONS

Section 1. Definitions in General

Except as specifically defined herein all words used in this Ordinance have their customary dictionary definitions where not consistent with the context of the ordinance. The term "shall" is mandatory. Words used in the present shall include the future; the singular number shall include the plural and the plural the singular number; the word "building" shall include the word "structure". In case of conflict between building code or dictionary definitions with the definitions contained in this Ordinance, the definition herein shall prevail.

The categories established herein to define the permitted uses are derived from the Standard Land Use Coding Manual and adapted to the particular needs of the Town of Brighton. The Standard Land Use Coding Manual, provided as an supplement of this Ordinance is intended to serve as a guide in the determination of what uses are permitted in all districts.

Section 2. Definitions

**Accessory Building and Use:** A detached building or use subordinate to the principal building or use on the same lot and serving a purpose naturally and normally incidental to the principal building or use including swimming pools and satellite dishes.

**Agriculture:** See Code 81 of the Standard Land Use Coding Manual.

**Agricultural Related Activities:** See Code 82 of the Standard Land Use Coding Manual.

**Alley:** A thoroughfare which affords only a secondary means of access to the abutting property has a right-of-way width of thirty (30) feet or less.

**Amusement:** An establishment which provides: arcade type entertainments including such items as pinball machines, video games and pool tables; miniature golf; or other amusements. (See Code 73 in the Standard Land Use Coding Manual)

**Automobile Storage Yard:** Any land use for the parking and/or storage of one or more abandoned or impounded operable vehicles for which compensation is received.

**Base Flood:** See one-hundred year flood.

**Billboards:** See Signs - Off site.

**Buffer Strip:** A strip of land, established to protect one type of land use from another with which it is incompatible, which is landscaped and kept in perpetual open space uses.

**Building:** Any structure designed or built for the support enclosure, shelter or protection of persons, animals, chattels, or property.

**Building, Height of:** The vertical distance as measured from the finished grade at the front line of the building to the highest point of the structure.

**Building Line - Front, Side, Rear:** Lines which define the required area for the front, side and rear yards, as set forth in this Ordinance. This line is usually fixed parallel to the lot line and is equivalent to the required yard.

**Building, Main or Principal:** A building in which the primary use of the lot is conducted.

**Business Service:** An establishment which provide aid or merchandise to retail trade establishments including: advertising firms; consumer and mercantile credit reporting and collection firms; duplicating, mailing and stenographic services; dwelling and building cleaning services; photo finishing; and trading stamp service (see Code 63 in the Standard land use Coding Manual).

**Clinic:** Any establishment housing facilities for medical or dental diagnosis and treatment exclusive of major surgical procedures for patients who are not kept overnight on the premises (see codes 6511, 6512 and 6517 in the Standard Land Use Coding Manual).

**Commercial:** Activities related to the provision of products and services. See retail and wholesale trade; financial, business, personal and professional services.

**Communication:** See Code 47 in the Standard Land Use Coding Manual.

**Community Facilities:** As mentioned in the mobile home section shall mean recreational facilities and Laundromats to serve the development. See also Public Uses, Public Utilities.

**Condominium-Residential:** A multi-family or townhouse development where the individual units are owned separately with common ownership of the land surrounding the development.

**Cultural Activity:** Any institution concerned with the appreciation of nature and the humanities such as but not limited to museums, art galleries, historic sites and aquariums (see Code 71 in the Standard Land Use Coding Manual).

**Density:** Number of units per acre allowed by this Zoning Ordinance.

**District:** Any section or sections of the Town of Brighton for which the regulations governing the use of land and use, density, bulk, height, and coverage of buildings and other structures are uniform.

**Driveway:** A paved or graveled way, on private property, providing access from a public way, street or alley, to the main buildings, carport, garage, parking space or other portion of the premises.

**Dwelling:** A building or portion thereof which is designed for or used for human residential habitation. For the purpose of this Ordinance, the term "dwelling" shall not include boarding or rooming houses, motels, hotels, or other structures designed for transient residence.

**Dwelling-Mobile Home:** See Mobile Home

**Dwelling, Single-Family - Detached:** A building designed for or occupied exclusively by one (1) family which has no connection by a common wall to another building or structure similarly designed.

**Dwelling, Two-Family:** A building designed to be occupied by two (2) families, living independently of each other and having one wall common to both dwelling units.

**Dwelling, Multiple-Family:** A building designed to be occupied by three (3) or more families living independently of each other. (Also see condominiums, residential, and Dwelling, Townhouse)

**Dwelling, Townhouse:** An attached residential dwelling unit for occupancy by one (1) family constructed in a row with each unit occupying at least (2) stories. Each dwelling unit is separated from the adjoining unit in each story by an adjoining fire resistant wall which has no openings in it and extends from the lowest floor through the roof with each dwelling unit having independent access to the exterior in the ground floor, (also see condominium, residential).

**Dwelling Unit:** One or more rooms designed as a unit for occupancy by one (1) family for cooking, living, and sleeping purposes, which is part of a two-family, or multi-family structures.

**Education Services:** Established schools including primary, secondary, universities, colleges, junior colleges and various private facilities such as correspondence schools and art, dance and music schools (see Code 68 in the Standard Land Use Coding Manual).

