

# **ZONING ORDINANCE**

## **HENNING, TENNESSEE**

Proposed  
August 2007

ZONING ORDINANCE

HENNING, TENNESSEE

With the Assistance  
of the  
West Tennessee Section  
Local Planning Office  
Department of Economic and Community Development  
Jackson, Tennessee

As Revised by the  
Henning Municipal Regional Planning Commission

Barris Douglas, Mayor

Assisted by  
Local Planning Office  
West Tennessee Section  
Jackson, Tennessee

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## Amendments

Date	Ordinance No.	Subject
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10.		

**AN ORDINANCE TO ADOPT AN OFFICIAL ZONING ORDINANCE AND MAP FOR THE TOWN OF HENNING, TENNESSEE FOR THE PURPOSE OF PROMOTING PUBLIC HEALTH, SAFETY, MORALS, CONVENIENCE, ORDER, PROSPERITY, AND GENERAL WELFARE AND IN ORDER TO PROVIDE PROTECTION AGAINST DAMAGE CAUSED BY THE DANGERS OF FLOODING**

**WHEREAS,** Tennessee Code Annotated, Section 13-7-201 and 13-7-204 provides for the adoption and amendment of Municipal Zoning Ordinance; and

**WHEREAS,** pursuant to Tennessee Code Annotated, Section 13-7-204, the Henning Municipal Planning Commission has reviewed and recommended the included "Zoning Ordinance, Henning, Tennessee, \_\_\_\_\_ 2007" and "Zoning Map, Henning, Tennessee, \_\_\_\_\_, 2007" as the official zoning ordinance and map for the Town of Henning; and

**WHEREAS,** the Henning Board of Mayor and Aldermen has held a public hearing pursuant to Tennessee Code Annotated, Section 13-7-203 for the purpose of receiving public comment; and

**WHEREAS,** areas of Henning 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.

**NOW, THEREFORE, BE IT ORDAINED** that the Henning Board of Mayor and Aldermen do hereby adopt the included ordinance and map as the official "Zoning Ordinance, Henning, Tennessee, \_\_\_\_\_, 2007" and "Zoning Map, Henning, Tennessee, \_\_\_\_\_, 2007".

## AUTHORITY

An Ordinance, in pursuance of the authority granted by Sections 13-7-201 through 13-7-210, Tennessee Code Annotated, to provide for the establishment of districts within the corporate limits of the town of Henning, Tennessee; to regulate, within such districts, the location, the required open spaces, the density of population and the uses of land, buildings and structures; to provide methods of administration of this Ordinance and to prescribe penalties for the violation thereof.

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

### ARTICLE I

#### TITLE

This Ordinance shall be known as the Zoning Ordinance of Henning, Tennessee, and the map herein referred to, which is identified by the title, "Henning, Tennessee Zoning Map, " which is on file at the Henning Town Hall, and all explanatory matter thereon are hereby adopted and made a part of this Ordinance .

### ARTICLE II

#### PURPOSE

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

ARTICLE III  
GENERAL PROVISIONS

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

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

Section B. Non-Conformation.

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

- (a) Non-conforming Structures
- (b) Non-conforming Use of Land
- (c) Non-conforming Use of Structures

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

2. Any non-conforming structure may not be:

- (a) Extended except in conformity with this Ordinance except as permitted by Chapter 279 of the Public Acts of 1973 which amends Section 13-7-208, Tennessee Code Annotated
- (b) Rebuilt or repaired after damage exceeding seventy-five (75) percent of replacement value except in conformity with the provisions of this Ordinance or as permitted by Chapter 279 of the Public Acts of 1973 which amends Section 13-7-208, Tennessee Code Annotated.

3. Any non-conforming uses of land may not be:

- (a) Changed to another non-conforming use which would be detrimental to the district in which it is located as determined by the Board of Zoning Appeals.
- (b) Extended, except in conformity with this Ordinance or as permitted by Chapter 279 of the Public Acts of 1973 which amends Section 13-7-208 Tennessee Code Annotated.



4. Any non-conforming use of structure may not be:
  - (a) Changed to another nonconforming use which would be more detrimental to the district in which it is located as determined by the Board of Zoning Appeals.
  - (b) Reestablished after discontinuance of one year except as permitted by Chapter 279 of the Public Acts of 1973 which amends Section 13-7-208, Tennessee Code Annotated.
5. Any structure used for a non-conforming use shall not be rebuilt or repaired after damage exceeding seventy-five (75) percent of replacement cost unless the use and structure conform to the provisions of this Ordinance or as permitted by Chapter 279 of the Public Acts of 1973 which amends Section 13-7-208, Tennessee Code Annotated.

Section C. Erection of More than One Principal Structure on a Lot. In any district, only one structure housing a permitted principal use may be erected on a single lot. This provision does not apply to group housing developments as permitted under Article XI, Section C of this Ordinance.

Section D. Reduction in Lot Area Prohibited. No lot shall be reduced in area so that yards, lot area per family, lot width, building area, or other requirements of this Ordinance are not maintained. This section shall not apply when a portion of a lot is acquired for a public purpose.

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

Section F. Street Frontage Required. No building shall be erected in any district except the B-2 (Central Business District) on a lot which does not abut at least one public street for at least fifty (50) feet. This shall not be construed to apply to properties abutting a cul-de-sac type turn-around: A minimum street abutment of twenty-five (25) feet shall apply to cul-de-sac turn-arounds provided, however, that the minimum lot width is provided at the front yard setback (building) line.

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

Section H. Obstruction to Vision at Street Intersection Prohibited. On a corner lot not in any district, within the area formed by the center lines of the intersecting or intercepting streets and a line joining points on such center lines at a distance of ninety (90) feet from their intersection, there shall be no obstruction to vision between a height of three and one-half (3 1/2) feet and a height of ten (10) feet above the average grade of each street at the center line thereof. The requirements of this section shall not be construed to prohibit any necessary retaining wall.

Section I. Future Street Lines. For the purpose of providing adequate space for widening major streets in the future, the minimum required front yard on a lot abutting a major street shall be measured from the proposed right-of-way width shown on the

latest Major Street and Road Plan officially adopted and placed on public record by the Planning Commission.

Section J. Off-Street Automobile Storage. There shall be provided, at the time of the erection of any building or structure, or at the time any main building or structure is enlarged or increased in capacity by adding dwelling units, guest rooms, seats or floor area or before conversion from one zoning use of occupancy to another, permanent off-street parking space in the amount specified by this section. Such space shall be provided with vehicular access to a street or alley. The provisions of this article shall not apply to the B-2 (Central Business District).

1. The off-street parking space required by this article shall be permanent open space and shall not be used for any other purposes.
  - a. Required off-street parking spaces assigned to one use may not be assigned to another use at the same time, except that one-half of the parking space required for churches, theaters or assembly buildings whose peak attendance will be at night or Sundays may be assigned to a use which will be closed at nights or on Sundays.
  - b. No portion of any street right-of-way shall be considered as fulfilling or partially fulfilling area requirements or off-street parking required by the terms of this Ordinance.
  - c. No required parking space may be substituted for a loading space, nor may any required loading space be substituted for a parking space.
2. If automobile storage space or standing space required above cannot reasonably be provided on the same lot on which the principal use is conducted, the building inspector may permit such space to be provided on other off-street property, provided such space lies within four hundred (400) feet of the main entrance to such principal use. Such vehicle standing space shall not thereafter be reduced or encroached upon in any manner. If property is to be leased, then a 10 year minimum lease will be required.
3. The number of off-street parking spaces required by this Ordinance shall be considered as the absolute minimum and the property owner shall evaluate his own needs to determine if his needs will require more than the specified minimum; such space shall be provided with vehicular access to a street or alley and shall be equal in area to at least the minimum requirements for the specific uses as set forth below:
  - a. One parking space shall be equal to an area of two hundred (200) square feet, with minimum dimensions of ten (10) feet by twenty (20) feet. A minimum of four hundred (400) square feet per parking space shall be used when computing parking area to include maneuvering space.

b. Residential and Related Uses:

Single family and Multi-family residences	2 spaces for each dwelling units
Rooming or Boarding house	1 space for each two (2) rooms to be rented
Tourist rooms and tourist courts	1 space for each unit to be rented
Hotels	1 space for each four (4) rooms
Motels	1 space for each unit
Doctor's or dentist's office in his or her residence	3 spaces per doctor or dentist in addition to residence requirements
Professional office (other than doctor or dentist) or customary home occupation in operator's residence	1 space per professional office or home occupation in addition to residence requirements

c. Public and Semi-Public Uses

Hospital	1 space for each three beds intended for patient use, exclusive of bassinets
Clinic	3 spaces for each doctor plus 1 space for every two (2) employees
Elementary School and Junior High School	1 space for each class- room and administrative office.
Senior High School	1 space for each class- room and administrative office plus one space for each twenty (20) students for which the building was designed
Stadium	1 space for each ten (10) spectator seats

Any theater, auditorium, church, or other place of public assembly; at least one space for each five (5) seats provided in such places of assembly. In

places where seating is not a measure of capacity, such as funeral parlors, club houses, etc., at least one space for each one hundred (100) square feet of floor space devoted to the particular use.

Public or private clubs

1 space for each one hundred fifty (150) square feet of total floor area

Public utility building

1 space for each employee

d. Offices and Retail Uses

Banks and office buildings

1 space for each one hundred fifty (150) square feet of total floor area

Bus terminals

1 space for each employee, plus 1 space for each two hundred (200) square feet in waiting room

Filling stations

6 spaces for each grease rack with rack or similar facility plus 1 space for each gasoline pump

Retail business uses not listed

1 space for each 200 square feet of store sales area.

e. Wholesale Uses and Warehouses

1 space for each employee

f. Industrial Uses

1 space for each two employees at maximum employment on a single shift.

Section K. Off-Street Loading and Unloading Space. Behind every building or structure used for business or trade, except the Central Business District, there shall be a rear yard not less than twenty (20) feet in depth to provide space for loading and unloading vehicles.

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

1. A point of access, i.e., a drive or other opening for vehicles onto a street, shall not exceed thirty (30) feet in width, except that driveways serving gasoline

service stations or other auto service facilities shall not exceed fifty (50) feet in width.

2. Lots more than one hundred (100) feet in width shall be permitted two (2) access points to any one (1) public street, provided, however, there shall be a minimum of one hundred fifty (150) feet between access points. Lots more than one hundred (100) feet in width which are not sufficiently wide to meet the above provisions shall provide the maximum possible distance between access points. Lots less than one hundred (100) feet in width shall have no more than one (1) point of access to any one (1) public street.
3. No point of access shall be allowed within ten (10) feet of the right-of-way of any public street intersection.
4. The area between the street and an off-street parking space or driveway parallel to the street shall have a curb at least six (6) inches in height and six (6) inches in width separating the parking area from the sidewalk, to prevent encroachment of vehicles onto the sidewalk area.
5. No curbs on Town streets or rights-of-way shall be cut or altered without written approval of the building Inspector.
6. Cases requiring variances relative to this action, and hardships not caused by the property owner, shall be heard and acted upon by the Board of Zoning Appeals, provided, however, that no curb cuts for off-street automobile storage or parking space shall be permitted where the arrangement would require that vehicles back directly into a public street.
7. Access control on property abutting state or federal highways shall be governed by official regulations of the Tennessee Department of Highways or the provisions of this Ordinance, whichever is higher.

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

*Manufactured  
dwelling*

1. The manufactured residential dwelling shall have the same general appearance as required for site-built homes.
2. The unit must be installed on a permanent foundation system in compliance with all applicable requirements of the Southern Standard Building Code.
3. The home must be covered with an exterior material customarily used on conventional dwelling. The exterior covering material shall extend to the 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.
4. The hitches or towing apparatus, axles and wheels must be removed.

5. The roof must be pitched 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, but excluding corrugated aluminium, corrugated fiberglass or metal roof.
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.
7. These provisions shall not apply to manufactured homes in an approved mobile home park.

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

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

## SECTION O. Regulations Governing Mobile Homes Parks And Travel Trailer Parks

### 1. Regulation of Mobile Homes

- a. It shall be unlawful for any mobile home to be used, stored, or placed on any lot or serviced by the utilities of the Town of Henning where any mobile home is outside of any designated and licensed mobile home park after the date of passage of this Ordinance, and except as provided in Section 1.b. below. Mobile homes shall not be used as dwelling units except in mobile home parks.
- b. Any mobile home already placed on a lot on or before the date of passage of this Ordinance will be permitted to remain at its present location. If any mobile home is removed from its present location, said mobile home shall not be permitted to be moved back on its site, nor shall any other mobile home be permitted on said site.
- c. Any vacant mobile home site at any location with utility connections and other facilities constructed specifically for utilization as a permanent mobile home site, other than spaces provided in established mobile home parks in existence prior to the date of passage of this Ordinance, shall not be permitted to be utilized for parking and servicing mobile homes hereafter.
- d. If any mobile home shall remain vacant or is destroyed by fire or other natural disasters or for a period of six months said mobile home shall be given at the end of this time, a period not to exceed 60 days in which to remove the mobile home and to comply with all provisions of this Ordinance.
- e. It shall be unlawful for any mobile home to be used, placed, stored or serviced by the utilities of the Town of Henning or within any mobile home park in said Town unless there is posted near the door of said mobile home a valid permit issued by the State of Tennessee Department of Public Health.

