



HOHENWALD , TENNESSEE

ORDINANCE NO. 526

ADOPTING THE ZONING ORDINANCE OF HOHENWALD, TENNESSEE AND THE OFFICIAL ZONING MAP OF HOHENWALD, TENNESSEE.

WHEREAS, the Hohenwald Planning Commission has requested that the City Council amend the existing City Zoning Ordinance.

WHEREAS, a public hearing will be held on Monday, June 29, 1998, at 7:00 p.m., concerning amending the Zoning Ordinance.

WHEREAS, the existing Zoning Ordinance of Hohenwald, Tennessee, March 1972, as amended, is hereby repealed. The adoption of this ordinance shall not affect or prevent any pending or future prosecution of an action to abate any existing violation of said regulations, as amended, if the violation is also a violation of this ordinance.

NOW, THEREFORE, BE IT ENACTED BY THE CITY COUNCIL OF HOHENWALD, That the following Zoning Ordinance of Hohenwald, Tennessee and the Official Zoning Map of Hohenwald, Tennessee, are hereby adopted. (see attachment file)

BE IT FURTHER ENACTED That this ordinance shall take effect from and after its passage on the third and final reading, the welfare of the City requiring it.

Motion to adopt the preceding ordinance having been made by Plummer Vaughan and seconded by Robert Burklow, the following voted:

AYE: Robert Burklow, Billy K. Edwards, Tony Turnbow, Plummer Vaughan

NAY: None

The following ordinance passed

First reading: June 2, 1998

Second reading: July 7, 1998

Third and final reading: July 20, 1998

ORDINANCE 530

AN ORDINANCE TO AMEND THE ZONING ORDINANCE OF HOHENWALD, TENNESSEE, AS OFFICIALLY ADOPTED ON JULY 20, 1998, AS AMENDED.

WHEREAS, the following revisions were recommended by the Hohenwald Municipal Planning Commission: and

WHEREAS, a public hearing will be conducted in this regard before the Mayor and City Council of the City of Hohenwald, on Tuesday, December 1, 1998, at 6:30 p.m., and

NOW THEREFORE, BE IT ORDAINED BY THE MAYOR AND CITY COUNCIL OF THE CITY OF HOHENWALD, TENNESSEE, That the Zoning Ordinance of Hohenwald, Tennessee is hereby amended to read as follows:

Amend Article V, Section 5.062 C-2 Central Business District by deleting Subsection F.5 Parking Space Requirements in its entirety and substituting the following:

- F. Dimensional Regulations
 - 5. Parking Space Requirements
None

Amend Article V, Section 5.065 C-5 Town Center Commercial by deleting Subsection F.5 Parking Space Requirements in its entirety and substituting the following:

- F. Dimensional Regulations
 - 5. Parking Space Requirements
None

BE IT FURTHER ENACTED That this ordinance shall take effect from and after its passage on the third and final reading, the welfare of the City requiring it.

Motion to adopt the foregoing ordinance having been made by Robert Burklow and seconded by Billy K. Edwards, the following voted.

AYE: Robert Burklow, Billy K. Edwards, Tony Tumbow

NAY: None

The following ordinance passed

First Reading	<u>November 3, 1998</u>
Second Reading	<u>December 2, 1998</u>
Third and Final Reading	<u>January 5, 1999</u>

ORDINANCE 536

AN ORDINANCE TO AMEND THE ZONING ORDINANCE OF HOHENWALD, TENNESSEE, AS OFFICIALLY ADOPTED ON JULY 20, 1998, AS AMENDED.

WHEREAS, the following revisions were recommended by the Hohenwald Municipal Planning Commission, and

WHEREAS, a public hearing will be conducted in this regard before the Mayor and City Council of the City of Hohenwald, on Tuesday, May 2, 2000, at 6:00 p.m., and

NOW, THEREFORE, BE IT ORDAINED BY THE MAYOR AND CITY COUNCIL OF THE CITY OF HOHENWALD, TENNESSEE, That the Zoning Ordinance of Hohenwald, Tennessee, is hereby amended to read as follows:

Amend Article VI, Section 6.030 **BULK AND LOT SIZE NONCOMPLIANCE** by adding the following to the end of Subsection D, Enlargements or Conversions:

“Additionally, the owner of a mobile home that is a nonconforming use may replace the existing mobile home with a newer mobile home. The new mobile home may be larger provided that it conforms to the existing setback limits of the lot.”

BE IT FURTHER ENACTED That this ordinance shall take effect from and after its passage on the third and final reading, the welfare of the City requiring it.

Motion to adopt the foregoing ordinance having been made by Billy K. Edwards and seconded by Wayne Staggs, the following voted:

AYE: Don Barber, Billy K. Edwards, Wayne Staggs

NAY: None

The preceding ordinance passed:

First Reading: April 4, 2000

Second Reading: May 2, 2000

Third and Final Reading: June 6, 2000

ORDINANCE NO. 526
ZONING ORDINANCE
HOHENWALD MUNICIPAL PLANNING COMMISSION
ADOPTION DATE: JULY 20, 1998

PLANNING COMMISSION MEMBERS

Mayor: Guy Nicholson

Ricky Morrow, Chairman
Tony Turnbow, City Council

Don Barber, Secretary
Maryland Spears, BZA

PREPARED BY

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ENACTMENT

SECTION

- 1.010 Authority**
- 1.020 Title**
- 1.030 Purpose**
- 1.040 Relation to the Comprehensive Plan**
- 1.050 Enactment**
- 1.060 Repeal**

1.010 AUTHORITY

An ordinance, in pursuance of the authority granted by Section 13-7-201 through 13-7-210, *Tennessee Code*, to provide for the establishment of districts within the City of Hohenwald, Tennessee: to regulate within such districts, the location, height, bulk, number of stories and size of buildings and other structures, the percentage of lot occupancy, the size of open spaces, the density of population, and the uses of land, buildings, and other structures for trade, industry, residence, recreation, public activities and similar purposes to include special districts for areas subject to flooding and areas developed as a planned development; to provide regulations governing nonconforming uses and structures; to provide for a board of appeals and for its powers and duties; to provide for permits; to establish and provide for the collection of fees; to provide for the administration of this ordinance and for the official, whose duty it shall be to enforce the provisions thereof; and to provide penalties for the violation of this ordinance; and to provide for conflicts with other ordinances or regulations.

1.020 TITLE

This ordinance shall be known as *The Zoning Ordinance of Hohenwald, Tennessee*. The zoning map shall be referred to as the *Official Zoning Map of Hohenwald, Tennessee*, and all explanatory matter thereon is hereby adopted and made a part of this ordinance.

1.030 PURPOSE

The purpose of this ordinance is to promote the public health, safety, morals, convenience, order, prosperity and general welfare by:

- A. Enhancing the character and stability of residential, business, commercial, and industrial areas, and promoting the orderly and beneficial development of such areas;
- B. Preventing overcrowding of land;
- C. Conserving the value of land and buildings;
- D. Minimizing traffic hazards and congestion;
- E. Preventing undue concentration of population;
- F. Providing for adequate light, air, privacy, and sanitation;
- G. Reducing hazards from fire, flood, and other dangers;

- H. Assisting in the economic provision, utilization, and expansion of all services provided by the public, including but not limited to roads, water and sewer service, recreation, schools, and emergency services;
- I. Encouraging the most appropriate uses of land;
- J. Enhancing the natural, man-made and historical amenities of Hohenwald, Tennessee;

1.040 RELATION TO THE COMPREHENSIVE PLAN

A comprehensive plan is the basic premise upon which the general zoning ordinance is predicated. The general statute always requires that zoning be accomplished in accordance with the comprehensive plan for community development. The administration, enforcement and amendment of this ordinance should be consistent with the comprehensive plan. In the event this ordinance becomes inconsistent with the comprehensive plan, then this ordinance should be amended within a reasonable time so as to become or remain consistent with the comprehensive plan. Additionally, all amendments to this ordinance should maintain and enhance the consistency between this ordinance and the comprehensive plan.

1.050 ENACTMENT

Except as hereinafter provided, no building shall be erected or structurally altered, nor shall any building or premises be utilized for any purpose, other than those permitted in the zoning district in which the building or premises is located. Furthermore, it shall be unlawful to commence the excavation for or the construction of any building or other structure, including accessory structures, to commence the moving, alteration, or commence the filling of land without a permit therefore, issued by the Building Inspector/Codes Enforcer (see Article 7.030).

No land or lot area shall be so reduced or diminished that the yards or open spaces shall be smaller than prescribed herein, nor shall the lot area per family be reduced in any manner except in conformity with the area regulations hereby established for the district in which such building is located. No yard or other open space provided about any building for the purpose of complying with these regulations shall be considered as providing a yard or other open space for any other building.

1.060 REPEAL

The existing *Zoning Ordinance of Hohenwald, Tennessee, March, 1972*, as amended, are hereby repealed. The adoption of this ordinance, however, shall not affect or prevent any pending or future prosecution of an action to abate any existing violation of said regulations, as amended, if the violation is also a violation of this ordinance.

ARTICLE II

DEFINITIONS AND USE CLASSIFICATIONS

SECTION

2.010 Scope

2.020 Definitions

2.030 Use Classification System

2.010 SCOPE

For the purpose of this ordinance and in order to carry out the provisions and intentions as set forth herein, certain words, terms, and phrases are to be used and interpreted as follows:

- A. The word "person" includes a firm, association, organization, partnership, trust, company, or corporation as well as an individual.
- B. The present tense includes the future tense, the singular number includes the plural, and the plural number includes the singular.
- C. The word "shall" is mandatory.
- D. The word "may" is permissive.
- E. The words "used" or "occupied" includes the words "intended", "designed", or "arranged to be used" or "occupied".
- F. The word "lot" includes the words "plot" or "parcel."

2.020 DEFINITIONS

The following words, terms, and phrases are hereby defined as follows and shall be interpreted as such throughout this Zoning Ordinance. Terms not herein defined shall have their standard dictionary definition or such as the context may imply. Where applicable, these definitions comply with the definitions and standards as defined in the *Tennessee Codes Annotated*.

ACCESS: The right to cross between public and private property, thereby permitting pedestrians and vehicles to enter and leave property.

ACCESSORY BUILDING OR STRUCTURE: A subordinate building, the use of which is incidental to that of a principal building and located on the same lot therewith.

ACCESSORY USE: A use customarily incidental, appropriate, and subordinate to the principal use of land or buildings and located upon the same lot therewith.

ADULT ORIENTED BUSINESS: A commercial enterprise that involves creation, reproduction and/or sale for a fee or incidental to another service of goods and services that are characterized by emphasis upon the exposure of "specified anatomical areas" and/or by description or depiction of "specified sexual activities" as defined by this ordinance.

ADVERTISING: Includes any writing, printing, painting, display, emblem, drawing, sign, or other device designs used or intended for advertising, whether placed on the ground, rocks, trees, tree stumps, or other natural structures or on buildings, structures, milestones, signboards, wallboard, roofboard, frames, supports, fences or other man-made structure, and any such advertising is a structure within the meaning of the word "structure" as utilized in this ordinance.

ADVERTISING SIGN OR STRUCTURE: See SIGN.

AGRICULTURE USE: The use of a tract of land 5 acres or more in size including all forms of agriculture, growing of crops in the open, dairying, grazing, the raising and maintaining of poultry and other livestock, horticulture viticulture, floriculture, forests, and wood, provided, however, all health codes of Lewis County are in compliance.

The feeding or disposal of community or collected garbage to animals shall not be deemed an agricultural use nor shall the commercial feed lots, the raising of fur-bearing animals, fish or minnow hatcheries.

AGRICULTURAL ACCESSORY USE: Those structures or equipment which are normally required in the operation of agricultural uses.

AGRICULTURAL PRODUCT SALES: The retail sale of agricultural products produced on the same site. Typical use is a roadside stand for the sale of produce or other farm products produced on the same site as the roadside stand. Such a temporary retail business must seek a temporary permit as provided in Article 4.030.

AIRPORT OR AIRSTRIP: The landing area, runway or other facility designed, used, or intended to be used either publicly or by any person or persons for the landing and taking off of aircraft, including all necessary taxiways, aircraft storage and tie-down areas, hangars and other necessary buildings and open spaces.

AIRPORT ELEVATION: The elevation has been determined as 1,180 feet above the mean sea level.

ALLEY: A minor right-of-way, dedicated to public use, which affords a secondary means of vehicular access to the back or side of properties otherwise abutting a street, and which may be used for public utility and public service purposes.

ALTERATION: As applied to a building or structure, means a change or rearrangement in the structural parts, or an enlargement, whether by extending a side or by increasing its height or structural changes, other than repairs, that would affect safety. The term "alter" in its various modes and tenses and its practical forms, refers to the making of an alteration.

ANIMAL CARE: see Veterinary Clinics or Kennels.

AREA BUILDING: The total areas taken on a horizontal plane at the main grade level of the principal building and all necessary buildings exclusive of uncovered porches, terraces, and steps.

ASPHALT OR CONCRETE PLANT: A facility engaged in the manufacture, mixing, batching or recycling of asphalt, asphaltic cement, cement or concrete products.

ATTACHED STRUCTURE: An enclosure having continuing walls, roof and floor.

AUDITORIUM OR STADIUM: A facility that is open, partially enclosed or fully enclosed used or intended to be used primarily for spectator sports, entertainment events, expositions and other public gatherings. Typical uses include convention and exhibition halls, sports arenas and amphitheaters.

AUTOMOBILE WRECKING: The dismantling, storage, sale or dumping of used motor vehicles, trailers, or parts thereof. Any lot or place of business which is exposed to weather and upon which more than 5 motor vehicles of any kind, incapable of being operated.

AUTOMATED TELLER MACHINE (ATM): The computerized consumer banking machine operated by a financial institutions for the convenience of its customers, whether outside on the same site of the principal banking facility, in an access-controlled facility such as in a shopping mall, as an accessory structure to the principal structure, or as a separate individual site with the ATM as the principal structure.

AVERAGE GROUND ELEVATION: The elevation of the mean finished grade at the front of a structure.

BASEMENT: A story partly or wholly underground. For purposes of height measurement, a basement shall be counted as a story when more than one-half (1/2) of its height is above the average ground elevation or when subdivided and used for commercial activities.

BEAUTY AND/OR BARBER SHOP: An establishment with the primary use as the cutting, styling, perming, washing and setting of hair. The retail of hair products may be permitted as an accessory use with no outside storage of such products if approved as a home-occupation. Such an establishment may be considered as a home-occupation if this business meets the requirements in Article 4.040 and subject to final approval from the Board of Zoning Appeals.

BEAUTY SALON AND/OR NAIL, TANNING: An establishment with the various beauty enhancement services such as but not limiting to: nail sculpting, nail painting, tanning, and hair styling services. Such an establishment shall be distinct from a beauty and/or barber shop when considered as a home-occupation. This type of beauty shop shall not be considered as a home-occupation in any residential district due to the need for extra parking and space required.

BOARD: The Hohenwald Board of Zoning Appeals.

BUFFER STRIP: A greenbelt planted strip not less than 10 feet in width. Such a greenbelt shall be composed of one (1) row of evergreen trees, spaced not more than 40 feet apart and not less than 2 rows of shrubs or hedges, spaced not more than 5 feet apart and which grow to a height of 5 feet or more after one (1) full growing season and which shrubs will eventually grow to not less than 10 feet. Such a buffering strip shall not be the same as a required landscaped green strip. Buffering may be required with incompatible uses while a green strip may be required as part of the landscaping provision.

BUILDING: Any structure having a roof supported by columns or by walls, including tents, lunch wagons, dining cars, mobile homes or trailers, and similar structures whether stationary or movable.

BUILDING AREA OF A LOT: That portion of a lot bounded by the required rear yard, side yards, and the building setback line.

BUILDING COMMISSIONER: The Zoning Codes Enforcer or his/her authorized representative appointed by the Hohenwald City Council.

BUILDING, MAIN OR PRINCIPAL: A building in which is conducted the principal use of the lot on which it is situated. In any residential district any dwelling shall be deemed to be a main building on the lot on which it is situated.

BUILDING SETBACK LINE: A line delineating the minimum allowable distance between the property line and a building on a lot, within which no building or other structure shall be placed except as otherwise provided.

BUILDING SETBACK LINE, FRONT: A line delineating the minimum allowable distance between the street right-of-way, or if an official future street right-of-way has been established, from that future street right-of-way line, and the front of a building on a lot. The front building setback line extends the full width of the lot and is parallel to the street right-of-way.

BUILDING SETBACK LINE, REAR: A line delineating the minimum allowable distance between the rear property line and a building on a lot (other than for permitted accessory structures). The rear setback line extends the full width of the lot.

BUILDING SETBACK LINE, SIDE: A line delineating the minimum distance between the side property line and a building on a lot. The side setback line extends from the front building setback line to the rear building setback line.

BULK: Describes the size of buildings or other structures and their relationship to each other and to open areas and lot lines.

CAR WASH: A facility engaged in the cleaning or detailing of motor vehicles, whether it is self-service with no attendant on site, automated with at least one employee on site, or by hand.

CAMPING GROUND: A parcel of land used or intended to be used, let, or rented for occupancy by campers or for occupancy by camping trailers, tents, or movable or temporary dwellings, rooms, or sleeping quarters of any kind.

CEMETERY: The land used or intended to be used for burial or cremation of the dead, whether human or animal, including a mausoleum or columbarium.

CHURCH OR PLACE OF WORSHIP: The premises, site and/or facility used primarily or exclusively for religious worship and related religious services or established place or worship, retreat site, camp, convent, seminary or similar facility owned or operated by a religious group for religious activities.

CITY COUNCIL: The Hohenwald, Tennessee City Council.

CLINIC: See MEDICAL FACILITY.

COMMUNICATION TOWER: means commercial AM/FM radio, television, microwave and cellular telephone transmission towers and accessory equipment and buildings.

CONDITIONAL USE (SPECIAL EXCEPTION): A conditional use is a use that would not be appropriate generally or without restriction throughout the zoning districts but which, if controlled as to number, area, location, or relation to the neighborhood, would promote the public health, safety, welfare, morals, order, comfort, convenience, appearance, prosperity, or general welfare. Such uses may be permitted in such zoning district as conditional uses, when specific provisions for such use are made in this ordinance. For the purposes of administration of this ordinance, conditional uses shall be construed as **synonymous with special exceptions or uses permitted upon appeal**, as controlled by Section 13-7-107, *Tennessee Code*.

CONSTRUCTION SALES AND SERVICES: The facility and/or site engaged in the retail or wholesale of materials used in the construction of buildings or other structures, as well as the outdoor storage of construction equipment or materials on lots other than construction sites. Typical uses include lumberyards, home improvement centers, lawn and garden supply stores, electrical, plumbing, air conditioning and heating supply stores, swimming pool sales, construction and trade contractors' storage yards.

CONVENIENCE SALES: The retail sale of small convenience items such as toiletries, tobacco, and magazines. The dispensing of petroleum products may be included as accessory to convenience food products retailing.

CONVENIENCE SERVICES: Services which are typically needed frequently or recurrently, such as barber and beauty care; and includes the operation of self-service Laundromats but excludes other apparel, cleaning and repair services.

COUNTRY CLUB: A chartered, nonprofit membership club, with facilities catering primarily to its membership or social amenities: golf, riding, club house, pool, dining facilities, lounge.

COVERAGE: The percentage of a lot which is covered by all buildings located therein, including the area covered by all overhanging roofs.

DAY CARE HOME OR CENTER: Any place, home or institution, which receives 8 or more unrelated young children for general care, exercise, play or observation.

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

DWELLING: A building or part thereof used as a habitation under one of the following categories:

Single detached dwelling means a building and accessories thereto principally used, designed, or adapted for use by a single household.

Duplex dwelling means a building and accessories thereto principally used, designed, or adapted for use by 2 households, the living quarters of each of which are completely separate.

Triplex dwelling means a building and accessories thereto principally used, designed, or adopted for use by 3 households, the living quarters of each of which are completely separate.

Multi-family apartment or dwelling means a building and accessories thereto principally used, designed, or adapted for use as occupancy by 4 or more households each of which has separate living quarters.

Rooming house means a building and accessories thereto principally used, designed, or adapted to provide living accommodations for not more than 6 occupants and without owner-provider cooking and dining facilities.

Boarding house means a building and accessories thereto principally used, designed, or adapted to provide living accommodations for not more than 6 occupants and having common cooking and dining facilities.

Town house means a residential structure containing 3 or more nondetached dwelling units separated by a common vertical wall.

Condominium means an apartment building or townhouse containing 3 or more dwelling units separated by a common vertical wall; and where each unit may be of separate ownership with common ownership and maintenance of open space (see *Horizontal Property Act* of the *Tennessee Codes*, Section 66-27-101 through 66-27-123).

Bed and Breakfast Homestay A private home, or other unique residential facility offering bed and breakfast accommodations and one (1) daily meal and having one (1) but not more than 3 guest rooms furnished for pay, with guests staying not more than 14 days, where the innkeeper resides upon the premises and where the activity is subordinate and incidental to the main residential use of the building.

Bed and Breakfast Inn A private home, inn, or other unique residential facility offering bed and breakfast accommodations and one (1) daily meal and having 4 but not more than 12 guest rooms furnished for pay, with guests staying of not more than 14 days, and where the innkeeper resides upon the premises or property or immediately adjacent to it. Guest rooms shall be established and maintained distinct and separate from the innkeeper's quarters.

Mobile home dwellings (a type of manufactured home) means a detached one-family dwelling with all the following characteristics (including single-wides and double-wides):

- (1) Designed for long-term occupancy, and containing sleeping accommodations, a flush toilet, a tub or shower bath, and kitchen facilities with plumbing and electrical connections provided for attachment to outside systems.
- (2) Constructed as a single self-contained unit and mounted on a single or combined chassis transportable after fabrication on its own wheels or detachable wheels. Must conform to the regulatory codes as established by HUD.
- (3) Arriving at the site where it is to be occupied as a dwelling complete, including major appliances, and ready for occupancy except for minor and incidental unpacking and assembly operations, location on foundation supports, connection to utilities, and the like. See section 4.090.
- (4) Two (2) or more mobile homes on one tract of land defines a mobile home park and thus will be subject to the design standards for mobile home parks as described herein.

Prefabricated Dwelling/Modular Home means a single detached dwelling constructed primarily off-site, designed to be transported on a flatbed truck or trailer, provided that it is installed on a permanently enclosed concrete or masonry foundation, with sewer and water connections designed for permanent connection to municipal or sanitary or on-site systems, and permanently connected to such systems. Such structures are distinguished from mobile homes (single, double or other manufactured homes) as described elsewhere in this ordinance when they have a **minimum gross floor of six hundred (600) square feet** and have no horizontal exterior dimensions of less than 15 feet not including porches or carports. **When such a structure meets the above stated requirements it shall qualify as a single detached dwelling and**

shall have the same general appearance as required for a site-built home (*Tennessee Code, 13-24-202*). Note that all prefabricated/modular homes must conform to the above description in order to be permitted in all residential districts, otherwise it shall only be permitted in mobile home parks and/or R-4 districts only - see section 4.090).

FAMILY: One or more persons occupying a single dwelling unit, provided that unless all members are related by blood or marriage, no such family (except as set forth below) shall contain over 5 persons, but further provided that domestic servants employed on the premises may be housed on the premises without being counted as a family or families, and that 4 or less boarders, including roomers, may be accommodated.

The term "family" shall not be construed to mean a fraternity, sorority, club, or institutional group. The term family, as used in this ordinance, shall be construed to include groups of 8 or fewer unrelated mentally retarded or physically handicapped persons and with 2 additional persons acting as house-parents or guardians who need not be related to each other or to any of the mentally retarded or physically handicapped persons residing in the house. (See Chapter 24, of Title 13, *Tennessee Code*.)

FLOOR AREA: The total of the gross horizontal area of all floors, including usable basements and cellars, below the roof and within the outer surface of the main walls of principal or accessory buildings or the center lines of party walls separating such buildings or portions thereof, or within lines drawn parallel to and 2 feet within the roof line of the building or portions thereof without walls, but excluding in the case of nonresidential facilities; arcades, porticoes, and similar open areas which are accessible to the general public, and which are not designed or used as sales, display, storage, service, or production areas.

FREIGHT TERMINAL: The building or area in which freight brought by motor trucks or rail is assembled and/or stored for routing in intrastate or interstate shipment by motor truck or rail.

FRONTAGE: All the property on one side of a street between two intersecting streets (crossing or terminating) measured along the line of the street, or if the street is dead ended, then all the property abutting on one side between an intersecting street and the dead end of the street.

FUNERAL HOME: The establishment engaged in preparing the deceased human for burial or cremation and arranging and managing funerals.

GASOLINE SERVICE STATION: Any area of land, including structures thereon, that is utilized for the retail sale of gasoline, oil, or automobile accessories, and incidental services including facilities for lubricating, hand car washing and cleaning, or otherwise servicing automobiles, but not including painting or major repair.

GATED COMMUNITY: A type of housing development whereby private utilities and improvements are constructed and privately maintained but such development is reviewed and approved by the planning commission. This type of development shall conform with all other zoning requirements stated herein prior to issuance of building permits. Typical types of gated communities are outlined in ARTICLE 4.100.

GOLF COURSE: The facility providing private or public golf recreation services and accessory facilities, excluding miniature golf facilities.

GOVERNMENT SERVICE: The building or facilities owned or operated by a government entity and providing services for the public, excluding utilities and recreational services. Typical uses include administrative offices of government agencies and utility billing offices.

GRADE, FINISHED: The completed surfaces of lawns, walks, and roads brought to grades as shown on official plans or designs relating thereto.