**Essential Services:** The erection, construction, alteration, or maintenance by public utilities or municipal departments, or commissions, of underground or overhead gas, electrical, steam, or water transmission or distribution system, including poles, wires, mains, drains, sewers, pipes, conduits, cables, traffic signals, in connection therewith, but not including buildings or substations reasonably necessary for the furnishing of adequate services by such public utilities or municipal departments or commissions, or for the public health or safety or general welfare.

**Exterior Boundary:** See Exterior Yard.

**Exterior Yard:** A yard adjacent to the side or exterior boundaries of a mobile home park, a multi-family development or planned commercial development which is clear of any structures.

**Factory Built Housing** - A factory built structure designed for long term residential use. For the purposes of these regulations, factory built housing consist of three (3) types: modular homes, mobile homes and manufactured homes.

**Family:** One or more persons related by blood, marriage, or other legal arrangement, or a group of unrelated individuals, not to exceed two persons per bedroom of the house occupied, living as a single non-profit housekeeping unit.

**Finance, Insurance and Real Estate Services:** Those establishments which provide banking or bank related functions and insurance and real estate brokers. (See Code 61 in the Standard Land Use Coding Manual).

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

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

**Floodway Fringe Areas:** Lands lying outside a designated floodway but within the areas subject to inundation by the 100-year flood.

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

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

**Garage, Private:** A building or portion thereof for the storage of motor vehicles owned or used by the residents.

**Governmental Agency:** An agency of the Federal, State, or the Local Government or any combination thereof.

**Governmental Services:** See Code 67 of the Standard Land Use Coding Manual.

**Grade:** The ground elevation used for the purpose of regulating the height of building. The ground elevation used for this purpose shall be the average of the finished ground elevations at the front line of the building.

**Gross Floor Area:** The total floor area within the walls of a structure.

**Group Quarters:** See Code 12 in the Standard Land Use Coding Manual.

**Ground Sign:** A sign mounted at ground level, the height of which is no more than six (6) feet from the surrounding ground level except in instances of malls and shopping centers, the face of which begins no more than 36" above the surrounding grade.

**Habitable Space:** Areas within the building designed and/or used as living quarters for human beings.

**Hazardous Substance:** Any compound or use that can pose a substantial present or potential hazard to health or the environment when improperly treated, handled, stored, transported, disposed of or otherwise managed as defined by Section 68-27-102 of the Tennessee Code Annotated, or listed as hazardous or toxic by the Tennessee Department of Public Health or the U.S. Environmental Protection Agency.

**Health Officer:** The health officer of Tipton County.

**Height:** See Building, height of.

**Incidental Home Occupation:** A venture for profit which is incidentally conducted in a dwelling unit as an accessory to the residential use provided that: the venture is conducted in the principal building; all persons engaged in the venture are residents of the dwelling unit; no more than twenty (20) percent of the total ground floor area is used for the venture and no evidence of the venture is visible from any public way. The incidental home occupations shall include: arts and crafts; dressmaking and sewing; individual instruction of music or art; individual tutoring; professional services where clients are served one at a time and distributor type sales of merchandise such as Amway or Avon in which clients generally do not come to the residence.

**Industry:** See Manufacturing

**Institution:** A building occupied or operated by a non-profit society, corporation, individual foundation or governmental agency for the purpose of providing charitable, social, educational or similar services of a charitable character to the public.

**Kindergartens:** See Nursery School

**Landscaping:** A planted and maintained area of trees, shrubs, lawns, and other ground cover or materials designated to present an aesthetic buffer between properties and adjoining uses or street areas.

**Loading Space:** An off-street space on the same lot with a building or group of buildings for temporary parking of a vehicle while loading and unloading merchandise or materials.

**Lot:** A legally recorded parcel of land.

**Lot Area:** The total horizontal area included within lot lines.

**Lot, Corner:** A lot abutting upon two (2) or more streets at their intersection. (See A in illustration 3)

**Lot, Double Frontage:** A lot having a frontage on two (2) non-intersecting streets as distinguished from a corner lot. (See C in illustration 3)

**Lot of Record:** A parcel legally recorded in the Office of the Tipton County Register of Deeds prior to the date of the adoption of this Ordinance.

**Lot Coverage:** The lot area covered by all buildings located therein.

**Lot Width:** The horizontal measurement at the building line.

**Manufactured Home:** For the purpose of interpreting the term "Manufactured Home" as used with the Flood Hazard District Section Manufactured Home means a structure, transportable in one or more sections, which is built on

a permanent chassis and is designed for use with or without a permanent foundation when connected to the required utilities. For floodplain management purpose the term manufactured home also includes park trailers, travel trailers, and other similar vehicles placed on a site for greater than 180 consecutive days. For insurance purposes, the term manufactured home does not include park trailers, travel trailers, and other similar vehicles.