### 2. Regulation of Mobile Homes Parks

- a. Permit for Mobile Home Park. No place or site within Henning shall be established or maintained by any person, group of persons, or corporation as a mobile home park unless he holds a valid permit issued by the Town Building Inspector in the name of such person or persons for the specific mobile home park. The Town Building Inspector is authorized to issue, suspend, or revoke permits in accordance with the provisions of this Ordinance.

Mobile home parks in existence as of the effective date of this Ordinance shall be required to obtain a mobile home park permit. Pre-existing mobile home parks which cannot comply with the requirements regarding mobile home parks shall be considered as a nonconforming use, provided, however, if at any time the ownership of said park shall change, said new owner shall be given a period not to exceed ninety (90) days in which to comply with the current mobile home park regulations in all

respects and his failure to do so shall render him ineligible for a mobile home park permit at his then present location.

Said pre-existing mobile home parks shall comply with all state regulations applicable thereto which were enforced prior to the establishment of said mobile home park.

- b. Inspections by Town Building Inspector. The Town Building Inspector is hereby authorized and directed to make inspections to determine the condition of mobile home parks, in order that he may perform his duty of safeguarding the health and safety of occupants of mobile home parks and of the general public. The Town Building Inspector shall have the power to enter at reasonable times upon any private or public property for the purpose of inspecting and investigating conditions relating to the enforcement of this Ordinance.
- c. Length of Occupancy. No mobile home space shall be rented in any mobile home park for periods of less than thirty (30) days.
- d. Code Compliance. No mobile home shall be admitted to any park unless it can be demonstrated that it meets the requirements of the American Standards Association Code Provision A-119.1 - 1963; American Standards for Installation in Mobile Home of Electrical, Heating and Plumbing Systems, or Mobile Homes Manufacturers Association Mobile Home Standards for Plumbing, Heating and Electrical Systems or any state administered code insuring equal or better plumbing, heating or electrical installations.
- e. Location and Planning. The mobile home park shall be located on a well-drained site and shall be so located that its drainage will not endanger any water supply and shall be in conformity with a plan approved by the Town Planning Commission and shall be located in R-4 zones only.
- f. Minimum Size of Mobile Home Park. The tract of land for the mobile home park shall comprise an area of not less than one (1) vacant acre. The tract of land shall consist of a single plot so dimensioned and related as to facilitate efficient design and management.
- g. Minimum Number of Spaces. Minimum number of spaces completed and ready for occupancy before first occupancy is three (3).
- h. Minimum Mobile Home Space and Spacing of Mobile Homes.

Each mobile home space shall be adequate for the type of facility occupying the same. Mobile homes shall be parked on each space so that there will be at least fifteen (15) feet of open space between mobile homes or any attachment such as a garage or porch, and at least fifteen (15) feet end-to-end spacing between trailers and any building or structure, twenty (20) feet between any trailer and property line and thirty-

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\* If the construction of additional rooms or covered areas is to be allowed beside the mobile homes, the mobile home spaces shall be made wider to accommodate such construction in order to maintain the required fifteen (15) feet of open space.



five (35) feet from the right-of-way of any public street or highway. In addition, each mobile home space shall contain:

- (1) A minimum lot area of three thousand (3,000) square feet;
  - (2) A minimum depth with end parking of an automobile equal to the width of the mobile home plus thirty (30) feet;
  - (3) A minimum depth with side or street parking equal to the length of the mobile home plus fifteen (15) feet; and
  - (4) A minimum width of at least forty (40) feet and a minimum depth of at least seventy-five (75) feet.
- i. Water. The mobile home park shall hook to the municipal water system. Water lines shall be a minimum six (6) inch water main looped for adequate water pressure for fire protection with fire hydrants every 500 feet and shall be approved by the utility department.
- j. Sewer. The mobile home park will be required to hook-up to the municipal sewerage system if it is within 1500 feet of a municipal sewer line. In the absence of a sewer connection to the municipal sewerage system a private system may be developed in accordance with Tennessee State Health Department Standards. In addition, the sewerage disposal system shall meet the following requirements:
- (1) The private sewerage disposal system shall be approved in writing by the Tennessee State Health Department/County Health Officer subject to maintenance inspections.
  - (2) Sewer lines shall be a minimum of eight (8) inches 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 utility department.
  - (3) In lieu of municipal sewer or septic tank system, an officially approved package treatment plan may be used.
- k. Refuse. The storage, collection and disposal of refuse in the mobile home park shall be managed as to create no health hazard. The municipal refuse collection service shall be utilized exclusively for solid waste disposal. All refuse shall be stored in fly proof, water tight and rodent proof containers. Satisfactory container racks or holders shall be provided.
- l. Electrical. An electrical outlet supply at least two hundred twenty (220) volts and sufficient amperage capacity shall be provided for each mobile home space and shall be weather proof and accessible to the parked mobile home. All electrical installations shall be in compliance with the National Electrical Code and Tennessee Department of Insurance and Banking Regulation No. 15, entitled, "Regulations Relating to Electrical Installations in the State of Tennessee" and shall satisfy all requirements of the local electric service organization.

m. Illumination. The park shall be furnished with 400 watt mercury lamps at intervals of 100 feet approximately 30 feet from the ground. Adequate lighting recommended by the Henning Power and Light Company and approved by the Henning Municipal-Regional Planning Commission may be used in lieu of the above requirements.

n. Streets. Minimum pavement widths of various streets within mobile home parks shall be:

All streets except minor streets ..... 24 feet

Minor Streets, No Parking ..... 18 feet

Streets shall have a gravel base consisting of size 25 (Grade D) compacted to six (6) inches and a paved surface of tar and chip compacted to one (1) inch with not less than an average width of one hundred (100) pounds per square yard. Streets shall remain the property and responsibility of the owner and will not be dedicated to the Town for construction or maintenance.

o. Parking spaces. Car parking spaces shall be provided in sufficient number to meet the needs of the occupants of the property and their guests without normal movement of traffic. All parking areas shall be of an all weather surface.

Such facilities shall be provided at the rate of at least two (2) car spaces for each mobile home space. Each individual parking space shall have a minimum width of not less than twenty (20) feet. The parking spaces shall be located so access can be gained only from the internal streets of the mobile home park.

p. Buffer Strip. An evergreen buffer strip consisting of trees, shrub, or hedge with a minimum planted height of not less than six (6) feet which will grow to a height of not less than ten (10) feet and be spaced not more than ten (10) feet apart shall be planted along all boundaries of the mobile home park. Buffer strips shall be terminated at entrances to public roads a distance sufficient to provide adequate sight clearance for vehicles entering and leaving the parks. It shall be the responsibility of the mobile home park owner to insure that the buffer strip receives regular maintenance. The above requirements are subject to planning commission approval.

q. Seeding. All park open spaces and lots shall be seeded with suitable lawn grasses.

### 3. Regulation of Travel Trailers and Travel Trailer Parks

a. It shall be unlawful for any travel trailer to be occupied or serviced outside of any properly designated travel trailer park. This provision shall not apply to the storage of travel trailers provided said trailer unit is not permanently occupied as a dwelling unit while within the Town limits.

b. Permit for Travel Trailer Park. No place or site within Henning shall be established or maintained by any person, group of persons, or corporation

as a travel trailer park unless he holds a valid permit issued by the Town Building Inspector in the name of such person or persons for the specific travel trailer park. The Town Building Inspector is authorized to issue, suspend, or revoke permits in accordance with the provisions of this Ordinance.

- c. Inspection by Town Building Inspector or County Health Officer. The Town Building Inspector or County Health Officer is hereby authorized and directed to make inspections to determine the condition of travel trailer parks, in order that he may perform his duty of safeguarding the health and safety of the occupants of travel trailer parks and of the general public. The Building Inspector or County Health Officer shall have the power to enter at reasonable times upon any private or public property for the purpose of inspecting and investigating conditions relating to the enforcement of this Ordinance.
- d. Length of Occupancy. Travel trailer spaces shall be rented by the day or week only, and the occupant of such space shall remain in the same travel trailer park not more than fourteen (14) days.
- e. Location. Travel trailer parks shall be located in districts as specified in the Zoning Ordinance of the Town of Henning.
- f. Minimum Size of Travel Trailer Space. Each travel trailer space shall have a minimum width of twenty (20) feet and a minimum length of thirty (30) feet.
- g. Site planning improvement shall conform to the standards established in Regulations VI XX of the State Regulations Governing the Construction, Operation and Maintenance of Organized Camps in Tennessee, as provided in Chapter 64, Public Acts of 1965.

#### 4. Permit Fees

An annual permit fee shall be required for mobile home parks and travel trailer parks, as follows:

- a. Mobile Home Parks. The annual permit fee for mobile home parks shall be fifty (50) dollars for the first twenty (20) spaces approved and five (5) dollars for each space approved thereafter.
- b. Travel Trailer Parks. The annual permit fee for each travel trailer park shall be fifty (50) dollars.

#### 5. Application for Permit

- a. Mobile Home Parks. Application for a mobile home park shall be filed with and issued by the Town Building Inspector subject to the Planning Commission's approval of the mobile home park plan. Applications shall be in writing and signed by the applicant and shall be accompanied with an approved plan of the proposed mobile home park. The plan shall contain the following information and conform to the following requirements:

- (1) the plan shall be clearly and legibly drawn at a scale not smaller than twenty-five (25) feet to one (1) inch;
- (2) name and address of owner of record;
- (3) proposed name of park;
- (4) vicinity map showing location and acreage of mobile home park;
- (5) north point and graphic scale and date;
- (6) exact boundary lines of the tract by bearing and distance;
- (7) names of owners of record of adjoining land;
- (8) existing streets, utilities, easements and water courses on and adjacent to the tract;
- (9) proposed design including streets, proposed street names, lot lines with approximate dimensions, easements, land to be reserved or dedicated for purposes other than mobile home parks;
- (10) provisions for water supply, sewerage and drainage;
- (11) such information as may be required by said Town to enable it to determine if the proposed park will comply with legal requirements; and
- (12) the applications and all accompanying plans and specifications shall be filed in triplicate.

Certificates that shall be required are: (1) owner's certification; (2) Planning Commission's approval signed by secretary and (3) any other certificates deemed necessary by the Planning Commission.

- b. Travel Trailer Parks. Application for a travel trailer park shall be filed with and issued by the Town Building Inspector subject to the Planning Commission's approval of the travel trailer park plan. Applications shall be in writing and signed by the applicant and shall be accompanied with an approved plan of the proposed travel trailer park. The plan shall contain the following information and conform to the following requirements:

- (1) the plan shall be clearly and legibly drawn at a scale not smaller than twenty-five (25) feet to one (1) inch;
- (2) name and address of owner of record;
- (3) proposed name of park;
- (4) vicinity map showing location and acreage of travel trailer park;
- (5) north point and graphic scale and date;

- (6) exact boundary lines of the tract by bearing and distance;
- (7) names of owners of record of adjoining land;
- (8) existing streets, utilities, easements and water courses on and adjacent to the tract;
- (9) proposed design including streets, proposed street names, lot lines with approximate dimensions, easements, land to be reserved or dedicated for purposes other than travel trailer parks;
- (10) provisions for water supply, sewerage and drainage;
- (11) such information as may be required by said Town to enable it to determine if the proposed park will comply with legal requirements; and
- (12) the applications and all accompanying plans and specifications shall be filed in triplicate.

Certificates that shall be required are: (1) owner's certification; (2) Planning Commission's approval signed by secretary and (3) any other certificates deemed necessary by the Planning Commission.

#### 6. Enforcement

It shall be the duty of the County Health Officer and Town Building Inspector to enforce provisions of this Ordinance.

#### 7. Appeals

- a. Board of Appeals. The Henning Board of Zoning Appeals shall serve as the Board of Appeals and shall be guided by procedures and powers compatible with state law.

Any part aggrieved because of an alleged error in any order, requirement, decision or determination made by the Building Inspector in the enforcement of this Ordinance, may appeal for and receive a hearing by the Henning Board of Zoning Appeals for an interpretation of pertinent ordinance provisions. In exercising this power of interpretation of the ordinance, the Henning Board of Zoning Appeals may, in conformity with the provisions of this Ordinance, reverse or affirm any order, requirement, decision or determination made by the Building Inspector. An administrative fee of ten (10) dollars shall be paid prior to appearing before the Henning Board of Zoning Appeals.

- b. Appeals from Board of Appeals. Any person or persons or any board, taxpayer, department, or bureau of the Town aggrieved by any decision of the Henning Board of Zoning Appeals may seek review by a court of record of such decision in the manner provided by the law of the State of Tennessee.

8. Violation and Penalty

Any person or corporation who violates the provisions of this Ordinance or the rules and regulations adopted pursuant thereto, or fails to perform the reasonable requirements specified by the Town Building Inspector or County Health Officer after receipt of thirty-five (35) days written notice of such requirements, shall be fined not less than twenty-five (\$25.00) nor more than fifty dollars (\$50.00) for each offense and each day of continued violation shall constitute a separate offense subsequent to receipt of said thirty-five (35) day notice.

9. Conflicts with Other Ordinance or Regulations

In any case where a provision of this Ordinance is found to be in conflict with a provision of any private or public act or local ordinance or code, the provisions which establishes the higher stand for promotion and protection of the health and safety of the people shall prevail.