GREENHOUSE OR NURSERY: Means an establishment primarily engaged in the raising and sale of horticultural specialties such as flowers, shrubs, trees and gardening products intended for ornamental or landscaping purposes.

HAZARDOUS OPERATIONS: The activities which present serious, high impact, to human life and health. See the use classification section for typical uses.

HEALTH DEPARTMENT: The Lewis County Department of Health (and acting in compliance with the State's Tennessee Department of Environment and Conservation-TDEC, and Tennessee Department of Health).

HEIGHT OF BUILDING OR STRUCTURES: The vertical distance from the average ground elevation or finished grade at the building line, whichever is the highest, to the highest point of the building or structure.

HOME OCCUPATION: See Section 4.040.

HOSPITAL: See MEDICAL FACILITIES.

INSTITUTIONAL CARE FACILITIES: A facilities and the accessory structures that involve forced residency, full time supervision and/or walk-in care for: a) individuals legally confined due to violations of the law; b) individuals who are addicted to drugs and/or alcohol; and c) individuals who are mentally ill, including the criminally dangerous. Such care shall be considered distinct from day-care facilities, nursing or convalescent homes, or homes for the mentally and/or physically disabled/challenged. Institutional Care Facilities shall be considered as a conditional use and subject to further design guidelines and final approval from the Board of Zoning Appeals as defined in Article 7.080, section M.

JUNK YARD OR SALVAGE YARD: A lot, land or structure, or part thereof, used primarily for the collecting, storing, and selling of waste paper, rags, scrap metal, or discarded material; or for the collecting, dismantling, storing and salvaging of machinery or vehicles not in running conditions for the sale of parts thereof.

KENNEL: The boarding of small animals as part of a veterinary clinic or as the principal use. Kennels shall have fenced in yards in the rear of the primary structure and shall have buffering around the perimeter of the lot. The boarding of animals shall not be permitted in any residential districts.

LANDFILL: The disposal facility employing an engineered method of disposing solid waste including demolition and construction debris. All landfills shall be in compliance with Federal, State and Local regulations.

LANDSCAPING: The planting and maintenance of trees, shrubs, lawns, and other ground cover, or materials.

LANDHOLDER: The legal or beneficial owner or owners of all the land proposed to be included in a planned development. The holder of an option or contract to purchase, a lessee having a remaining term of not less than 50 years in duration, or other person having an enforceable proprietary interest may be considered a "landholder" for the purpose of this ordinance.

LARGER THAN UTILITY RUNWAY: A runway that is constructed for and intended to be used by propeller driven aircraft of greater than 12,500 pounds maximum gross weight and jet powered aircraft.

LIBRARY: A publicly-operated facility housing a collection of books, magazines, audio and video tapes or other material for borrowing and use by the general public.

LOADING SPACE: An area 10 feet by 40 feet with a 14 foot height clearance providing for the standing, loading, or unloading of a truck or other vehicle.

LOT: A piece, plot, or parcel of land in one ownership, which may include one or more lots of record, occupied or to be occupied by one or more principal building and accessory buildings, including the open spaces required under this ordinance.

LOT, AREA: The total surface land area included within lot lines.

LOT, CORNER: A lot of which at least 2 adjoining sides abut their full lengths on a street, provided that the interior angle at the intersection of 2 such sides is less than 135 degrees.

LOT, DEPTH: The average distance from the street line of the lot to its rear line, measured in the general direction of the side lines of the lot.

LOT, FRONTAGE: That dimension of a lot or portion of a lot abutting on a street, excluding the side dimension of a corner lot.

LOT, INTERIOR: A lot other than a corner lot.

LOT LINES: The boundary dividing a given lot from the street, an alley or adjacent lots.

LOT OF RECORD: A lot which is part of a subdivision recorded in the office of the county register of deeds, or a lot described by metes and bounds, the description of which has been recorded in the office of the county register of deeds prior to the effective date of this ordinance.

LOT WIDTH: The width of a lot at the building setback line measured at right angles to its depth.

MARINA: A facility for the docking and servicing of boats.

MASSAGE THERAPIST SALON: The business of providing massage as therapy utilizing the standards defined by the American Massage Therapy Association (AMTA) as set for professional masseurs and masseuses. Such salons may be associated with medical clinics, full-service beauty salons, health spas, and hotels. All members operating a massage therapist salon shall be graduates from an AMTA-accredited school and be licensed.

MASTER PLAN: A conceptual development plan illustrating all proposed phases of development which will be in conformance to the zoning requirements for that district. A master plan shall serve as a sketch plan but shall not serve for final approval; each phase of development shall be accompanied by a site-development plan following zoning procedures as stated herein.

MEDICAL FACILITIES:

Convalescent or Nursing Home: A health facility where persons are housed and furnished with meals and continuing nursing care for compensation or fee.

Dental Clinic or Medical 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.

Hospital: An institution providing health services primarily for human in-patient medical care for sick or injured and including related facilities such as laboratories, out-patient facilities, emergency medical services, and staff offices which are an integral part of the facility.

Public Health Center: A facility utilized by a health unit for the provision of public health services.

MINING OR QUARRYING: The extraction of metallic and nonmetallic minerals, excluding or natural gas. Typical activities include sand and gravel pit operations, quarries and mines. Such a use shall be subject to design guidelines and final approval from the Board of Zoning Appeals in Article 7.080.

MOBILE HOME PARK: Any area, tract, site or plot of land whereupon two (2) or more mobile homes as herein defined are placed, located or maintained, and shall include all accessory buildings used or intended to be used as part of the equipment thereof (See Section 4.090 of the Mobile Home Park).

NONCONFORMING STRUCTURE: A building or structure, or portion thereof, lawfully existing at the time these regulations became effective, or as amended, which does not comply with the setback, height, lot size or other property development standards applicable in the zoning district in which the building or structure is located. This shall not be confused with the term nonconforming use.

NONCONFORMING USE: A building, structure, or use of land existing at the time of enactment of this ordinance which does not conform to the regulations of the district in which it is located.

NOXIOUS MATTER: Material in gaseous, liquid or solid form which is capable of causing injury to living organisms, chemical reactions, or detrimental effects upon the social, economic or psychological well-being of individuals.

OPEN SPACE: An area on the same lot with a main building which is open, unoccupied and unobstructed by structures from the ground to the sky except as otherwise provided in this ordinance.

OWNER: Includes his/her duly authorized agent or attorney, a purchaser, devise, fiduciary, and a person having a vested or contingent interest in the property in question.

PARKING LOT: An off-street facility including parking spaces with adequate provisions for drives and aisles for maneuvering and obtaining access, and for entrance and exit.

PARKING SPACE: An off-street space available for parking one (1) motor vehicle and having an area of not less than 200 square feet exclusive of passageways and driveways giving access thereto, and having access to a street or alley.

PLANNED DEVELOPMENT: A relatively large, interrelated commercial development adhering to a master development plan and located on a single tract of land, or on 2 or more tracts of land which may be separated only by a street or other right-of-way.

PLANNING COMMISSION: The Hohenwald Planning Commission.

PRINCIPAL STRUCTURE: A structure in which is conducted the principal use of the lot on which it is situated. In any residential or agricultural district, any dwelling shall be deemed the principal structure on the lot on which the same is situated. Carports and garages if permanently attached to the principal structure shall be deemed a part of the principal structure. Awnings, porches, patios, or similar attachments shall be deemed a part of the principal structure with too meeting any yard requirement.

PRINCIPAL USE: The specific primary purpose for which land or a building is used.

PROFESSIONAL OFFICE/STUDIO: The office of a physician, dentist, attorney, architect, engineer, planner, accountant, or similar professions. All physician or dentist offices which also receive patients shall be considered a medical clinic as defined herein, and thus shall meet the zoning regulations as such. No medical clinic shall be considered as a home-occupational use.

PUBLIC USES: Public parks, schools, and administrative, cultural, and service buildings, not including public land or buildings devoted solely to storage and maintenance of equipment and materials.

RECREATIONAL VEHICLE/MOTOR HOME: SEE TRAVEL TRAILER.

RESTAURANT, FAST-FOOD: An establishment where the principal business is the sale of food and non-alcoholic beverages in a ready-to-consume state and where the design or principal method of operation is that of a fast-food or drive-in-style restaurant offering quick food service, where orders are generally not taken at the customer's table, where food is generally served in disposable wrapping or containers and where food and beverages may be served directly to the customer in an automobile.

RESTAURANT, GENERAL: An establishment, other than a "Fast-Food Restaurant," where the principal business is the sale of food and beverages in a ready-to-consume state, where there is no service to a customer in an automobile and where the design or principal method of operation consists of one or more of the following: (1) a sit-down restaurant where customers, normally provided with an individual menu, are generally served food and beverages in non-disposable containers by a restaurant employee at the same table or counter at which the food and beverage items are consumed; or, (2) a cafeteria or cafeteria-type operation where food and beverages generally are served in non-disposable containers and consumed within the restaurant.

ROADWAY: The actual road surface including necessary road shoulders and drainage facilities including ditches and curbs and gutters, which is used to transport motor vehicles.

SANITARY LANDFILL: An area or site utilized by a public or private entity for disposal of solid waste or refuse in a manner which meets the regulations imposed upon the operation and maintenance of sanitary landfill sites by the State's Department of Environment and Conservation (TDEC) and all other applicable governmental agencies.

SERVICE STATION: A facility primarily engaged in the retail sale of gasoline or other motor fuels that may include accessory activities such as the sale of lubricants, automotive accessories or supplies, the washing of motor vehicles or the minor adjustment or tune-ups to motor vehicles, and may include convenience consumable goods as an accessory use, but shall not be confused with a grocery market nor the general vehicle repair services and/or body shop. The primary use of a service station shall be the retail of fuel for motor vehicles.

SHOPPING CENTER: A group of compatible commercial establishment, planned, developed, and managed as a single unit, with an automobile storage area provided on the property; the center must also be related in location, size, and type of businesses to its' trade area.

SIGN, BILLBOARD, OR OTHER ADVERTISING DEVICE: Any structure or part thereof or device attached thereto, or represented thereon, which shall display or include any letter, words, model, banner, flag, pennant, insignia, or any representation used as, or which is in the nature of, an announcement, direction or advertisement. The word "sign" includes the word "billboard" or any other type of advertising device, but does not include the flag, pennant, or insignia of any nation, state, city or other political unit. SEE A MORE COMPLETE LIST OF SIGN DEFINITIONS IN ARTICLE 4.080

SITE DEVELOPMENT PLAN: As required for any new construction, (other than single-family, two-family detached dwellings and individual mobile homes) such plan must be prepared by a licensed, certified engineer and/or surveyor. See section 7.030 B2.

SPECIAL EXCEPTION: A use which is specifically permitted if the owner can demonstrate to the satisfaction of the Board that it will meet certain standards, enumerated safeguards, or qualifying conditions; also known as a use permitted upon appeal or a conditional use but not to be confused with a variance.

SPECIFIED ANATOMICAL AREAS: 1) A human male genital in a discernibly turgid state, even if completely and opaquely covered; or 2) areas of the human body that are less than completely opaquely covered and limited to the human genitals or pubic region, buttocks, and female breast below a point immediately above the top of the areola.

SPECIFIED SEXUAL ACTIVITIES: 1) Acts of human masturbation, sexual intercourse or sodomy, or 2) fondling or other erotic touching of human genitals, pubic region, buttocks, or female breasts, 3) or human genitals in a state of sexual stimulation or arousal.

STORY: That portion of a building included between the upper surface of any floor and the upper surface of the floor next above; or any portion of a building between the topmost floor and the roof which is used for human occupancy in which the floor area with 8 feet or more of head clearance equals less than 50% of the floor area of the story next below. Provided it is not used as a dwelling unit, a top floor in which the floor area with 8 feet or more of head clearance equals less than 50% of floor area of the story next below shall be a "half-story". A basement shall be considered as a story if more than one-half (1/2) of its height is above the average ground level from which the "height of a building" is measured or if it is used for commercial purposes.

STREET: A public road, highway, or thoroughfare which constitutes, or is designed to constitute, the main access to more than one lot and which has been legally dedicated and accepted for public use.

SWIMMING POOL: Any constructed or prefabricated pool used for swimming or bathing eighteen (18) inches or more in depth.

SWIMMING POOLS, PRIVATE: All constructed pools which are used as a swimming pool in connection with a single family residence, and available only to the family of the householder and his/her private guests.

SWIMMING POOLS, PUBLIC: Any constructed or prefabricated pool used as other than a private swimming pool.

TOXIC MATERIALS: Materials (gaseous, liquid, solid, particulate) which are capable of causing injury to living organisms even when present in relatively small amounts.

TRAVEL TRAILER: A vehicular, portable structure designed as a temporary dwelling for travel, recreation, and vacation uses only and not considered the primary residential dwelling unit. Often confused with mobile homes; these traveling home-like vehicles may include: motor homes, travel trailers, recreational vehicle and pop-up campers, but may not be used for permanent dwelling purposes.

TRAVEL TRAILER PARK: A plot of land designed and equipped to accommodate travel trailers for short periods of time; not to be confused with a mobile home park. A travel trailer park is to be considered a transient habitational use. Also called, a RV Park or part of a camp ground park.

USE: The purpose for which land or a building or other structure is designed, arranged or intended, or for which it is or may be occupied or maintained.

VEHICLE REPAIR, GENERAL: An establishment primarily engaged in painting of or body work to motor vehicles or heavy equipment. Typical uses include paint and body shops. Such shops shall be distinct from salvage or wrecking yards or the retail of motor vehicles.

VEHICLE REPAIR, LIMITED: An establishment primarily engaged in automotive repair other than paint and body shop. A limited shop shall be for the service and maintenance of a motor vehicle and where vehicles shall not be kept longer than one working day.

VEHICLE AND EQUIPMENT SALES: An establishment engaged in the retail sale or rental, from the premises, of motorized vehicles, along with incidental service or maintenance. Typical uses include automobile and truck sales, automobile rental, boat sales and motorcycle sales.

WAREHOUSE, RESIDENTIAL STORAGE: An enclosed storage facility of a commercial nature containing independent, fully enclosed and secured bays which are leased to persons exclusively for dead storage of their household goods or personal property. Such a facility shall be lighted, buffered from residential abutting properties, fenced in, secured and shall not be used for habitable space nor commercial activity and shall be maintained and free from debris. No storage of flammable or other hazardous materials shall be allowed.

WAREHOUSE, COMMERCIAL OR INDUSTRIAL STORAGE: The storage of materials, equipment, or products within a building for manufacturing use or for distribution to wholesalers or retailers, as well as activities involving significant movement and storage of products or equipment. Typical uses include truck terminals, major mail distribution centers, frozen food lockers, motor freight terminals and moving and storage firms, but excluding residential storage warehouses.

YARD: An open space on the same lot with a principal building, open, unoccupied, and unobstructed by buildings from the ground to the sky except as otherwise provided in this ordinance, provided that accessory buildings may be located in a rear yard.

YARD FRONT: The yard extending across the entire width of the lot between the nearest part of the principal building, including porches, and the front lot line.

YARD, REAR: The yard extending across the entire width of the lot between the nearest part of the principal building, including porches, and the rear lot line.

YARD, SIDE: The required space unoccupied except as herein provided, measured between the side lot line and the nearest point of the principal building and between the front yard and the rear yard.

2.030 USE CLASSIFICATION SYSTEM

The provisions of this section shall be known as the use classifications. The purpose of these provisions is to classify land uses into a number of specifically defined types on the basis of common functional characteristics and similar compatibility with other uses, thereby with criteria which are directly relevant to the public interest. These provisions shall apply throughout the zoning regulations. **Where there is a question concerning the appropriate activity classification for any use not listed herein, the Board of Zoning Appeals shall make the determination based upon the characteristics of the unlisted use.**

2.031 Listing of Activity Classifications

All activities are hereby classified into the following activity types:

A. Residential Activities

Permanent

Dwelling, Single Detached

Dwelling, Duplex

Dwelling, Triplex

Dwelling, Mobile Home

Dwelling, Multi-family (townhome, condominium, etc.)

Dwelling, Prefabricated/Modular Home

Semi-Permanent

Boarding House

Rooming House

Bed & Breakfast Homestay

Bed & Breakfast Inn

B. Community Facility Activities

Administrative

Community Assembly

Community Education

Cultural and Recreation Services

Essential Service

High Impact Facilities

Extensive Impact

Health Care and Medical Facilities

Intermediate Impact

Personal and Group Care Facilities

Religious Facilities

C. Commercial Activities

Animal Care and Veterinarian Services

Automotive Parking

Automotive Service and Repair

Building Materials and Farm Equipment

Consumer Repair Services

Construction Sales and Services

Convenience Commercial

Entertainment and Amusement Services

Financial, Consulting, and Administrative

Food and Beverage Service

Group Assembly

Medical and Professional Services

Transient Habitation

Transport and Warehousing

Undertaking Services

Vehicular, Craft and Related Equipment

... Sales Retail and Delivery

Wholesale Sales

High Impact

Warehousing, Residential Storage Units

Food Service - Drive-In
General Business and Communication Services
General Personal Service
General Retail Trade

D. Manufacturing/Industrial Activities

Limited
Intermediate

Extensive/High Impact

E. Agricultural, Resources Production, and Extractive Activities

Agricultural Services
Crop, Animal and Poultry Raising
Mining and Quarrying

Plant and Forest Nurseries
Commercial Feed Lots and Stockyards

2.032 Accessory Uses

In addition to the principal activities expressed above, each activity type shall be deemed to include activities customarily associated with it, and appropriate, incidental, and subordinate to the principal activity. The accessory uses permitted are presented with the regulation section of each district as set forth in this zoning ordinance.

2.033 Types of Residential Activities

A. Permanent Residential

The occupancy of living accommodations on a monthly or longer basis with none of the living units under the same ownership or management on the same zone lot being occupied on a less-than-monthly basis. This shall not include institutional living arrangements involving the provision of any kind of special care or forced residence such as nursing homes, orphanages, asylums, half-way houses or prisons, except as provided by general law of the state. The following dwelling types as defined by this ordinance are permanent residential activities; however, only those dwelling types as indicated by individual district regulations may be permitted therein:

Dwelling, Single Detached

Dwelling, Duplex

Dwelling, Triplex

Dwelling, Prefabricated/Modular Home

Dwelling, Mobile Home (single or double-wides)

*Dwelling, Multi-Family (apartment, townhouse,
...condominium)*

B. Semi-Permanent Residential

The occupancy of living accommodations partly on a monthly or longer basis and partly for a shorter time period, but with less than 30% of the living units under the same ownership or management on the same zone lot being occupied on a less-than-monthly basis. This shall not include institutional living arrangements involving the provision of a special kind of care or forced residence, such as nursing homes, orphanages, asylums, half-way houses, and prisons, except as provided by general law of the state.

The following dwelling or rooming unit types as defined by this ordinance are considered as semi-permanent residential activities; however, only those dwelling or rooming unit types as indicated by individual district regulations may be permitted therein:

Boarding House
Rooming House

Bed & Breakfast Homestay
Bed & Breakfast Inn

2.034 Types of Community Facilities

A. Administrative Services

The activities typically performed by public, utility, and nonprofit private administrative offices. These activities would include:

City, County, State, and Federal Offices
Civil Defense Facilities
Court Buildings

Fire Department Facilities
Police Department Facilities
Post Offices

B. Community Assembly

The activities typically performed by or at institutions and installations for various social, athletic, and recreational purposes. These activities do not include facilities primarily utilized for profit. They would include:

Civic, Social, Fraternal, and Philanthropic
Associations
Private (nonprofit) Clubs, Lodges, Meeting Halls

Recreation Centers
Temporary Non-profit Festivals

C. Community Education

The activities typically performed by the following institutions:

Public and Private Nursery Schools
Kindergarten, Primary and Secondary Schools

D. Cultural and Recreational Services

The activities of a cultural or recreational nature which are either owned by or operated for, the use and enjoyment of, the general public. (This does not embrace such facilities which are privately owned and operated for profit). These activities permitted would include:

<i>Art Galleries</i>	<i>Planetariums and Aquariums</i>
<i>Libraries</i>	<i>Recreational Centers and Gymnasiums</i>
<i>Museums</i>	<i>Swimming Pools and Beaches</i>
<i>Parks, Playgrounds, and Playfields</i>	<i>Zoological and Botanical Gardens</i>

E. Essential Services

Includes the maintenance and operations of the following installations:

<i>Electrical and Gas Substations</i>	<i>Pumping Facilities for Water and Sewer Systems</i>
<i>Electrical, Gas, Water, and Sewer</i>	<i>Rights-of-Way for Transportation Modes</i>
<i>Distribution and Collection Lines</i>	<i>Telephone Switching Facilities</i>

F. Extensive Impact Facilities

The activities that have a high degree of impact upon surrounding land uses due to their hazards or nuisance characteristics, as well as traffic generation, parking, and land requirements and typically performed by, or the maintenance and operation of, the following institutions and installations:

<i>Airports, Air Cargo Terminals,</i>	<i>Major Fuel Transmission Lines and Facilities</i>
<i>Heliports, or Other Aeronautical</i>	<i>Major Mail Processing Centers</i>
<i>Devices</i>	<i>Military Installations</i>
<i>Correction and Detention Institutions</i>	<i>Public and Private Utility Corporations and</i>
<i>Electricity Generating Facilities</i>	<i>Truck Yards, Including Storage Yards</i>
<i>and Transmission Lines</i>	<i>Railroad Yards and Other Transportation</i>
<i>Garbage Incineration Plants including</i>	<i>Equipment Marshaling and Storage Yards</i>
<i>Cogeneration Facilities; Sanitary</i>	<i>Substance Control Centers</i>
<i>Landfills</i>	
<i>Institutional Care Facility, asylums for</i>	
<i>psychotic or insane,</i>	

G. Health Care and Medical Facilities

Includes the activities typically performed by the following institutions but not including the offices, clinics, etc., of private physicians or other health care professionals:

Centers for Observation or Rehabilitation other than those considered as Extensive Impact Facility

Convalescent Homes, nursing homes

Hospitals

Medical Clinics

H. Intermediate Impact Facilities

The activities that have a significant effect upon surrounding land uses due to their traffic generation characteristics, parking requirements, land requirements, or potential nuisances and typically performed by, or the maintenance and operation of the following institutions or installations:

*Cemeteries, Columbariums,
and Mausoleums*

*Colleges, Junior Colleges,
and Universities, excluding
For Profit Business Schools*

Commercial Boat Docks, Marinas, and Yacht Clubs

Country Clubs

Golf Courses

*Water Storage Facilities, Water and Sewage
Treatment Plants*

Radio and TV Transmission Facilities

I. Personal and Group Care Facilities

The activities and facilities to provide for the care of preteenage children, disabled and handicapped persons needing special care or supervision, care for the elderly and other individuals requiring supervised care, but excluding facilities for delinquent, criminally dangerous, or psychotic people. These activities would include:

*Associations for Physically or Mentally
Handicapped Persons*

Day Care Centers

Group Homes for Physically or Mentally Handicapped Persons

Orphanages

Retirement or Rest Homes

J. Religious Facilities

The activities or facilities utilized by various religious organizations for worship or community service functions but excluding any facility the primary functions of which is to produce products or printed matter for sale or general distribution. The activities include:

Churches or Chapels
Convents or Monasteries
Sanctuaries

Synagogues
Temples

2.035 Types of Commercial Activities

A. Animal Care and Veterinarian Services

Includes provisions for animal care, treatment, and boarding services:

Veterinarian Clinics, general
Kennels

Veterinarian Clinics, limited

B. Automotive Parking

Includes the parking and/or storage of motor vehicles but excluding junk or scrap vehicles:

Auto Parking Lots

Parking Garages

C. Automotive Services and Repair

Includes the sale, from the premises, of good and the provision of services which are generally required in the operation and maintenance of automotive vehicles and the fulfilling of motorist needs, as well as clean-up, painting and repair of automotive vehicles, including body work and installation of accessories:

Auto Cleaning and Repair Services
Auto Glass Repair and Replacement
Shops
Auto Inspection and Diagnostic Services
Auto Paint Shops
Auto Towing Services

Car Washes
Gasoline, Fuel, and Oil Sales and Service
Radiator and Muffler Shops
Tire Retreading and Repair Shops
Wheel Alignment and Transmission Repair
Shops

D. Building Materials and Farm Equipment

Includes the retail and wholesale sales and storage of materials used in the construction of buildings and other structures as well as the retail and wholesale sale and storage of implements, equipment, feed and seed used in agricultural pursuits:

*Farm Equipment/Supplies
Feed Milling and Sales
Seed Storage and Sales*

*Lumber and Building Material Dealers
Retail Nurseries, Lawn and Garden Suppliers
Heating, Plumbing, Electrical Supplies*

E. Consumer Repair Services

Include the servicing and repair of appliance, furniture, and equipment generally used or owned by individuals, not including the repair of any type of automobile:

*Blacksmith Shops
Electrical Repair Shop
Gunsmith Shops
Instrument Repair Shops
Locksmith Shops*

*Office Equipment Cleaning and Repair
Reupholstery and Furniture Repair
Saddlery Repair Shops
Watch, Clock, and Jewelry Repair
Lawn Mower Repair Shop*

F. Construction Sales and Services

Includes the offices, buildings, and shops of various types of contractors as well as incidental on-site construction and storage.