In areas outside the flood hazard district the term Manufactured Home shall mean the following:

A residential dwelling, transportable in two or more sections, which is built on a permanent chassis and designed to be used as a dwelling with or without a permanent foundation when connected to the required utilities and includes the plumbing, heating, air conditioning and electrical systems contained therein. A manufactured home having the same general appearance as a site built home shall be allowed on individual lots in any residential district provided the following conditions are met:

- (1) The unit must be installed on a permanent foundation system in compliance with all applicable requirements of the Southern Standard Building Code.
- (2) The home must be covered with an exterior material customarily used on 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.
- (3) The hitches or towing apparatus, axles and wheels must be removed.
- (4) The roof must be pitches so there is at least a two-inch vertical rise for each twelve (12) inches of horizontal run. The roof must consist of material that is customarily used for conventional dwellings including, but not limited to approved wood, asphalt composition shingles or fiberglass shingles, but excluding corrugated aluminum, corrugated fiberglass or metal roof.
- (5) The unit must be oriented on the lot so that its long axis is parallel with the street.
- (6) All such units shall be required to connect to a public utility system which includes, gas, electric water and sewer in compliance with the Southern Standard Building Code and National Electrical Code.

**Manufacturing:** The production of a product at a fixed site (see Code 21 through 39 in the Standard Land Use Coding Manual).

**Medical Services:** Those establishments which provide aid or merchandise relating to or concerned with the practice of medicine; excluding sanitariums, convalescent and rest home services. (See Code 651 in the Standard Land Use Coding Manual)

**Mobile Homes:** A factory-assembled, movable dwelling unit designed and constructed to be towed on its own permanent chassis, comprised of frame and wheels, to be used with or without a permanent foundation for permanent occupancy, but with the necessary service connections for required utilities, and distinguishable from other types of permanent dwellings in that the standards to which it is built include provisions for its mobility on that chassis as a vehicle.

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

**Mobile Home Park:** Any plot of ground upon which two or more mobile homes are parked for occupancy as dwelling units.

**Modular Home:** A residential dwelling which is a structural unit or pre-assembled component unit including the necessary electrical, plumbing, heating, ventilating and other service systems, manufactured off-site and transported to the point of use for installation or erection, with or without other specified components, as a finished building and not designed for ready removal to another site.

**Motor Vehicle Transportation:** Transportation services including bus, taxi and motor freight transportation. (See code 42 of the Standard Land Use Coding Manual)

**Non-conforming Sign:** A sign which lawfully existed prior to the adoption of the Brighton Zoning Ordinance and subsequent amendments but which no longer conforms to the regulations.

**Non-conforming Use:** Any use of building or premises which lawfully existed prior to the adoption of, or amendment of this Ordinance, but which no longer comply with the use regulations of the district in which it is located.

**Noxious Matter:** Material (in gaseous, liquid, solid, particulate, or any other form) which is capable of causing injury to living organisms by chemical reaction or is capable of causing detrimental effects upon the social, economic, or psychological well-being of individuals (also see toxic materials).

**Nursery:** Refers to the various arrangements made by parents for the care outside their home of children under seventeen (17) years of age, for less than 24-hour periods as provided in Tennessee Code Annotated, Section 14-1-101 through 14-10-105 as well as all pertinent rules regulations, and standards of the Tennessee Department of Human Services.

**Nursery School:** A building or structure used for the care of children as defined herein. Such a facility normally includes one of the following types.

- (1) **Family Day Care Home:** A home operated by any person who receives pay for providing less than 24-hour supervision and care, without transfer of custody, for 5, 6, or 7 children under 17 years of age, who are not residents of the household. A license is not required for a house providing care for fewer than 5 children.
- (2) **Group Day Care Home:** Any place operated by a person, social agency, corporation, institution, or other group which receives 8 or more children under 17 years of age, for less than 24 hours per day, for care outside their home, without transfer of custody. A group day care home may care for no more than 12 children.
- (3) **Day Care Center:** A place operated by a person, social agency, corporation, institution, or other group that receives pay for the care of 13 or more children under 17 years of age for less than 24 hours per day, without transfer of custody.

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

**Pads:** The surface on which a trailer is located consisting of concrete footings and a support of the trailer.

**Parks:** An open area set aside for leisure activities which is not used for the operation of a profit making venture, such as but not limited to playgrounds, athletic or playfields and picnic areas.

**Parking Space-Required:** A paved and properly drained area, enclosed or unclosed, required by this Ordinance to be permanently reserved for parking one (1) motor vehicle. Each required parking space shall have a minimum area of two hundred (200) square feet and not less than ten (10) feet wide, exclusive of driveways and shall be connected with a public street, alley or by a paved driveway affording safe and convenient ingress and egress. Except on lots occupied by single-family and two-family dwellings, parking spaces and driveways shall be arranged as to provide for both ingress and egress by forward motion of the parked or parking vehicle.

**Periphery Boundary:** (See Exterior Yard)

**Personal Services:** Services which include laundry, beauty, funeral, and other services to individuals. (See Code 62 in the Standard Land Use Coding Manual).

**Philanthropic Institution:** An organization which distributes funds for humanitarian purposes or which is supported by public donations and which has as its principal activity the promotion of human welfare. This shall include, but not be limited to: civic clubs; organizations such as Lions, Moose, Elks, United Way, etc.

**Principal Building:** A building in which is conducted the primary use of the lot on which it is located.

**Principal Use:** The specific primary purpose for which land or a building is used.

**Professional Services:** Those services normally provided by the established professions such as, but not limited to, physician services, dental services, legal services, engineering services, architectural services and accounting services, not to include sanitariums, convalescent and rest home services. (See Code 65 in the Standard Land Use Coding Manual).