Note: Where septic tanks are to be used, the Planning Commission shall require certificates of approval by the County Health Officer.

Section P. Procedures and Requirements for Site Plan Review/Statement of Purpose and Goals. The following procedures and standards are established for those Sections and Chapters of this Ordinance which require the submission and approval of a site plan prior to the issuance of a building permit or certificate of occupancy. The site plan must be prepared by a licensed Land Surveyor or Civil Engineer and must be based on a certified boundary survey of the site. The Henning Municipal-Regional Planning Commission shall act in the official review of all required site plans and shall have the power to approve or disapprove all required site plans according to the terms specified herein. All site plans submitted for the review of the location and extent of any Use Permitted on Appeal by the Board of Zoning Appeals shall be reviewed and approved according to its conformance with the terms and conditions specified herein before the issuance of a building permit or certificate of occupancy. Every site plan submitted to the Town of Henning shall become the property of the Town and shall be maintained in the permanent files of the Building Inspector. Site plan approval, once granted, shall be in effect for a period of one (1) year from the date of the approval.

### Site Plan Submission and Review

- A. In instances where site plan review is required by the Henning Municipal Zoning Ordinance, the following procedures shall apply:

#### Contents of Site Plan

- a. The site plan shall include:
1. Name of development and address.
  2. Name and address of owner of record and the applicant.
  3. Scale of 1" - 100'.
  4. Note present zoning classification of the site and all abutting properties. Also, note nature of proposed use.
  5. Date, scale, and north point with reference to source of meridian. Note all related dimensions and bearings of the lot.
  6. Courses and distances of center lines of all streets.
  7. All building restriction lines (yard setbacks and rights-of-way) right-of-way and highway setback lines, easements, covenants, reservations and rights-of-way.
  8. The acreage or square footage of the lot.
  9. Sufficient grade and elevation information to demonstrate that the property will properly drain and can be connected to the public sewer system to provide gravity discharge of waste from the building.
- b. The site plan shall show the location, dimensions, site and height of the following when existing and/or when proposed:
1. Sidewalks, streets, alleys, easements and utilities.
  2. Buildings and structures including the front (street) elevation of proposed building.

3. Public sewer systems.
4. Slopes, terraces, and retaining walls.
5. Driveways, entrances (all access points), exits, parking areas, sidewalks and garbage collection site.
6. Water mains and fire hydrants.
7. The following when applicable:
  - a. Number and size of parking stalls and type of proposed pavement (either portland concrete or asphalt).
  - b. Number of loading spaces and type of proposed pavement (either portland concrete or asphalt).
  - c. Number of Commercial or Industrial tenants and employees.
8. Plans for the collection and discharge of storm water and methods for landscaping. The delineation of the limits of floodplains, if any. Also the site plan must denote the minimum 100-year, base flood elevation level if any portion of the site lies within the FEMA-designated special flood hazard area.
9. Proposed grading plan. Topography to be shown by dashed lines illustrating existing contours and continuous lines for finished grade contours. Spot elevations may be required by the Planning Commission.

#### Site Plan Review Authority

- A. 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 required use. This may include, but not be limited to, setbacks, screening, lighting, parking location and layouts, access and general landscaping requirements. This power for 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.



The Planning Commission shall have the power to require a buffering of the development from surrounding properties by the use of fencing, plantings, or combinations thereof.

- B. 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 use permitted on appeal. This may 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 the architectural style of proposed or existing buildings, the authority to specify building materials, colors, or similar considerations.

The Board of Zoning Appeals shall have the authority to require a buffering of the use permitted on appeal from surrounding properties by the use of fencing, plantings or a combination thereof.

Section Q. Building Orientation. In all Residential Districts, front building facades shall extend parallel to the front property line common to a public right of way of the lot or parcel on which it is to be built, placed or otherwise situated. Frontage for irregularly shaped lots shall be administratively determined by the Building Inspector, subject to challenge to and interpretation by the Board of Zoning Appeals.

Section R. Adult Oriented Businesses For the purposes of this ordinance, Adult Oriented Businesses as defined in Article X of this ordinance and as further defined in Section 14-201 of the Henning Municipal Code, shall be permitted only in the districts and under such conditions where specifically permitted by the district provisions contained herein.

Section S. 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 Henning 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 III, Section P 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 on Appeal - All telecommunications towers are only allowed in R-3 (Residential High Density) and M-1 (Industrial) districts as uses permitted on appeal.
5. Prohibited Uses - All telecommunication towers that exceed a height of 20 feet constructed in a lattice type manner or any tower that is not specifically permitted as a use permitted on appeal shall be prohibited in the Town of Henning.
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 Henning.
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 Henning. 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 Henning 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 70 percent of the tower height of 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 Henning 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 Henning 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 service requirements would percent the co-use of an existing tower or utility structure.
- 13. Security - All telecommunications towers, whether freestanding or on an existing utility structure, shall be fully 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 Henning. If a proposed tower is required to be lighted by the FAA (Federal 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 the 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 FCC 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.



## ARTICLE IV

### ESTABLISHMENT OF DISTRICTS

Section A. Classification of Districts. For the purpose of this Ordinance , Henning, Tennessee, is hereby divided into nine (9) types of districts, designated as follows:

- R-1 (Low Density) Residential
- R-2 (Medium Density) Residential
- R-3 (High Density) Residential
- R-4 (High Density/Mobile Home Park) Residential
- B-1 (Neighborhood Business)
- B-2 (Central Business)
- M (Industrial)
- FH (Flood Hazard)
- A (Airport)

Section B. Boundaries of Districts.

1. The boundaries of districts in Section A of this Article are hereby established as shown on the map entitled "Zoning Map of Henning, Tennessee," dated January 8, 1962, which is a part of this Ordinance and which is on file in the office of the Town Recorder.
2. Unless otherwise indicated on the zoning map, the boundaries are the center lines of streets or alleys, or a specific distance therefrom, railroad rights-of-way or the corporate limit lines as they existed at the time of the enactment of this Ordinance. Questions concerning the exact locations of district boundaries shall be determined by the Board of Zoning Appeals.
3. Where a district boundary divides a lot, as existing at the time this Ordinance takes effect and the major portion of said lot is in the less restricted district, the regulations relative to that district may be extended to twenty (20) feet within the more restricted district within said lot.

## ARTICLE V.

### PROVISIONS GOVERNING RESIDENTIAL DISTRICTS

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

#### 1. Uses Permitted

- a. Single-family dwellings
- b. Manufactured residential dwellings as defined in Article X and subject to the provisions of Article III, Section N of this Ordinance.
- c. Accessory buildings customarily incidental to the aforementioned permitted use.
- d. Real estate signs advertising the sale, rental, or lease of only the premises of which they are maintained, provided that they are not over two (2) square feet in area, and at least fifteen (15) feet from all lot lines.

#### 2. Uses Permissible on Appeal.

- a. Churches and other places of worship, parish houses, public libraries, schools offering general education courses, public parks and public recreational facilities, railroad rights-of-way, municipal, county, state or federal use, public utilities, cemeteries, hospitals for human care except primarily for mental cases, philanthropic institutions and clubs, except a club the chief activity of which is customarily carried on as a business; provided, however, that no permit shall be issued except with the written approval of the Board of Zoning appeals and subject to such conditions as the Board of Zoning Appeals may require in order to preserve and protect the character of the district in which the proposed use is located; and further provided that no permit or certificate of occupancy shall be issued for building or use not compatible with the character of or needed in the district.
- b. Customary general farming uses, gardens and buildings incidental thereto; provided, however, that no permit shall be issued for commercial animal or poultry farms and kennels except with the written approval of the Board of Zoning Appeals and subject to such conditions as the Board of Zoning Appeals may require in order to preserve and protect the character of the district in which the proposed use is located.
- c. Customary incidental home occupations provided that no building permit or certificate of occupancy for such use shall be issued without the written approval of the Board of Zoning Appeals and subject to such conditions as the Board of Appeals may require in order to preserve and protect the character of the neighborhood in which the proposed use is located; and provided further that:

1. the proposed use shall be located and conducted in the principal building only;
2. the principals and employees engaged in proposed use shall be residents of the dwelling unit in which the proposed use is located;
3. not more than fifteen (15) percent of the total floor area in dwelling unit shall be devoted to proposed use;
4. proposed use shall not constitute primary or incidental storage facilities for a business, industrial, or agricultural activity conducted elsewhere;
5. No activity, materials, goods or equipment indicative of the proposed use shall be visible from any public way;
6. the proposed use shall not be advertised by the display of goods or signs on the lot on which the proposed use is located;
7. the proposed use shall not generate noise, odor, fumes, smoke, vehicular or pedestrian traffic, nor nuisance of any kind which would tend to depreciate the residential character of the neighborhood in which the proposed use is located.

d. Family Day Care Homes and Group Day Care Homes subject to the following conditions:

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



3. Uses Prohibited

- a. Mobile homes on individual lots.
- b. Advertising signs and billboards except those specifically permitted under Section A-1 (d) of this Article.
- c. Any other use not specifically permitted or permissible on appeal in this Article.

4. Location of Accessory Buildings

- a. No accessory buildings shall be erected in any required front or side yard. Accessory buildings shall not cover more than thirty (30) percent of any required rear yard and shall be at least five (5) feet from all lot lines and from any other building on the same lot.
- b. Accessory buildings on corner lots shall conform with front yard setbacks for both intersecting streets.

5. Side Yards on Corner Lots

The minimum widths of side yards for dwellings along an intersecting street shall be twenty (20) feet and the structure must lie parallel to the street.

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

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

- a. Minimum required lot area:
  - 1. Single-family dwelling 10,000 sq. ft.
  - 2. Churches One (1) acre or 200 sq. feet of lot area per auditorium seat, whichever is greater.
  - 3. Schools Eight (8) acres plus one (1) acre for each 100 students.
  - 4. Other uses As required by the Board of Zoning Appeals.
- b. Minimum required lot width at the building line.
  - 1. Single-family 60 feet
  - 2. Churches 100 feet

- |    |            |  |
|----|------------|--|
| 3. | Other uses | As required by the Board of Zoning Appeals |
|----|------------|--|
- c. Minimum required front yard
- |    |                         |   |
|----|-------------------------|---|
| 1. | Single-family dwellings | 30 feet   |
| 2. | Churches                | 30 feet   |
| 3. | Other uses              | 30 feet or more as required by the Board of Zoning Appeals. |
- d. Minimum required rear yard.
- |    |                         |   |
|----|-------------------------|---|
| 1. | Single-family dwellings | 20 feet   |
| 2. | Churches                | 25 feet   |
| 3. | Other uses              | 20 feet or more as required by the Board of Zoning Appeals. |
- e. Minimum required side yard on each side of lot.
- |    |                         |   |
|----|-------------------------|---|
| 1. | Single-family dwellings | 15 feet except as per Section 4 of this Article.            |
| 2. | Churches                | 20 feet   |
| 3. | Other uses              | 20 feet or more as required by the Board of Zoning Appeals. |
- f. Maximum lot coverage by all buildings.
- |    |   |   |
|----|---|---|
| 1. | Single-family dwellings and accessories | 35%   |
| 2. | Other uses                              | 50% or less as required by the Board of Zoning Appeals. |
- g. Maximum permitted height of structures.
- |    |  |  |
|----|--|--|
| 1. | No building shall exceed three (3) stories or thirty-five (35) feet in height. |  |
|----|--|--|

2. On a lot less than fifty (50) feet in width at the building line no building shall exceed one and one-half (1 1/2) stories or twenty-five (25) feet in height, whichever is less.
3. No accessory building shall exceed two (2) stories in height.
4. Free standing poles, spires, towers, antennae and similar structures not designed for, or suitable for human occupancy may exceed the height provisions of this Ordinance provided they comply with all other codes and Ordinance s, and provided that they are located a distance equal to their own height plus ten (10) feet from the nearest property line.

7. Minimum Off-Street Parking Requirements. (As required in Article III, General Provisions, of this Ordinance.)

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

*On 6/28/02 PC mtg - distributed by AA pg. 5-9 re. Latham Subdiv. Issue*

1. Uses Permitted

- a. Single-family dwellings
- b. Manufactured residential dwellings as defined in Article X and subject to the provisions of Article III, Section N of this Ordinance.
- c. Duplexes
- d. Accessory building customarily incidental to any aforementioned permitted use.
- e. Real estate signs advertising the sale, rental or lease of only the premises on which they are maintained, provided that they are not over two (2) square feet in area, and at least fifteen (15) feet from all lot lines.

2. Uses Permissible on Appeal

- a. Churches and other places of worship, parish houses, public libraries, schools offering general education course, public parks and public recreational facilities, railroad rights-of-way, municipal, county, state or federal uses, public utilities facilities, cemeteries, hospitals for human care except primarily for mental cases, philanthropic institutions and clubs, except a club the chief activity of which is customarily carried on as a business, customary general farming uses, and buildings incidental thereto; but not including commercial animals or poultry farms or kennels; provided, however, that no permit shall be issued except with the written approval of the Board of Zoning Appeals and subject to such conditions as the Board of Zoning Appeals may require in order to preserve and protect the character of the district in which the proposed use is located.
- b. Customary general farming uses, gardens and buildings incidental thereto; provided, however, that no permit shall be issued for animal feed lots, stock yards (auction yards), commercial poultry farms or kennels of

which six (6) or more dogs over four (4) months of age are kept, except with the written approval of the Board of Zoning Appeals and subject to such conditions as the Board of Zoning Appeals may require in order to preserve and protect the character of the district.