*Builder's Hardware
Carpentry Contractors
Concrete Contractors
Excavation Contractors
General Building Contractors
Glazing Contractors*

*Highway and Street Construction Contractors
Masonry, Stonework, Tile Setting, and
Plastering Contractors
Painting, Paper Hanging, and Decorating Service
Plumbing, Heating, and Electrical Contractor
Roofing and Sheet Metal Contractors*

G. Convenience Commercial

Includes the retail sale, from the premises, of groceries, drugs, and other frequently needed personal convenience items, as well as the provision of personal convenience services which are typically needed frequently or recurrently, provided that no establishment shall exceed 5,000 square feet of gross floor area.

*Barber Shops
Beauty Shops
Drug Stores
Fruit and Vegetable Markets
Grocery Stores*

*Laundry and Dry Cleaning Pick-up Stations
News Stands
Hardware Store (no outside storage)
Self-Service Gasoline Pumps
Beauty Salons (Full-Service)*

H. Entertainment and Amusement Services

Include the provisions of cultural, entertainment, educational, and athletic services, other than those classified as Community Facility Activities, to assembled groups of spectators or participants.

Art Galleries (Commercial)
Batting and Golf Driving Ranges
Bowling Alleys and Billiard Parlors
Coin Operated Amusement Arcades
Dance Halls and Studios
Exhibition Halls and Auditoriums

Recording and TV Production Services
Skating Rinks
Theaters
*Theatrical Producers, Bands, Orchestras,
and Entertainers*

I. Financial, Consulting, and Administrative Services

Include the provision of financial, insurance, and real estate brokerage services, as well as advice, designs, information, or consultations of a professional nature (other than those classified as Community Facility Activities, Medical and Professional Service, or Business and Communication Services). These also include the executive, management, or administrative activities of private, profit oriented firms, but exclude the sale and/or storage of goods or chattel unless otherwise permitted by this ordinance:

Agricultural Credit Institution
Banking and Bank-Related Functions
Credit Unions
Holding and Investment Organizations
*Insurance Carriers, Agents, Brokers,
and Service*
*Money Management and Investment
Offices*

*Real Estate Brokers, Managers and
Appraisers*
*Rediscount and Financing Institutions for
Credit Agencies Other Than Banks*
Savings and Loan Associations
*Securities Commodities, Brokers, Dealers,
and Exchanges*
Title Offices

J. Food and Beverage Service

Include the retail sale of prepared food and/or beverages for primarily on-premises consumption within the principal structure on the zone lot:

Restaurants, general
Dine-in Bakeries
Coffee shops
Gourmet Shops

Grills
Specialty Dine-in Food Bars
Taverns
Tea-Rooms

K. Food Service Drive-In

Includes the retail sale of prepared food and/or beverages for either home or on premises consumption either within the principal structure or within a parked car on the same zone lot:

Drive-In Restaurants

Fast Food Restaurants with Drive-Thru Service

L. General Business and Communication Services

Include the provision of service of a clerical, goods brokerage, and communications of a minor processing nature, copying and blueprinting services, custom printing (except books) but include the sale and/or storage of goods and chattel unless otherwise permitted by this ordinance.

Advertising Agencies and Services

Commercial Cleaning Services

Commercial Testing Laboratories

Communications Services

Radio & Television Broadcasting Studio

Telegraph and Message Centers

Telephone Exchanges and Relay Towers

Television & Recording Production

Studios

Computer and Data Processing Services

Credit Reporting, Adjustment/

Collection Agencies

Detective Agencies and Protective

Services

Drafting Services

Employment, Personnel, and Temp. Services

Exterminating Services

Interior Decorator and Consulting Services

Mailing, Reproduction, and Commercial Art Services

*Management, Consulting/Public Relation
Services*

Membership Organizations

Automobile Clubs

Better Business Bureaus

Chamber of Commerce

Labor Unions

Political Organizations

Professional Associations

News Syndicates

Photofinishing Services

Research and Development Laboratories

Trading Stamp Services

Travel Agencies

Vehicular and Equipment Rental

M. General Personal Service

Include the provision to individuals of informational and instructional services as well as the provision of care and maintenance for personal items. These activities do not include the storage or sale of goods or chattel, unless otherwise permitted herein.

Catering Services

Laundry, Cleaning, and Garment Services

Miscellaneous Personal Services

Clothing Rental Agencies

Special Training and Schooling Services

Art and Music Schools

Barber and Beauty Schools

Business Schools

*Health & Beauty Spas
Photographic Studios
Shoe Repair and Hat Cleaning Shops*

*Dancing Schools/Exercise Studios
Driving Schools
Massage Therapist Salons*

N. General Retail Trade

Includes the retail sales or rental from the premises, primarily for personal or household use, of goods and/or services, but excluding goods and services listed in the other classifications herein.

*Antique and Second Hand Merchandise Stores
Automotive Parts (No exterior storage)
Book and Stationery Stores
Camera Stores
Candy, Nut and Confectionery Stores
Children's and Infant's Stores
Dairy Products Stores
Department Stores
Drapery, Curtain, and
Upholstery Stores
Drug Stores and Proprietary Stores
Family Clothing Stores
Floor Covering Stores
Florists &/or Garden Retail Shop
Fruit Stores and Vegetable Markets
Radio and Television Stores
Furniture Stores
Furriers and fur shops
Gift Shops
Grocery Stores
Hardware Stores
Hobby, Toy, and Game Stores*

*Household Appliance Stores
Jewelry Stores
Liquor Stores
Luggage Shops
Meat and Seafood Markets
Men's and Boy's Clothing and
Furnishing Stores
Miscellaneous General
Merchandise Stores
Miscellaneous Apparel and
Accessory Stores
Direct Selling Organizations
Mail Order Houses
Miscellaneous Home Furnishings
Stores
Music Stores
News Stands
Retail Bakeries
Sewing and Piece Goods Stores
Shoe Stores
Sporting Goods Stores
Tobacco Shops
Variety Stores
Women's Accessory and Specialty
Stores*

O. Group Assembly

Includes the provision of cultural, entertainment, educational, and athletic services, other than those classified as Community Facilities, to large groups of assembled spectators and/or participants (500 or more) or that have a substantial potential impact upon adjoining property. Commercial Group Assemblies differ from that under Community Facilities, in that they are generally for-profit uses.

Amusement Parks

Commercial Sports Arenas and Playing Fields

Commercial Camp Grounds
Commercial Resorts

Drag Strips
Race Tracts (Auto, Motorcycle, Dog, and Horse)

P. High Impact Facility

Adult Entertainment
Adult Book Store

Adult Video Store

Q. Medical and Professional Services

Includes the provision of therapeutic, preventive, or corrective personal treatment services by physicians, dentists, and other practitioners, as well as testing and analysis and the offices of various other professionals, the service of which is provided in an office environment (not to be interchanged with the health care facilities permitted under the Community Facility category).

Accounting, Auditing, and Bookkeeping Services

Artist Studios (Excluding Commercial Artists)

Attorneys and Law Offices

Chiropractor Offices

Consulting Scientists

Dental Offices and Laboratories

Educational and Scientific Research Services

Engineering and Architectural Services

Optometrists

Physicians' Offices/Clinics (Out-Patient Services)

Physiologists and Psychotherapists

Songwriters and Music Arrangers

Urban Planning Services

Writers and Lecturers

R. Transient Habitation

Includes the provision of lodging services to transient guests, having at least 70 percent of its accommodation available on a less-than-weekly basis, other than those classified as residential activities.

Hotels

Motels

Tourist Courts

Travel Trailer Parks (not mobile homes)

S. Transport and Warehousing

Includes the provision of warehousing, storage, freight handling, shipping, and trucking services.

Bus and Truck Maintenance and Repair

Food Lockers

Warehousing, Commercial/Industrial

Packing and Crating Services

Railroad, Bus and Transient Terminals

Refrigerated Warehousing

Truck Terminals Freight Handling Service

T. Undertaking Services

Include the provision of undertaking and funeral services involving the care and preparation of the human deceased prior to burial.

Funeral and Crematory Services

U. Vehicular, Craft, and Related Equipment

Includes the retail, wholesale sale or rental from the premises of vehicular and related equipment with incidental maintenance.

Boat and Motor Dealers

Mobile Home Dealers

Motor Vehicle Dealers

Motorcycle Dealers

Recreational Vehicle and Utility Trailer Dealers

V. Warehousing of Residential Goods

Residential Storage

Mini/Self-Storage Units

W. Wholesale Sales

Includes the storage and sale from the premises of goods to other firms for resale, as well as the storage of goods and their transfer to retail outlets; but exclude sale or storage of motor vehicles, except for parts and accessories. These would include such uses as:

Apparel, Piece Goods, and Notions

Beer, Wine and Distilled Alcoholic

Beverages

Chemicals and Allied Products

Drugs, Drug Proprietaries, and Sundries

Electrical Goods and Appliances

Farm Products Raw Materials

Farm Supplies

Furniture and Home Furnishings

Groceries and Related Products

Hardware, Plumbing, and

Heating Equipment and Supplies

Lumber and Other Construction Materials

Machinery, Equipment, and Supplies

Metals and Minerals

Motor Vehicles and Automotive

Parts and Supplies

Paper and Paper Products

Petroleum and Petroleum Products

Sporting, Recreational, Photographic, /

Hobby Goods

Tobacco and Tobacco Products

Toys and Supplies

Wholesale of Plants, Trees, and Shrubs

2.036 Types of Manufacturing/Industrial Activities

Manufacturing activities include the on-site production of goods by methods other than agricultural or extractive in nature.

A. Limited Manufacturing Activities

Include the following operations:

1. The manufacture, compounding, processing, assembling, packaging, treatment, or fabrication of the following products:

<i>Apparel and Accessories</i>	<i>Instruments for Scientific, Medical, Dental,</i>
<i>Art Objects</i>	<i>Engineering, Other Professional Purposes</i>
<i>Bakery Goods</i>	<i>Optical Instruments and Lens</i>
<i>Beverages (Non-alcoholic)</i>	<i>Printed Matter</i>
<i>Dairy Products</i>	<i>Signs</i>

2. Activities and operations which include the following:

<i>Book Binding</i>	<i>Printing</i>
<i>Data Processing Service</i>	<i>Publishing</i>
<i>Photocopying</i>	<i>Record Pressing</i>
<i>Photo-engraving</i>	<i>Upholstering</i>
<i>Welding</i>	<i>Precision Machining of Dies, Jigs, Fixtures</i>

B. Intermediate Manufacturing Activities

Include the following:

1. The manufacture, compounding, processing, assembling, packaging, treatment or fabrication of products, except for the following:

<i>Cotton Seed Oil</i>	<i>Fireworks</i>
<i>Explosives</i>	<i>Organic Fertilizers</i>

2. Other activities and operations, except for the following:

<i>Abrasive, Asbestos, and</i>	<i>Fat Rendering</i>
<i>Non-metallic Mineral Processing</i>	<i>Foundries</i>
<i>Arsenals</i>	<i>Grain Milling</i>
<i>Asphaltic Cement Plants</i>	<i>Junk Yards</i>
<i>Atomic Reactors</i>	<i>Offal Processing</i>
<i>Automobile Wrecking Yards, Scrap and</i>	<i>Ore Reduction</i>

Waste Materials
Cement and/or Concrete Plants
Chemical Manufacturing in Excess of
One (1) Ton Per Day
Cotton Ginning
Smelting and Refining of Metals
and Alloys
Steel Works (other than those listed)
Tanning

Paper Mills and
Pulp Manufacturing
Petroleum Refining
Radioactive Materials Waste
Handling
Rolling and Finishing of Ferrous
Materials
Slaughtering of Animals
Waste Disposal by Compacting or
Incineration, as a Principal Use

C. Extensive/High Impact Manufacturing Activities

Include all intermediate manufacturing activities (described above) and the exceptions listed above, except as follows:

Arsenals
Atomic Reactors
Explosives Manufacturing and Storage
Fireworks Manufacturing
Hazardous Wastes Storage and/or Transfer

Radioactive Waste Handling
Solid Waste Landfills
Solid Waste Processing and
Recycling
Waste Incinerators, Including
Hospital and Medical Waste

The above exceptions may be defined to be included within the Extensive Manufacturing Classification only after proper review by the Board of Appeals.

2.037 Types of Agricultural, Resources Production, and Extraction Activities

A. Agricultural Services

Include Various activities designed to provide needed services for agricultural uses and are appropriately located in close proximity thereto.

Crop Drying, Storage, and Processing
Crop Planting, Cultivating, and
Protection Services
Horticultural Services

Livery Stables
Riding Stables
Soil Preparation Services

B. Commercial Feed Lots and Stockyards

Include facilities and operations involved in the storage and feeding (other than pasture grazing) of animals for resale or slaughter.

C. Crop and Animal Raising

Includes the raising of tree, vine, field, forage, and other plant crops intended to provide food or fiber, as well as keeping, grazing, or feeding animals for animal products, animal increase, or value increase, but specifically excluding commercial feed lots and facilities for the processing, packaging, or treatment of agricultural products.

*Dairies
Farms*

*Raising of Plants, Animals, and Fish
Truck Gardens*

D. Mining, Drilling and Quarrying

Includes drilling operations and facilities either utilized by, or in support of the extraction of minerals, ores, petroleum, and natural gas or in the quarrying and collection of stone, gravel, sand, clay, and other non-metallic minerals.

*Coal Mining
Clay, Ceramic, and Refractory
Minerals
Metal Ore and Mineral Mining
Stone Quarrying*

*Chemical Fertilizer and Non-metallic Mineral
Mining
Sand and Gravel Quarrying
Crude Petroleum and Natural Gas Production*

E. Plant and Forest Nurseries

Includes the cultivation of horticultural specialties, such as flowers, shrubs, and trees, intended for ornamental, landscaping, or tree planting purposes. Such products shall be sold as wholesale only or otherwise be categorized as a general retail trade under the Commercial Activities classification.

*Forest Nursery
Greenhouses*

*Plant Nursery
Plant Farms*

ARTICLE III

GENERAL PROVISIONS

SECTION

- 3.010 Scope
- 3.020 Only One (1) Principal Structure on Any Residential Lot
- 3.030 Lot Must Abut a Public Street
- 3.040 Reduction in Lot Area Prohibited
- 3.050 Rear Yard Abutting a Public Street
- 3.060 Corner Lots
- 3.070 Future Street Line
- 3.080 Obstruction to Vision at Street Intersection Prohibited
- 3.090 Access Control
- 3.100 Accessory Use Regulations
- 3.110 Buffer Strips

3.010 SCOPE

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.

3.020 ONLY ONE (1) PRINCIPAL STRUCTURE OR BUILDING ON ANY SINGLE FAMILY RESIDENTIAL LOT

Only one (1) principal structure and its accessory structures may hereafter be erected on any single family residential lot. This provision does not prohibit planned development complexes as permitted under Subsection 5.091, of this ordinance, multi-family dwellings or mobile home parks.

3.030 LOT MUST ABUT A PUBLIC STREET

No building shall be erected on a lot which does not abut at least one (1) publicly maintained street for at least 50 feet, measuring at the front setback line. All front setbacks are measured from the property line parallel to the public right-of-way. This section shall not apply to residential properties in a residential district abutting a cul-de-sac, which shall abut a public street at least 40 feet. This purpose of this section is to prohibit the creation of land-locked properties within the city. Private drives and utility egress/ingress easements may be permitted after establishment of a private maintenance agreement. All private egress/ingress easements shall be privately maintained.

3.040 REDUCTION IN LOT AREA PROHIBITED

No lot, even though it may consist of one or more adjacent lots of record, shall be reduced in area so that yards, lot area per family, lot width, building area, or other requirements of the zoning ordinance are not maintained. This section shall not apply when a portion of a lot is acquired for a public purpose. Other than lots of record, no newly subdivided lot shall be less than required for that district.

No part of any yard or other open space or automobile storage area or loading or unloading space provided about any building for the purpose of complying with these regulations, shall be considered as providing such space similarly required for any other structure unless designed as part of an approved master plan within a Planned-Unit Development. See ARTICLE 4.100 for exceptions to lot size.

3.050 REAR YARD ABUTTING A PUBLIC STREET

When the rear yard of a lot abuts a public street, all structures built in that rear yard shall observe the same setback as required for adjacent properties which front on that street. In addition, any structure located within 25 feet of that setback line shall be no closer to any side property line than the distance required for side yards on adjoining properties fronting on that street. Further restrictions may be required by the planning commission, such as additional buffering and/or screening. All newly subdivided lots with double-frontage may be further restricted as stated in the *Subdivision Regulations*.

3.060 CORNER LOTS

The side yard setback requirements for corner lots shall be the same as the front setback requirements for the next adjacent lot fronting on the street that the side yard of the corner lot faces. See illustration 7 within the *Subdivision Regulations*.

3.070 FUTURE STREET LINE

For the purpose of providing adequate space for the future widening of streets, required setbacks, or front yards, shall be determined by the right-of-way as shown on the latest *official Hohenwald Major Thoroughfare Plan*. See the map and the *Subdivision Regulations* for additional street widths required

3.080 OBSTRUCTION TO VISION AT STREET INTERSECTION PROHIBITED

In all districts, on a corner lot within the area formed by the center lines of intersecting street and a line joining points on such center lines at a distance of 90 feet from their intersection, there shall be no obstruction to vision between a height of 3 feet and a height of 8 feet above the average grade of each street at the center line thereof. This formula shall also apply to any landscaping, signage, parking, or storage. This section shall not be deemed to prohibit any necessary retaining walls.

3.090 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:

- A. A point of access for vehicles onto a street shall not exceed 30 feet in width. In non-residential districts, vehicular service uses may be permitted points of access exceeding 30 feet, but not exceeding 40 feet in width providing that they do not exceed 50% of their respective street frontage.

All points of access shall be so constructed as to provide for proper drainage and to ensure limited water run-off on public roads.

- B. There shall be no more than 2 points of access to any one public street for each 200 feet of lot frontage, or fraction thereof, provided, however, that lots less than 100 feet in width shall have no more than one point of access to any one public street.
- C. No point of access shall be allowed within 30 feet of the curb line (or road line when there is no curb) of a public intersection.
- D. No curbs on city streets or rights-of-way shall be cut or altered without approval of the Hohenwald City Street Superintendent.
- E. Where 2 driveways are provided for one (1) lot frontage, the clear distance between the driveways shall not be less than 25 feet.
- F. Cases requiring variances relative to the above provisions due to topographic limitations shall be heard and acted upon by the Board of Zoning Appeals, provided, further, that no curb cuts for off-street automobile storage or parking space shall be permitted where the arrangement would require that vehicles back directly into a public street.

3.100 ACCESSORY USE REGULATIONS

The use of land, buildings, and other structures permitted in each of the districts established by this zoning ordinance are designed by listing the principal uses. In addition to such principal uses, accessory uses which are customarily incidental to the permitted principal uses are also permitted in each district. Each accessory use shall:

- A. Be customarily incidental to the principal use established on the same lot.
- B. Be subordinate to and serve such principal use.
- C. Be subordinate in area, intent, and purpose to such principal use.
- D. Contribute to the comfort, convenience, or necessity of users of such principal use.

- E. An accessory use or structure on any residential lot shall not exceed 40% of the total square footage of the principal structure on such lot, not to exceed 600 feet in size. If freestanding, it shall be located in the rear yard in relation to the principal structure on any zone lot.
- F. There shall be no new zone lots with two or more principal uses.

3.110 BUFFER STRIPS

Where a use is established in areas zoned commercial or industrial which abuts at any point upon property zoned residential, the developer of said use shall provide a landscaped buffer strip of no less than 10 feet in width at the point of abutment. The buffer strip shall be no less than 10 feet (see DEFINITIONS section) and shall not be considered the same as or included in the required landscaping provisions for each district; buffering may be required in addition to the landscaping. Buffering may be required by the Planning Commission when a proposed use deems incompatible with the surrounding established uses and the use of which may cause a higher impact upon the other abutting properties.

Furthermore, there shall be installed around the rear of all drive-in restaurants, a 4 foot fence designed to catch all litter or trash generated on the site, unless specific conditions deem otherwise as determined in a hearing by the Board of Zoning Appeals.

The Board of Zoning Appeals may also require additional buffer strips with uses permitted upon appeal as determined in a hearing.

3.120 GRADING PERMITS AND DEMOLITION PLANS

Prior to any grading, excavating, filling, or any further alteration to the topography or existing structures, the property owner shall obtain a construction/grading permit from the building inspector to ensure that proper drainage and water run-off do not cause a health and safety concern. The building inspector may require a demolition plan of existing structures and natural features prior to issuance of such permit. The demolition site plan may be reviewed by the Planning Commission to ensure the enforcement of this ordinance. Such permit shall not convey final approval by the Planning Commission; further approval shall be sought prior to issuance of the building permit. SEE APPENDIX A, FOR PERMIT PROCESS AND SECTION 7.030 FOR APPLICATION PROCEDURES.

ARTICLE IV

SUPPLEMENTARY PROVISIONS APPLYING TO SPECIFIC DISTRICTS

SECTION

- 4.010 Off-Street Parking Requirements
- 4.020 Off-Street Loading Requirements
- 4.030 Temporary Use Regulations
- 4.040 Customary Incidental Home Occupations
- 4.050 Gasoline Service Station Restrictions
- 4.060 Swimming Pool Restrictions
- 4.070 Development Standards for Multi-Family Dwellings
- 4.080 Standards for Signs, Billboards, and Other Advertising Structures
- 4.090 Development Standards for Mobile Home Parks
- 4.100 Alternative Provisions for Lot Size and the Location of Open Space
- 4.110 Development Standards for Automobile Wrecking, Junk and Salvage Yards
- 4.120 Development Standards for Cemeteries
- 4.130 Minimum Design Standards for Transmission and Communication Towers and Stations
- 4.140 Special conditions for Bed and Breakfast Homestays/Inns

4.010 OFF-STREET PARKING REQUIREMENTS

In all districts, accessory off-street parking shall be provided in conformity with the requirements set forth in this section for all uses permitted by right or as a conditional use. A parking space is required for a portion of a unit of measure one-half (1/2) or more of the amount set forth herein. For an enlargement or modification resulting in a net increase in the floor area or other applicable unit of measure specified herein, the same requirements shall apply to such net increase in the floor area or other specified unit of measurement.

In the case of uses where the Planning Commission is required to prescribe the number of parking spaces, it shall base its determination on such factors as the traffic generation of the facilities, the time operation of such facilities, their location, and other such factors as affect the need for off-street parking as required under the conditional use provisions.

Off-street automobile storage or standing space shall be provided on each lot upon which any of the following uses are hereafter established. One (1) vehicle space shall be 200 square feet in size (10'x20') and such space shall be provided on each lot upon which any of the following uses are hereafter established. One (1) vehicle space shall be provided with vehicular access to a street or alley. The

required number of parking spaces shall be provided on property owned by the relevant property owner. Such spaces shall be located where they are within easy walking distance and easily accessible to the services and use they service. Street or highway right-of-way shall not be utilized to meet the minimum number of required parking spaces. The number of parking spaces provided shall meet the minimum requirements for the specific uses as set forth below. This list may not address all possible uses; however where such a use is not listed, the Planning Commission shall decide the number of parking spaces necessary based on a site plan review.

A. Residential Activities

1. Permanent

- a. Single Family Detached, and Attached; ; Two-Family Dwellings, Detached, Attached, Semi-Detached; Three Family Dwellings, Detached, Attached, and Semi-Detached

Two (2) per each dwelling unit.

- b. Multi-Family Dwelling (3 or more); Townhouses; Condominiums

Two (2) spaces per each dwelling unit.

- c. Mobile Homes and Modular Homes

Two (2) spaces per mobile home.

- d. Where Occupancy is to be Primarily Elderly Persons over the Age of 60

The number of developed spaces may be reduced to one and one-half (1 1/2) spaces per unit.

2. Semi-Permanent

Boarding or Rooming House - Bed and Breakfast Inn/Homestay

One and one-half (1 1/2) spaces for each dwelling or rooming unit.

B. Community Facility Activities

1. Cultural and Recreational Services

Accessory off-street parking shall be provided for the specific number of square feet of gross area or seating capacity or other specified unit of measurement (or fraction or one-half (1/2) or more thereof) for the type following specified uses within the activity types indicated.

a. Art Galleries, Museums, Libraries

One (1) space for each 800 square feet of gross floor area.

b. Swimming Pools

Thirty (30) percent of capacity in persons.

c. Parks, Playgrounds and Athletic Fields

Ten (10) spaces for every acre of land devoted to field, plus one (1) space for every 4 spectator seats.

d. Recreation Centers and Gymnasiums (Public/Nonprofit)

Fifty (50) percent of the capacity in persons.

2. Essential Public Transport, Communication, and Utility Services

Electric and Gas Substations

Two (2) spaces.

3. Administrative Services; Government Office

One (1) space for each 300 square feet of gross floor area.

4. Community Assembly

Fifty (50) percent of the capacity in persons.

5. Education Facilities; Public and Private Schools

a. Kindergarten and Nursery

One (1) space for each employee.

b. Elementary and Middle Schools, Grades 1-9

One (1) space per each employee or one (1) space for each 5 seats in the auditorium, whichever is greater.