**Public Assembly Facility:** Any of the following types of institutions or installations where community activities are typically performed such as: parochial and private clubs, lodges, meeting halls, recreation centers and areas; temporary festivals; theaters; public, parochial and private museums and art galleries; places of worship, including any structure or site such as a church, synagogue, chapel, sanctuary or cathedral, used for collective or individual involvement with a religious activity, such as rites, rituals, ceremonies, prayer and discussion; public community centers and recreational areas such as playgrounds, playfields and parks.

**Public Uses:** Facilities such as, but not limited to parks, schools, and offices owned and operated by governmental bodies.

**Public Utility:** Any plant or equipment for the conveyance of telephone messages or for the production, transmission, delivery of, or furnishing of heat, chilled air, chilled water, light, power or water, or sewage facilities, either directly or indirectly to or for the public (see Codes 47 and 48 except Code 4823 and 485).

**Real Estate Sign:** A sign indicating that a parcel is for sale or rent. This shall include sold signs and signs that indicate that a parcel or structure has been sold through words such as "future home of company b".

**Recreational Activities:** Sports activity, playground and athletic areas, swimming areas, marinas and other similar activities. (See Code 74 of the Standard Land Use Coding Manual).

**Recreational Vehicle:** A trailer towed behind a car or a self propelled vehicle intended for use as a temporary recreational dwelling.

**Repair Services:** Those establishments which fix, mend or overhaul merchandise for households or businesses, not to include automobile body shops (See Code 64 in the Standard Land Use Coding Manual).

**Retail Trade:** Those establishment engaged in selling merchandise for personal or household consumption and rendering services incidental to the sale of goods. (See Code 52 through 59 in the Standard Land Use Coding Manual).

**Schools, Parochial:** An institution of learning owned and/or operated by a recognized church or religious institution.

**Signs:** Any device designed to inform, or attract the attention of persons which presents a name, symbol, logo or advertisement for services or products offered on or off-site as allowed under the regulations of this Ordinance. The term sign shall include the sign structure and all attachments, if attached to a structure, or ground mounted, shall include a base, poles, mounts or attachments from the ground level upward.

**Sign-Ground Mounted:** (See Ground Sign)

**Sign, Off-Premise, Off Site:** Signs advertising products or services for sale on a site other than the site the sign is located.

**Sign, On-Premise, On Site:** Signs advertising products or services for sale on the same site as the sign is located.

**Site Plan, Sketch Plan, General Plan:** A plan delineating the overall scheme of the development of a tract including all items as specified in this Ordinance.

**Special Exception:** A use allowed on appeal to the Board of Zoning Appeals.

**Start of Construction:** For other than new construction or substantial improvements under the Coastal Barrier Resources Act, P.O. 97-341, including substantial improvement, and means the date the building permit was issued, provided the actual start of construction, repair, reconstruction, rehabilitation, addition or improvement was within 180 days of the permit date. The actual start means the first placement of permanent construction of a structure (including a manufactured home) on a site, such as the pouring of slabs or footings, installation of piles, construction of columns, or any work beyond the stage of excavation or the placement of a manufactured home on a foundation. Permanent construction does not include land preparation, such as clearing, grading and filling; nor does it include 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 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.

**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 shall not be counted as a story.

**"Half Story":** A story under a slopping roof, the finished floor area which does not exceed one half the floor area of the floor immediately below it, or a basement used for a human occupancy, the floor area of the part of the basement thus used not to exceed fifty (50) percent of the floor area of the floor immediately above.

**Street or Road:** A way for vehicular traffic, whether the road is designed as an avenue, arterial, collector, boulevard, road, highway, street, expressway, lane, alley or other way, and for the purpose of these regulations "roads" are divided into the following categories.

- (1) **Arterial Street:** A major street used primarily for heavy through traffic which will be so designated on the Brighton Major Road Plan.
- (2) **Collector Street:** A street designed to carry traffic from minor streets to the major road system including the principal entrance streets to a residential development and the streets for major circulation within such a development. Collector streets are usually designed as such on the Brighton Major Road Plan.
- (3) **Cul-de-sac or Dead-end Street:** A local street with only one outlet for which there are no plans for extension and no need for extension.
- (4) **Marginal Access Street:** A minor street which is constructed parallel and adjacent to an arterial street for the purpose of providing access to abutting properties and protection from through traffic.
- (5) **Minor Residential or Local Streets:** A neighborhood or commercial area street used primarily for access to the abutting properties.

**Street Line:** The property line which bounds the rights-of-way set aside for use as a street. Where sidewalks exist and the location of the property line is questioned, the side of the sidewalk farthest from the travelled street shall be considered as the street line.

**Street Center Lines:** The center of the surface roadway or the surveyed center line of the street.

**Temporary Sign:** Any sign which is by reason of construction or purpose to be allowed for a short period of time, with the exception of real estate signs.

**Temporary Signs:** Temporary signs shall include any sign, banner, pennant, valence or advertising display constructed of wood, metal, cloth, canvas, light fabric, cardboard, wallboard or other light material, with or without frames, where either by reason of construction or purpose the sign is intended to be displayed for a short period of time only (31 days or less). Temporary signs shall include but not be limited to street banners, posters, construction signs, real estate signs, model signs, special event signs, and attachment of portable signs to a site shall not change the signs to permanent signs.