- c. Customary incidental home occupations, provided that no building permit or certificate of occupancy for such use shall be issued without the written approval of the Board of Zoning Appeals and subject to such conditions as the Board of Zoning Appeals may require in order to preserve and protect the character of the neighborhood in which the proposed use is located; and provided further that:

1. the proposed use shall be located and conducted in the principal building only;
2. not more than one (1) person shall be employed who is not a resident of the dwelling unit in which the proposed use is located;
3. not more than twenty-five (25) percent of the total floor area in dwelling unit shall be devoted to proposed use, except that up to fifty (50) percent of the total floor area may be devoted to the taking of boarders, tourists, or the leasing of rooms;
4. proposed use shall not constitute primary or incidental storage facilities for a business, industrial, or agricultural activity conducted elsewhere;
5. no activity, materials, goods, or equipment indicative of the proposed use shall be visible from any public way;
6. for the purpose of advertising the proposed use, one (1) sign not over two (2) square feet in area may be used;
7. the proposed use shall not generate noise, odor, fumes, smoke, vehicular or pedestrian traffic, nor nuisance of any kind which would tend to depreciate the residential character of the neighborhood in which the proposed use is located.

- d. Family Day Care Homes, Group Day Care Homes and Day Care Centers as defined in Article X subject to the following conditions:

1. All dimensional regulations of the district shall apply.
2. A fenced play area of not less than fifty (50) square feet per of open space per child shall be provided.
3. Along the site boundary of the facility, buffering, screening and landscaping must be provided to adequately protect any abutting residential property.

4. All outdoor play activity shall be conducted within the fenced play area. The fenced play area shall not be located within any required front yard.
5. The facility operation and maintenance shall meet the requirements of the Tennessee Department of Human Services.
6. Off-street parking shall be provided at the rate of one space for each 5 children accommodated plus one space for each employee.
7. In order that the Board of Zoning Appeals may make an accurate determination of the character of the proposed use, the applicant shall submit an accurately and legibly drawn site plan showing existing and proposed buildings, fences, landscaping, parking and access facilities.

3. Uses Prohibited

- a. Mobile homes on individual lots.
- b. Advertising signs and billboards except those specifically permitted under Section B-1 (d) of this Article.
- c. Any other use not specifically permitted or permissible on appeal in this Article.

4. Location of Accessory Buildings

- a. No accessory building shall be erected in any required front or side yard. Accessory buildings shall not cover more than thirty (30) percent of any required rear yard and shall be at least five (5) feet from all lot lines and from any other building on the same lot.
- b. Accessory buildings on corner lots shall conform with front and yard setbacks for both intersecting streets.

5. Side Yards on Corner Lots. The minimum widths of side yards for dwellings along an intersecting street shall be twenty (20) feet and the structure must lie parallel to the streets.

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

a. Minimum required lot area.

- |    |                        |  |
|----|------------------------|--|
| 1. | Single-family dwelling | 7500 sq. ft.   |
| 2. | Duplex                 | 9500 sq. ft.   |
| 3. | Churches               | 20,000 sq. ft. or 200 sq. ft. of lot area per auditorium seat, whichever is greater. |
| 4. | Schools                | Eight (8) acres plus one (1) acre for each 100 students.                             |
| 5. | Other uses             | As required by the Board of Zoning Appeals.  |

b. Minimum required lot width at the building line.

- |    |                                   |   |
|----|-----------------------------------|---|
| 1. | Single-family dwellings, duplexes | 50 feet                                     |
| 2. | Churches                          | 70 feet                                     |
| 3. | Other uses                        | As required by the Board of Zoning Appeals. |

c. Minimum required front yard

- |    |                                  |   |
|----|----------------------------------|---|
| 1. | Single-family dwelling, duplexes | 25 feet                                 |
| 2. | Churches                         | 30 feet                                 |
| 3. | Other uses                       | 30 feet or more as required by the BZA. |

d. Minimum required rear yard.

- |    |                                 |   |
|----|---------------------------------|---|
| 1. | Single-family dwelling duplexes | 15 feet                                 |
| 2. | Churches                        | 20 feet                                 |
| 3. | Other uses                      | 15 feet or more as required by the BZA. |

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

- |    |                                   |  |
|----|-----------------------------------|--|
| 1. | Single-family dwelling, duplexes: |  |
|----|-----------------------------------|--|

- |    |                            |  |
|----|----------------------------|--|
|    | One or two story buildings | 10 feet                                |
|    | Three story buildings      | 15 feet                                |
| 2. | Churches                   | 15 feet                                |
| 3. | Other uses                 | 10 feet or more as required by the BZA |
- f. Maximum lot coverage by all buildings
- |    |                           |                                    |
|----|---------------------------|------------------------------------|
| 1. | Dwellings and Accessories | 50%                                |
| 2. | Churches                  | 35%                                |
| 3. | Other uses                | 50% or less as required by the BZA |
- g. Maximum permitted height of structures.
1. No building shall exceed three (3) stories or thirty-five (35) feet in height.
  2. On a lot less than fifty (50) feet in width at the building line no building shall exceed one and one-half (1 1/2) stories or twenty-five (25) feet height.
  3. No accessory building shall exceed two (2) stories in height.
  4. Free standing poles, spires, towers, antennae, and similar structures not designed for, or suitable to human occupancy may exceed the height provisions of this Ordinance provided they comply with all other codes and ordinances, and provided that they are located a distance equal to their own height plus ten (10) feet from the nearest property line.

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

1. Uses Permitted
  - a. Single-family dwellings
  - b. Duplexes
  - c. Townhouses and multi-family dwellings shall be permitted as a matter of right, provided, however, that the provisions of this Ordinance are observed and subject to approval of the site plans by the Planning Commission. The Planning Commission may attach such conditions to the permit as are necessary to minimize vehicular and pedestrian congestion, to preserve and protect the character of the district in which

the proposed use is located. This power shall include: the power to require greater setbacks and yard spaces than required by other provisions of this Ordinance, the power to require provision of well-designed and supplied play spaces, the power to specify access points and driveways and parking locations, and similar site design matters. This power shall not include the power to specify or alter the architectural style of the proposed buildings, the power to specify building materials or colors, or other similar powers.

- d. Accessory Building customarily incidental to any aforementioned permitted use.
- e. Real estate signs advertising the sale, rental or lease of only the premises on which they are maintained, provided that they are not over two (2) square feet in area and at least fifteen (15) feet from all lot lines.

## 2. Uses Permissible on Appeal

- a. Churches and other places of worship, parish houses, public libraries, schools offering general education courses, public parks and public recreational facilities, railroad rights-of-way, municipal, county, state, or federal uses, public utilities facilities, cemeteries, hospitals for human care except primarily for mental cases, philanthropic institutions and clubs, except a club the chief activity of which is customarily carried on as a business, customary general farming uses, and buildings incidental thereto, but not including commercial animals or poultry farms or kennels; provided, however, that no permit shall be issued except with the written approval of the Board of Zoning Appeals and subject to such conditions as the Board of Zoning Appeals may require in order to preserve and protect the character of the district in which the proposed use is located.
- b. Customary general farming uses, gardens and buildings incidental thereto; provided, however, that no permit shall be issued for animal feed lots, stock yards (auction yards), commercial poultry farms or kennels of which six (6) or more dogs over four (4) months of age are kept, except within the written approval of the Board of Zoning Appeals and subject to such conditions as the BZA may require in order to preserve and protect the character of the district.
- c. Customary incidental home occupations, provided that no building permit or certificate of occupancy for such use shall be issued without the written approval of the Board of Zoning Appeals and subject to such conditions as the Board of Zoning Appeals may require in order to preserve and protect the character of the neighborhood in which the proposed use is located and provided further that:
  - 1. the proposed use shall be located and conducted in the principal building;
  - 2. not more than one (1) person shall be employed who is not a resident of the dwelling unit in which the proposed use is located;
  - 3. not more than twenty-five (25) percent of the total floor area in dwelling unit shall be devoted to proposed use, except that up to



fifty (50) percent of the total floor area may be devoted to the taking of boarders, tourists, or the leasing of rooms;

4. proposed use shall not constitute primary or incidental storage facilities for a business, industrial, or agricultural activity conducted elsewhere;
  5. no activity, materials, goods, or equipment indicative of the proposed use shall be visible from any public way;
  6. for the purpose of advertising the proposed use, one (1) sign not over two (2) square feet in area may be used;
  7. the proposed use shall not generate noise, odor, fumes, smoke, vehicular or pedestrian traffic, nor nuisance of any kind which would tend to depreciate the residential character of the neighborhood in which the proposed use is located.
- d. Family Day Care Homes and Group Day Care Homes subject to the following conditions:
1. All dimensional regulations of the district shall apply.
  2. A fenced play area of not less than fifty (50) square feet of open space per child shall be provided.
  3. Along the site boundary of the facility, buffering, screening, and landscaping must be provided to adequately protect any abutting residential property.
  4. All outdoor play activities shall be conducted within the fenced play area. The fenced play area shall not be located within any required front yard.
  5. The facilities operation and maintenance shall meet the requirements of the Tennessee Department of Human Services.
  6. Off-street parking shall be provided at the rate of one space for each five children accommodated plus the specific required space(s) for the district in which the facility is located.
  7. In order that the Board of Zoning Appeals may make an accurate determination of the character of the proposed use, the applicant shall submit an accurately and legibly drawn site plan showing existing and proposed buildings, fences, landscaping, parking and access facilities.

3. Uses Prohibited

- a. Mobile homes on individual lots.
- b. Advertising signs and billboards except those specifically permitted under Section C-1 (e) of this Article.

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

4. Location of Accessory Building

- a. No accessory building shall be erected in any required front or side yard. Accessory buildings shall not cover more than thirty (30) percent of any required rear yard, and shall be at least five (5) feet from all lot lines and from any other building on the same lot.
- b. Accessory buildings on corner lots shall conform with front and yard setbacks for both intersecting streets.

5. Side Yards on Corner Lots. The minimum widths of side yards for dwellings along an intersecting street shall be twenty (20) feet and the structure must lie parallel to the street.

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

a. Minimum required lot area.

- |                           |  |
|---------------------------|--|
| 1. Single-family dwelling | 7,500 sq. ft.  |
| 2. Duplex                 | 9,500 sq. ft.  |
| 3. Townhouse              | 6,000 sq. ft. per unit   |
| 4. Multi-family           | 6,000 sq. ft. for the first dwelling unit plus 2000 sq. ft. for each additional dwelling unit. |
| 5. Churches               | 20,000 sq. ft. or 200 sq. ft. of lot area per auditorium seat, whichever is greater.           |
| 6. Schools                | Eight (8) acres plus one (1) acre for each 100 students.                                       |
| 7. Other uses             | As required by the Board of Zoning Appeals.  |

b. Minimum required lot widths at the building line.

- |  |         |
|--|---------|
| 1. Single-family dwelling, duplexes, townhouses, multi-family dwelling | 50 feet |
|--|---------|

2. Churches 70 feet
3. Other uses As required by the BZA.
- c. Minimum required front yard.
  1. Single-family dwellings, duplexes, townhouses, multi-family dwelling 25 feet
  2. Churches 30 feet
  3. Other uses 30 feet or more as required by the BZA.
- d. Minimum required rear yard.
  1. Single-family dwellings, duplexes, townhouses, multi-family dwelling 15 feet
  2. Churches 20 feet
  3. Other uses 15 feet or more as required by the BZA.
- e. Minimum required side yard on each side of lot.
  1. Single-family dwellings, duplexes, multi-family dwellings:
    - One or two story buildings 10 feet
    - Three (3) story buildings 15 feet
  2. Townhouses None on side of townhouse with common wall - in all other cases the side yard will be 10 feet for one and two story buildings and 15 feet for three story buildings.
  3. Churches 15 feet
  4. Other uses 10 feet or more as required by BZA.
- f. Maximum lot coverage by all buildings.

1. Single-family dwelling, duplexes, multi-family dwellings and accessories 50%
2. Townhouses and accessories 60%
3. Churches 35%
4. Other uses 50% or less as required by the BZA

g. Maximum permitted height of structures

1. No building shall exceed three (3) stories or thirty-five (35) feet in height.
2. On a lot less than fifty (50) feet in width at the building line no building shall exceed one and one-half (1 1/2) stories or twenty-five (25) feet in height.
3. No accessory building shall exceed two (2) stories in height.
4. Free standing poles, spires, towers, antennae, and similar structures not designed for, or suitable to human occupancy may exceed the height provisions of this Ordinance provided they comply with all other codes and ordinances, and provided that they are located a distance equal to their own height plus ten (10) feet from the nearest property line.

7. Minimum Off-Street Parking Requirements. (As required in Article III, General Provisions, of this Ordinance).

**Section D. R-4 (High Density/Mobile Home Park) Districts.** Within the R-4 (High-Density/Mobile Home Park) Districts as shown on the zoning map of Henning, Tennessee, the following regulations shall apply:

1. Uses Permitted

- a. Single-family dwellings
- b. Duplexes
- c. Townhouses and multiple family dwellings shall be permitted as a matter of right, provided, however, that the provisions of this Ordinance are observed and subject to approval of the site plans by the Planning Commission. The Planning Commission may attach such conditions to the permit as are necessary to minimize vehicular and pedestrian congestion and to preserve and protect the character of the district in which the proposed use is located. This power shall include: the power to require greater setbacks and yard spaces than required by other provisions of this Ordinance, the power to require provision of well designed and supplied play spaces, the power to specify access points

and driveways and parking locations, and similar site design matters. This power shall not include the power to specify or alter the architectural style of the proposed buildings, the power to specify building materials or colors, or other similar powers.