- c. High School, Grades 7-12
One (1) space per each employee plus one (1) space per each 4 students in grades 7 through 10. One (1) space per each employee plus one (1) space per each 2 students in grades 11 and 12.
 - d. Vocational or Trade Schools
One (1) space for each student plus one (1) space for each employee.
6. Extensive Impact Facilities
- a. Airports, Heliports, or Other Aeronautical Devices
One (1) space for each employee, plus one (1) space for every 100 square feet of gross floor area.
 - b. Detention or Correctional Institutions
One (1) space for each employee, plus one (1) space for each patrol car on largest shift.
 - c. Electricity Generating Facilities, Radio, and Television Towers, and Transmission Facilities
Minimum of 2 spaces. The Planning Commission may require more.
 - d. Railroad, Bus, and Transit Terminals for Passengers
One (1) space for each 100 square feet. of waiting room.
 - e. Railroad Yards and Other Transportation Equipment Marshaling and Storage Yards
One (1) space for each employee.
 - f. Water and Sewage Treatment Plants
One (1) space for each employee.
 - g. Institutional Care Facilities
Same as required for hospitals
7. Health Care and Medical Facilities
- a. Hospitals

One (1) space for every 4 beds; plus one (1) parking space for every doctor and one (1) space for every (3) nurses and other employees and subject to additional requirements found needed by the Planning Commission.

b. Medical or Dental Clinics

Four (4) spaces for every doctor or dentist; plus one (1) parking space for every (2) employees and subject to additional requirements found needed by the Planning Commission.

c. Nursing Homes or Convalescent Homes

Same as required for hospitals

8. Intermediate Impact Facilities

The number of required parking spaces will be determined by the Planning Commission, based on a site plan review.

9. Special Personal and Group Care Facilities

a. Day Care Centers and Family Day Care Homes

Two (2) spaces for each employee.

b. Family and Group Care Facilities

Two (2) spaces for each employee.

c. Retirement or Rest Homes

One (1) space for each staff member or employee plus, one (1) space for every 2 residents.

10. Religious Facilities

All Uses: One (1) space for each 3 seats.

C. Commercial Activities - USES LOCATED ON FREESTANDING SITES:

One (1) parking space shall be required for each of the following amounts of gross floor area. For example, where it reads the number 250 in the column labeled GROSS FLOOR AREA, this means, one (1) parking space is required for every 250 square feet of gross floor area in the building, or rooms to be used for each activity.

1 - 250

ACTIVITY TYPE	GROSS FLOOR AREA <i>(square feet)</i>
1. <u>Retail Trade - Apparel and Accessories</u>	150
2. <u>Retail Trade - Automotive, Marine Craft and Aircraft Sales, Rental and Delivery</u>	25% of the gross lot area shall be allocated to customer and employee parking spaces.
3. <u>Retail - Building Materials, Farm Equipment and Hardware</u>	1,000 plus one (1) space for each employee.
4. <u>Retail Trade - Eating and Drinking Establishments</u>	100
5. <u>Retail Trade - Food Stores</u>	
a. Limited line convenience	150
b. All other uses	150
6. <u>Retail Trade - General</u>	
<u>Merchandise</u>	
a. Department store	250
b. Variety store	250
c. Miscellaneous General Merchandise Store	250
7. <u>Retail Trade - Home Furniture,</u>	
<u>Furnishings and Equipment</u>	250
8. <u>Convenience Sales</u>	150

9.	<u>Wholesale Sales</u> (All Uses)	1,000
10.	<u>Used Car Lots</u>	25% of the gross lot area shall be devoted to customer parking spaces, all of which shall be off public right-of-ways.
11.	<u>Service Activities</u> a. Animal Care and Veterinarian Services; Limited and General Care Veterinary Hospital b. Automobile Services and Repair	300 One (1) space for each employee, plus 2 spaces for each service bay.
12.	<u>Business Services</u> (All Uses)	400 plus one (1) space for each employee.
13.	<u>Communication Services</u>	300
14.	<u>Contract Construction Services</u>	300
15.	<u>Equipment Repair Services</u>	300
16.	<u>Entertainment and Amusement</u> a. Art Galleries b. Bowling Alleys c. Billiard Parlor d. Coin Operated Arcades e. Commercial Recreation	800 5 spaces for each alley. 250 250

f.	Dance Halls and Skating Rink	100
g.	Golf Courses, Driving Range, Putt-Putt Course	As determined by Planning Commission.
h.	Exhibitions Halls, Auditoriums, Amphitheaters	40% of capacity in persons.
i.	Riding Stables	Minimum of 5 spaces plus one (1) for each employee.
j.	Boat Docks, Boat Rental, Marinas Botanical or Zoological Gardens	One (1) space for each employee plus other spaces as determined by Planning Commission.
k.	Motion Picture Theater	One (1) space for every 3 seats.
l.	Motion Picture Theater-Drive-In	Reservoir of 10% above all stalls plus one (1) space for each employee.
m.	Acting and Legitimate Dance Theater	One (1) space for each 3 seats.
n.	Recording, Television, and Radio Studios	2 spaces for each employee
o.	Resorts and Group Camps	One (1) space for each employee at peak season plus other spaces as required by Planning Commission.
p.	Fairgrounds, Amusement Parks, Carnivals, Circuses	Parking plan must be presented to and approved by the Planning Commission.

17. Finance, Insurance and Real Estate Services
(All Uses) 200 plus one (1) space per each employee.
18. Gasoline Service Station 500 plus 2 spaces for each service bay and one (1) for each employee.
19. Personal Services
- a. Funeral, Undertaking Services One (1) space for each 100 square feet of gross floor area or where a chapel is provided, one (1) space for each 4 perma-seats plus one (1) for every 25 square feet of parlor area where temporary seats are to be used.
- b. All Others Services 150
20. Professional Services
- a. Medical 3 spaces per each employee.
- b. All Other 250
21. Transient Habitation
- a. Hotel, Motels, Tourist Homes, RVs or Courts One (1) space for each room to be rented, plus one (1) space for each employee.
- b. Sporting and Recreational Vehicle Camps One (1) space for each travel vehicle or pad plus one (1) space per each employee.

22. Uses Within Commercial Complexes

Where there are more than one commercial operations (retail, wholesale, or service activities) that are grouped together such that they are a building or a common site, the number of parking spaces shall be 5 1/2 spaces per 1,000 square feet of gross leasable area.

23. Warehousing of Residential Goods

Residential and Mini/Self Storage

One (1) space for each on-site attendant; plus one (1) space for every 10 leasable units not to be included in the necessary truck loading and turn about driveways

24. High Impact Facility

a. Adult Entertainment Establishments

One (1) space for each employee; plus one (1) space for every 100 square feet.

b. Adult Bookstores or Adult Video Stores

One (1) space for each employee; plus one (1) space for every 250 square feet.

D. Industrial Activities

One (1) space for each 1,000 square feet of gross floor area, or one space per each employee during a single or 2 successive shifts, whichever is greater. A minimum of 5 spaces shall be provided for any establishment.

1. Warehousing, Foods or Freight Transport, and Storage

One (1) space for each 5,000 square feet of gross floor area plus one (1) space for each 10,000 square feet of open storage. A minimum of 5 spaces shall be provided by any establishment.

2. Manufacturing: Automobile Wrecking Yards, Scrap Metal Processing, Junk Yards

One (1) space for each 1,000 square feet of gross floor area.

E. Other

For buildings and land uses not referred to in the preceding activity classifications and specifically listed in the corresponding use classification listings cited within Section 2.030, the off-street parking requirements shall be determined by the Board of Zoning Appeals.

4.011 Certification of Minimum Parking Requirements

Each application for a building permit shall include information as to the location and dimensions of off-street parking spaces and the means of ingress and egress to such space. This information shall be in sufficient detail to enable the Building Inspector to determine whether or not the requirements of this section are met.

4.012 Combination of Required Parking Spaces

The required parking space for any number of separate uses may be combined in one lot, but the required space assigned to one use may not be assigned to another use, except that the parking space required for churches, theaters, or assembly halls whose peak attendance will be at night or on Sundays may be assigned to a use which will be closed at night or on Sundays. Wherever possible combined parking schemes should be considered as a way of decreasing the amount of unnecessary paved surfaces.

4.013 Remote Parking Spaces

If the off-street parking space required by this ordinance cannot be reasonably provided on the same lot on which the principal use is located, such space may be provided on any land within 400 feet of the main entrance to such principal use, provided such land is in the same ownership or lease as the principal use. Such land shall be used for no other purpose so long as no other adequate provision of parking space, meeting the requirements of this ordinance, has been made for the principal use.

4.014 Extension of Parking Area into a Residential District

Required parking space may be extended 100 feet into a residential district, provided that:

1. The parking area adjoins a commercial or industrial district.
2. The parking space in this area have their only access to or front upon the same street as the property in the commercial or industrial districts for which it provides the required parking spaces.
3. The parking area is separated from abutting properties in the residential districts by a 25 foot buffer strip.

4.015 Requirements for Design of Parking Lots

1. Except for parcels of land devoted to one- and two-family residential uses, all areas devoted to off-street parking shall be so designed and be of such size that no vehicle is required to back into a public street to obtain egress.
2. Each parking space shall be no less than 200 square feet in area.
3. Entrances and exits for all off-street parking, shall comply with the requirements of Section 3.090, of this ordinance.
4. The parking lot shall be designed in such a manner as to provide adequate drainage and to eliminate the possibility of stagnant pools of water.
5. There shall be a parking aisle at least 22 feet wide serving all 90 degree and 60 degree angled parking spaces. For all 30 and 45 degree angled and parallel parking spaces there shall be a minimum parking aisle of 16 feet in width.
6. All off-street parking areas containing 5 spaces or more shall be surfaced with asphalt, concrete, or other hard surfaced dustless material and so constructed to provide for adequate drainage for both on and off-site and to prevent the release of dust. All parking spaces shall be clearly marked.
7. No parking space(s) serving any residential development shall be located further than 60 feet from the respective dwelling unit such space(s) serve.

4.020 OFF-STREET LOADING AND UNLOADING REQUIREMENTS

Every building or structure hereafter constructed and used for business or trade involving the receiving or distribution of vehicles, materials, or merchandise shall provide space for the loading and unloading of vehicles off the street or public alley. Such space shall have access to a public or private alley, or if there is no alley to a public street. The minimum required spaces for this provision shall be based on the total usable floor area of each principal building according to the following table:

Total Usable Floor Area
for Principal Building

Spaces Required (See
Article II for Definition)

0 to 9,999 square feet

One (1) space

10,000 to 14,999 square feet.

Two (2) spaces

15,000 to 19,999 square feet.

Three (3) spaces

Over 20,000 square feet

Four (4) spaces, plus one

(1) space for each additional

20,000 sq. feet.

Off-street Loading and Unloading Requirements for Industrial Uses:

5,000 to 40,000 square feet.	One (1) space
Over 40,000 square feet. to 100,000 square feet.	Two (2) spaces
Each additional 100,000 square feet. or major fraction thereof	One (1) space

The Board of Zoning Appeals may reduce or increase this requirement in the interest of safety where unusual or special conditions are due consideration.

4.030 TEMPORARY USE REGULATIONS

The following regulations are necessary to govern the operation of certain necessary or seasonal uses nonpermanent in nature. Application for a Temporary Use Permit shall be made to the Building Inspector. Said application shall contain a graphic description of the property to be utilized and a site plan, to determine yard requirements setbacks, sanitary facilities, and parking space for the proposed temporary use. The following uses are deemed to be temporary uses and shall be subject to the specific regulations and time limits which follow and to the regulations of any district in which such use is located. Furthermore, an applicant seeking any temporary use shall apply for a temporary sign permit - SEE SECTION 4.080.

A. Carnival or Circus

May obtain a Temporary Use Permit in the C-3, C-4, M-1, or M-2 Districts; however, such permit shall be issued for a period of not longer than 15 days. Such use shall only be permitted on lots where adequate off-street parking can be provided.

B. Limited Duration Goods and Seasonal Merchandise

May obtain a 30 day Temporary Use Permit for the display and sale of limited duration goods and seasonal merchandise not sold throughout the year on open lots in any district.

C. Temporary Buildings

In any district, a Temporary Use Permit may be issued for a contractor's temporary office and equipment sheds incidental to construction project. Such permit shall not be valid for more than one (1) year but may be renewed for 6 month extensions; however, not more than three (3) extensions for a particular use shall be granted (thus a total term of no more than 2 1/2 years. Such use shall be removed immediately upon expiration of the Temporary Use Permit or completion of construction, whichever occurs sooner).

D. Real Estate Sales Office

In any district, a Temporary Use Permit may be issued for a temporary real estate sales office in any new subdivision which has been approved by the Planning Commission under the *Hohenwald Subdivision Regulations*. Such office shall contain no living accommodations. The permit will be valid for one (1) year, but may be granted 2 (6) month extensions (thus a total term of no more than 2 years). Such office shall be removed upon completion of sales of the lots therein, or upon expiration of the Temporary Use Permit, whichever occurs sooner.

E. Religious Tent Meeting

In any district, except the M-2, General Industrial District, a Temporary Use Permit may be issued for a tent or other temporary structures to house a religious meeting. Such permit shall be issued for not more than a 30 day period. Such activity shall be permitted only on lots where adequate off-street parking can be provided.

F. Temporary Dwelling Unit in Cases of Special Services

In any residential district, a Temporary Use Permit may be issued to place a single-wide mobile home *temporarily* on a lot in which already contains a residential structure where the Hohenwald Board of Zoning Appeals finds that special circumstances or conditions fully described in the findings of the Board, exist, such that the use of a temporary residential structure is necessary in order to prevent an exceptional hardship on the applicant, provided that such a temporary structure does not represent a hazard to the safety, health, or welfare of the community. Double-wide mobile homes shall not be permitted in this case. An applicant for a Temporary Use Permit as provided under this subsection must produce a written statement from the Lewis County Health Department or TDEC approving the sewage disposal system of the temporary structure. Such a permit may be renewed for up to six (6) months at a time. The total time for all permits shall not exceed a total time for all other applicable permits and not exceeding a total of eighteen (18) months. The temporary structure shall be treated as an accessory building.

G. Temporary Manufacture of Road Materials

In any district, except the residential districts, a Temporary Use Permit may be issued upon approval by the Hohenwald Board of Zoning Appeals to operate manufacturing plants which are necessary in order to produce the materials required for the construction of approved public roads where the Board finds that such a use is not potentially noxious, dangerous, or offensive. In the exercise of its approval, the Board of Zoning Appeals may impose such conditions upon the proposed plants as it may deem advisable in the furtherance of the general purposes of this ordinance. Such a permit may be initially issued for a nine (9) month period. A permit may be renewed for up to six (6) months at a time, the total time for all permits not exceeding a total of twenty-four (24) months.

4.040 CUSTOMARY INCIDENTAL HOME OCCUPATIONS

- A. A home occupation is a gainful occupation or profession conducted entirely within the principal dwelling unit by members of the household residing on the premises. Only one (1) person other than members of the household shall be employed. The use of the dwelling unit for the home occupation shall be clearly incidental and subordinate to its use for residential purposes by its occupants, with no more than 25 percent of the floor area of the dwelling unit being used to conduct the home occupation.
- B. All home occupational uses shall be reviewed by the Board of Zoning Appeals upon recommendation for approval or disapproval by the Planning Commission. The Board may require certain restrictions be made prior approval to insure the preservation of the character of the neighborhood. Typical home occupations may include: beauty shops (not including tanning salons, nail salons or full-service beauty salons), barber shops, home/office studios, dress makers, private music/dance instructions, or real estate office. No home occupation shall require extra parking in front or side yards or outside storage of goods. If such a desired business requires additional parking or expansion of space, the use will not be allowed as a home-occupation; therefore prohibiting such use in a residential district.
- C. Sign requirements as established in Article IV, Section 4.080, shall be met.

4.050 GASOLINE SERVICE STATION RESTRICTIONS

The following regulations shall apply to all gasoline service stations:

- A. There shall be a building setback from all street right-of-way lines of a distance of not less than 40 feet, except for canopies designed to cover the gasoline pump islands. If lot abuts a State Highway, the minimum setback line shall be 50 feet.
- B. Gasoline pumps shall not be located closer than 25 feet to any street right-of-way line, and shall be protected by guard posts or guard rails.
- C. Sign requirements as established in Article IV, Section 4.080, shall be met.
- D. All canopy heights shall not exceed 3 feet above the roof height of the principal structure. No canopy shall overhang the rights-of way of any public road, nor impose a sight-visibility hazard.
- E. All accessory structures, such as car washes and air pumps shall be located within the minimum building setback line and shall conform to the above restrictions.

4.060 SWIMMING POOL RESTRICTIONS

The following regulations shall apply to all swimming pools:

- A. No swimming pool or part thereof, including aprons, walks, shall protrude into any required front yard in any residential districts.
- B. The swimming pool area shall be walled or fenced so as to prevent uncontrolled access by children and pets from the street or adjacent properties. Said fence or wall shall not be less than four (4) feet in height and maintained in good condition. Slats in fencing shall be spaced close enough to prohibit children or pets from passing through.
- C. Private swimming pools are permitted in residential, and commercial districts provided that the pool is intended, and is to be used solely for the enjoyment of the occupants and their guests of the property on which it is located.
- D. See definitions for further restrictions and type of pool.

4.070 DEVELOPMENT STANDARDS FOR MULTI-FAMILY DWELLINGS

The provisions set forth herein are intended to provide design criteria for multi-family dwellings located on a single zone lot or tract that abuts a public street. Specifically, these provisions are intended to provide regulations controlling the spacing, internal orientation, etc., of multiple buildings located on a single site. It is the express purpose of these provisions to establish design criteria and to provide for the implementation of these provisions by Planning Commission review of the site plan required for all such developments by Section 7.030.

4.071 Development Standards

1. General Standards

It is the intent that multi-family dwellings where they are permitted:

- a. May be appropriately intermingled with other types of housing;
- b. Shall not contain more than twelve (12) dwelling units per floor on a single unbroken frontage; and
- c. Shall constitute groupings making efficient economical, comfortable, and convenient use of land and open space, and serving the public purposes of zoning by means alternative to conventional arrangements of yards and buildable areas.

2. Detailed Standards

- a. Each dwelling unit shall be provided with reasonable visual and acoustical privacy. Fences, walks, and landscaping shall be provided for the protection and aesthetic enhancement of the development and privacy of the occupants, screening of objectionable views or uses and the reduction of noise. A minimum of thirty (30) feet shall be maintained between buildings.
- b. Street sidewalks and on-site walks shall be provided for convenient and safe access to all living units from streets, driveways, parking courts, or garages and for convenient circulation and access to all facilities. All new development must comply with the Official Sidewalk Plan if applicable.
- c. The appearance and character of the site shall be preserved and enhanced by retaining and protecting existing trees and other site features; and additional new plant material shall be added for privacy, shade, beauty of buildings, and grounds and to screen out objectionable features. The planting plan shall be submitted with the site development plan.
- d. Existing trees, shrubs, evergreens, and ground cover shall be retained to the extent that they enhance the project, are effective as a screen planting or are useful in protecting slopes.
- e. Adequate recreation facilities for the residents of the project shall be provided in locations easily accessible to the living units and where they do not impair the view and privacy of living units.
- f. Attractive outdoor sitting areas shall be provided, appropriate in size, type and number to the needs of the residents.
- g. Well equipped playgrounds of adequate size and number shall be provided, where it is anticipated that children will occupy the premises.
- h. All public and private streets located within any multi-family development shall meet the construction specifications set forth in the Hohenwald Subdivision Regulations.
- i. The Planning Commission shall act to insure that any private drives, parking areas or other vehicular ways used for common access for two (2) or more residents will be suitably paved and maintained as a condition of approval of the project.
- j. Any central refuse disposal area shall be maintained in such a manner as to meet local health requirements and shall be screened from public view.

- k. The handicapped accessibility and safety shall be maintained and shall be designed to meet **current ADA standards** as described in the municipal code.

4.072 Access and Parking Requirements

1. Access

- a. Each site developed for multi-family dwellings shall meet the requirements for access set forth in Sections 3.030 and 3.090, of this ordinance.
- b. Access and circulation shall adequately provide for fire fighting, other emergency equipment, service deliveries, furniture moving vans and refuse collection. To ensure the safety of handicapped individuals, refer to the **current standards set forth in the *American Disability Act***.

2. Parking

- a. Parking spaces shall be provided in accordance with Section 4.010, of this ordinance.
- b. Off-street parking may be grouped in bays, either adjacent to streets or in the interior of blocks. Such parking areas shall generally be located in close proximity to the dwelling units they are designed to serve. At least one (1) parking space per dwelling unit shall be located so as to provide a maximum walking distance of two hundred (200) feet from the nearest entrance of the dwelling unit the space is to serve. Where appropriate, common driveways, parking areas, walks and steps shall be maintained and lighted for night use. Screening of parking and service areas shall be encouraged through ample use of trees, shrubs, hedges and screening walls.

4.073 Open Space Requirements

Any common open space established within a multi-family dwelling development shall be subject to the following:

1. Quality Use and Improvement of Common Open Space

- a. Common open space must be for amenity or recreational purposes. The uses authorized for common open space must be appropriate to the scale and character of the development considering its size, density, expected population, topography and other factors.

- b. No common open space may be put to any use not specified on the approved final development plan, unless such amendment has been approved by the Planning Commission. However, no change authorized may be considered as a waiver of any of the covenants limiting the use of common open space areas, and all rights to enforce the covenants is expressly reserved.
- c. Common open space may consist of either improved or unimproved land. In this regard the approving agency may determine that all or part of stream areas, bodies of water and slopes in excess of fifteen (15) percent may be included in common open space. In making this determination, the approving agency shall be guided by the extent of these areas in relation to the development and the degree to which these areas contribute to the quality, livability, and amenity of the development.

2. Maintenance of Open Space

In an instance where common open space is to be deeded to a maintenance organization, the developer shall file a declaration of covenants and restrictions that will govern the association. This document is to be submitted with the application for final approval of the planned development plan. The provisions shall be included but not limited to the following:

- a. The maintenance organization must be established and operational before any unit is sold.
- b. Membership must be mandatory for each unit and must run with the land so that any successive purchaser will automatically become a member.
- c. The restrictions covering the use, etc., of the open space must be permanent; not just for a period of years.
- d. The association(s) must be responsible for liability insurance, local taxes and the maintenance of all facilities and lands deeded to it.
- e. Home owners must pay their pro rata share of the cost assessed by the maintenance association; said assessment by the association can become a lien on the homeowner's property for failure to pay.
- f. The association must be able to adjust the assessment of fees to meet changing needs.

3. Conveyance of Common Open Space

All land shown on the final development plan as common open space must be conveyed under one of the following options:

- a. It may be conveyed to a public agency which will agree to maintain the common open space and any buildings, structures, or improvements which have been placed on it.
- b. It may be conveyed to trustees provided in an indenture establishing an association, funded trust, or similar organization.

The common open space must be conveyed to the trustees subject to covenants to be approved by the Planning Commission which restrict the common open space to the uses specified on the final development plan, and which provide for the maintenance of the common open space in a manner which assures its continuing use for its intended purposes.

4.080 STANDARDS FOR SIGNS, BILLBOARDS, AND OTHER ADVERTISING STRUCTURES

4.081 Intent and Purpose

Signs constitute a separate and distinct use of the land upon which they are placed and affect the use of adjacent streets, sidewalks, and property. These provisions are made to establish reasonable and impartial regulations for all exterior signs and to further the objectives of the zoning ordinance: to protect the general public health, safety, convenience, and welfare; to reduce traffic hazards caused by unregulated signs which may distract, confuse, and impair the visibility of motorists and pedestrians; to ensure the effectiveness of public traffic signs and signals; to protect the public investment in streets, highways, and other public improvements.

4.082 General Requirements

The regulations in this section specify the number, types, sizes, heights, and locations of signs which are permitted within the City of Hohenwald and which require a permit. Any sign regulation incorporated into a separate development plan approved by the City Council may supersede all or part of this section.

Generally, all free-standing signs shall be permitted only on zoning lots with 100 feet or more of street frontage. No free-standing sign shall be erected within 100 feet of another free-standing sign. All wall signs shall be installed flat against the wall of a building and shall not extend from the wall more than 12 inches. There shall be no new off-premise signs, including but not limited to billboards. All existing permanent signs may remain provided they are maintained and in good repair. No sign shall be permitted where, in the opinion of the Board of Zoning Appeals, a traffic hazard would be created.

4.089.91 Protection of First Amendment Rights

Any sign, display, or device allowed under this ordinance may contain, in lieu of any other copy, any otherwise lawful non-commercial message that does not direct attention to a business operated for profit or to a commodity or service for sale, and that complies with all other requirements of this ordinance.

4.090 DEVELOPMENT STANDARDS FOR MOBILE HOME PARKS

The following regulations are intended to supplement the state health regulations established by the *Tennessee Trailer Court Act of 1957*, and the State legislation: Section 68-24-101 through 68-24-120; Part 2; 13-24-201 and 13-24-202; and 68-126-101 through 68-126-412 of the *Tennessee Code*, by ensuring a **minimum standard** of site development for mobile home parks where permitted in the R-4 zoning district. (See definitions Section 2.020) No manufactured home, as defined herein, shall be located in any other zoning district, unless it meets the minimum 600 square footage requirement and is considered a modular home in compliance with the building codes. All other manufactured homes (mobile single-wides and double-wides) shall conform with the development standards as described in this section. For further classification, see DEFINITIONS, ARTICLE 2.020. Where there are two or more mobile homes on one lot or parcel of land, the following regulations and design guidelines shall apply:

4.091 Mobile Home Park Building Permit

1. The application for a "mobile home park permit" shall be filed with the Building Inspector, after the applicant has obtained all permits for water and sewer service. However, construction or extension of a mobile home park may not commence within the area of jurisdiction of this ordinance until a mobile home park building permit has been issued by the Building Inspector.

The mobile home park building permit may be issued only upon approval by the Planning Commission. The Planning Commission may attach whatever conditions it sees fit in order to protect the character of the neighborhood and protect the surrounding properties. This may include extra buffering between property lines.