**Temporary Structure:** A movable structure (anything constructed or erected) which either is not permanently attached to a permanent foundation, concrete slab or footing, or which is equipped with a permanent steel chassis.

Temporary structures shall be a special exception in commercial and industrial zones and shall be subject to all provisions set forth by this Ordinance for special exceptions. Temporary structures may be used only for office, commercial, industrial or public uses. No residential uses shall be allowed within a temporary structure.

Temporary structures may not be permitted to exist in any one location in excess of a consecutive twelve month period unless expressly authorized by the Board of Zoning Appeals following public hearing procedures as set forth by this Ordinance for special exceptions.

An extension may be granted and approved by the Board of Zoning Appeals only if the applicant has demonstrated good faith/effort toward construction of a permanent structure prior to the request for extension. Financial considerations may not be considered

**"Total Floor Area":** The area of all floors of a building including finished attics, finished basements, covered porches, and carports.

**Toxic Materials:** Material (gaseous, liquid, solid, particulate, or any other form) which is capable of causing injury to living organisms by chemical recreation even when present in relatively small amounts.

**Transient Lodging:** Temporary lodging as set forth in Code 15 of the Standard Land Use Coding Manual.

**Usable Floor Area:** Measurement of usable floor area shall be the sum of gross horizontal areas of the several floors of the building, measured from the interior faces of the exterior walls. Floor area

which is used or intended to be used principally for the storage or processing of merchandise or for utilities shall be excluded from this computation.

- (1) For the purposes of computing parking, usable floor area shall be that area used or intended to be used for the sale of merchandise or services, or for use to serve patrons, clients, or customers.
- (2) Where detailed floor plans are not available, the following shall apply:
  - a. **Commercial Building** - usable floor area shall equal 75% of the gross floor area.
  - b. **Office buildings other than medical office** - usable floor area shall equal 80% of the gross floor area.
  - c. **Medical Office Buildings** - usable floor area shall equal 85% of the gross floor area.

**Use:** The special purpose for which land or a building is designed, arranged, intended, or for which it is or may be occupied or maintained. The term "permitted use" or its equivalent shall not be deemed to include any non-conforming use.

**Utilities:** Gas, water, electricity, sewer and telephone services provided by government agencies or private companies (See code 48 in the Standard Land use Coding Manual).

**Variance:** A modification of the strict application of the area (lot, yard and open space) regulations and development standards of this Ordinance due to exceptionally irregular, narrow, shallow, or steep lots, whereby such strict application would result in practical difficulty or unnecessary hardship which would deprive an owner of reasonable use of the property.

The salient points of a variance are (1) undue hardship caused by exceptional physical irregularities of the property; and (2) unique circumstances due to the exceptional physical irregularities; and, (3) strict application of the area regulations and development standards which would deprive an owner of reasonable use of the property. A variance is not justified unless all three elements are present.

**Veterinary Hospital or Clinic:** Any establishment maintained and operated by a licensed veterinarian for the surgery, diagnosis and treatment of diseases or injuries of animals. Such an establishment may include accessory boarding facilities provided they are located within the building. (See Code 8221 and 8222 Standard Land Use Coding Manual).

**Warehouse:** A structure used exclusively for the storage of merchandise or commodities.

**Wholesale Trade:** Establishments or places of business primarily engaged in selling merchandise to retailer, to industrial, commercial, farm, or professional business users, or to other wholesalers, or acting as agents or brokers in buying merchandise for, or selling merchandise to such persons or companies. (See Code 51 in the Standard Land Use Coding Manual).

**"Yards":** Any open space on the same lot with a principal building open, unoccupied and unobstructed by building from the ground to the sky except as otherwise provided in this Ordinance. The measure of a yard shall be the minimum horizontal distance between any part of the principal building and lot or street right-of-way lines.

- (1) **"Front Yard":** The yard extending across the entire width of the lot between the front lot line, and the nearest part of the principal building. On corner lots, the yards adjacent to both streets shall be front yards. (See Illustration 1)
- (2) **"Side Yard":** The yard between the main building and the side line of the lot, and extending from the required front yard to the required rear yard, and being the minimum horizontal distance between a side lot line and the side building line. (See Illustration 1)
- (3) **"Rear Yard":** A yard extending across the rear of a lot between the side lot lines and being the required minimum horizontal distance between the rear lot line and the rear building line. On all lots except corner lots, the rear yard shall be defined at the time the building permit is issued. (See Illustration 1)

**Zoning Districts:** Any section of the City for which the zoning regulations, governing the use of buildings and premises, the height of buildings, the size of the yards and the intensity of use are uniform.

## ARTICLE X

### BOARD OF ZONING APPEALS

#### Section 1. Purpose

The Board of Zoning Appeals is created as an appellate board to review: actions of the Building Inspector; applications for uses permitted by appeal and requests for variances. In all cases the actions of the Board of Zoning Appeals for the Town of Brighton shall be governed as set forth below.