- d. Mobile Home Parks subject to the Provisions of Article III. Section P. of this Ordinance.
- e. Accessory Building customarily incidental to any aforementioned permitted use.
- f. Real estate signs advertising the sale, rental or lease of only the premises on which they are maintained, provided that they are not over two (2) square feet in area and at least fifteen (15) feet from all lot lines.
- g. Accessory building customarily incidental to any aforementioned permitted use.
- h. Real estate signs advertising the sale, rental or lease of only the premises on which they are maintained, provided that they are not over two (2) square feet in area, and at least fifteen (15) feet from all lot lines.

2. Uses Permissible on Appeal

- a. Churches and other places of worship, parish houses, public libraries, schools offering general education courses, public parks and public recreational facilities, railroad rights-of-way, municipal, county, state, or federal uses, public utilities facilities, cemeteries, hospitals for human care except primarily for mental cases, philanthropic institutions and clubs, except a club the chief activity of which is customarily carried on as a business, customary general farming uses, and buildings incidental thereto, but not including commercial animals or poultry farms or kennels; provided, however, that no permit shall be issued except with the written approval of the Board of Zoning Appeals and subject to such conditions as the Board of Zoning Appeals may require in order to preserve and protect the character of the district in which the proposed use is located.
- b. Customary general farming uses, gardens and buildings incidental thereto; provided, however, that no permit shall be issued for animal feed lots, stock yards (auction yards), commercial poultry farms or kennels of which six (6) or more dogs over four (4) months of age are kept, except with the written approval of the Board of Zoning Appeals and subject to such conditions as the Board of Zoning Appeals may require in order to preserve and protect the character of the district.
- c. Customary incidental home occupations, provided that no building permit or certificate of occupancy for such use shall be issued without the written approval of the Board of Zoning Appeals and subject to such conditions as the Board of Zoning Appeals may require in order to preserve and protect the character of the neighborhood in which the proposed use is located and provided further that:
  - 1. the proposed use shall be located and conducted in the principal building;

2. not more than one (1) person shall be employed who is not a resident of the dwelling unit in which the proposed use is located;
  3. not more than twenty-five (25) percent of the total floor area in dwelling unit shall be devoted to proposed use, except that up to fifty (50) percent of the total floor area may be devoted to the taking of boarders, tourists, or the leasing of rooms;
  4. proposed use shall not constitute primary or incidental storage facilities for a business, industrial, or agricultural activity conducted elsewhere;
  5. no activity, materials, goods, or equipment indicative of the proposed use shall be visible from any public way;
  6. for the purpose of advertising the proposed use, one (1) sign not over two (2) square feet in area may be used;
  7. the proposed use shall not generate noise, odor, fumes, smoke, vehicular or pedestrian traffic, nor nuisance of any kind which would tend to depreciate the residential character of the neighborhood in which the proposed use is located.
- d. Family Day Care Homes and Group Day Care Homes subject to the following:
1. All dimensional regulations of the district shall apply.
  2. A fenced play area of not less than fifty (50) square feet of open space per child shall be provided.
  3. Along the site boundary of the facility, buffering, screening, and landscaping must be provided to adequately protect any abutting residential property.
  4. All outdoor play activities shall be conducted within the fenced play area. The fenced play area shall not be located within any required front yard.
  5. The facilities operation and maintenance shall meet the requirements of the Tennessee Department of Human Services.
  6. Off-street parking shall be provided at the rate of one space for each five children accommodated plus the specific required space(s) for the district in which the facility is located.
  7. In order that the Board of Zoning Appeals may make an accurate determination of the character of the proposed use, the applicant shall submit an accurately and legibly drawn site plan showing existing and proposed buildings, fences, landscaping, parking and access facilities.

3. Uses Prohibited

- a. Mobile homes on individual lots.
- b. Advertising signs and billboards except those specifically permitted under Section D-1 (f) of this Article.
- c. Any other use not specifically permitted or permissible on appeal in this Article.

4. Location of Accessory Building

- a. No accessory building shall be erected in any required front or side yard. Accessory buildings shall not cover more than thirty (30) percent of any required rear yard, and shall be at least five (5) feet from all lot lines and from any other building on the same lot.
- b. Accessory buildings on corner lots shall conform with front and yard setbacks for both intersecting streets.

5. Side Yards on Corner Lots. The minimum widths of side yards for dwellings along an intersecting street shall be twenty (20) feet and the structure must lie parallel to the street.

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

a. Minimum required lot area.

- |                           |  |
|---------------------------|--|
| 1. Single-family dwelling | 7,500 sq. ft.  |
| 2. Duplex                 | 9,500 sq. ft.  |
| 3. Townhouse per unit     | 6,000 sq. ft.  |
| 4. Multi-family           | 6,000 sq. ft. for the first dwelling unit plus 2000 sq. ft. for each additional dwelling unit. |
| 5. Churches               | 20,000 sq. ft. or 200 sq. ft. of lot area per auditorium seat, which-ever is greater.          |
| 6. Schools                | Eight (8) acres plus one (1) acre for each 100 students.                                       |
| 7. Other uses             | As required by the Board of Zoning Appeals.  |

b. Minimum required lot widths at the building line.

1. Single-family dwelling, duplexes, townhouses, multi-family dwelling 50 feet
  2. Churches 70 feet
  3. Other uses As required by the BZA.
- c. Minimum required front yard.
1. Single-family dwellings, duplexes, townhouses, multi-family dwelling 25 feet
  2. Churches 30 feet
  3. Other uses 30 feet or more as required by the BZA.
- d. Minimum required rear yard.
1. Single-family dwellings, duplexes, townhouses, multi-family dwelling 15 feet
  2. Churches 20 feet
  3. Other uses 15 feet or more as required by the BZA.
- e. Minimum required side yard on each side of lot.
1. Single-family dwellings, duplexes, multi-family dwellings:
    - One or two story buildings 10 feet
    - Three (3) story buildings 15 feet
  2. Townhouses None on side of townhouse with common wall. - in all other cases the side yard will be 10 feet for one and two story buildings and 15 feet for three story buildings.
  3. Churches 15 feet



4. Other uses 10 feet or more as required by BZA.
- f. Maximum lot coverage by all buildings.
  1. Dwelling and accessories 50%
  2. Townhouses and accessories 60%
  3. Churches 35%
  4. Other uses 50% or less as required by the BZA.
- g. Maximum permitted height of structures.
  1. No building shall exceed three (3) stories or thirty-five (35) feet in height.
  2. On a lot less than fifty (50) feet in width at the building line no building shall exceed one and one-half (1 1/2) stories or twenty-five (25) feet in height.
  3. No accessory building shall exceed two (2) stories in height.
  4. Free standing poles, spires, towers, antennae, and similar structures not designed for, or suitable to human occupancy may exceed the height provisions of this Ordinance provided they comply with all other codes and ordinances, and provided that they are located a distance equal to their own height plus ten (10) feet from the nearest property line.
7. Minimum Off-Street Parking Requirements. (As required in Article III, General Provisions, of this Ordinance).

## ARTICLE VI

### PROVISIONS GOVERNING BUSINESS DISTRICTS

The following uses, their customary accessory uses and uses permitted upon appeal which are proposed on parcels of land greater than one (1) acre are allowed only upon review and approval by the Planning Commission or the Board of Zoning Appeals of a site plan for such use. The site plan must be submitted in accordance with Article III, Section P.. of this Ordinance.

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

#### 1. Uses Permitted

- a. Retail Sales: bakery and dairy products; drugs and pharmaceuticals; florist shops; gift shops; book stores; groceries, hardware; hobby shops; decorator's shops; camera shops; and automobile sales.
- b. Services: banks; savings and loan associates; barber shops; beauty shops; funeral homes; automobile service stations; laundry and dry cleaning pick-up stations and self-service laundry and dry cleaning facilities; business and professional offices; radio and television sales and service; shoe repair; and restaurants.
- c. Churches; and federal, state, and municipal uses.
- d. ~~Outdoor advertising signs and advertising structures.~~
- e. Any accessory use or building customarily incidental to the above permitted uses.
- f. Travel trailer parks, provided they comply in all respects with the Tennessee Trailer Court Act and all other Town codes and ordinances pertaining to mobile home parks.

#### 2. Uses Permitted on Appeal

- a. Any other use which in the opinion of the Board of Zoning Appeals is similar in character to above permitted uses and not detrimental to the immediate area.
- b. Family Day Care Homes, Group Day Care Homes, and Day Care Centers subject to the following conditions:
  1. All dimensional regulations of the district shall apply.
  2. A fenced play area of not less than fifty (50) square feet of open space per child shall be provided.

3. Along the site boundary of the facility, buffering, screening, and landscaping must be provided to adequately protect any abutting residential property.
4. All outdoor play activities shall be conducted within the fenced play area. The fenced play area shall not be located within any required front yard.
5. The facilities operation and maintenance shall meet the requirements of the Tennessee Department of Human Services.
6. Off-street parking shall be provided at the rate of one space for each five children accommodated plus the specific required space(s) for the district in which the facility is located.
7. In order that the Board of Zoning Appeals may make an accurate determination of the character of the proposed use, the applicant shall submit an accurately and legibly drawn site plan showing existing and proposed buildings, fences, landscaping, parking and access facilities.

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

### 3. Uses Prohibited

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

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

#### a. Minimum required lot area.

- |    |            |  |
|----|------------|--|
| 1. | Churches   | 15,000 sq. ft. or 200 sq. feet of lot area per auditorium seat, which-ever is greater. |
| 2. | Other Uses | No minimum requirement   |

#### b. Minimum required lot width at building line.

- |    |                          |                        |
|----|--------------------------|------------------------|
| 1. | Gasoline Service Station | 15 feet                |
| 2. | Churches                 | 60 feet                |
| 3. | Other Uses               | No minimum requirement |

#### c. Minimum required front yard.

- |    |                          |         |
|----|--------------------------|---------|
| 1. | Gasoline Service Station | 15 feet |
|----|--------------------------|---------|

2. Churches 25 feet
3. Other Uses 25 feet
- d. Minimum required rear yard.
  1. All uses 20 feet
- e. Minimum required side yard on each side of lot.
  1. Churches 15 feet
  2. Other Uses None required, however, if buildings do not have common or adjoining walls. There shall be a side yard of at least five (5) feet.
  3. On lots adjacent to residential districts, all buildings shall be located so as to comply with the side yard requirements of the adjacent residential district. In addition, on any corner lot a side yard of 25 feet shall be provided.
- f. Maximum permitted height of structures.
  1. No building shall exceed three (3) stories or thirty-five (35) feet in height.
  2. On a lot less than fifty (50) feet in width at the building line, no building shall exceed one and one-half (1 1/2) stories or twenty-five (25) feet in height.
  3. No accessory building shall exceed two (2) stories in height.
  4. Free standing poles, spires, towers, antennae and similar structures not designed for, nor suitable to human occupancy may exceed the height provisions of this Ordinance provided they comply with all other codes and ordinances and provided that they are located a distance equal to their own height plus ten (10) feet from the nearest property lines.
  5. Minimum Off-Street Parking Requirements. (As required in Article III, General Provisions, of this Ordinance).
  6. Limitations on Signs and Billboards. None

5. Regulations Governing Accessory Automobile Dead Storage

For all accessory automobile dead storage, accessory to automobile repair, towing and service stations, all areas used for automobile dead storage shall be screened by the use of an opaque fence not less than eight feet in height around the entire perimeter of the area so used.

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

1. **Uses Permitted**

- a. Retail Sales: automobile sales; automobile parts; bakery and dairy products; drugs and pharmaceuticals; florist shops; gift shops; book stores; newspaper stands; groceries; hardware; boats and boating equipment; sporting goods; paint and wallpaper; furniture; household appliances; floor coverings and draperies; seed and feed.
- b. Services: automobile repair; commercial recreation; banks; savings and loan associates; barber shops; beauty shops; funeral homes; automobile service stations; laundry and dry cleaning establishments; business and professional offices; radio and television sales and service; shoe repair; motels and hotels; restaurants; medical and dental clinics; schools and colleges.
- c. Churches; and federal, state, and municipal uses, civic clubs and lodge Henning.
- d. Outdoor advertising signs and advertising structures.
- e. Any accessory use or building customarily incidental to the above permitted uses.

2. **Uses Permitted on Appeal**

- a. Any other use which in the opinion of the Board of Zoning Appeals is similar in character to above permitted uses and not detrimental to the immediate area.
- b. Theaters and auditoriums provided written approval from the Board of Zoning Appeals is obtained.
- c. Apartments provided the following conditions are met:
  1. Apartments shall be an accessory use to a permitted commercial or service use.
  2. Apartments shall be located above the ground floor.
  3. Provide a floor layout to ensure adequate space and a separate outside entrance.
  4. No more than two (2) apartments shall be allowed in any one (1) building.
  5. The use must meet the parking requirement of Article III, Section (K) of this ordinance.