2. Site Plan Required

A mobile home park building permit may only be issued for construction or extension of a mobile home park upon submission and approval by the Planning Commission of a site development plan. All site development plans shall be prepared by a licensed, certified engineer and/or surveyor containing the following information:

- a. The name and address of the applicant;
- b. The location, area, and dimensions of the proposed mobile home park site as well as a legal description;

- c. The location, size, and number of all mobile home spaces;
- d. The location and size of all buildings, improvements, and facilities (including roads, water, sewer, refuse disposal);
- e. The proposed use of buildings shown on the site plan;
- f. The location and size of all points of entry and exit for motor vehicles and the internal circulation plan (roadways and pedestrian walkways);
- g. The location and number of all off-street parking facilities;
- h. The location of park and recreation areas;
- i. A complete drainage plan with contour lines at five (5) foot intervals;
- j. A location map showing the park site in relation to the existing public street pattern and indication of uses of property adjacent to the site and the location of all buildings within two hundred (200) feet of the site;
- k. A time schedule for development shall be prepared which shall demonstrate the applicant's readiness and ability to provide the proposed services. Said time shall be for a period of not more than one (1) year;
- l. Such other architectural, engineering, and topographical data as may be required to permit the county health department, the Building Inspector, the Planning Commission, and the Local Planning Office to determine if the provision of these regulations are in compliance, shall be submitted with the site plan.

3. Inspection Fee

An inspection fee may be required for approval of a mobile home park which shall be made upon submission of a plan for approval. After completion of construction, a final inspection shall be made at no additional charge (see schedule of fees for city, if applicable).

4.092 Development Standards

1. General

- a. A mobile home park shall be located only within those areas classified as the R-4 district.

- b. No part of the park shall be used for nonresidential purposes, except such uses as are required for the direct servicing and well being of park residents and for the management and maintenance of the park. Nothing contained in this section shall be deemed as prohibiting the sale of a mobile home located on a mobile home space within the park and connected to the pertinent utilities.
- c. Condition of soil, ground water level, drainage and topography shall not create hazards to the property or the health or safety of the occupants. The site shall not be exposed to objectionable smoke, dust, noise, odors or other adverse influences, and no portion subject to flooding or erosion and shall be used for any purpose which would expose persons of property to hazards.

2. Minimum Development Size

Any area, tract, site or plot of land of 20,000 square feet or more whereupon two (2) or more mobile homes as herein defined are placed, located or maintained, and shall include all accessory buildings used or intended to be used as part of the mobile home park development. No mobile home park shall be approved with less than 20,000 square feet so as to allow room for the provisions in this article.

3. Dimensional Requirements for Parks

- a. Along the entire periphery of the mobile home park, yards and setbacks meeting the district regulations shall be provided.
- b. Within the interior portions of the mobile home park, no yards except as required to meet other provisions set forth in this section are required.
- c. No building structure erected or stationed in a mobile home park shall have a height greater than two (2) stories or thirty (30) feet.
- d. Each mobile home park shall be permitted to display, on each street frontage, one (1) identifying sign. Said sign(s) shall contain thereon only the name and address of the park and may be lighted by indirect lighting only. Refer to the sign limitations as described in section 4.080 of this ordinance.

4. Spacing of Mobile Homes and Site Coverage

- a. Mobile homes shall be so harbored on each space that there shall be at least a twenty-five (25) foot clearance between mobile homes; for mobile homes parked end-to-end, the end-to-end clearance may be less than twenty-five (25) feet, but not less than fifteen (15) feet. No mobile home shall be located closer than twenty (20) feet from any building within the park.

- b. There shall be a minimum distance of ten (10) feet between the nearest edge of any mobile home and an abutting internal access streets.
- c. Each mobile home site shall not occupy an area in excess of twenty-five (25) percent of the respective lot area. The total area occupied by the mobile home and its accessory structures shall not exceed fifty (50) percent of the respective lot area.

5. The Mobile Home Lot (lots within the park tract)

a. General

The limits of each mobile home lot shall be marked on the ground by suitable means. Location of lot limits on the ground shall be the same as shown on accepted plans. No lot shall be smaller than five thousand (5,000) square feet; meaning, no mobile home dwelling shall be sited on less than 5, 000 square feet within the minimum 20, 000 square foot park.

b. Mobile Home Sites

The mobile home sites shall be improved to provide adequate support for the placement of the mobile home. The site shall not heave, shift or settle unevenly under the weight of the mobile home due to frost action, inadequate drainage, vibration, wind or other forces acting on the structure.

As a minimum standard, each mobile home site shall be constructed of compacted crushed gravel with appropriate, durable skirting around each mobile home and all appurtenances. In addition, such site shall comply with the publication of FHA "Minimum Property Standards for Mobile Home Parks", May, 1977, the "Rules of the Tennessee Department of Commerce and Insurance", Chapter 0780-2-5 and the *Tennessee Code* 68-126. All applicable State Legislation at the time of site review, shall be in compliance, with the Building Inspector/Codes Enforcer.

c. Outdoor Living Area

Each mobile home lot should be provided with an outdoor living and service area. Such area should be improved as necessary to assure reasonable privacy and comfort. The minimum area should be not less than two hundred (200) square feet and should be maintained. All public right-of-ways shall not be included in this calculation.

- d. Tenant storage shall be provided for each mobile home at the rear of the mobile home space unless such storage faces a public street. All accessory storage structures shall not be located within the front yard setback. Refer to the R-4 district setback requirements.

6. Utilities and Other Services

- a. An accessible, adequate, safe and potable supply of water shall be provided in each mobile home development on trunk lines not less than six (6) inches. Where a public supply of water of satisfactory quantity, quality, and pressure is available at the site or at the boundary of the site, connection shall be made thereto and its supply use exclusively.
- b. Each mobile home site shall be provided with the connection to the sanitary sewer line or to a sewer system approved by the Lewis County Health Department (or other such applicable agency).
- c. Solid waste collection stands shall be provided for waste containers for each mobile home. Any central waste container shall be screened from view with access appropriately provided. Any communal waste container shall be located to the rear of the mobile home park.
- d. Service buildings, housing sanitation and laundry facilities, shall be permanent structures complying with all applicable ordinances and statutes, regulations, buildings, electrical installations, and plumbing and sanitation systems.
- e. Each mobile home park shall be equipped with fire hydrants spaced no more than five hundred (500) feet apart. The water system shall be capable of providing a required fire flow of five hundred (500) gallons per minute for a one (1) hour duration. **All necessary proposed fire hydrants shall be reviewed by the city fire department prior to construction.**
- f. Each mobile home park shall be maintained free of litter and accumulation of any kind of debris which may provide rodent harborage or breeding places for flies, mosquitoes, or other pests.

7. Streets

Entrances to mobile home parks shall have direct connections to a public street and shall be designed to allow free movement of traffic on the adjacent public street. Safe and convenient vehicular access shall be provided from abutting public streets to each mobile

home lot. Such access shall be provided by streets or driveways. **All internal streets shall be private and thus the city shall not be responsible for its maintenance.** All such internal access streets shall be paved with the same standard as the abutting public street.

a. Circulation

The internal street systems should provide convenient circulation by means of minor streets and properly located collector streets. Dead-end streets shall be limited in length to five hundred (500) feet and their closed end shall be provided with an adequate turn-around with a minimum diameter of eighty (80) feet.

b. Pavement Widths For the Internal Access Streets

Pavement widths shall be as follows:

Collector Street with no Parking	20 Feet
with On-Street Parking	36 Feet
Minor Street with no Parking	18 Feet
with On-Street Parking	34 Feet
One-Way Minor Street	
with no Parking	12 Feet
with On-Street Parking	28 Feet

c. Construction

The internal streets and drives shall be paved in accordance with city road standards.

8. Walks

All mobile home developments shall be provided with safe, convenient, all-season pedestrian access of adequate width for intended use, durable and convenient to maintain. Sudden changes in alignment and gradient shall be avoided.

A common walk system shall be provided and maintained between locations where pedestrian traffic is concentrated. Such common walks shall have a minimum width of three and one-half (3 1/2) feet.

All mobile home sites shall be connected to common walks, streets, driveways and parking spaces by individual walks. Such individual walks shall have a minimum width of two (2) feet. Where applicable, all new mobile home parks shall provide public sidewalks in conformance with the city-wide sidewalk improvement plan.

9. Recreation Area

Adequate recreation facilities for the residents of the project may be provided. If additional recreational facilities are constructed, they must be located in areas easily accessible to the living units and where they do not impair the view and privacy of living units.

Well-equipped, safe playgrounds of adequate size and number shall be provided where it is anticipated that children will occupy the premises.

10. Buffer and Screening

A buffer strip or greenbelt strip shall be provided along the perimeter of the site boundaries not less than ten (10) feet in width, except that a minimum buffer area from any public street shall be no less than fifteen (15) feet. SEE DEFINITIONS AND SECTION 3.110. **Such buffer strip shall be calculated separately from any other required landscape or highway green strip.**

Within the buffer strip, a continuous fence six (6) to eight (8) feet high or landscaped screen shall be provided. All fencing shall be located interior to any required buffering and/or landscaping. Such fence shall be opaque and such screening shall be a year-round evergreen as defined herein. No landscaped screen or fence shall be provided within fifteen (15) feet of any vehicular entrance and/or exit to the park to ensure proper sight visibility. Further landscaping may be required at points of ingress and egress.

11. Site Design

The appearance and character of the site shall be preserved and enhanced by retaining and protecting existing trees and other site features; and additional new plant material shall be added for privacy, shade, beauty of buildings and grounds and to screen out objectionable features. The planting plan shall be submitted with the site development plan. All existing foliage which will be retained shall be identified on the plan and may be calculated within the required buffer, screening and/or landscaping.

Existing trees, shrubs, evergreens and ground cover shall be retained to the extent that they enhance the project, are effective as a screen planting or are useful in protecting slopes.

12. Parking

Parking shall be provided in accordance with Section 4.010.

a. Off-Street Parking

Paved off-street parking may be grouped in bays either adjacent to streets or in the interior of blocks or on the mobile home lot. Such parking areas shall generally be located in close proximity to the dwelling units they are designed to serve. At least one (2) parking spaces per dwelling unit shall be located so as to provide a maximum walking distance of fifty (50) feet from the nearest entrance of the dwelling unit the space is to serve.

4.093 Responsibility of Park Management

1. The permittee shall operate the mobile home park in compliance with this ordinance and shall provide adequate supervision to maintain the park, its facilities and equipment in good repair and in a clean and sanitary condition.
2. The permittee shall notify park occupants of all applicable provisions of this ordinance and inform them of their duties and responsibilities under this ordinance.
3. The permittee shall supervise the placement of each mobile home on its mobile home lot to the satisfaction of the Building Inspector which includes installing all utility connections.
4. The permittee shall maintain a register containing the following information:
 - a. The name and address of each mobile home occupant.
 - b. The name and address of the owner of each mobile home and motor vehicle by which it was towed.
 - c. The make, model, year, and license number of each mobile home and motor vehicle.
 - d. The date of arrival and of departure of each mobile home.
5. The mobile home park shall keep the register record available for inspection at all times by law enforcement officers, public health officials and other officials whose duties necessitate acquisition of the information contained in the register.
6. The register record shall not be destroyed for a period of three (3) years following the date of departure of the registrant from the park.

7. The permittee shall notify the health authority immediately of any suspected communicable or contagious disease within the park.
8. The permit to operate shall be conspicuously posted in the mobile home park office at all times.
9. The permittee shall be answerable for the violation of any provision of this section.

4.094 Responsibilities of Park Occupants

1. The park occupants shall comply with all applicable requirements of this ordinance and shall maintain his/her mobile home lot, its facilities and equipment in good repair and in a clean and sanitary condition.
2. The park occupant shall be responsible for proper placement of the mobile home on its mobile home site and proper installation of all utility connections in accordance with the instruction of the park management.
3. Skirtings, awnings, and other additions shall be installed only if permitted and approved by the park management. When installed, they shall be maintained in good repair. The space immediately underneath each mobile home shall be used for storage only if permitted by the park management. If permitted, the following conditions shall be satisfied:
 - The storage area shall be provided with a base of impervious material.
 - Stored items shall be located so as not to interfere with the underneath inspection of the mobile home.
 - The storage area shall be enclosed by skirting.
4. The park occupant shall store and dispose of all rubbish and garbage in a clean, sanitary and safe manner. The garbage container shall be rodent proof, insect proof, and watertight.
5. Fire extinguishers for Class B and C fires shall be kept at the premises and maintained in working condition.
6. All park occupants shall be required to register their pets (dogs and cats) with the park management. All pets shall have current vaccinations and shots.
7. All park occupants shall be required to have their pets (dogs and cats) on a leash and shall not be allowed to roam free and unleashed.

8. Park occupants shall not be allowed to construct or place pens for animals on the park premises. No pet shall be left chained up unattended.
9. No inoperative automobiles, junk, or noncontained trash shall be allowed within the park.

4.095 Inspections

1. The Building Inspector is hereby authorized and directed to make annual inspections to determine the conditions of mobile home parks, in order to insure the health and safety of occupants of mobile home parks and of the general public.
2. The Building Inspector shall have the power to enter upon any private and public property for the purpose of inspecting and investigating conditions relating to the annual inspection as it is related to the enforcement of this section.
3. Penalties
 - a. Any person violating any provisions of this section shall be guilty of a misdemeanor and upon conviction may be fined.
 - b. Each day that a violation is permitted to exist shall constitute a separate offense.
 - c. Any extension of an existing mobile home park is considered a noncomplying use and is hereby prohibited unless said park is brought up to the standards herein stated.

4.096 Revocation of Permit

The Board may revoke any permit to maintain and operate a park when the permittee has been found guilty by a court of competent jurisdiction of violating any provisions of this section. After such conviction, the permit may be reissued if the circumstances leading to conviction have been remedied and the park is being operated and maintained in full compliance with this section.

4.097 Prohibited Structures

1. Cabanas, travel trailers, and other similarly enclosed structures are prohibited.
2. Habitable structures with or without toilet facilities that cannot be connected to approved sewer systems shall not be permitted in a mobile home park.
3. Mobile homes shall not be used for commercial, industrial or other nonresidential uses within a mobile home park, except that one (1) mobile home in the park may be used to house a rental office.

4.100 ALTERNATIVE PROVISIONS FOR LOT SIZE AND THE LOCATION OF OPEN SPACE - Such as Residential Planned Unit Developments, Cluster Development, Gated-Communities, Conservation Subdivisions:

The purpose of this section is to provide a permissive voluntary alternative procedure to be utilized in the placement of buildings and in the location of open spaces associated therewith. *These provisions are intended to provide variations in lot size and open space requirements within the residential districts.* The density standards established for individual districts are to be maintained on an overall basis and thereby provide desirable and proper open air space, tree cover, recreation areas or scenic vistas; all with the intent of preserving the natural beauty of the area, while at the same time maintaining the necessary maximum population density limitations of the district in which this procedure may be permitted. Furthermore, such provisions are permitted in order to promote the conservation of the rural amenities and natural resources where appropriate. This section shall not supersede any restrictions adopted in the *Subdivision Regulations*. *The following application can not be utilized for mobile home parks.*

A. General Provisions

The provisions contained within this section are intended to provide a flexible procedure for locating dwellings upon sites. As such, the provisions do not constitute a use, but an alternative procedure for the spacing of buildings and the use of open areas surrounding those buildings. It is necessary, however, that the purposes and intent of this ordinance be assured and that proper light, air, and privacy be made available for each dwelling unit.

A site development plan, as provided for in this section, is required not only as an accurate statement of the development, but as an enforceable legal instrument whereby the Planning Commission may be assured that the general purposes, standards, etc., contained in this section and zoning district are being met.

B. Site Development Plan Required for Alternative Residential Development

1. Contents

A site development plan containing the information required by Section 7.030, shall be prepared and submitted to the Planning Commission for its review and approval along with a sketch plat as required by the *Subdivision Regulations*.

2. Coordinated Review

Upon receipt of a site development plan and sketch plat containing information as required above, the Planning Commission may:

- a. Concurrently review the site development plan and sketch plat;
- b. Jointly approve, approve with modification, or disapprove these documents; and

- c. In the instance of approval, or approval with modification, transfer the site development plan to the Building Inspector for enforcement.

3. Enforcement

Upon approval of a site development plan, the Building Inspector shall become responsible for enforcement of the plan. Only minimal adjustments involving the placement of any structure will be permitted once a site development plan has been approved. Any other change shall require submission of a proposed amendment to the approved plan.

- C. Development Standards for Alternative Residential Development

The following standards and requirements shall apply to all alternative density developments.

1. General Standards for Development

In the interest of promoting the most appropriate economical use of the land while assuring that the character of the residential district is maintained, the Planning Commission in its review of a proposed development shall consider the following:

- a. The protection of the characters, property values, privacy and other characteristics of the surrounding neighborhood;
- b. The provision for surface drainage control, sewage disposal, and water supply, recreation and traffic control; and
- c. The preservation and protection of existing trees, ground cover, top soil, streams, rock outcroppings and scenic or historic sites from dangers and damage caused by excessive and poorly planned grading for streets and building sites.
- d. The goals, objectives, and policies, where applicable, stated in the *Comprehensive Plan*. Where possible, the open-space shall be linked to other existing or proposed open space areas.

2. Availability of Public Utilities

Generally all public utilities, specifically including water and a central sewage collection and treatment system, as defined by this ordinance, shall be available. Where public sewer is not available, no lot or housing site may be created which is less than 43,560 square feet (1 acre) in area for the R-1 districts and twenty thousand (20,000) square feet for all other residential districts. All septic fields (tank and field lines) for each dwelling unit shall be located within ten (10) feet of the property line of the fee simple

ownership of said dwelling unit and shall not be located within twenty-five (25) feet of any water body or said dimension mandated by the environmental specialist of the Health Department (or TDEC), whichever dimension is greater.

3. Permitted Density

The density permitted is intended to be within the range of that permitted within more typical developments offering no common open space. The maximum number of dwelling units permitted shall be computed as follows:

- a. From the gross acreage available within the development shall be subtracted: (1) any portion of the site which is within the right-of-way and/or easement for major utilities such as gas or electric transmission lines where the full use of the land is not available to the landowner, because of restrictions thereon; (2) any portion of the site which lies within a floodway district as designated by FEMA.
- b. The area remaining after the above adjustments shall be divided by the minimum development area per dwelling unit for the district in which the dwelling unit is located. For developments located in more than one zoning district, the density shall be computed separately for that portion of the development lying within each district. No developmental density may be transferred across zoning district boundaries.

4. Minimum Lot Area and Lot Width for residential PUDs, Cluster Development and other Alternative Residential Planned Development -

Generally, the minimum lot size permitted within an alternatively planned residential development may assume a step-down density; meaning the lot size permitted in a regular R-2 district may be used as the minimum lot size in a R-1 alternative development plan. The following dimensional requirements shall be maintained in all alternative density developments:

	<u>R-1</u>	<u>R-2</u>	<u>R-3</u>	<u>R-4</u>	<u>PR-5 & PR-6</u>
Minimum Lot Size with sewer	10,000	10,000	7,500	5,000*	N/A
Lot Width at Building Line	100	100	75	50*	N/A
Front Yard Setback	50	40	35	35	N/A
Rear Yard Setback	25	25	20	15	N/A
Side Yard Setback	20	15	10	8	N/A

*The setback requirements for the R-4 depends on the type of residential dwelling development; however no mobile home park may be considered for this type of alternative density. The PR-5 and PR-6 districts requirements shall remain in conformity with the existing setbacks, character of the historic neighborhoods, and other existing features. No lot shall be diminished in size or width that does not conform with the abutting average dimensions. No lot of record shall be subdivided into parcels less than 5,000 square feet in any district.

5. Yard Requirements

Within any development approved under the provisions of this section, the following yard requirements shall apply:

- a. For units located entirely within the interior of a site no yards as such are required. However, each dwelling unit shall on its own lot have one yard containing not less than fifteen hundred (1,500) square feet. This yard shall be reasonably secluded from view from streets and from neighboring property and shall not be used for off-street parking or for any accessory building.
- b. In addition to the provisions of Subsection a., above, for units located along the periphery of the site, the basic yard provisions established for the district within which the development is located shall apply along all portions of such lots as may abut the periphery, excepting any portion of such lots as may involve the use of party walls.

6. Lot Coverage

Individual dwellings may exceed the maximum lot coverage provisions established for the district in which such site is located. However, in no instance shall the aggregated site coverage of all dwellings exceed the coverage provisions established for the district in which such site is located. In the event a project lies within two or more zoning districts, the coverage ratio applicable to each zone district shall apply to these dwellings located within it. No transfer of bulk is permitted among residential zoning districts.

7. Access to Dwellings

Access to each lot shall be in compliance with Section 3.030, of this ordinance.

8. Pedestrian Circulation

The pedestrian circulation system and its related walkways shall be insulated as completely as possible from the street system in order to provide separation of pedestrian underpasses or overpasses in the vicinity of schools, playgrounds, local shopping areas, and other neighborhood uses which generate a considerable amount of pedestrian traffic.

D. Open Space Requirements

Any common open space provided within a development of this type shall:

1. Quality Use and Improvement of Common Open Space

- a. Common open space must be for amenity or recreational purposes. The uses authorized for common open space must be appropriate to the scale and character of the development considering its size, density, expected population, topography and other factors.
- b. No common open space may be put to any use not specified in the approved final development plan, unless such plan has been amended and approved by the Planning Commission. However, no change authorized may be considered as a waiver of any of the covenants limiting the use of common open space areas, and all rights to enforce these covenants against any use permitted are expressly reserved.
- c. Common open space may, subject to approval by the Planning Commission, shall consist of either improved or unimproved land. In this regard, the approving agency may determine that all or part of stream areas, bodies of water and slopes in excess of fifteen (15) percent may be included in common open space. In making this determination, the approving agency shall be guided by the extent of these areas in relation to the development and the degree to which these areas contribute to the quality, livability, and amenity of the development.

2. Mandatory Provisions Governing Organization and Operation of Maintenance Association

In an instance where common open space is to be deeded to a maintenance organization, the developer shall file a declaration of covenants and restrictions that will govern the association. This document is to be submitted with the application for final approval of the development plan. The provisions shall include, but not be limited to, the following:

- a. The maintenance organization must be established and operational before any homes are sold.
- b. Membership must be mandatory for each home buyer and must run with the land so that any successive purchaser will automatically become a member.
- c. **The restrictions covering the use, etc., of the open space must be permanent, not just for a period of years.**
- d. The association(s) must be responsible for liability insurance, local taxes and the maintenance of all facilities and lands deeded to it.

- e. Homeowners must pay their pro rata share of the cost assessed by the maintenance association; said assessment by the association can become a lien on the homeowner's property for failure to pay. The association must be able to adjust the assessment of fees to meet changing needs.

4.110 DEVELOPMENT STANDARDS FOR AUTOMOBILE WRECKING, JUNK AND SALVAGE YARDS

A site development plan specified in Section 7.030, shall be submitted for review on all proposals subject to this provision. The approval of said plan along with any accompanying conditions associated with a particular development is precedent to any approval under this section. The Planning Commission is the agency responsible for this review.

Because of the nature and character of their operations, automobile wrecking and salvage yards, junk yards, and similar uses of land can have a decidedly detrimental effect upon surrounding properties. Salvage and wrecking yards tend to create problems of noise, dust, traffic and health hazards, and may adversely affect property value by their general appearance. See DEFINITIONS, ARTICLE 2.020. The following standards shall be used as a guide in evaluating whether proposed land uses, such as those outlined above, will have properly minimized their objectionable characteristics:

- A. All motor vehicles stored or kept in such yards shall be so kept that they will not catch and hold water in which mosquitoes may breed and so that they will not constitute a place or places in which rats, mice, or other vermin may be harbored, reared, or propagated.
- B. Because of the tendency for salvage yards to promote the breeding of vermin, no such operation shall be permitted closer than one thousand (1,000) feet from any established residential zone.
- C. All outdoor storage of salvage and wrecking operations shall be conducted entirely within an enclosed opaque fence, screen, or wall, excepting driveway areas, between eight (8) and twelve (12) feet in height. Storage between the road and street and such fence, screen, or wall for concealment shall be maintained in good condition.
- D. All such yards shall be so maintained as to be in a sanitary condition and so as not to be a menace to public health or safety.
- E. Off-Street Parking

As regulated in Article IV, Section 4.010.

F. Ingress and Egress

The number of vehicular access driveways permitted on any single street frontage shall be limited to:

1. One (1) driveway where the parcel to be used has a maximum road or street frontage of one hundred (100) feet or less.
2. Two (2) driveways where the road or street frontage exceeds one hundred (100) feet. Driveways used for ingress and egress shall be limited to twenty-five (25) feet in width maximum, exclusive of curb returns.

G. No automobile wrecking, junk, or salvage yard shall be permitted within three hundred (300) feet of any public road in Hohenwald, except where a more stringent State or Federal law applies.

4.120 DEVELOPMENT STANDARDS FOR CEMETERIES

The following standards shall be imposed upon the development and construction of cemeteries in Hohenwald:

- A. The site proposed for a cemetery shall not interfere with the development of a system of collector and larger streets in the vicinity of such site. In addition, such site shall have direct access to a major thoroughfare.
- B. Any new cemetery shall be located on a site containing not less than ten (10) acres.
- C. All structures, including but not limited to mausoleums, permanent monuments, or maintenance buildings shall be setback not less than twenty-five (25) feet from any property line or street right-of-way.
- D. All graves or burial lots shall be setback not less than twenty-five (25) feet from any property line or street right-of-way line.
- E. All required yards shall be landscaped and maintained in good order in accordance with state and local regulations.