#### Section 2. Creation and Appointment

A Board of Zoning Appeals is hereby established in accordance with Section 13-7-205, Tennessee Code Annotated. The Board of Zoning Appeals shall consist of three (3) members, not more than one (1) of whom shall be a member of the Brighton Municipal Planning Commission and who shall be appointed by the Mayor of the Town of Brighton. The terms of membership shall be four (4) years, except that the terms of two of the members first appointed shall be one (1) and two (2), years respectively. Vacancy shall be filled for an unexpired term by appointment of the Mayor and Town Board.

All members of the Board shall serve with such compensation as may be fixed by the Town Board and may be removed from membership by a majority vote of the Town Board for continued absence or just causes. Any member being so removed shall be provided, upon his request, a public hearing upon the removal decision.

#### Section 3. Appeals: How Taken:

Any 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. The Building Inspector shall be required to specify in writing to the applicant either his approval or rejection and within 30 days time from the date of such approval or rejection the appeal as aforesaid may be taken by filing with the Board of Zoning Appeals a notice of appeals, specifying the ground thereof. The Building Inspector shall transmit to the Board all papers constituting the record of actions taken prior to the request for an appeal. The Board shall fix a notice there as well as due notice to the parties in interest and decide same within a reasonable time. Upon the hearing, any person or party may appear in person or agent or by attorney.

#### Section 4. 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 carrying out or enforcement of any provisions of the Ordinance and for interpretation of the Zoning Map.
2. Special Exceptions: To hear and decide applications for special exceptions as specified in this Ordinance.
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 specific piece of property which at the time of adoption of this Ordinance was a lot of record; or where, by reason of exceptional topographic conditions or other extraordinary or exceptional situation or conditions of a piece of property the strict application of the provisions of the ordinance would result in exceptional difficulties or the exceptional and undue hardship upon the owner of such property, provided that such relief may be granted without the substantial detriment to the public and without substantially impairing the intent and purpose of this Ordinance. Financial disadvantage to the property owner is no proof of hardship within the purpose of zoning and as further explained below.

The Board shall not grant a variance unless it makes findings based upon evidence presented to it as follows:

- (a) The particular physical surroundings, shape, or topographic conditions of the specific property involved would result in a particular hardship upon the owner as distinguished from a mere inconvenience, if the strict application of this Ordinance were carried out.
- (b) The conditions upon which the petition for variance is based would not be applicable, generally, to other property within the same district.
- (c) The variance will not authorize activities in a zoning district other than those permitted by this Ordinance.
- (d) Financial returns alone shall not be considered basis for granting a variance.
- (e) The alleged difficulty or hardships has not been created by any person having an interest in the property after the effective date of this ordinance.
- (f) That granting the variance requested will not confer on this applicant any special privilege that is denied by this Ordinance to other lands, structures, or building in the same district.

- (g) The variance is the minimum variance that will make possible the reasonable use of the land, building, or structure.
- (h) The granting of the variance will not be detrimental to the public welfare or injurious to other property or improvements in the area in which property is located.
- (i) The proposed variance will not impair an adequate supply of light and air to adjacent property, substantially increase the congestion in the public streets, increase the danger of fire, endanger the public safety, or substantially diminish or impair property values with the area.
- (j) The variance is not based on the fact of nonconforming use of neighboring lands, structures or buildings in the same district.
- (k) Under no circumstances shall the Board of Appeals grant a variance to allow a use not permissible under the terms of this Ordinance in the district involved, or any use expressly or by implication prohibited by the terms of this Ordinance in said district.

4. Conditions and Restrictions by the Board

The Board may impose such conditions and restricts upon the premises benefited by a variance as may be necessary to reduce or minimize the injurious effect of such variation upon surrounding property and better carry out the general intent of this Ordinance.

Section 5. Rules and Proceeding of the Board

The Board shall adopt rules for the conduct of its meetings. Such rules shall at the minimum require that:

- 1. The presence of two (2) members shall constitute a quorum and the concurring vote of at least two (2) members of the Board of Zoning Appeals shall be necessary to deny or grant any application before the Board.
- 2. The Board shall elect from its members its own chairman and vice-chairman and secretary who shall serve for one (1) year and may upon election serve succeeding terms.
- 3. Any member of the Board who shall have direct or indirect interest in any property which is the subject matter of, or affected by a decision of the Board shall be disqualified from participating in the discussion, decision, and proceedings of the Board in connection therewith. The burden of revealing any such conflict rests with individual members of the Board. Failure to reveal any such conflict shall constitute grounds for removal from the Board.
- 4. Meeting of the Board of Zoning Appeals.

Meetings shall be held at the call of the chairman and at such other times as the Board may determine. The chairman, or in his absence the acting-chairman may administer oaths and compel the attendance of witnesses.

All meetings shall be open to the public and proper public notice of such meetings shall be given.