6. Any apartment to be developed shall not be less than eight hundred fifty (850) square feet in area.
7. The character of the building as a commercial structure shall not be changed by the addition of the residential use.
8. A site plan and floor layout shall be presented to the Board of Zoning Appeals to ensure the provisions of 1 through 7 above are met. Detailed construction information shall be required to ensure compliance with all pertinent codes of the Town.

3. Uses Prohibited

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

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

- a. Minimum required lot area                      None
- b. Other required lot width  
at the building line                      None
- c. Minimum required front yard                      None
- d. Minimum required rear yard                      None required however,  
if provided, the rear yard shall not  
be less than ten (10) feet.
- e. Minimum required side yard                      None required, however,  
if provided, the side yard shall not  
be less than five (5) feet.
- f. Maximum permitted height of structures.
  1. No building shall exceed four (4) stories or fifty (50) feet in height.
  2. No accessory building shall exceed two (2) stories in height.
  3. Free standing poles, spires, towers, antennae and similar structures not designed for, nor suitable to human occupancy may exceed the height provisions of this Ordinance provided they comply with all other codes and ordinances and provided that they are located a distance equal to their own height plus ten (10) feet from the nearest property lines.

5. Regulations Governing Accessory Automobile Dead Storage

For all accessory automobile dead storage, accessory to automobile repair, towing and service stations, all areas used for automobile dead storage shall be screened by the use of an opaque fence not less than eight in height around the entire perimeter of the area so used.

6. Minimum Off-Street Parking Requirements. None

7. Limitations on Signs and Billboards. None

## ARTICLE VII

### PROVISIONS GOVERNING INDUSTRIAL DISTRICTS

The following uses, their customary accessory uses and uses permitted upon appeal which are proposed on parcels of land greater than one (1) acre are allowed only upon review and approval by the Planning Commission or the Board of Zoning Appeals of a site plan for such use. The site plan must be submitted in accordance with Article III, Section P. of this Ordinance.

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

1. Uses Permitted

- a. Wholesaling and warehousing operations; trucking terminals; food processing industries; manufacturing of clothing and apparel; research laboratories; the manufacture of electrical appliances; public utility operations; bottling plants; machine shops; the manufacture of hand tools and printing and engraving operations; and the manufacture of plastics.
- b. Bakery; bottling works; building materials yard; cabinet making; carpenter's shop; shoe and clothing manufacture; contractor's yard; electric welding; feed or fuel yard; fruit canning or packing; ice plant; laundry; machine shop; milk distribution station; paper boxes and pencil manufacturing; printing; publication or engraving concern; tinsmith shop; automobile body repair shop.
- c. Federal, state and municipal uses.
- d. Accessory use customarily incidental to any aforementioned permitted use.

2. Uses Permitted on Appeal. Following public notice and hearing and subject to appropriate conditions and safe-guards, The Board of Zoning Appeals may permit:

- a. Gasoline, oil or other flammable materials storage above ground in excess of five hundred (500) gallons; ice plant; animal hospitals; any other use which, in the opinion of the Board of Zoning Appeals, is similar in character to above permitted uses and will not be detrimental to the district in which it is located, subject to such conditions and safeguards as may be required by the Board of Zoning Appeals.
- b. Telecommunications towers or structures upon approval by the Board of Zoning Appeals and in compliance with the provisions of Article III, Section R "Telecommunications Tower Requirements."
- c. Adult oriented businesses as defined in Article X of this ordinance and as further defined in Section \_\_\_ in the Henning Municipal Code, may be permitted provided that no Zoning Compliance Permit or Certificate of



Occupancy for such use shall be issued without written approval of the Board of Zoning Appeals and subject to such conditions as the Board of Zoning Appeals may require in order to preserve and protect the character of the neighborhood in which the proposed use is located; and further provided that the Board of Zoning Appeals may not approve such use unless conditions specified in the Sexually Oriented Business Regulations contained in the Henning Municipal Code are complied with.

3. Uses Prohibited :

Residential dwellings; hotels and motels or any other use not specifically permitted; or any use which is permissible on appeal but which in the opinion of the Board of Zoning Appeals would be injurious to the public welfare because of injurious or obnoxious noise, vibrations, smoke, gas, fumes, odors, dust or other similar reasons.

4. Regulations Controlling Yards and Building Height.

a. Minimum required front yard.

1. All Uses 35 feet

b. Minimum required rear yard.

1. All Uses 25 feet

c. Minimum required side yard on each side of lot.

1. All Uses 25 feet

d. Notwithstanding the above provision, no yard will be required for that part of a lot which fronts on a railroad siding.

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

g. Maximum permitted height of structures.

1. No building shall exceed three (3) stories or thirty-five (35) feet in height.
2. Free standing poles, spires, towers, antennae and similar structures may exceed the height provisions provided they comply with the provisions of all other codes and ordinances, and provided that they are located a distance equal to their own height plus ten (10) feet from the nearest property line.

5. Minimum Off-Street Parking Requirements. (As required in Article III, General Provisions, of this Ordinance.)

6. Limitations on Signs and Billboards. None

## ARTICLE VIII

### PROVISIONS GOVERNING FLOOD DISTRICTS

#### **Section A. Statutory Authorization**

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

#### **Section B. Findings of Fact**

1. The Henning Mayor and its Legislative Body wishes to maintain eligibility in the National Flood Insurance Program and in order to do so must meet the requirements of 60.3 of the Federal Insurance Administration Regulations found at 44 CFR Ch. 1 (10-1-04 Edition).
2. Areas of Henning are subject to periodic inundation which could result in loss of life and property, health and safety hazards, disruption of commerce and governmental services, extraordinary public expenditures for flood protection and relief, and impairment of the tax base, all of which adversely affect the public health, safety and general welfare.
3. Flood losses are caused by the cumulative effect of obstructions in floodplains, causing increases in flood heights and velocities; by uses in flood hazard areas which are vulnerable to floods; or construction which is inadequately elevated, flood-proofed, or otherwise unprotected from flood damages.

#### **Section C. Statement of Purpose**

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

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

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

#### **Section D. Objectives**

The objectives of this Ordinance are:

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

#### **ARTICLE II. DEFINITIONS**

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

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

1. Accessory structures shall not be used for human habitation.

2. Accessory structures shall be designed to have low flood damage potential.
3. Accessory structures shall be constructed and placed on the building site so as to offer the minimum resistance to the flow of floodwaters.
4. Accessory structures shall be firmly anchored to prevent flotation which may result in damage to other structures.
5. Service facilities such as electrical and heating equipment shall be elevated or floodproofed.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

**"Existing Construction"** means any structure for which the "start of construction" commenced before the effective date of the first floodplain management code or ordinance adopted by the community as a basis for that community's participation in the National Flood Insurance Program (NFIP)).

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

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

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

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

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

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

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

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

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

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

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

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

**"Flood Protection System" means** those physical structural works for which funds have been authorized, appropriated, and expended and which have been constructed

specifically to modify flooding in order to reduce the extent of the area within a community subject to a "special flood hazard" and the extent of the depths of associated flooding. Such a system typically includes hurricane tidal barriers, dams, reservoirs, levees or dikes. These specialized flood modifying works are those constructed in conformance with sound engineering standards.

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

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

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

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

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

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

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

**"Functionally Dependent Use"** means a use which cannot perform its intended purpose unless it is located or carried out in close proximity to water. The term includes only docking facilities, port facilities that are necessary for the loading and unloading of



cargo or passengers, and ship building and ship repair facilities, but does not include long-term storage or related manufacturing facilities.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

**"Recreational Vehicle"** means a vehicle which is:

1. Built on a single chassis;

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

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

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

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

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

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

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

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

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

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

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

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

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

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

### **ARTICLE III. GENERAL PROVISIONS**

#### **Section A. Application**

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

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

The Areas of Special Flood Hazard identified on the Lauderdale County (Henning), Tennessee, Federal Emergency Management Agency, Flood Insurance Study (FIS) and Flood Insurance Rate Map (FIRM), Community Panel Number 47097CO361D, 47097CO354D, 47097CO361D dated September 28, 2007, along with all supporting technical data, are adopted by reference and declared to be a part of this Ordinance.

**Section C. Requirement for Development Permit**

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

**Section D. Compliance**

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

**Section E. Abrogation and Greater Restrictions**

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

**Section F. Interpretation**

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

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

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

result from reliance on this Ordinance or any administrative decision lawfully made hereunder.

#### **Section H. Penalties for Violation**

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

### **ARTICLE IV. ADMINISTRATION**

#### **Section A. Designation of Ordinance Administrator**

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

#### **Section B. Permit Procedures**

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

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

## 2. Construction Stage

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

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

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

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

## **Section C. Duties and Responsibilities of the Administrator**

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

1. Review of all development permits to assure that the permit requirements of this Ordinance have been satisfied, and that proposed building sites will be reasonably safe from flooding.
2. Advice to permittee that additional federal or state permits may be required, and if specific federal or state permit requirements are known, require that copies of such permits be provided and maintained on file with the development permit. This shall include Section 404 of the Federal Water Pollution Control Act Amendments of 1972, 33 U. S. C. 1334.
3. Notification to adjacent communities and the Tennessee Department of Economic and Community Development, Local Planning Assistance Office,

prior to any alteration or relocation of a watercourse, and submission of evidence of such notification to the Federal Emergency Management Agency.

4. For any altered or relocated watercourse, submit engineering data/analysis within six (6) months to the Federal Emergency Management Agency to ensure accuracy of community flood maps through the Letter of Map Revision process. Assure that the flood carrying capacity within an altered or relocated portion of any watercourse is maintained.
5. Record the elevation, in relation to mean sea level or the highest adjacent grade, where applicable of the lowest floor including basement of all new or substantially improved buildings, in accordance with Article IV. Section B.
6. Record the actual elevation; in relation to mean sea level or the highest adjacent grade, where applicable to which the new or substantially improved buildings have been flood-proofed, in accordance with Article IV. Section B.
7. When flood proofing is utilized for a structure, the Administrator shall obtain certification of design criteria from a registered professional engineer or architect, in accordance with Article IV. Section B.
8. Where interpretation is needed as to the exact location of boundaries of the areas of special flood hazard (for example, where there appears to be a conflict between a mapped boundary and actual field conditions) the Administrator shall make the necessary interpretation. Any person contesting the location of the boundary shall be given a reasonable opportunity to appeal the interpretation as provided in this Ordinance.
9. When base flood elevation data or floodway data have not been provided by the Federal Emergency Management Agency then the Administrator shall obtain, review and reasonably utilize any base flood elevation and floodway data available from a Federal, State, or other sources, including data developed as a result of these regulations, as criteria for requiring that new construction, substantial improvements, or other development in Zone A on the Community FIRM meet the requirements of this Ordinance.

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

10. All records pertaining to the provisions of this Ordinance shall be maintained in the office of the Administrator and shall be open for public inspection.



Permits issued under the provisions of this Ordinance shall be maintained in a separate file or marked for expedited retrieval within combined files.

## **ARTICLE V. PROVISIONS FOR FLOOD HAZARD REDUCTION**

### **Section A. General Standards**

In all flood prone areas the following provisions are required:

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

10. Any alteration, repair, reconstruction or improvements to a building that is not in compliance with the provision of this Ordinance, shall be undertaken only if said non-conformity is not further extended or replaced.

## **Section B. Specific Standards**

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

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

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

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

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

Buildings located in all A-zones may be flood-proofed, in lieu of being elevated, provided that all areas of the building below the required elevation are watertight, with walls substantially impermeable to the passage of water, and are built with structural components having the capability of resisting hydrostatic and hydrodynamic loads and the effects of buoyancy. A registered professional engineer or architect shall certify that the design and methods of construction are in accordance with accepted standards of

practice for meeting the provisions above, and shall provide such certification to the Administrator as set forth in Article IV. Section B.

3. Elevated Building. All new construction or substantial improvements to existing buildings that include ANY fully enclosed areas formed by foundation and other exterior walls below the base flood elevation, or required height above the highest adjacent grade, shall be designed to preclude finished living space and designed to allow for the entry and exit of flood waters to automatically equalize hydrostatic flood forces on exterior walls.
  - a. Designs for complying with this requirement must either be certified by a professional engineer or architect or meet the following minimum criteria.
    - 1) Provide a minimum of two openings having a total net area of not less than one square inch for every square foot of enclosed area subject to flooding;
    - 2) The bottom of all openings shall be no higher than one foot above the finish grade; and
    - 3) Openings may be equipped with screens, louvers, valves or other coverings or devices provided they permit the automatic flow of floodwaters in both directions.
  - b. Access to the enclosed area shall be the minimum necessary to allow for parking of vehicles (garage door) or limited storage of maintenance equipment used in connection with the premises (standard exterior door) or entry to the elevated living area (stairway or elevator); and
  - c. The interior portion of such enclosed area shall not be partitioned or finished into separate rooms in such a way as to impede the movement of floodwaters and all such petitions shall comply with the provisions of Article V. Section B. of this Ordinance.
4. Standards for Manufactured Homes and Recreational Vehicles
  - a. All manufactured homes placed, or substantially improved, on: (1) individual lots or parcels, (2) in expansions to existing manufactured home parks or subdivisions, or (3) in new or substantially improved manufactured home parks or subdivisions, must meet all the requirements of new construction, including elevations and anchoring.
  - b. All manufactured homes placed or substantially improved in an existing manufactured home park or subdivision must be elevated so that either:

- 1) When base flood elevations are available the lowest floor of the manufactured home is elevated on a permanent foundation no lower than **one (1) foot** above the level of the base flood elevation; or,
  - 2) Absent base flood elevations the manufactured home chassis is elevated and supported by reinforced piers (or other foundation elements) at least **three (3) feet** in height above the highest adjacent grade.
- c. Any manufactured home, which has incurred "substantial damage" as the result of a flood or that has substantially improved, must meet the standards of Article V. Section B. 4 of this Ordinance.
  - d. All manufactured homes must be securely anchored to an adequately anchored foundation system to resist flotation, collapse and lateral movement.
  - e. All recreational vehicles placed on identified flood hazard sites must either:
    - 1) Be on the site for fewer than 180 consecutive days;
    - 2) Be fully licensed and ready for highway use. (A recreational vehicle is ready for highway use if it is licensed, on its wheels or jacking system, attached to the site only by quick disconnect type utilities and security devices, and has no permanently attached structures or additions.
    - 3) The recreational vehicle must meet all the requirements for new construction, including the anchoring and elevation requirements of this section above if on the site for longer than 180 consecutive days.