4.130 MINIMUM DESIGN STANDARDS FOR TRANSMISSION AND COMMUNICATION TOWERS AND STATIONS

In all districts, the minimum design standards for Telephone, Telegraph, and Communications Transmitter Stations and Towers shall apply. All transmitter stations, including towers and operating equipment located within Hohenwald shall adhere to the following standards:

- A. All towers with a height of one hundred fifty (150) feet (from base to top) or more shall be constructed in accordance with Electronic Industries Association ("EIA") standard 222E-1991 utilizing a wind rating of eighty miles per hour (80 MPH) plus ice loading for Hohenwald, Tennessee. Each application for a building permit shall be accompanied by **a certification by a professional engineer licensed in the State of Tennessee** and competent in such design.
- B. A site plan shall be approved by the Hohenwald Planning Commission prior to the issuance of a building permit.
- C. All towers shall be set back from all property lines by a distance that is equal to: for a guyed tower, twenty percent (20%) of the height, and for a self supporting tower, fifty percent (50%) of the height.
- D. All applications for permits to build towers in Hohenwald must be accompanied with a "Determination of No Hazard" from the Federal Aviation Administration, as well as all required Federal Communications Commission permit information.
- E. Fencing The entire tract containing such tower and equipment shall be enclosed with a fence no shorter than ten (10) feet in height. Access gates will be locked at all times when the site is not occupied. All fencing shall be designed so as to prohibit climbing. All fencing shall be installed along the perimeter of the lot but inside from the required screening; the screening shall be installed around the perimeter of the lot so as to provide a more aesthetic appearance to abutting properties. No fencing shall be installed within rights-of-way.
- F. Screening There shall be provided a continuous, solid screening around all property lines, and it shall be of such plant materials as will provide a year-round evergreen screening. Screening, as required herein, shall be not less than ten (10) feet in height and six (6) feet in width at the time of planting, and shall be permanently maintained. The calculation of required width of screening shall begin at property lines not roadways; no new vegetative plantings shall be installed within rights-of way.
- G. Definitions
 1. Personal Wireless Services: Commercial mobile telecommunications services, unlicensed wireless telecommunications services, and common carrier wireless telecommunications exchange access services.

2. Personal Wireless Services Antenna: An antenna used in connection with the provision of personal wireless services.

4.140 MINIMUM DESIGN STANDARDS FOR MINI/SELF-STORAGE FACILITIES

The following standards shall be applied for the development and construction of self-service storage or mini-warehouse facilities of residential storage:

A. Use Regulations

1. Self-service storage facilities shall be limited to dead storage use only of residential goods.
2. No activities other than rental of storage units and pick-up and deposit of dead storage shall be allowed on the premises.
3. Examples of activities prohibited in self-service storage facilities include but are not limited to the following:
 - a. Auctions, commercial wholesale or retail sales, or garage sales.
 - b. The servicing, repair or fabrication of motor vehicles, boats, trailers, lawn mowers, appliances, or other similar equipment.
 - c. The operation of power tools, spray-painting equipment, table saws, lathes, compressors, welding equipment, kilns, or other similar equipment.
 - d. The establishment of a transfer and storage business.
 - e. Any use that is noxious or offensive because of odors, dust, noise, fumes, or vibrations.
4. Customarily, incidental resident manager's quarters, either separate office and living quarter or a combination thereof.

B. Height Regulations

No building shall exceed sixteen (16) feet in height.

C. Area Regulations

1. The minimum lot size established for a self-service storage facility shall be two (2) acres.
2. Total lot coverage by structures shall be limited to fifty (50) percent of the total lot area.

3. No single structure shall exceed five thousand (5,000) square feet.

D. Parking Regulations

1. The off-street parking requirements as stated herein (ARTICLE 4.010) shall not apply.
2. One (1) space for each five thousand (5,000) square feet of storage or one (1) space for every ten (10) storage units, whichever is greater; and, a minimum of five (5) spaces shall be provided on-site for the use of prospective clients. A minimum of two (2) spaces shall be provided for the exclusive use of the office and/or resident manager. Such spaces shall be located where they are within easy walking distance of the use they were provided for. This calculation is in addition to the required loading and unloading and driveways required as stated in herein (ARTICLE 4.020).
3. One (1) vehicle space shall be two hundred (200) square feet in size (10' x 20').
4. Required parking spaces shall not be rented as, or used for vehicular storage.
5. All driveways, entrances, loading areas, ailes and parking stalls shall have a maintained surface with a minimum of compacted crushed stone. The top layer of surfacing shall be constructed of compacted crusher run gravel and shall be graded so that the stone shall not collect on any public road.

E. Buffering and Screening

A fence or wall of no less than six (6) feet in height shall be installed around the perimeter of the facility, but within the necessary required vegetation. No landscaping or fencing shall be located on any public right-of-ways. No landscaping or fencing shall impose a sight visibility hazard with regard to ingress and egress. All facilities shall have fencing or walls and shall be maintained. All facilities shall conform to the landscaping requirements for that district.

Furthermore, where a self-service storage facility is established which abuts at any point, property used as a residence (even if that residential use is a non-conforming use), the developer of such facility shall be required to provide a ten (10) foot landscaped buffer strip as defined in the DEFINITIONS, ARTICLE 2.020).

F. Special Conditions

1. No outdoor advertising displays shall be permitted that do not identify the nature of the self-service storage facility. All signs shall be in accordance with ARTICLE 4.808.
2. All outdoor lighting shall be shielded to direct light and glare only onto the self-service storage facility and shall be of sufficient intensity to discourage vandalism and theft. Such lighting and glare shall be deflected, shaded, and focused away from all adjoining property.

4.150 SPECIAL CONDITIONS FOR BED AND BREAKFAST HOMESTAYS/INNS

- A. Bed and Breakfast Homestays and Inns shall be established only within single-family detached residences.
- B. Bed and Breakfast residences shall be solely operated by members of the family residing in the home with an one or two additional employees.
- C. The only meal to be provided to guests shall be breakfast, and it shall only be served to guests taking lodging in the home.
- D. Rooms used for sleeping shall be part of the primary residential structure and shall provide a bathroom for separate from the innkeepers' bath.
- E. No food preparation or cooking for guests shall be conducted within any bedroom made available for rent.
- F. Bed and Breakfast residences shall be limited to a single on-premise sign which shall be no greater than four (4) square feet in size, and shall be located no closer to the street right-of-way line than fifteen (15) feet.
- G. Bed Breakfast residences shall continuously maintain current licenses and permits as required by local and state agencies.
- H. The residence is subject to the inspection and approval of the building inspector/codes enforcer, fire marshal, county health department when applicable.
- I. Off-street parking shall be made available to the side or rear yard and subject to additional screening from abutting property owners, when the Planning Commission members deem necessary. SEE SECTION 4.010.
- J. See DEFINITIONS herein.

ARTICLE V
ZONING DISTRICTS

SECTION

- 5.010 Classification of Districts
- 5.020 Zoning Map
- 5.030 Zoning District Boundaries
- 5.040 Zoning Annexed Territory
- 5.050 Residential District Regulations
- 5.060 Commercial District Regulations
- 5.070 Industrial District Regulations
- 5.080 Provisions Governing Floodway and Flood Fringe Districts
- 5.090 Special Overlay District Regulations

5.010 CLASSIFICATION OF DISTRICTS

For the purpose of this ordinance, the following zoning districts are hereby established in the City of Hohenwald, Tennessee.

	<u>Zoning Classification</u>		<u>Future Land-Use Classification</u>
A.	<u>Residential Districts</u>		
	<i>Large Lot Residential District</i>	<i>R-1</i>	<i>Estate Residential</i>
	<i>Low-Density Residential District</i>	<i>R-2</i>	<i>Low-Density Residential</i>
	<i>Medium-Density Residential District</i>	<i>R-3</i>	<i>Medium-Density Residential</i>
	<i>High-Density Residential District</i>	<i>R-4</i>	<i>High-Density Residential</i>
	<i>Preservation Residential District</i>	<i>PR-5</i>	<i>Neighborhood Preservation</i>
	<i>Preservation Residential District</i>	<i>PR-6</i>	<i>Neighborhood Preservation</i>
B.	<u>Commercial Districts</u>		
	<i>Neighborhood Convenience Service District</i>	<i>C-1</i>	<i>Convenience Commercial</i>
	<i>Central Business District</i>	<i>C-2</i>	<i>Town Center Commercial</i>
	<i>Corridor Commercial District</i>	<i>C-3</i>	<i>Gateway Commercial</i>
	<i>General Commercial District</i>	<i>C-4</i>	<i>Community Commercial</i>
	<i>Town Center Business District</i>	<i>C-5</i>	<i>Town Center Commercial</i>
C.	<u>Industrial Districts</u>		
	<i>Limited Manufacturing/Industrial District</i>	<i>M-1</i>	<i>Light Industrial</i>
	<i>General Manufacturing/Industrial District</i>	<i>M-2</i>	<i>Medium Industrial</i>
D.	<u>Agricultural District</u>	<i>A-1</i>	<i>Agricultural/Forest</i>

E.	<u>Floodway Overlay Districts</u>	F-1	N/A
F.	<u>Special Overlay District Regulations</u>		
	<i>Planned Commercial District, General</i>	C-3 G	N/A
	<i>Planned Commercial District, Office Park</i>	C-4 OP	N/A
	<i>Planned Unit Development/Mixed Use</i>	C-4 PUD	N/A

5.020 ZONING MAP

The location and boundaries of the zoning districts established by this ordinance are bounded and defined as shown on the map entitled *Zoning Atlas of Hohenwald, Tennessee*. The zoning map and any amendment thereto shall be dated with the effective date of the ordinance that adopts same. Certified prints of the adopted map and zoning map amendments shall be maintained in the office of the Mayor and Building Inspector and shall be available for inspection by the public at all reasonable times, as long as this ordinance remains in effect.

5.030 ZONING DISTRICT BOUNDARIES

Unless otherwise indicated on the zoning map amendment, the district boundaries are lot lines, center lines of streets or alleys, as they exist at the time of the enactment of the zoning. Questions concerning the exact locations of district boundaries shall be determined by the Hohenwald Board of Zoning Appeals.

Where a district boundary line divides a lot 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 extend as well to such portion of said lot as is not more than one hundred (100) feet, within the more restricted district.

5.040 ZONING OF ANNEXED TERRITORY

Prior to the annexation of property, the Planning Commission shall recommend zoning districts to the Hohenwald City Council, which shall assign the zoning districts by ordinance within one hundred-twenty (120) days, after annexation.

5.050 RESIDENTIAL DISTRICT REGULATIONS

The residential districts established by this ordinance are designed to promote and protect public health, safety, comfort, convenience, prosperity, and other aspects of the general welfare. These general goals include, among others, the following specific purposes:

1. To provide sufficient space in appropriate locations for residential development to meet the housing needs of the city's present and expected future population, with due allowance for the need for a choice of sites and building types;

2. To protect residential areas, as far as possible, against heavy traffic and against through traffic of all kinds;
3. To protect residential areas against congestion, by regulating the density of population and the bulk of buildings in relation to the land around them and to one another, and by providing for off-street parking spaces.
4. To require the provision of open space and a maximum conservation of natural sites in residential areas, and to encourage the provision of additional open space by permitting planned development of moderately higher density and intensity coverage with concomitantly higher standards of open space, in order to provide large open areas with greater utility for rest and recreation; and to encourage the development of more attractive and economic and less monotonous building forms, by providing freedom of architectural and site design;
5. To provide for access of light and air to windows and for privacy by controls over the spacing and height of buildings and other structures;
6. To provide appropriate space for those public and private educational, recreational, health, and similar facilities which serve the needs of nearby residents, which generally perform their own activities more effectively in a residential environment, and which do not create objectionable influences;
7. To promote the most desirable use of land and direction of building development in accord with a well-considered plan, to promote stability of residential development, to protect the character of the district and its peculiar suitability for particular uses, to conserve the value of land and buildings, and to protect the city's tax revenue.
8. To promote consistency with the *Comprehensive Plan for the City of Hohenwald*.

5.051 **R-1. Large Lot Residential District**

A. Purpose and Intent of District

These districts are designed to provide suitable areas for low density residential development characterized by an open, rural appearance. Generally, the residential development will consist of single family detached dwellings and accessory structures. These districts also include community facilities, public utilities, and open uses which serve specifically the residents of these districts, or which are benefited by an open residential environment without creating objectionable or undesirable influence upon residential developments. Furthermore, it is the intent of this ordinance that these districts be located so that the provision of appropriate urban services will be physically and economically facilitated and so that provisions are made for the orderly expansion and maintenance of urban residential development within the urban area. It is the express purpose of this ordinance to exclude from these districts all buildings and other structures and uses having commercial characteristics whether operated for profit or

otherwise, except that conditional uses and home occupations specifically provided for in these regulations for these districts shall be considered as not having such characteristics if they otherwise conform to the provisions of this ordinance. *As stated in ARTICLE 1.040, it is of significant importance that the provisions of this ordinance be consistent with the policies stated and development guidelines illustrated in the future land-use of the Comprehensive Plan. This district relates to the Estate Residential Future Land-Use Classification as illustrated in the plan.*

B. Uses Permitted

In the R-1, Large Lot Residential District, the following uses are permitted:

Agricultural Activities

Crops and Animal Raising

Residential Activities

Single Detached Dwelling Only

Community Facility Activities

Essential Services

C. Accessory Uses and Structures

1. Private garages and sheds.
2. Outdoor recreational facilities exclusively for the use of the residents.
3. Signs in compliance with the regulations set forth in Section 4.080.
4. Home occupations*as defined by and subject to the provisions of Section 4.040.
5. Other accessory structures and uses customarily incidental to the permitted uses.

D. Uses Permitted as Special Exceptions

In the R-1, Large Lot Residential District, the following uses may be permitted as special exceptions after review and approval by the Board of Zoning Appeals in accordance with Section 7.080.

Semi-Permanent Residential Dwelling

Community Facility Activities

Administrative Services

Community Assembly

Community Education

Cultural and Recreational Services

Intermediate Impact Facilities

Religious Facilities

E. Uses Prohibited

In the R-1, Large Lot Residential District, any use not permitted by right, by accessory use, or as a special exception as defined above is strictly prohibited.

F. Dimensional Requirements

All uses permitted in the R-1, Large Lot Residential District, shall comply with the following requirements:

1. Minimum lot size: *43,560 Square Feet (1 Acre)*

Lot Width at Front Yard

Building Setback

with sewer

100 Feet

without sewer

125 Feet

2. Minimum Building Setback Requirements:

Front Yard Setback

50 Feet

Side Yard Setback

20 Feet

Rear Yard Setback

25 Feet

3. Maximum Lot Coverage

On any lot, the area occupied by all structures, including accessory structures, shall not exceed thirty (30) percent of the total area.

4. Height Requirements

No principal building shall exceed two (2) stories or thirty-five (35) feet in height, and no accessory structure shall exceed two (2) stories in height, except as provided in Section 6.040.

5. Parking Space Requirements

As regulated in Section 4.010.

6. Landscaping

The front yard, excluding necessary driveways, shall be landscaped and not used for automobile storage.

7. Accessory Structures

- a. With the exception of signs and fences, accessory structures shall not be erected in any required front yard.
- b. Accessory structures shall be located at least five (5) feet from any side lot line, from the rear lot line, and from any building on the same lot.

5.052 R-2, Low-Density Residential District

A. Purpose and Intent of District

These districts are designed to provide suitable areas for low density residential development where appropriate urban services and facilities are provided or where the extension of such services and facilities will be physically and economically facilitated. Most generally, these districts will be characterized by single-family detached structures and such other structures as are accessory thereto. These districts also include community facilities, public utilities and open uses which serve specifically the residents of those districts or which are benefited by and compatible with a residential environment. It is the express purpose of this zoning ordinance to exclude from these districts all buildings or other structures and uses having commercial characteristics whether operated for profit or otherwise, except that special exceptions and home occupations specifically provided for in these regulations for these districts shall be considered as not having such characteristics if they otherwise conform to the provisions of this ordinance. *As stated in ARTICLE 1.0-40, it is of significant importance that the provisions of this ordinance be consistent with the policies stated and development guidelines illustrated in the future land-use of the Comprehensive Plan. This district relates to the Low-Density Residential Future Land-Use Classification as illustrated in the plan.*

B. Uses Permitted

In the R-2, Low-Density Residential District, the following uses are permitted:

Residential Activities

Single Detached Family, only

Community Facility Activities

Essential Services

C. Accessory Uses and Structures

1. Private garages and sheds.
2. Outdoor recreational facilities exclusively for the use of the residents.

3. Signs in compliance with the regulations set forth in Section 4.080.
4. Home occupations as defined by and subject to the provisions of Section 4.040.
5. Other accessory structures and uses customarily incidental to the permitted uses.

D. Uses Permitted as Special Exceptions

In the R-2, Low-Density Residential District, the following uses may be permitted as special exceptions after review and approval by the Board of Zoning Appeals in accordance with Section 7.080.

Semi-Permanent Residential Dwellings

Community Facility Activities

*Administrative Services
Community Assembly
Community Education
Cultural and Recreational Services*

*Intermediate Impact Facilities
Personal and Group Care Facilities
Religious Facilities*

E. Uses Prohibited

In the R-2, Low-Density Residential District, any use not permitted by right, by accessory use, or as a special exception as defined above is strictly prohibited.

F. Dimensional Requirements

All uses permitted in the R-2, Low-Density Residential District, shall comply with the following requirements.

1. Minimum Area

<i>with sewer</i>	<i>10,000 Square Feet</i>
<i>without sewer</i>	<i>20,000 Square Feet</i>

<u>Area Per Family (duplex and triplex)</u>	<i>5,000 Square Feet</i>
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Lot Width at Front Yard

<u>Building Setback</u>	<i>100 Feet</i>
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2. Minimum Building Setback Requirements

<i>Front Yard Setback</i>	<i>40 Feet</i>
<i>Side Yard Setback</i>	<i>15 Feet</i>
<i>Rear Yard Setback</i>	<i>25 Feet</i>

3. Maximum Lot Coverage

On any lot, the area occupied by all structures, including accessory structures, shall not exceed thirty-five (35) percent of the total area.

4. Height Requirements

No principal building shall exceed two (2) stories or thirty-five (35) feet in height, and no accessory structure shall exceed two (2) stories in height, except as provided in Section 6.040.

5. Parking Space Requirements

As regulated in Section 4.010.

6. Landscaping

The front yard, excluding necessary driveways, shall be landscaped.

7. Accessory Structures

- a. With the exception of signs and fences, accessory structures shall not be erected in any required front yard.
- b. Accessory structures shall be located at least five (5) feet from any side lot line, from the rear lot line, and from any building on the same lot.

5.053 R-3, Medium-Density Residential District

A. Purpose and Intent of District

This class of district is designed to provide suitable areas for medium density residential development where sufficient urban services and facilities are provided or where the extension of such services can be physically and economically facilitated prior to development. All types of residential activities are permitted. It is the intent of this district to not restrict in number the dwelling units contained in a building provided there is sufficient area of zone lot and open space on such lot relative to the number of dwelling units thereon. This class of district is intended also to permit community facility and public utility installations which are necessary to serve and do serve specifically the residents of these districts, or which installations are benefited by and compatible with a residential environment. It is the express purpose of this ordinance to exclude from this class district all buildings and other structures and uses having commercial characteristics and not planned as an integral part of a total residential development, whether operated for profit or otherwise, except that conditional uses and home occupations specifically provided for in these regulations for this class of district shall be considered as not

having such characteristics if they otherwise conform to the provisions of this ordinance. *As stated in ARTICLE 1.040, it is of significant importance that the provisions of this ordinance be consistent with the policies stated and development guidelines illustrated in the future land-use of the Comprehensive Plan. This district relates to the Medium-Density Residential Future Land-Use Classification as illustrated in the plan.*

B. Uses Permitted

In the R-3, Medium-Density Residential District, the following uses are permitted.

Residential Activities

*Single Detached Dwelling
Dwelling, Duplex
Dwelling, Triplex*

Community Facility Activities

Essential Services

C. Accessory Uses and Structures

1. Private garages and sheds.
2. Outdoor recreational facilities exclusively for the use for the use of the residents.
3. Signs in compliance with the regulations set forth in Section 4.080.
4. Home occupations as defined by and subject to the provisions of Section 4.040.
5. Other accessory structures and uses customarily incidental to the permitted uses.

D. Uses Permitted as Special Exceptions

In the R-3, Medium-Density Residential District, the following uses may be permitted as special exceptions after review and approval by the Board of Zoning Appeals in accordance with Section 7.080.

Residential Activities

*Dwelling, Multi-Family (Apartment, Townhouse)
Semi-Permanent Residential (B&Bs, etc.)*

Community Facility Activities

*Administrative Services
Community Assembly
Community Education
Cultural and Recreational Services*

*Health Care Facilities
Intermediate Impact Facilities
Personal and Group Care Facilities
Religious Facilities*

E. Uses Prohibited

In the R-3, Medium-Density Residential District, any use not permitted by right, by accessory use, or as a special exception as defined above is strictly prohibited.

F. Dimensional Requirements

All uses permitted in the R-3, Medium-Density Residential District, shall comply with the following requirements.

1. Minimum Area

<i>with sewer</i>	<i>10,000 Square Feet</i>
<i>without sewer</i>	<i>20,000 Square Feet</i>

<u>Area Per Family (duplex, triplex) other than single family dwelling</u>	<i>3,500 Square Feet</i>
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<u>Lot Width at Front Yard Building Setback</u>	<i>75 Feet</i>
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2. Minimum Building Setback Requirements

<i>Front Yard Setback</i>	<i>35 Feet</i>
<i>Side Yard Setback</i>	<i>10 Feet</i>
<i>Rear Yard Setback</i>	<i>20 Feet</i>

3. Maximum Lot Coverage

On any lot, the area occupied by all structures, including accessory structures, shall not exceed thirty-five (35) percent of the total area.

4. Height Requirements

No principal building shall exceed two (2) stories or thirty-five (35) feet in height, and no accessory structure shall exceed two (2) stories in height, except as provided in Section 6.040.

5. Parking Space Requirements

As regulated in Section 4.010.

6. Landscaping

The front yard, excluding necessary driveways, shall be landscaped.

7. Accessory Structures

- a. With the exception of signs and fences, accessory structures shall not be erected in any required front yard.
- b. Accessory structures shall be located at least five (5) feet from any side lot line, from the rear lot line, and from any building on the same lot.

5.054 R-4, High-Density Residential District

A. Purpose and Intent of District

This class of district is designed to provide suitable areas for high-density residential development where sufficient urban services and facilities are available or where such facilities will be available prior to development. All types of residential activities are permitted, if they are in a planned unit development. It is the intent of this district to not restrict in number the dwelling units contained in a building provided there is sufficient area of zone lot and open space on such lot relative to the number of dwelling units thereon. This class of district is intended also to permit community facility and public utility installations which are necessary to serve and do serve specifically the residents of these districts, or which installations are benefited by and compatible with a residential environment. *As stated in ARTICLE 1.040, it is of significant importance that the provisions of this ordinance be consistent with the policies stated and development guidelines illustrated in the future land-use of the Comprehensive Plan. This district relates to the High-Density Residential Future Land-Use Classification as illustrated in the plan.*

B. Uses Permitted

In the R-4, High-Density Residential District, the following uses are permitted:

Residential Activities

Dwelling, Single Detached

Dwelling, Duplex

Dwelling, Triplex

Dwelling, Mobile Home (one unit per lot)

Dwelling, Mobile Home Park (see ARTICLE 4.090)

Dwelling, Multi-Family (Apartment, Townhouse, etc)

C. Accessory Uses and Structures

- 1. Private garages and sheds.
- 2. Outdoor recreational facilities exclusively for the use for the use of the residents.
- 3. Signs in compliance with the regulations set forth in Section 4.080.
- 4. Home occupations as defined by and subject to the provisions of Section 4.040.

5. Other accessory structures and uses customarily incidental to the permitted uses.

D. Uses Permitted as Special Exceptions:

In the R-4, High-Density Residential District, the following uses may be permitted as special exceptions after review and approval by the Board of Zoning Appeals in accordance with Section 7.080.

Semi-Permanent Residential Dwellings

Community Facility Activities

Administrative Services

Community Assembly

Community Education

Cultural and Recreational Services

Health Care Facilities

Intermediate Impact Facilities

Personal and Group Care Facilities

Religious Facilities

E. Uses Prohibited

In the R-4, High-Density Residential District, any use not permitted by right, by accessory use, or as a special exception as defined above is strictly prohibited.

F. Dimensional Requirements

All uses permitted in the R-4, High-Density Residential District, shall comply with the following requirements:

1. Minimum Lot Size:

Single-Family,

Duplex, and Mobile Home

7,500 Square Feet

Multi-Family

Dwelling and Triplex

11,000 Square Feet

Mobile Home Park:

20,000 Square Feet

All lots without public sewer shall have a minimum of

20,000 Square Feet.

Area Per Family other than single family

3,500 Square Feet

Lot Width at Front Yard

Building Setback

Single-Family,

Duplex and Mobile Home,

50 Feet

Multi-Family

Dwelling

100 Feet

2. Minimum Building Setback Requirements

<i>Front Yard Setback</i>	<i>35 Feet</i>
<i>Side Yard Setback</i>	<i>8 Feet</i>
<i>Rear Yard Setback</i>	<i>15 Feet</i>

3. Maximum Lot Coverage

On any lot, the area occupied by all structures, including accessory structures, shall not exceed fifty (50) percent of the total area.