5. No action shall be taken by the Board on any case until after a public hearing and notice thereof. Said notice of public hearing shall be published in a newspaper of general circulation in Arlington at least five (5) days before the date set for a public hearing and a written notice of the hearing be sent by mail to the appellant and all directly affect property owners at least five (5) days before the hearing. The notice to appellant shall be sent by registered mail.
6. The Board may call upon any other office or agency of the city government for information in the performance of its duties and it shall be the duty of such other agencies to render such information to the Board as may be reasonably required.
7. The Brighton Planning Commission shall be permitted to submit an advisory opinion on any matter before the Board and such opinion shall be made part of the record of such public hearing.
8. In any decision made by the Board on a variance, the Board shall:
  - (a) Indicate the specific section of this Ordinance under which the variance is being considered, and shall state its finding beyond such generalities as "in the interest of public health, safety and general welfare"; and
  - (b) In cases pertaining to hardship, specifically identify the hardship warranting such action by the Board.
9. At the public hearing of the case before the Board, the appellant shall appear in his own behalf or be represented by counsel or agent. The appeallant's side of the case shall be heard first and those in objection shall follow. To maintain orderly procedure, each side shall proceed without interruption from the other.
10. Right to Entry Upon Land

The Board, its members and employees, in the performance of its work, may enter upon any land within its jurisdiction and make examinations and surveys and place or remove public notices as required by this Ordinance.

**ARTICLE XI**  
**AMENDMENTS**

Section 1. General

The Board of Mayor and Aldermen may, from time to time, amend this Ordinance by changing the boundaries of districts or by changing any other provisions whenever it is alleged that there was an error in the original Zoning Ordinance, or whenever the public necessity, convenience and general welfare require such amendment.

Section 2. Initiation of Amendments

Amendments may be initiated by the Board of Mayor and Aldermen, Planning Commission, or by an application of one or more owners or agents of property affected by the proposed amendment.

Section 3. Application for Amendment - Fee

An application by an individual for an amendment shall be accompanied by a fee set by the Board of Mayor and Aldermen of the Town of Brighton and shall also be accompanied by maps, drawing and data necessary to demonstrate that the proposed amendment is in conformance with the general plan of the area and that public necessity, convenience and general welfare require the adoption of the proposed amendment. Specifically, the application shall contain the following information:

1. Name, address and telephone number of applicant.
2. If different from the applicant, the name, address and telephone number of the owner or other person having a contractual interest in the property for which a zoning district amendment is requested.
3. A plot plan and legal description of each parcel of property proposed to be reclassified.
4. A vicinity map showing the subject property and all adjacent properties. Such vicinity map shall indicate the owner's name and dimensions of each parcel shown.
5. A list of the names and addresses of the owners of each parcel of property shown on the vicinity map.
6. Present zoning classification and use of each parcel of property for which a zoning amendment is requested.
7. If an amendment to the zoning map is requested, the zoning classification requested for each parcel which is the subject of the application.
8. If an amendment to the text of the Zoning Ordinance is requested, the language of the proposed text amendment and a statement of the reason for the requested amendment.

Section 4. Review and Recommendation by the Planning Commission

The Planning Commission shall review and make recommendations to the Board of Mayor and Aldermen on all proposed amendments to this Ordinance.

Section 5. Grounds for an Amendment

The Planning Commission in its review and recommendation and the Board of Mayor and Aldermen in its deliberations shall make specific findings with regard to the following grounds for an amendment and shall note the same in the official record as follows:

1. The amendment is in agreement with the general plan for the area.
2. It has been determined that the legal purposes for which zoning exists are not contravened.
3. It has been determined that there will not be adverse effect upon adjoining property owners unless such adverse effect can be justified by the overwhelming public good or welfare.
4. It has been determined that no property owner or small group of property owners will benefit materially from the change to the detriment of the general public.

## Section 6. Public Hearing and Notice of Hearing

A public hearing shall be held on all proposed amendments to this Ordinance prior to the final reading by the Board of Mayor and Aldermen. Notice of such hearing be displayed as follows:

The City Recorder shall give notice in a newspaper of general circulation within the Town of Brighton at least 15 days, but no more than 30 days prior to the public hearing. This notice shall specify the location, current and proposed zoning classification and it may contain a graphic illustration of the area.

## Section 7. Amendments Affecting Zoning Map

Upon enactment of an amendment to the zoning map which is part of this Ordinance, the Building Inspector shall cause such amendment to be placed upon the zoning map noting thereon the ordinance number and effective date of such amendatory ordinance.

## Section 8. Effect of Denial of Application

Whenever an application for an amendment to the text of this Ordinance or for a change in the zoning classification of any property is denied, the application for such amendment shall not be eligible for reconsideration for one year following such denial, except in the following cases:

1. Upon initiation by the Board of Mayor and Aldermen or Planning Commission.
2. When the new application, although involving any or a portion of the same property, is for a different zoning district than that for which the original application was made.
3. When the previous application was denied for the reason that the proposed zoning would not conform with the general plan and the general plan has subsequently been amended in a manner which will allow the proposed zoning.

## ARTICLE XII

### ADMINISTRATION AND ENFORCEMENT

#### Section 1. Administration

The provisions of this Ordinance shall be administered by a Building Inspector appointed by the Chief Legislative Body. They shall have the power to make inspections of buildings or premises necessary to carry out these duties in the enforcement and administration of this Ordinance.

#### Section 2. Building Permits

Building Permits are required and it shall be unlawful to commence the excavation for the construction of any building, accessory buildings and fences, until the Building Inspector has issued a building permit for such work.