5. Standards for Subdivisions

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

- a. All subdivision proposals shall be consistent with the need to minimize flood damage.

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

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

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

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

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

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

- 1. No encroachments, including fill material, new structures or substantial improvements shall be located within areas of special flood hazard, unless

certification by a registered professional engineer is provided demonstrating that the cumulative effect of the proposed development, when combined with all other existing and anticipated development, will not increase the water surface elevation of the base flood more than **one (1) foot** at any point within the community. The engineering certification should be supported by technical data that conforms to standard hydraulic engineering principles.

2. New construction or substantial improvements of buildings shall be elevated or flood-proofed to elevations established in accordance with Article V, Section B.

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

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

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

#### **Section F. Standards For Areas of Shallow Flooding (AO and AH**

### Zones)

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

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

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

Located within the areas of special flood hazard established in Article III. Are areas of the 100-year floodplain protected by a flood protection system but where base flood

elevations and flood hazard factors have not been determined. Within these areas (A-99 Zones) all provisions of Article IV. And Article V. Section A. shall apply.

### **Section H. Standards for Unmapped Streams**

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

1. In areas adjacent to such unmapped streams, no encroachments including fill material or structures shall be located within an area of at least equal to twice the width of the stream, measured from the top of each stream bank, unless certification by a registered professional engineer is provided demonstrating that the cumulative effect of the proposed development, when combined with all other existing and anticipated development, will not increase the water surface elevation of the base flood more than one (1) foot at any point within the locality.
2. When new elevation data is available, new construction or substantial improvements of buildings shall be elevated or flood proofed to elevations established in accordance with Article IV.

## **ARTICLE VI. VARIANCE PROCEDURES**

### **Section A. Board of Floodplain Review**

#### **1. Creation and Appointment**

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

#### **2. Procedure**

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

#### **3. Appeals: How Taken**



An appeal to the Board of Floodplain Review may be taken by any person, firm or corporation aggrieved or by any governmental officer, department, or bureau affected by any decision of the Administrator based in whole or in part upon the provisions of this Ordinance. Such appeal shall be taken by filing with the Board of Floodplain Review a notice of appeal, specifying the grounds thereof. In all cases where an appeal is made by a property owner or other interested party, a fee of \$50.00 dollars for the cost of publishing a notice of such hearings shall be paid by the appellant. The Administrator shall transmit to the Board of Floodplain Review all papers constituting the record upon which the appeal action was taken. The Board of Floodplain Review shall fix a reasonable time for the hearing of the appeal, give public notice thereof, as well as due notice to parties in interest and decide the same within a reasonable time which shall not be more than 30 days from the date of the hearing. At the hearing, any person or party may appear and be heard in person or by agent or by attorney.

4. Powers

The Board of Zoning Appeals shall have the following powers:

a. Administrative Review

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

b. Variance Procedures

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

- 1) The Henning Board of Floodplain Review shall hear and decide appeals and requests for variances from the requirements of this Ordinance.
- 2) Variances may be issued for the repair or rehabilitation of historic structures (see definition) upon a determination that the proposed repair or rehabilitation will not preclude the structure's continued designation as a historic structure and the variance is the minimum to preserve the historic character and design of the structure.
- 3) In passing upon such applications, the Board of Zoning Appeals shall consider all technical evaluations, all relevant factors, all standards specified in other sections of this Ordinance, and:
  - a) The danger that materials may be swept onto other property to the injury of others;

- b) The danger to life and property due to flooding or erosion;
  - c) The susceptibility of the proposed facility and its contents to flood damage;
  - d) The importance of the services provided by the proposed facility to the community;
  - e) The necessity of the facility to a waterfront location, in the case of a functionally dependent facility;
  - f) The availability of alternative locations, not subject to flooding or erosion damage, for the proposed use;
  - g) The relationship of the proposed use to the comprehensive plan and floodplain management program for that area;
  - h) The safety of access to the property in times of flood for ordinary and emergency vehicles;
  - i) The expected heights, velocity, duration, rate of rise and sediment transport of the flood waters and the effects of wave action, if applicable, expected at the site, and;
  - j) The costs of providing governmental services during and after flood conditions including maintenance and repair of public utilities and facilities such as sewer, gas, electrical, and water systems, and streets and bridges.
- 4) Upon consideration of the factors listed above, and the purposes of this Ordinance, the Board of Floodplain Review may attach such conditions to the granting of variances, as it deems necessary to effectuate the purposes of this Ordinance.
- 5) Variances shall not be issued within any designated floodway if any increase in flood levels during the base flood discharge would result.

**Section B. Conditions for Variances**

1. Variances shall be issued upon a determination that the variance is the minimum relief necessary, considering the flood hazard; and in the instance of a historical building, a determination that the variance is the minimum relief necessary so as not to destroy the historic character and design of the building.

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

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

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

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

### **Section B. Validity**

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

## ARTICLE IX

### PROVISIONS GOVERNING AIRPORT DISTRICTS

Section A. (A) Airport District. The (A) Airport District is an overlay district designed to: restrict or prevent hazards to air navigation; minimize or prevent the loss of life, property damage, health and safety hazards, and government expenditures which result from air traffic accidents.

1. Applicability

The (A) Airport District shall act as an overlay on the Official Zoning Map and the underlying zoning districts shall apply except as herein modified.

2. General Requirements

Within an (A) Airport District the following requirements shall apply:

- a. This district shall act as an overlay on the Official Zoning Map. The regulations contained in this Section shall apply to such land in addition to the regulations contained in the underlying zoning district for such land. Where there is a conflict between the provisions of this Section and those of the underlying zoning district, the zoning containing the more restrictive height regulations shall apply.
- b. The provisions of this Section shall apply to any new use and any substantial improvement to an existing structure, when such uses and structures are located in the airspace zones established by this Section.
- c. If a structure or tree is located in more than one of the zones established by this Section, the zoning containing the more restrictive regulations shall apply to such structure or tree.

Section B. Airspace Zones. In order to carry out the purposes of this Ordinance the following airspace zones are established, and are schematically represented on the Airport Zoning Map of Arnold Field, Henning, Tennessee, dated December, 1986. A general representation appears on Figure 1.

1. Primary Surface Zone: A primary surface zone is established as an imaginary surface 500 feet wide, longitudinally centered on the runway and extends a length 200 feet beyond each end of the runway. The elevation of any point on the longitudinal profile on the primary surface coincides with the elevation of the centerline of the runway.
2. Horizontal Zone: All the airspace which lies directly under an imaginary horizontal surface 15 feet above the established airport elevation, or a height 442 feet above mean sea level. The horizontal zone is hereby established, being the area defined by two semi-circles, each having a radius point located 200 feet beyond the runway ends and on the runway centerline extended, the radius of each semi-circle being 5,000 feet; and lines parallel with the runway centerline connecting the semi-circles. The horizontal zone does not include the approach/departure zone and the transition zone.

3. Conical Zone: All the airspace which lies directly under an imaginary surface extending toward and outward from the periphery of the horizontal surface at a slope of 20:1 for a horizontal distance of 4,000 feet as measured radially outward from the periphery of the horizontal surface.
4. Approach/Departure Zone: An approach zone is established at each end of the runway which shall have a width of 500 feet at a distance of 200 feet beyond each end of the runway, widening thereafter uniformly to a width of 2,000 feet at a distance of 5,200 feet beyond each end of the runway, its centerline being the continuation of the centerline of the runway.

The approach/departure surface inclines upward at a slope of:

- a. 20:1 for Runway 18.
  - b. 20:1 for Runway 36.
5. Transitional Zone: All the airspace which lies directly under an imaginary surface extending upward and outward perpendicular to the runway centerline (and the extended runway centerline) at a slope of 7:1 from the site of the primary surface and the approach/departure surface until they intersect the horizontal surface.

Section C: Height Limitations. Except as otherwise provided in this Ordinance, no structure, tree or object of natural growth shall be erected, altered, allowed to grow, or maintained in any zone created by this Ordinance to a height in excess of the height limit herein established for such zone. Such height limitations are computed from the established airport elevation and are hereby established for each of the zones in question as follows:

1. Approach Zone: One (1) foot in height for each twenty (20) feet in horizontal distance beginning at a point 200 feet from and at the elevation of the end of the runway extending to a point 5,200 feet from the end of the runway.
2. Transition Zone: One (1) foot in height for each seven (7) feet in horizontal distance beginning at a point 250 feet normal to and at the elevation of the centerline of the runway extending 200 feet beyond each thereof and extending to a maximum height of 15 feet above the established airport elevation which is 442 feet above mean sea level. In addition to the foregoing, there are established height limits of one (1) foot vertical height for each seven (7) feet horizontal distance measured from the edges of all approach zones extending upward and outward to the points where they intersect the horizontal surface.
3. Horizontal Zone: One hundred fifty (150) feet above the airport elevation or a maximum of 442 feet above mean sea level.
4. Conical Zone: One (1) foot in height for each twenty (20) feet of horizontal distance beginning at the periphery of the horizontal zone extending to a height of 350 feet above the airport elevation.

## Section D. Land Use Safety Zoning

### 1. Use Restrictions

- a. General: Subject at all times to the height restrictions set forth in Section C, no use shall be made of any land in the approach zone, the horizontal zone, the conical zone of the transitional zone, defined in Section B which creates or causes interference with the operations of radio or electronic facilities on the airport or with radio or electronic communications between the airport and aircraft, makes it difficult for pilots to distinguish between airport lights and other lights, results in glare in the eyes of pilots using the airport, impairs visibility in the vicinity of the airport, or otherwise endangers the landing, taking off, or maneuvering of aircraft.
- b. It should be understood that the underlying zoning districts shall regulate the permitted uses as defined by this Ordinance and that this section shall be utilized to regulate height limitations set forth herein.
- c. Nothing in this Ordinance shall be construed as prohibiting the growth, construction or maintenance of any tree or structure to a height up to 50 feet above the surface of the land.

### 2. Safety Zone Boundaries: In order to carry out the purpose of this Ordinance, as set forth above and also, in order to restrict those uses which may be hazardous to the operational safety of aircraft operating to and from the Town of Henning, Tennessee, Airport, and furthermore to limit population and building density in the critical airport areas, thereby creating sufficient open space so as to protect life and property in case of an accident there is hereby created and established the following land use safety zone:

- a. Approach Zone: All land in the approach zones of a runway, as defined in Section B. 4.
- b. Approach Zone: Subject at all times to the height restrictions set forth in Section C, and to the general restrictions contained in Section D. 2.a. area designated as Approach Zone shall be restricted to the following uses: agriculture, industrial and other non-residential purposes.

The following uses are specifically prohibited in the Approach Zone: churches, hospitals, schools, theaters, stadiums, hotels and motels, trailer courts, camp grounds and other places of public or semi-public assembly.

Section E. Airport Zoning Map. The several zones herein established are shown on the Arnold Field, Henning Airport Zoning Map consisting of 1 sheet, prepared by the Tennessee Office of Aeronautics and dated December, 1986, attached hereto and made a part hereof, such map, together with such amendments thereto as may from time to time be made, and all notations, references, elevations, data, zone boundaries, and other information thereon, shall be and the same is hereby adopted as part of this Ordinance.

## Section F. Site Plan Approval.

1. Site Plan Requirements: The application for building permit for construction within the Airport (A) Zoning District shall be accompanied with a site plan drawn to a scale of 1" = 10' and shall show the location of all structures, fencing, parking areas, as well as heights of all structures, fencing, towers, or antenna. No structure shall violate the height limitations imposed herein.
2. Existing Uses: Before any existing use, structure, or tree may be replaced, substantially altered or repaired, built, allowed to grow higher, or replanted within any zone established herein, a building permit must be secured authorizing such replacement, change or repair. No such permit shall be granted that would allow the establishment or creation of an airport hazard or permit a non-conforming use, structure, or tree to become a greater hazard to air navigation, than it was on the effective date of this Ordinance or than it was when the application for a permit is made. Except as indicated, all applications for a permit for replacement shall be granted.