4. Height Requirements

No principal building shall exceed two (2) stories or thirty-five (35) feet in height, and no accessory structure shall exceed two (2) stories in height, except as provided in Section 6.040.

5. Parking Space Requirements

As regulated in Section 4.010.

6. Landscaping: All yards, excluding necessary driveways, shall be landscaped.

7. Accessory Structures

- a. With the exception of signs and fences, accessory structures shall not be erected in any required front yard.
- b. Accessory structures shall be located at least five (5) feet from any side lot line, from the rear lot line, and from any building on the same lot.

5.055 PR-5, Preservation Neighborhood District

A. Purpose and Intent of District

This district is designed to protect the historic character of this established neighborhood while ensuring similar protection to future in-fill development. This neighborhood has many unique and historically rich homes and structures which pay tribute to the history of Hohenwald. The original town plan of New Switzerland, which is of record in Trust at the Register's Office for Lewis County, Tennessee, in 1886 set out the locations and sizes of lots, alleys and streets. Residential structures were built by the original town settlers within the lots identified by the plan. The structures were primarily of late 1800-era design, often built with steep roof lines and covered in clapboard or stucco. This neighborhood has established trees lining the grid-iron street pattern. The broad streets are supported by the sidewalk system. Generally, the homes are setback from the street at a scale approximately one and one-half (1 1/2) the height of the structure with all

accessory structures and garages to the rear of the home and are served by alleys. Where alleys no longer exist, generally all other accessory structures, not including garages, remain to the rear of all lots. This district also includes community facilities, public utilities, and open uses which serve specifically the residents of this district, or which are benefited by an open residential environment without creating objectionable or undesirable influences upon this established neighborhood. Furthermore, it is the intent of this ordinance that this district exclude all proposed buildings, other structures and uses having commercial characteristics, whether operated for profit or otherwise, with the exception of conditional uses and home occupations specifically provided for in these regulations. *As stated in ARTICLE 1.040, it is of significant importance that the provisions of this ordinance be consistent with the policies stated and development guidelines illustrated in the future land-use of the Comprehensive Plan. This district relates to the Neighborhood Preservation Residential Future Land-Use Classification as illustrated in the plan.*

B. Uses Permitted

In the PR-5, Preservation Neighborhood District, the following uses are permitted:

Residential Activities

Single Detached Family, only

Community Facility Activities

Essential Services

C. Accessory Uses and Structures

1. Private garages and sheds.
2. Outdoor recreational facilities exclusively for the use of the residents.
3. Signs in compliance with the regulations set forth in Section 4.080.
4. Home occupations as defined by and subject to the provisions of Section 4.040.
5. Other accessory structures and uses customarily incidental to the permitted uses.

D. Uses Permitted as Special Exceptions

In the PR-5, the following uses may be permitted as special exceptions after review and approval by the Board of Zoning Appeals in accordance with Section 7.080.

Semi-Permanent Residential

Community Facility Activities

*Community Assembly
Community Education*

*Cultural and Recreational Services
Day Care Facilities
Religious Facilities*

Commercial Activities

Limited commercial activities may be allowed within the preservation residential neighborhood (PR-5) as a special exception. Typical uses which may be considered shall be similar to those allowed as a home-occupation as stated herein. Such uses are, but not limited to: real-estate offices, office studios, art studios, beauty shops, antiques stores, tea rooms, and attorney offices. No commercial use shall be permitted if it imposes an increase in the traffic, noise or density to the neighborhood; no significant increase or impact shall be imposed upon the established residential neighborhood. Furthermore, such applicant shall obtain written approval from all abutting property owners, there shall be no additional parking in the front or sides of the property, and all signage shall be in conformance with ARTICLE 4.080. Such use shall retain the appearance of a residential neighborhood both in architectural integrity and the physical characteristics of the site. Furthermore, any alteration to the existing structures shall comply with the site development plan procedures as stated herein.

E. Uses Prohibited

In the PR-5, any use not permitted by right, by accessory use, or as a special exception as defined above is strictly prohibited.

F. Dimensional Requirements - 5,000 square foot minimum lot size, except lots of record.

1. Lot Width at Front Yard

Building Setback *50 Feet*

2. Minimum Building Setback Requirements

Front Yard Setback *25 Feet*

Side Yard Setback *5 Feet*

Rear Yard Setback *10 Feet*

3. Maximum Lot Coverage

On any lot, the area occupied by all structures, including accessory structures, shall not exceed thirty-five (35) percent of the total area.

4. Height Requirements

No principal building shall exceed two (2) stories or thirty-five (35) feet in height, and no accessory structure shall exceed two (2) stories in height, except as provided in Section 6.040.

5. Parking Space Requirements

As regulated in Section 4.010.

6. Landscaping

The front yard, excluding necessary driveways, shall be landscaped.

7. Accessory Structures

- a. With the exception of signs and fences, accessory structures shall not be erected in any required front yard.
- b. Accessory structures shall be located at least five (5) feet from any side lot line, from the rear lot line, and from any building on the same lot.

5.056 PR-6, Preservation Neighborhood District

A. Purpose and Intent of District

This district is designed to protect the historic character of this established residential neighborhood. This neighborhood has many unique and historically rich homes and structures which pay tribute to the history of Hohenwald. The original town plan of New Switzerland, which is of record in Trust at the Register's Office for Lewis County, Tennessee, in 1886 set out the locations and sizes of lots, alleys and streets. Residential structures were built by the original town settlers within the lots identified by the plan. The structures were primarily of late 1800-era design, often built with steep roof lines and covered in clapboard or stucco. This neighborhood has established trees lining the grid-iron street pattern. The broad streets are supported by the sidewalk system. Generally, the homes are setback from the street at a scale approximately one and one-half (1 1/2) the height of the structure with all accessory structures and garages to the rear of the home and are served by alleys. Where alleys no longer exist, generally all other accessory structures, not including garages, remain to the rear of all lots. This district also includes community facilities, public utilities, and open uses which serve specifically the residents of this district, or which are benefited by an open residential environment without creating objectionable or undesirable influences upon this established neighborhood. Furthermore, it is the intent of this ordinance that this district exclude all proposed buildings, other structures and uses having commercial characteristics, whether operated for profit or otherwise, with the exception of home

occupations specifically provided for in these regulations. *As stated in ARTICLE 1.040, it is of significant importance that the provisions of this ordinance be consistent with the policies stated and development guidelines illustrated in the future land-use of the Comprehensive Plan. This district relates to the Neighborhood Preservation Residential Future Land-Use Classification as illustrated in the plan.*

B. Uses Permitted

In the PR-6, Preservation Neighborhood District, the following uses are permitted:

Residential Activities

Single Detached Family, only

Community Facility Activities

Essential Services

C. Accessory Uses and Structures

1. Private garages and sheds.
2. Outdoor recreational facilities exclusively for the use of the residents.
3. Signs in compliance with the regulations set forth in Section 4.080.
4. Home occupations as defined by and subject to the provisions of Section 4.040.
5. Other accessory structures and uses customarily incidental to the permitted uses.

D. Uses Permitted as Special Exceptions

In the PR-6, the following uses may be permitted as special exceptions after review and approval by the Board of Zoning Appeals in accordance with Section 7.080.

Semi-Permanent Residential

Community Facility Activities

Community Assembly

Community Education

Cultural and Recreational Services

Day Care Facilities

Religious Facilities

E. Uses Prohibited

In the PR-6, any use not permitted by right, by accessory use, or as a special exception as defined above is strictly prohibited.

F. Dimensional Requirements - 5,000 square foot minimum lot size, except lots of record

1. Lot Width at Public Road Frontage *50 Feet*

2. Minimum Building Setback Requirements

Front Yard Setback *25 Feet*

Side Yard Setback *5 Feet*

Rear Yard Setback *10 Feet*

3. Maximum Lot Coverage

On any lot, the area occupied by all structures, including accessory structures, shall not exceed thirty-five (35) percent of the total area.

4. Height Requirements

No principal building shall exceed two (2) stories or thirty-five (35) feet in height, and no accessory structure shall exceed two (2) stories in height, except as provided in Section 6.040.

5. Parking Space Requirements

As regulated in Section 4.010.

6. Landscaping

The front yard, excluding necessary driveways, shall be landscaped.

7. Accessory Structures

a. With the exception of signs and fences, accessory structures shall not be erected in any required front yard.

b. Accessory structures shall be located at least five (5) feet from any side lot line, from the rear lot line, and from any building on the same lot.

5.057 A-1, Agricultural District

A. Purpose and Intent of this District

This district is intended to preserve the rural character of annexed land on the fringe of the city, specifically allowing agricultural purposes and those buildings necessary to support those purposes and low density residential development on lots of sufficient size to provide necessary services (Five acre minimum). This district may include areas and lands not suitable for development due to limitations of soil, geology or topography.

This district will include community facilities, public utilities and open uses which specifically serve the residents of the district. Facilities which are enhanced by an open environment and which do not deter from the overall rural character of the district are also included. *As stated in ARTICLE 1.040, it is of significant importance that the provisions of this ordinance be consistent with the policies stated and development guidelines illustrated in the future land-use of the Comprehensive Plan. This district relates to the Agricultural/Forestry Future Land-Use Classification as illustrated in the plan*

B. Uses Permitted

In the Agricultural District the following uses are permitted:

Agricultural Activities

*Crops and Animal Raising
Plant Nursery*

Residential Activities

Single Detached Dwelling

Community Facility Activities

Essential Services

C. Accessory Uses and Structures Permitted

1. Private garages, barns, stables, sheds and other farm buildings.
2. Outdoor recreational facilities exclusively for the use of the residents.
3. Signs in compliance with the regulations set forth in Section 4.080.
4. Home occupations as defined by and subject to the provisions of Section 4.040.
5. Other accessory structures and uses customarily incidental to the permitted uses.

D. Uses Permitted as Special Exceptions

In the A-1 District, the following uses may be permitted as special exceptions after review and approval by the Board of Zoning Appeals in accordance with Section 7.080.

Residential Activities

Semi-Permanent Residences

Community Facility Activities

*Administrative Services
Community Assembly
Community Education
Cultural and Recreational Services*

*Intermediate Impact Facilities
Personal and Group Care Facilities
Religious Facilities*

E. Uses Prohibited

In the A-1 District, any use not permitted by right, by accessory use, or as a special exception as defined above is strictly prohibited.

F. Dimensional Requirements

All uses permitted in the A-1 District, shall comply with the following requirements:

1. Minimum lot size: *5 Acres*
2. Minimum lot width: *200 feet*
3. Minimum Building Setback Requirements:
*Front Yard Setback 150 feet
Side Yard Setback 60 feet
Rear Yard Setback 80 feet*

4. Maximum Lot Coverage

On any lot, the area occupied by all structures, including accessory structures, shall not exceed thirty (30) percent of the total area. And a maximum of .2 dwelling units per acre.

5. Height Requirements

No principal building shall exceed three (3) stories or thirty-five (35) feet in height, and no accessory structure shall exceed two (2) stories in height, except as provided in Section 6.040. Farm Silos shall be not be included in this restriction.

6. Parking Space Requirements

As regulated in Section 4.010.

7. Accessory Structures

- a. With the exception of signs and fences, accessory structures shall not be erected in any required front yard.

- b. Accessory structures shall be located at least five (5) feet from any side lot line, from the rear lot line, and from any building on the same lot.

5.060 COMMERCIAL DISTRICT REGULATIONS

The commercial districts established by this ordinance are designed to promote and protect public health, safety, comfort, convenience, prosperity, and other aspects of the general welfare. These goals include, among others, the following specific purposes:

1. To provide sufficient space, in appropriate locations in proximity to established residential areas, for local retail and service trades catering specifically to the recurring shopping needs of the occupants of nearby residences.
2. To protect both retail and service developments and nearby residences against fire, explosions, toxic and noxious matter, radiation, and other hazards, and against offensive noise, vibration, smoke, dust and other particulate matter, odorous matter, heat, humidity, glare, and their objectionable influences.
3. To protect both retail and service developments and nearby residences against congestion, by regulating the intensity of retail and service developments consistent with their marketing functions, by restricting those types of establishments which generate heavy traffic, and providing for off-street parking and loading facilities.
4. To provide sufficient space in appropriate locations for commercial districts to satisfy functional needs of Hohenwald, and in particular the need for medical services, and the needs of the general public traveling along major highways.
5. To provide sufficient space in appropriate locations for the mixture of compatible high density residential and restricted commercial developments where standards for development will provide protection for the environmental essentials of either.
6. To provide sufficient space in appropriate locations for all types of commercial and miscellaneous service activities.
7. To enhance the central business district and to promote and protect its service attributes, to lessen congestion in the district, to provide for high intensity of land use consistent with land valuation, and to protect its intended functional aspects against encroachment by detrimental influences.
8. To promote the most desirable use of land and direction of building development in accord with a well-considered plan, to promote stability of commercial development, to protect the strengthen the economic base of Hohenwald to protect the character of the district and its peculiar suitability for particular uses, to conserve the value of land and buildings.

5.061 C-1, Neighborhood Convenience Service Districts

A. District Description

This district is designed to provide for uses to serve the recurring household needs and personal service requirements of the occupants of nearby residential areas. The permitted establishments are those which provide for regular local shopping and which, therefore, are visited frequently by customers. This district may occur along or away from arterial streets, characteristically are small, and are distributed widely for convenient accessibility by residential area occupants. The bulk regulations are established to commercial activity in the district and adjacent residential activity, and to lessen the concentration of vehicular traffic as compared to other commercial districts providing goods and services for a more extensive marketing area. *As stated in ARTICLE 1.040, it is of significant importance that the provisions of this ordinance be consistent with the policies stated and development guidelines illustrated in the future land-use of the Comprehensive Plan. This district relates to the Convenience Commercial Future Land-Use Classification as illustrated in the plan*

B. Uses Permitted

In the C-1, Neighborhood Convenience Service District, the following uses and their accessory uses are permitted:

Community Facility Activities

*Administrative Services
Community Assembly
Community Education
Cultural and Recreational Services*

*Essential Services
Intermediate Impact Facilities
Personal and Group Care Facilities
Religious Facilities*

Commercial Activities

*Convenience Commercial
General Personal Service
Medical and Professional Services (not hospitals)*

C. Accessory Uses and Structures

The following accessories are permitted in the C-1, Neighborhood Convenience Service District:

1. Signs in compliance with the regulations set forth in Section 4.080.
2. Accessory off-street parking and loading facilities as required in Section 4.010.

B. Uses Permitted

Community Facility Activities

Administrative Services
Community Assembly
Cultural and Recreational Services

Essential Services
Health Care Facilities

Commercial Activities

Automotive Parking
Consumer Repair Services
Convenience Commercial
Entertainment and Amusement Services
Financial, Consulting and Administrative Services
Food and Beverage Services

General Business and Communication
General Personal Services
General Retail Trade
Medical and Professional Services
Transient Habitation
Undertaking Services

C. Accessory Uses and Structures

The following accessory uses are permitted in the C-2, Central Business District:

1. Signs in compliance with the regulations set forth in Section 4.080.
2. Accessory off-street parking and loading facilities as required in Section 4.010 and located to the side or rear of the principal structure.
3. Accessory structures and uses customarily incidental to the permitted uses, provided that such accessory structures and uses are carried out on the same lot and are not otherwise prohibited. All accessory structures shall be located in the rear of the lot.

D. Uses Permitted as Special Exceptions

In the C-2, Central Business District, the following uses and their accessory uses may be permitted as special exceptions after review and approval by the Board of Zoning Appeals, in accordance with Section 7.080:

Residential Activities

Permanent Residential - Multi-Family Only (second story residential only)
Semi-Permanent Residential

Community Facility Activities

Community Education
Personal and Group Care Facilities
Religious Facilities

E. Uses Prohibited

Any uses or structures not allowable as permitted uses, conditional uses, temporary uses, or accessory uses are prohibited within the C-2, Central Business District.

F. Dimensional Regulations

All uses permitted in the C-2, Central Business District shall comply with the following requirements, except as provided in Article VI:

1. Minimum Lot Size - 5,000 square feet, except lot of record

<i>Minimum Lot Area</i>	<i>None</i>
<i>Lot Width at Building</i>	
<i>Setback</i>	<i>None</i>

2. Minimum Building Setback Requirements *None*

3. Maximum Lot Coverage

There are no restrictions on the area occupied by all buildings including accessory buildings on a lot or parcel located in the C-2 District. However, all accessory structures shall be located to the rear of the principal structure.

4. Height Requirement

The maximum height of all buildings located in the C-2 District shall be established as follows, except as provided in Section 6.040. The maximum building height at the street line shall be thirty (30) feet. If the ground floor is a minimum of 8,000 square feet, then the maximum height may be allowed up to fifty (50) feet.

5. Parking Space Requirements

As regulated in Article IV, Section 4.010. All new parking shall be located to the rear yard.

6. Accessory Structures

Accessory structures shall be located at least five (5) feet from any lot line, and any building on the same lot and shall be located in the rear yard.

3. Accessory structures and uses customarily incidental to the permitted uses, provided that such accessory structures and uses are carried out on the same lot and are not otherwise prohibited.

D. Uses Permitted as Special Exceptions

No uses are permitted as special exceptions in the C-1, Neighborhood Convenience Service District.

E. Uses Prohibited

Any use or structure not allowable as permitted uses, conditional uses, temporary uses, or accessory uses are prohibited within the C-1 Neighborhood Convenience Service District.

F. Dimensional Regulations

All uses permitted in the C-1, Neighborhood Convenience Service District, shall comply with the following requirements, except as provided in Article VI:

1. Minimum Lot Size

<i>Minimum Lot Area</i>	<i>20,000 Square Feet</i>
<i>Lot Width at Building Setback</i>	<i>100 Feet</i>

2. Minimum Building Setback Requirements

<i>Front Yard Setback</i>	<i>50 Feet</i>
<i>Side Yard Setback</i>	<i>20 Feet except where the side yard abuts or is adjacent to a residential district, in which case the minimum setback for that yard shall be 40 feet.</i>
<i>Rear Yard Setback</i>	<i>25 Feet except where the rear yard abuts or is adjacent to a residential district, in which case the minimum setback for that yard shall be 50 feet.</i>

3. Maximum Lot Coverage

On any area or parcel of land, the area occupied by all buildings including accessory buildings, shall not exceed sixty (60) percent of the total area of such lot or parcel.

4. Height Requirements

No building shall exceed forty (40) feet in height, except as provided in Section 6.040.

5. Parking Space Requirement

As regulated in Article IV, Section 4.010.

6. Accessory Structures

Accessory structures shall be located at least five (5) feet from any lot line, and any building on the same lot.

G. Landscaping Provisions

Each site shall be developed with a minimum of ten (10) percent of the lot area landscaped to enhance site appearance. Included in the ten (10) percent coverage, there shall be maintained a landscaped strip at least ten (10) feet wide parallel to all street rights-of-way lines exclusive of ingress and egress points of access and walkways. All front, side and rear yards shall be maintained. Additional buffering may be required by the Planning Commission (see DEFINITIONS, ARTICLE II). *Note: buffering is not to be confused with the required landscaping; buffering may be required in addition to the landscaping)*

5.062 C-2. Central Business District

A. District Description

This district is designed to provide for a wide range of retail, office, amusement, and service uses, characterized by the pedestrian oriented atmosphere. In addition, this district provides for governmental uses, community facilities and utilities necessary to serve the district of which are required for the general community welfare. The regulations are structured to permit maximum freedom of pedestrian movement. Relatively high density and intensity of use is permitted in this district. All new development shall be designed so as to preserve and enhance the historic atmosphere of the central business thoroughfare. All new development shall conform to the Hohenwald side-walk plan. *As stated in ARTICLE 1.040, it is of significant importance that the provisions of this ordinance be consistent with the policies stated and development guidelines illustrated in the future land-use of the Comprehensive Plan. This district relates partially to Central Business and Town Center Future Land-Use Classification as illustrated in the plan*

B. Uses Permitted

Community Facility Activities

Administrative Services
Community Assembly
Cultural and Recreational Services

Essential Services
Health Care Facilities

Commercial Activities

Automotive Parking
Consumer Repair Services
Convenience Commercial
Entertainment and Amusement Services
Financial, Consulting and Administrative Services
Food and Beverage Services

General Business and Communication
General Personal Services
General Retail Trade
Medical and Professional Services
Transient Habitation
Undertaking Services

C. Accessory Uses and Structures

The following accessory uses are permitted in the C-2, Central Business District:

1. Signs in compliance with the regulations set forth in Section 4.080.
2. Accessory off-street parking and loading facilities as required in Section 4.010 and located to the side or rear of the principal structure.
3. Accessory structures and uses customarily incidental to the permitted uses, provided that such accessory structures and uses are carried out on the same lot and are not otherwise prohibited. All accessory structures shall be located in the rear of the lot.

D. Uses Permitted as Special Exceptions

In the C-2, Central Business District, the following uses and their accessory uses may be permitted as special exceptions after review and approval by the Board of Zoning Appeals, in accordance with Section 7.080:

Residential Activities

Permanent Residential - Multi-Family Only (second story residential only)
Semi-Permanent Residential

Community Facility Activities

Community Education
Personal and Group Care Facilities
Religious Facilities

E. Uses Prohibited

Any uses or structures not allowable as permitted uses, conditional uses, temporary uses, or accessory uses are prohibited within the C-2, Central Business District.

F. Dimensional Regulations

All uses permitted in the C-2, Central Business District shall comply with the following requirements, except as provided in Article VI:

1. Minimum Lot Size - 5,000 square feet, except lot of record

<i>Minimum Lot Area</i>	<i>None</i>
<i>Lot Width at Building</i>	
<i>Setback</i>	<i>None</i>

2. Minimum Building Setback Requirements *None* ✓

3. Maximum Lot Coverage

There are no restrictions on the area occupied by all buildings including accessory buildings on a lot or parcel located in the C-2 District. However, all accessory structures shall be located to the rear of the principal structure.

4. Height Requirement

The maximum height of all buildings located in the C-2 District shall be established as follows, except as provided in Section 6.040. The maximum building height at the street line shall be thirty (30) feet. If the ground floor is a minimum of 8,000 square feet, then the maximum height may be allowed up to fifty (50) feet.

5. Parking Space Requirements

As regulated in Article IV, Section 4.010. All new parking shall be located to the rear yard.

6. Accessory Structures

Accessory structures shall be located at least five (5) feet from any lot line, and any building on the same lot and shall be located in the rear yard.

G. Landscaping Provisions

Each site shall be developed with a minimum of ten (10) percent of the lot area landscaped to enhance site appearance. Included in the ten (10) percent coverage, there shall be a maintained landscaped strip at least ten (10) feet wide parallel to all street right-of-way lines, exclusive of ingress and egress points of access and walkways. The provisions of this section may be waived in cases where the lack of setbacks would make strict application of the provision impossible. All yards shall be maintained and free from debris. *Note: buffering is not to be confused with the required landscaping; buffering may be required in addition to the landscaping when the Planning Commission feels the use may be incompatible with an abutting property)*

5.063 C-3. Corridor Commercial District

A. District Description

These districts are designed to provide for a wide range of commercial uses concerned with retail trade and consumer services; amusement and entertainment establishments; automotive and vehicular service establishments; transient sleeping accommodations; drive-in stores; eating and drinking places, financial institutions; and offices. The uses in this district service a wide market area and, therefore, ease of automotive access is a requirement. Appropriate open space between commercial and residential areas is required. *As stated in ARTICLE 1.040, it is of significant importance that the provisions of this ordinance be consistent with the policies stated and development guidelines illustrated in the future land-use of the Comprehensive Plan. This district relates partially to Gateway Commercial Future Land-Use Classification as illustrated in the plan*

B. Uses Permitted

In the C-3, Corridor Commercial District, the following uses and their accessory uses are permitted.

Community Facility Activities

*Administrative Services
Community Assembly
Community Education
Cultural and Recreational Services
Essential Services*

*Health Care Facilities
Intermediate Impact Facilities
Personal and Group Care Facilities
Religious Facilities*

Commercial Activities

*Animal Care and Veterinarian Services
Automotive Parking
Automotive Service and Repair
Building Materials and Farm Equipment
Consumer Repair Services
Construction Sales and Services*

*General Business and Communication
General Personal Service
General Retail Trade
Food Service - Drive-In
Medical and Professional Services
Transient Habitation*

*Convenience Commercial
Entertainment and Amusement Services
Financial, Consulting, and Administrative
Food and Beverage Service*

*Undertaking Services
Vehicular, Craft and Related Equipment
Wholesale Sales*

C. Accessory Uses and Structures

The following accessories are permitted in the C-3, General Commercial District:

1. Signs in compliance with the regulations set forth in Section 4.080.
2. Accessory off-street parking and loading facilities as required in Section 4.010.
3. Accessory structures and uses, provided that such accessory structures and uses are carried out on the same lot and are not otherwise prohibited.

D. Uses Permitted as Special Exceptions

In the C-3, Corridor Commercial District, the following uses and their accessory uses may be permitted as special exceptions after review and approval in accordance with Section 7.080.

Manufacturing Activities
Limited Manufacturing Activities

Agricultural Activities
Plant and Forest Nurseries

E. Uses Prohibited

Any use or structure not allowable as permitted uses, conditional uses, temporary uses, or accessory uses are prohibited within the C-3, Corridor Commercial District.

F. Dimensional Regulations

All uses permitted in the C-3, Corridor Commercial District, shall comply with the following requirements, except as provided in Article VI.

1. Minimum Lot Size

*Minimum Lot Area
Lot Width at Building
Setback*

20,000 Square Feet

100 Feet

2. Minimum Yard Requirements

Front Yard Setback

50 Feet

Side Yard Setback

20 Feet except where the side yard abuts or is adjacent to a residential district, in which case the minimum setback for that yard shall be forty (40) feet.