1. Site Plan is to be submitted by the applicant(s) for a building permit. The site plan shall be drawn by a licensed surveyor or licensed engineer showing the actual dimensions and shape of the lot to be built on; any proposed excavations and drainage treatments; the size and location on the lot of buildings already existing, if any; the location and dimensions of the proposed use, building or alteration; the location of all driveways and entrances, and the location and provisions for parking as required by the ordinance.

2. Additional Building Permit Information

Additional building permit information shall include such other information as may be required by the Building Inspector. The information shall include the existing and proposed uses of the buildings and land, the number of families, housekeeping units or rental units on the lot and other such matters as may be necessary to determine conformance with and provided for the enforcement of this Ordinance. No building permit shall be issued until the Building Inspector receives written approval of the proposed provisions for water supply and sewage disposal for the proposed use.

3. Issuance of Building Permit

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 Brighton, 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. The issuance of a building permit shall in no case be construed as waiving any provisions of this Ordinance. A building permit shall become void six (6) months from the date of issuance unless substantial progress has been made by the date on the project described therein.

A complete record of such application sketches and plans shall be maintained in the Office of the Building Inspector.

### Section 3. Certificate of Occupancy

No land or building or part thereof hereafter erected or altered in its use of structure shall be used or occupied 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 fourteen (14) days of receipt by the Building Inspector of a written 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 are found to conform with the provisions of this Ordinance; or, if such certificate is refused, to state such refusal in writing with the cause.

### Section 4. Permits and Applications

Permits and applications shall be utilized as shown in the attached appendix.

**ARTICLE XIII**  
**LEGAL STATUS PROVISIONS**

Section 1. Interpretation

In their interpretation and application, the provisions of this Ordinance shall be held to be the minimum requirements for the promotion of the public health, safety, morals and welfare.

Section 2. Relation to Other Laws and Private Restrictions

1. Where the conditions imposed by any provisions of this Ordinance upon the use of land or buildings or upon the height or bulk of buildings are either more restrictive or less restrictive than comparable conditions imposed by any other provision of this ordinance or of any other law, resolution, ordinance, rule or regulations of any kind, the regulations which are more restrictive shall apply.
2. This Ordinance is not intended to abrogate any easement, covenant or any other private agreement provided that where the regulations of this Ordinance are most restrictive or impose higher standards or requirements than such easements, covenants, or other private agreements, the requirements of this Ordinance shall govern.

Section 3. Ordinance Provisions do not Constitute Permit

Nothing contained in this Ordinance shall be deemed to be a consent, license or permit to use any property or to locate, construct, or maintain any building, structure, or facility or to carry on any trade, industry, occupation or activity.

Section 4. Provisions are Cumulative

The provisions of this ordinance are cumulative with additional limitations imposed by all other laws and ordinances, heretofore passed or which may be passed hereafter, governing any such matter appearing in this Ordinance.

Section 5. Separability

It is hereby declared to be the intention of the Town of Brighton, Tennessee, that the several provisions of this ordinance are separable in accordance with the following.

1. If any court of competent jurisdiction shall adjudge any provision of this Ordinance to be invalid, such judgment shall not affect any other provision of this ordinance not specifically included in said judgement.
2. If any court of competent jurisdiction shall adjudge invalid the application of any provision of this ordinance to particular property, building or other structure, such judgement shall not affect the application of said provisions to any other property building or structure not specifically included in said judgement.

## Section 6. Application of Regulation

No building or other structure shall be constructed, erected, placed or maintained and no land use commenced within the Town except as specifically or by necessary implication, authorized by this Ordinance. Special exception uses are allowed only on permit granted by the Board of Zoning Appeals. Where a lot is devoted to a permitted principal use, customary accessory uses and structures are authorized except as prohibited specifically or by necessary implication.

## Section 7. Scope of Regulation

### 1. New Uses, Lots, Buildings or Other Structures

Upon the effective date of this Ordinance, any new building or other structure or any tract of land shall be used, constructed, or developed only in accordance with the use, bulk, and all other applicable provisions of this Ordinance.

### 2. Existing Uses, Lots, Building or Other Structures

Any existing use, lot, parcel, building or structure legally established prior to the effective date of this Ordinance which does not comply with the provisions shall be subject to the nonconforming use provisions in Article III of this Ordinance.


## Section 8. Violation and Penalty

Any person, firm or corporation violating any of the provisions of this Ordinance shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined not more than fifty dollars (\$50.00). Each day's continuance of a violation shall be considered a separate offense. The owner of any buildings or premises or part thereof, where anything in violation of this Ordinance shall be placed, or shall exist, and any person who may have knowingly assisted in the commission of any such violation, shall be guilty of a separate offense.


Section 9. Effective Date

This Ordinance shall be in force and effect from and after its passage on second and final reading and adoption, the public welfare requiring it.

1. Approved and certified by Planning Commission

  
\_\_\_\_\_  
Cyndi Timbs, Chairman of Planning Commission

ATTEST:

  
\_\_\_\_\_  
Kinney Bridges, Secretary of Planning Commission

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

  
\_\_\_\_\_  
Stephanie Chapman Washam, Mayor

ATTEST:

  
\_\_\_\_\_  
Tammy McKinney, Town Recorder

Passed First Reading: March 14, 2022

Passed Second Reading: April 11, 2022

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