Section G. Hazard Marking and Lighting. Any permit under Section F or variances granted under Article XII of the Ordinance may if such action is deemed advisable to effectuate the purpose of this Ordinance and reasonable in the circumstances, be so conditioned as to require the owner of the structure or tree in question to permit the Town of Henning, Tennessee, to install, operate, and maintain thereto such markers and lights as may be necessary to indicate to flyers the presence of an airport hazard. Any markers and lights that are required to be installed on objects, structures, or trees deemed to be a hazard to flying shall be installed, maintained and operated by the Town of Henning if said hazard existed before the adoption of this Ordinance. Any markers and lights that are required to be installed on objects, structures or trees deemed to be a hazard to flying shall be installed, maintained and operated by the owners of the obstructing hazard if said hazard came into existence after the adoption of this Ordinance.

Section H. Amendments. Amendments may be made to the Airport Zone boundaries and regulations in accordance with the procedures set forth in Sections B and C of this Ordinance. In addition, no amendment to the Airport Zone boundaries and regulations shall become effective unless it first be submitted to and reviewed by the Tennessee Office of Aeronautics or subsequent state agency charged with fostering civil aeronautics.

## ARTICLE X

### DEFINITIONS

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

\*Accessory use or building: A use or building on the same lot as the principle structure and is customary incidental and subordinate to the principle use or building. Swimming pools are also considered accessory buildings in all districts.

Adult Oriented Businesses: A commercial enterprise that exploits sex in one form or another comprising a large variety of sexually oriented businesses including movie theaters, bookstores, video rental outlets, houses of prostitution, escort agencies, massage parlors and topless/bottomless bars. Adult oriented business also refers to the materials or services that these businesses market including movies, videos, photographs, books, magazines, sexual devices as well as nude or semi-nude dancing and massages. Specific adult oriented businesses and related terms as further defined in Section 14-201 of the Henning Municipal Code.

Airport - Means Arnold Field, Henning Airport, Henning, Tennessee.

Airport Elevation - Means the established elevation of the highest point on the useable landing area.

Airport Hazard - Means any structure, tree or use of land which obstructs the airspace required for or is otherwise hazardous to the flight of aircraft in landing or taking-off at the airport.

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

Antenna Array - Poles, Rods, panels, reflecting dishes, or similar devices used for the transmission or reception of radio frequency signals.

Automobile Dead Storage - Extended or dead storage of more than two (2) inoperable or junk automobiles or other types of vehicles.

Automobile repair and service stations - Operations furnishing to the general public any or a combination of the following: automotive repair, rental and leasing services; retail dispensing of vehicular fuels; sale, dispensing and installation of vehicular lubricants, tires and similar accessories; automobile parking; vehicular towing; accessory automobile dead storage accessory to any above repair or towing use not exceeding 25 vehicles; excluding tire rebuilding, retreading and recapping services and salvage operations including the retail or wholesale sale of dismantled automobile or vehicle parts.

Building - A structure constructed or used for residence, business, industry, or other public or private purposes, or accessory thereto, and including tents, lunch wagons,



dining cars, trailers, billboards, signs and similar structures whether stationary or movable.

- a. **Principal Building** - A building in which is conducted the principal use of the lot on which it is situated. In any residential district all dwellings shall be deemed to be the principal building on the lot on which the same is situated.
- b. **Accessory Building** - A subordinate building, the use of which is incidental to that of a principal building on the same lot. Swimming pools and satellite dishes shall be considered accessory buildings in residential districts.

**Billboard** - An outdoor advertising structure with a sign or signs not pertinent to a use on the premises.

**Boarding House** - A building and accessories thereof principally used, designed or adapted to provide living accommodations for not more than six (6) occupants and having common cooking and dining facilities.

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

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

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

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

**Development** - Any man-made change to improve real estate, including but not limited to buildings or other structures, mining, dredging, filling, grading, paving, excavation, or drilling operations. Agricultural activities such as plowing or cultivating and gardening activities are not included in this definition of development.

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

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

**Dwelling, Two-Family** - A detached residential building containing two dwelling units, designed for and occupied by two families only.

**Dwelling Unit** - One room or rooms connected together, constituting a separate independent housekeeping establishment for owner occupancy, or rental or lease on a

weekly, monthly, or longer basis, and physically separated from any other room or dwelling units which may be in the same structure and containing independent cooking and sleeping facilities.

Family - One or more persons occupying a premise and living as a single, nonprofit housekeeping unit.

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

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.

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

Height - For the purpose of determining the height limits in all zones set forth in this Ordinance and shown on the zoning map, the datum shall be sea level elevation unless otherwise specified.

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

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

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

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

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

Mobile Home Park - Any plot of ground on which three (3) or more mobile homes, occupied for dwelling or sleeping purposes, are located.

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

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

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

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

Person - means an individual, firm, partnership, corporation, cooperatives, company, association, joint stock association, or body politic, and includes a trustee, receiver, executor, guardian, or other representative.

Runway - Means the paved surface of an airport landing strip.

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

Slope - Means an incline from the horizontal expressed in arithmetic ratio of horizontal magnitude to vertical magnitude.

Story - That portion of a building 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 top most floor and the roof. A basement not used for human occupancy other than for a janitor or domestic employee shall not be counted as a story.

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

Structure - Means an object constructed or installed by man, including, but not without limitation, buildings, towers, smokestacks, and overhead transmission lines.

Substantial Improvement - any repair, reconstruction, or improvements to a structure, the cost of which equals or exceeds fifty percent (50%) of the market value of the structure either (1) before the repair or improvement or (2) before damage occurred. For the purposes of the Ordinance, "substantial improvement" is considered to occur

when the first alteration of any wall, ceiling, floor, or other structural part of the building commences, whether or not that alteration affects the external dimensions of the structure. The term does not however, include any project for improvement of a structure required to comply with existing state or local health, sanitary, or safety code specifications which are solely necessary to assure safe living conditions, or (2) any alteration or restoration of a structure listed on the National Register of Historic Places or a State Inventory of Historic Places.

Telecommunication Tower Structure- A wireless transmission facility constructed as a lattice tower with or without guy wires, as an alternative tower structure, or as a monopole tower; primarily for the purpose of supporting an antenna array; and support buildings and equipment; excluding under (30) feet in height used for amateur radio communication.

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

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

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

1. Can operate independent of connections to external sewer, water and electrical systems;
2. Contains water storage facilities and may contain a lavatory, kitchen sink and/or bath facilities; and/or
3. Is identified by the manufacturer as a travel trailer.

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

Tree - means any object of natural growth.

Visual Runway - means a runway intended solely for the operation of aircraft using visual approach procedures, with no straight-in instrument designation indicated on an approved planning document.

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

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

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

Yard, Rear - The yard extending across the entire width of the lot between the rear lot line and the nearest part of the principal building including covered porches and carports.

## ARTICLE XI

### EXCEPTIONS AND MODIFICATIONS

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

Section B. Front Yards. The front yard requirements of this Ordinance for dwellings shall not apply to any lot where the average depth of existing front yards on developed lots, located within one hundred (100) feet on each side of such lot and within the same block and zoning district and fronting on the same street as such lots, is less than the minimum required front yard depth. In such case, the minimum front yard shall be the average of the existing front yard depths on the developed lots.

Section C. Group Housing Project. In the case of a group housing project of two (2) or more buildings to be constructed on a plot of ground at least one acre not subdivided or where the existing or contemplated street and lot layouts make it impracticable to apply the requirements of this Ordinance to the individual building units in such housing projects, the application of the terms of this Ordinance may be varied by the Board Of Zoning Appeals in a manner that will be in harmony with the character of the neighborhood, will insure substantially the same character of occupancy and an intensity of land use not higher and a standard of open space no lower than that permitted by this Ordinance in the district in which the proposed project is to be located. However, in no case shall the Board of Zoning Appeals authorize a use prohibited in the district in which the project is to be located, or a smaller area per family than the minimum required in such district.

No "Group Housing Project" shall be approved by the Board of Zoning Appeals for development until the following requirements and standards have been met:

1. Requirements - At least ten (10) days prior to the Board of Zoning Appeals meeting at which it is to be considered, the developer or his agent shall submit a site of the proposed "Group Housing Project" drawn to a scale of not less than one inch equals 100 feet. The site plan, which shall meet the minimum standards of design as set forth later in this section, shall give the following information:
  - a. The proposed group housing project's name and location the name(s) and address(es) of the owner(s) and the name of the designer of the site plan;
  - b. Date, north point, and scale;
  - c. The location of existing and platted property lines, existing streets, buildings, water courses, railroads, sewers, bridges, culverts, drainpipes, water mains and public utility easement lines, the present zoning classification of the land to be developed and the adjoining land;

- d. The proposed street names, if other than drives, and the locations and dimensions of proposed streets, drives, alleys, easements, parks and other open spaces, reservations, lot lines, and building setback lines;
- e. Drainage maps showing drainage of development site and adjacent area;
- f. Location sketch map showing site in relation to area;
- g. Total acreage to the nearest tenth of an acre; building locations and dimensions; number of dwelling units, total floor area of dwelling units, landscape plan showing walls, open areas, fences, walls, and number of parking spaces, access drive plan, location of accessory uses and floor space allocation plan; and
- h. Other information as may be required by the Planning Commission.

2. Standards

- a. Streets and drives shall provide at least twenty-six (26) feet of paving including curbs, gutters, and sidewalks.
- b. Adequate storm water drainage shall be provided.
- c. Provisions of sanitary sewers and water supply facilities including fire hydrants shall be made to the satisfaction and requirements of the Henning Public Works Department.
- d. All of the above improvements are to be installed and maintained by the developer unless other arrangements approved by the Town of Henning are made.
- e. Off-Street parking facilities shall be provided in accordance with Article III, General Provisions of this Ordinance.
- f. The exterior yards of the project must meet the minimum setback and yard requirements of the district in which the project is located.
- g. No building shall exceed three (3) stories in height or thirty-five (35) feet.
- h. Buildings two stories or more shall be no closer than fifteen (15) feet.
- i. All group housing projects shall provide for underground installation of utilities (including electric and telephone) in both public way and private extensions thereof.

## ARTICLE XII

### ENFORCEMENT

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

#### Section B. Building Permits and Certificates of Occupancy.

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

Section C. Penalties Any person violating any provisions of this Ordinance shall be guilty of a misdemeanor, and upon conviction shall be fined not less than two dollars



(\$2.00) nor more than fifty dollars (\$50.00) for each offense. Each day such violation shall continue shall constitute a separate offense.

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

## ARTICLE XIII

### BOARD OF ZONING APPEALS

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

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

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

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

1. Administrative Review. To hear and decide appeals where it is alleged by the appellant that there is error in any order, requirement, permit, decision, determination or refusal made by the Building Inspector or other administrative official in the carrying out or enforcement of any provision of this Ordinance.
2. Special Exceptions. To hear and decide applications for special exceptions upon which the Board of Zoning Appeals is specifically authorized to pass.
3. Variance. To hear and decide applications for variance from the terms of this Ordinance, but only where, by reason of exceptional narrowness, shallowness or shape of a specific piece of property at the time of the adoption of this Ordinance was a lot of record; or where by reason of exceptional topographical conditions or other extraordinary or exceptional situations or conditions of a piece of property where the strict application of the provisions of this Ordinance would result in exceptional practical difficulties to or exceptional and undue hardship upon the owner of such property, provided that such relief may be granted without detriment to the public good and the intent and purpose of this

Ordinance. Financial disadvantage to the property owner is no proof of hardship within the purpose of zoning.

- a. In granting a variance, the Board may attach thereto such conditions regarding the location, character and other features of the proposed building, structure or use as it may deem advisable in furtherance of the purpose of this Ordinance.
- b. Before any variance is granted it shall be shown that circumstances are attached to the property which do not generally apply to other property in the neighborhood.
- c. The Board of Zoning Appeals does not have the power to permit a use prohibited by this Ordinance.

## ARTICLE XIV

### AMENDMENT

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

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

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

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

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

Section D. Planning Commission Review. No amendment to this Ordinance shall become effective unless the same be first submitted for approval, disapproval or suggestions to the Town Planning Commission. If the Planning Commission, within sixty (60) days disapproves after such submission, it shall require the favorable vote of a majority to become effective. If the Planning Commission neither approves nor disapproves such proposed amendment within sixty (60) days after such submission, the action on such amendment by said Commission shall be deemed favorable.

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

ARTICLE XV

ARTICLE XV LEGAL STATUS PROVISIONS

SECTION

Section 1 Conflict with other Ordinances

Section 2 Validity

Section 3 Effective Date

**Section 1.** Conflict with other Ordinances. IN case of conflict between this ordinance and any ordinance or part thereof, and the whole or part of any existing or future ordinance of the Town of Henning, the most restrictive shall in all cases apply.

**Section 2.** 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, portion, provision or clause of this ordinance which is not itself invalid or unconstitutional.

**Section 3.** This Ordinance shall become effective immediately after its passage, in accordance with the Charter of Henning, Tennessee, and the public welfare demanding it.

Recommended by the Henning Municipal  
Planning Commission

\_\_\_\_\_  
Date

Attest: Mary Smith  
City Recorder

Public Hearing.

8-16-07  
Date

1st Reading 10-01-07

2nd Reading 11-05-07

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

3rd Reading 12-03-07

12-03-07  
Date

\_\_\_\_\_  
Mayor of Henning, Tennessee

## APPENDIX