Rear Yard Setback

25 Feet except where the rear yard abuts or is adjacent to a residential district, in which case the minimum setback for that yard shall be fifty (50) feet.

3. Maximum Lot Coverage

On any area or parcel of land, the area occupied by all buildings including accessory buildings, shall not exceed sixty (60) percent of the total area of such lot or parcel.

4. Height Requirements

No building shall exceed forty (40) feet in height, except as provided in Section 6.040.

5. Parking Space Requirement

As regulated in Article IV, Section 4.010.

6. Accessory Structures

Accessory structures shall be located at least five (5) feet from any lot line, and any building on the same lot.

G. Landscaping Provisions

Each site shall be developed with a minimum of ten (10) percent of the lot area landscaped to enhance site appearance. Included in the ten (10) percent coverage, there shall be maintained a landscaped strip at least ten (10) feet wide parallel to all street rights-of-way lines exclusive of ingress and egress points of access and walkways. Additional buffering may be required by the Planning Commission (see DEFINITIONS, ARTICLE II). All yard space shall be maintained and free from debris.

H. Planned Commercial Development (General) Provisions, C-3G Overlay Zone

All developments within the C-3, Corridor Commercial District, involving two (2) or more buildings on a single tract, site, or lot or any development site involving three (3) or more acres must be submitted as a planned commercial development as provided in Subsection 5.090.

5.064 C-4, General Commercial District ✓

A. District Description

This district is designed to provide for the provision of general commercial retail trade, professional office services, medical and personal services, as well as financial, insurance, real estate and consulting services. This district is also designed to provide adequate space in appropriate locations for uses which serve the needs of the motoring public. Automobile and other vehicular service establishments, transient sleeping accommodations, and eating and drinking establishments primarily characterize this district. In addition, commercial trade and service uses are permitted if necessary to serve the recurring needs of persons frequenting these districts. Community facilities and utilities necessary to serve these districts, or necessary for the general community welfare are also permitted. Bulk limitations required of uses in these districts, in part, are designed to maximize compatibility with lesser intense use of land or building in proximate residential districts. Appropriate locations for this district are along major traffic arteries. Such districts should be situated near major transportation interchanges in clustered development patterns, extending in a continuous manner along such major traffic arteries. *As stated in ARTICLE 1.040, it is of significant importance that the provisions of this ordinance be consistent with the policies stated and development guidelines illustrated in the future land-use of the Comprehensive Plan. This district relates partially to Community Commercial Future Land-Use Classification as illustrated in the plan*

B. Uses Permitted

In the C-4, General Commercial District, the following uses and their accessory uses are permitted:

Community Facility Activities

Administrative Services

Community Assembly

Community Education

Cultural and Recreational Services

Essential Services

Health Care Facilities

Intermediate Impact Facilities

Personal and Group Care Facilities

Religious Facilities

Commercial Activities

Animal Care and Veterinarian Services
Automotive Parking
Automotive Service and Repair
Building Materials and Farm Equipment
Consumer Repair Services
Construction Sales and Services
Convenience Commercial
Entertainment and Amusement Services
Food and Beverage Service
Group Assembly, excluding drag strips and race tracks

General Business and Communication
General Personal Service
General Retail Trade
Medical and Professional Services
Transient Habitation
Undertaking Services
Vehicular, Craft and Related Equipment
Financial, Consulting, and Administrative
Food Service - Drive-In

C. Accessory Uses and Structures

The following accessory uses are permitted in the C-4 District.

1. Signs in compliance with the regulations set forth in Section 4.080.
2. Accessory off-street parking and loading facilities as required in Section 4.010.
3. Accessory structures and uses customarily incidental to the permitted uses, provided that such accessory structures and uses are carried out on the same lot and are not otherwise prohibited.

D. Uses Permitted as Special Exceptions

In the C-4 District, the following uses and their accessory uses may be permitted as special exceptions, after review and approval in accordance with Section 7.080.

Commercial Activities

Warehousing of Residential Storage, Mini/Self-Storage
Wholesale

Manufacturing Activities

Limited Manufacturing Activities

Agricultural Activities

Plant and Forest Nurseries

E. Uses Prohibited

Any uses or structures not allowable as permitted uses, conditional uses, temporary uses, or accessory uses are prohibited within the C-4 District.

F. Dimensional Regulations

All uses permitted in the C-4, District, shall comply with the following requirements in Article VI.

1. Minimum Lot Size

<i>Minimum Lot Area</i>	<i>20,000 Square Feet</i>
<i>Lot Width at Building Setback</i>	<i>100 Feet</i>

2. Minimum Building Setback Requirements

<i>Front Yard Setback</i>	<i>50 Feet</i>
<i>Side Yard Setback</i>	<i>15 Feet except where the side yard abuts or is adjacent to a residential district, in which case the minimum setback for that yard shall be forty (40) feet.</i>
<i>Rear Yard Setback</i>	<i>20 Feet except where the rear yard abuts or is adjacent to a residential district, in which case the minimum setback for that yard shall be forty (40) feet.</i>

3. Maximum Lot Coverage

On any area or parcel of land, the area occupied by all buildings including accessory buildings, shall not exceed seventy (70) percent of the total area of such lot or parcel.

4. Height Requirements

No building shall exceed forty (40) feet in height, except as provided in Section 6.040.

5. Parking Space Requirement

As regulated in Article IV, Section 4.010.

6. Accessory Structures

Accessory structures shall be located at least five (5) feet from any lot line, and any building on the same lot.

G. Landscaping Provisions

Each site shall be developed with a minimum of ten (10) percent of the lot area landscaped to enhance site appearance. Included in the ten (10) percent coverage, there shall be maintained a landscaped strip at least ten (10) feet wide parallel to all street rights-of-way lines exclusive of ingress and egress points of access and walkways. All yards shall be maintained and free from debris. Additional buffering may be required by the Planning Commission (see DEFINITIONS, ARTICLE II).

H. Planned Commercial Development (Office Park and Mixed-Use) Provisions, C-4 OP and C-4 PUD Overlay Zones

All developments within the C-4 District, involving two (2) or more buildings on a single tract, site, or lot or any development site involving three (3) or more acres must be submitted as a planned commercial development as provided in Subsection 5.090.

5.065 C-5. Town Center Commercial

A. District Description

This district is designed to provide for a wide range of retail, office, amusement, and service uses, characterized by the pedestrian oriented atmosphere. In addition, this district provides for governmental uses, community facilities and utilities necessary to serve the district of which are required for the general community welfare. The regulations are structured to permit maximum freedom of pedestrian movement. Relatively high density and intensity of use is permitted in this district. All new development shall be designed so as to preserve and enhance the historic atmosphere of the central business thoroughfare. All new buildings whether infill development or rehabilitation after destruction, shall conform to the calculated average of the front setbacks of abutting property. All new development shall conform to the Hohenwald Comprehensive Development Plan. *As stated in ARTICLE 1.040, it is of significant importance that the provisions of this ordinance be consistent with the policies stated and development guidelines illustrated in the future land-use of the Comprehensive Plan. This district relates to Town Center Future Land-Use Classification as illustrated in the plan*

B. Uses Permitted

Community Facility Activities

Administrative Services

Community Assembly

Cultural and Recreational Services

Essential Services

Health Care Facilities

Commercial Activities

*Automotive Parking
Consumer Repair Services
Convenience Commercial
Entertainment and Amusement Services
Financial, Consulting and Administrative
Services
Food and Beverage Services*

*General Business and Communication
General Personal Services
General Retail Trade
Medical and Professional Services
Transient Habitation
Undertaking Services*

C. Accessory Uses and Structures

The following accessory uses are permitted in the C-5, Town Center District:

1. Signs in compliance with the regulations set forth in Section 4.080.
2. Accessory off-street parking and loading facilities as required in Section 4.010 and located to the side or rear of the principal structure.
3. Accessory structures and uses customarily incidental to the permitted uses, provided that such accessory structures and uses are carried out on the same lot and are not otherwise prohibited. All accessory structures shall be located in the rear of the lot.

D. Uses Permitted as Special Exceptions

In the C-5, Town Center District, the following uses and their accessory uses may be permitted as special exceptions after review and approval by the Board of Zoning Appeals, in accordance with Section 7.080:

Residential Activities

*Permanent Residential - Multi-Family Only (second story residential only)
Semi-Permanent Residential*

Community Facility Activities

*Community Education
Personal and Group Care Facilities
Religious Facilities*

E. Uses Prohibited

Any uses or structures not allowable as permitted uses, conditional uses, temporary uses, or accessory uses are prohibited within the C-5, Town Center District.

F. Dimensional Regulations

All uses permitted in the C-5, Town Center District shall comply with the following requirements, except as provided in Article VI:

1. Minimum Lot Size

<i>Minimum Lot Area</i>	<i>None</i>
<i>Lot Width at Building</i>	
<i>Setback</i>	<i>None</i>

2. Minimum Building Setback Requirements *None*

3. Maximum Lot Coverage

There are no restrictions on the area occupied by all buildings including accessory buildings on a lot or parcel located in the C-5 District. However, all accessory structures shall be located to the rear of the principal structure.

4. Height Requirement

The maximum height of all buildings located in the C-5 District shall be established as follows, except as provided in Section 6.040. The maximum building height at the street line shall be thirty (30) feet. If the ground floor is a minimum of 8,000 square feet, then the maximum height may be allowed up to fifty (50) feet.

5. Parking Space Requirements

As regulated in Article IV, Section 4.010. All new parking shall be located to the rear yard.

6. Accessory Structures

Accessory structures shall be located at least five (5) feet from any lot line, and any building on the same lot and shall be located in the rear yard.

5.070 INDUSTRIAL DISTRICT REGULATIONS

The industrial districts established by this ordinance are designed to promote and protect the health, safety, morals, convenience, order, prosperity, and other aspects of the general welfare. These goals include, among others, the following specific purposes:

1. To provide sufficient space, in appropriate locations, to meet the needs of the area of Hohenwald's projected economic expansion for all types of distributive, industrial and related activities, with due allowance for the need for choice of suitable sites.

2. To protect distributive, industrial and related activities, as well as residential and related activities by providing for the separation of these uses, and, as far as possible, provide that appropriate space needs for distributive and industrial activities are available by prohibiting the use of such space for residential purposes.
3. To encourage industrial development which is free from danger of fire, explosions, toxic or noxious matter, radiation, smoke, dust or other particulate matter, and other hazards, and from offensive noise, vibration, odorous matter, heat, humidity, glare, and other objectionable influences, by permitting such development areas where this ordinance restricts the emission of such nuisances, without regard to the industrial products and processes involved.
4. To protect adjacent residential and commercial areas, and to protect the labor force in other establishments engaged in less offensive types of industrial and related activities, by restricting those industrial activities which involve danger of fire, explosions, toxic or noxious matter, radiation, smoke, dust, or other particulate matter, and other hazards, or create offensive noise, vibration, heat, humidity, glare, and other objectionable influences, by permitting such development in areas where this ordinance restricts the emission of such nuisances, without regard to the industrial products or processes involved.
5. To protect industrial activities and related developments against congestion, as far as is possible and appropriate in each area, by limiting the bulk of buildings in relation to the land around them and to one another, and by requiring space off public ways for parking and loading facilities associated with such activities.
6. To promote the most desirable use of land and direction of building development, to promote stability of industrial and related development, to strengthen the economic base of the Hohenwald area, to protect the character of these districts and their peculiar suitability for particular uses, to conserve the value of land and buildings, and to protect Hohenwald's tax revenues.

5.071 M-1, Limited/Light Manufacturing/Industrial District

A. District Description

These districts are intended to provide space for a wide range of industrial and related uses which conform to a relatively low level of objectionable influences. It is required that all operations of industrial establishments be carried on within completely enclosed buildings thus providing a standard of development which removes most adverse characteristics that affect neighboring properties. These districts may provide a buffer between other districts and other industrial activities which have more objectionable influences. New residential activities are excluded, but community facilities and commercial establishments which provide needed services for industry and are complementary thereto are permitted. *As stated in ARTICLE 1.040, it is of significant importance that the provisions of this ordinance be consistent with the policies stated*

and development guidelines illustrated in the future land-use of the Comprehensive Plan. This district relates to Light Industrial Future Land-Use Classification as illustrated in the plan

B. Uses Permitted

In the M-1, Limited/Light Manufacturing/Industrial District, the following uses and accessory uses are permitted.

Community Facility Activities

Essential Services

Extensive Impact Facilities

Commercial Activities

Animal Care and Veterinarian Services

Building Materials and Farm Equipment

Warehousing of Residential Storage, Mini/Self-Storage

Transport and Warehousing

Wholesale Sales

Construction Sales and Services

Manufacturing Activities

Limited Manufacturing

Intermediate Manufacturing

Agricultural, Resources Production, and Extraction Activities

Crop and Animal Raising

Plant and Forest Nurseries

C. Accessory Uses and Structures

The following accessory uses are permitted in the M-1 District.

1. Signs in compliance with the regulations set forth in Section 4.080.
2. Accessory off-street parking and loading facilities as required in Section 4.010.
3. Accessory Structures and uses customarily incidental to the permitted uses, provided that such accessory structures and uses are carried out on the same lot and are not otherwise prohibited.

D. Uses Permitted as Special Exceptions

In the M-1 District, the following uses and their accessory uses may be permitted as special exceptions after review and approval in accordance with Section 7.080.

Community Facility Activities

Administrative Services

Intermediate Impact Facilities

Commercial Activities

*Consumer Repair Services
Construction Sales and Services
Entertainment and Amusement Services
Food and Beverage Service*

*Food Service Drive-In
Group Assembly
High Impact*

E. Uses Prohibited

Any uses or structures not allowable as permitted uses, conditional uses, temporary uses, or accessory uses are prohibited within the M-1 District.

F. Dimensional Regulations

All uses permitted in the M-1 District shall comply with the following requirements except as provided in Article VI.

1. Minimum Lot Size

<i>Minimum Lot Area</i>	<i>20,000 Square Feet</i>
<i>Lot Width at Building Line</i>	<i>100 Feet</i>

2. Minimum Yard Requirements

<i>Front Yard Setback</i>	<i>50 Feet</i>
<i>Side Yard Setback</i>	<i>25 Feet except where the side yard abuts or is adjacent to a residential district, in which case the minimum setback for that yard shall be forty (40) feet.</i>
<i>Rear Yard Setback</i>	<i>25 Feet except where the rear yard abuts or is adjacent to a residential district, in which case the minimum setback for that yard shall be fifty (50) feet.</i>

3. Maximum Lot Coverage

On any area or parcel of land, the area occupied by all buildings including accessory buildings, shall not exceed sixty (60) percent of the total area of such lot or parcel.

4. Height Requirements

No building shall exceed forty-five (45) feet in height, except as provided in Section 6.040.

5. Parking Space Requirement

As regulated in Section 4.010.

6. Accessory Structures

Accessory structures shall be located at least five (5) feet from any lot line, and any building on the same lot.

G. Landscaping Provisions

Each site shall be developed with a minimum of ten (10) percent of the lot area landscaped to enhance site appearance. Included in the ten (10) percent coverage, there shall be maintained a landscaped strip at least ten (10) feet wide parallel to all street rights-of-way lines exclusive of ingress and egress points of access and walkways. All yards shall be maintained and free from debris. Additional buffering may be required by the Planning Commission.

5.072 M-2. General Manufacturing/Industrial District

A. District Description

These districts are intended to provide space for the types of industrial activities which by reason of volume of raw materials or freight, scale of operation, type of structures required, or other similar characteristics, require location relatively well segregated from nonindustrial uses. New residential activities are excluded, but community facilities and commercial establishments which provide needed services for industry and are complementary thereto are permitted. *As stated in ARTICLE 1.040, it is of significant importance that the provisions of this ordinance be consistent with the policies stated and development guidelines illustrated in the future land-use of the Comprehensive Plan. This district relates to Medium Industrial Future Land-Use Classification as illustrated in the plan*

B. Uses Permitted

In the M-2, General Manufacturing/Industrial District, the following uses and accessory uses are permitted.

Community Facility Activities

Essential Services

Commercial Activities

*Animal Care and Veterinarian Services
Building Materials and Farm Equipment
Construction Sales and Services
Food and Beverage Service*

*Food Service Drive-In
Transport and Warehousing
Wholesale Sales*

Manufacturing Activities

Limited Manufacturing

Intermediate Manufacturing

C. Accessory Uses and Structures

The following accessory uses are permitted in the M-2 District.

1. Signs in compliance with the regulations set forth in Section 4.080.
2. Accessory off-street parking and loading facilities as required in Section 4.010.
3. Accessory Structures and uses customarily incidental to the permitted uses, provided that such accessory structures and uses are carried out on the same lot and are not otherwise prohibited.

D. Uses Permitted as Special Exceptions

In the M-2 District, the following uses and their accessory uses may be permitted as special exceptions after review and approval in accordance with Section 7.080.

Community Facility Activities

Extensive Impact Facilities

Commercial Activities

Group Assembly

High Impact

Manufacturing Activities

Extensive Manufacturing Activities

Agricultural, Resources Production, and Extractive Activities

Mining, Drilling and Quarrying

E. Uses Prohibited

Any uses or structures not allowable as permitted uses, conditional uses, temporary uses, or accessory uses are prohibited within the M-2 District.

F. Dimensional Regulations

All uses permitted in the M-2 District shall comply with the following requirements except as provided in Article VI.

1. Minimum Lot Size

<i>Minimum Lot Area</i>	<i>40,000 Square Feet</i>
<i>Lot Width at Building Line</i>	<i>150 Feet</i>

2. Minimum Yard Requirements

<i>Front Yard Setback</i>	<i>100 Feet</i>
<i>Side Yard Setback</i>	<i>40 Feet except where the side yard abuts or is adjacent to a residential district, in which case the minimum setback for that yard shall be eighty (80) feet.</i>
<i>Rear Yard Setback</i>	<i>50 Feet except where the rear yard abuts or is adjacent to a residential district, in which case the minimum setback for that yard shall be one hundred (100) feet.</i>

3. Maximum Lot Coverage

On any area or parcel of land, the area occupied by all buildings including accessory buildings, shall not exceed fifty (50) percent of the total area of such lot or parcel.

4. Height Requirements

No building shall exceed forty-five (45) feet in height, except as provided in Section 6.040.

5. Parking Space Requirement

As regulated in Section 4.010.

6. Accessory Structures

Accessory structures shall be located at least five (5) feet from any lot line, and any building on the same lot.

G. Landscaping Provisions

Each site shall be developed with a minimum of ten (10) percent of the lot area landscaped to enhance site appearance. Included in the ten (10) percent coverage, there shall be maintained a landscaped strip at least ten (10) feet wide parallel to all street rights-of-way lines exclusive of ingress and egress points of access and walkways. All yards shall be maintained and free from debris. Additional buffering may be required by the Planning Commission.

5.080 PROVISIONS GOVERNING FLOODWAY AND FLOODWAY FRINGE DISTRICTS WITHIN THE FLOOD PLAIN OVERLAY DISTRICT

5.081 Intent and Objectives

A. Finding of Facts

1. The flood hazard areas of Hohenwald are subject to periodic inundation which results 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.
2. The flood losses are caused by the cumulative affect of obstructions in flood heights and velocities, the occupancy of flood-hazard areas by uses vulnerable to floods or hazardous to other lands which are inadequately elevated, floodproofed, or otherwise protected from flood damages.

B. Statement of Purpose

It is the purpose of this article to promote the public health, safety and general welfare and to minimize public loses due to flood conditions in specific areas by provisions designed to:

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

4. Control filling, grading, dredging and other development which may increase erosion or flood damage, 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.

C. Objectives

The Objectives of this ordinance are:

1. To protect human life and health;
2. To minimize expenditure of public money 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 floodplains;
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 flood blight areas, and;
7. To insure that potential home buyers are notified that property is in a flood area.

5.082 Supplementary Definitions

The following definitions are to be used for interpreting the provisions of this **article only**. The definitions are not intended to permit uses of land that may otherwise be prohibited by the base zoning district. Where words have not been defined, the standard dictionary definition shall prevail, unless defined in Article III, of this ordinance.

1. "Accessory Structure" shall represent a subordinate structure to the principal structure and, for the purpose of this section, shall conform to the following:
 - a. Accessory structures shall not be used for human habitation.
 - b. Accessory structures shall be designed to have low flood damage potential.
 - c. Accessory structures shall be constructed and placed on the building site so as to offer the minimum resistance to the flow of floodwaters.

- d. Accessory structures shall be firmly anchored to prevent flotation which may result in damage to other structures.
 - e. Service facilities such as electrical and heating equipment shall be elevated or floodproofed.
2. "Act" means the statutes authorizing the National Flood Insurance Program that are incorporated in 42 U.S.C. 4001-4128.
 3. "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 independent perimeter load-bearing walls is new construction.
 4. "Appeal" means a request for a review of the Building Inspector's interpretation of any provision of this ordinance or a request for a variance.
 5. "Area of Shallow Flooding" means a designated AO or AH Zone, on a community's Flood Insurance Rate Map (FIRM) with one (1) percent or greater annual chance of flooding to an average depth of one (1) to three (3) feet where a clearly defined channel does not exist, where the path of flooding is unpredictable and where velocity flow may be evident. Such flooding is characterized by ponding or sheet flow.
 6. "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.
 7. "Area of Special Flood Hazard" is the land in the floodplain within a community subject to a one (1) 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.
 8. "Base Flood" means the flood having a one (1) percent chance of being equaled or exceeded in any given year.
 9. "Basement" means that portion of a building having its floor subgrade (below ground level) on all sides.
 10. "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.

11. "Building", for purposes of this section, means any structure built for support, shelter, or enclosure for any occupancy or storage. (See "structure".)
12. "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, excavation or drilling operations, or storage of equipment or materials.
13. "Elevated Building" means a non-basement building: (i) built to have the bottom of the lowest horizontal structure member of the elevated floor elevated above the ground level by means of pilings, columns (posts and piers), (ii) and adequately anchored so as not to impair the structural integrity of the building during a flood of up to the magnitude of the base flood. In the case of Zones A1-30, AE, A, A99, AO, AH, B, C, X, or D, "elevated building", also includes a building elevated by means of fill or solid foundation perimeter walls with openings sufficient to facilitate the unimpeded movement of flood waters.
14. "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.
15. "Erosion" means the process of the gradual wearing away of land masses. This peril is not per se covered under the Program.
16. "Exception" means a waiver from the provisions of Subsection 5.086, of this subarticle directed to a community which relieves it from the requirements of a rule, regulation, order or other determination made or issued pursuant to the Act.
17. "Existing Construction" any structure for which the "start of construction" commenced before the effective date of this ordinance.
18. "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, and either final site grading or the pouring of concrete pads) is completed before the effective date of this ordinance.
19. "Existing Structures", see "Existing Construction".
20. "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).

21. "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.
22. "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.
23. "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) and/or flood-related erosion hazards.
24. "Flood Hazard Boundary Map (FHBM)" means an official map of a community, issued by the Federal Emergency Management Agency, where the boundaries of the flood related erosion areas having special hazards have been designated as Zone A, M, and/or E.
25. "Flood Insurance Rate Map (FIRM)" means an official map of a community, on which the Federal Emergency Management Agency has delineated both the areas of special flood hazard and the risk premium zones applicable to the community.
26. "Flood Insurance Study" is the official report provided by the Federal Emergency Management Agency. The report contains flood profiles as well as the Flood Boundary Map and the water surface elevation of the base flood.
27. "Floodplain" or "Flood Prone Area" means any land area susceptible to being inundated by water from any source (see definition of "flooding").
28. "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.
29. "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.

30. "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.
31. "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 an abnormal tidal surge, or by some similarly unusual and unforeseeable event which results in flooding.
32. "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.
33. "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.
34. "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 one (1) foot.
35. "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.
36. "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.
37. "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.
38. "Highest Adjacent Grade" means the highest natural elevation of the ground surface, prior to construction, next to the proposed walls of a structure.

39. "Historic Structure" means any structure that is:
- a. Listed individually in the National Register of Historic Places (a listing maintained by the Department of Interior) or preliminary determined by the Secretary of the Interior as meeting the requirements for individual listing on the National Register;
 - b. Certified or initially determined by the Secretary of the Interior as contributing to the historical significance of a registered historic district or a district initially determined by the Secretary to qualify as a registered historic district;
 - c. Individually listed on a state inventory of historic places in states with historic preservation programs which have been approved by the Secretary of the Interior; or
 - d. Individually listed on a local inventory of historic places in communities with historic preservation programs that have been certified either:
 - i. By an approved state program as determined by the Secretary of the Interior, or
 - ii. Directly by the Secretary of the Interior in states without approved programs.
40. "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.
41. "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.
42. "Lowest Floor" means the lowest floor of the lowest enclosed area (including basement). An unfinished or flood resistant enclosure, usable solely for parking of vehicles, building access or storage in an area other than a basement area is not considered a building's lowest floor; provided, that such enclosure is not built so as to render the structure in violation of the applicable non-elevation design requirements of Section 5.050.
43. "Map" means the Flood Hazard Boundary Map (FHBM) or the Flood Insurance Rate Map (FIRM) for a community issued by the Agency.

44. "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 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.
45. "National Geodetic Vertical Datum (NGVD)" as corrected in 1929, is a vertical control used as a reference for establishing varying elevations within the floodplain.
46. "New Construction" any structure for which the "start of construction" commenced on or after the effective date of this ordinance. The term also includes any subsequent improvements to such structure.
47. "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) is completed on or after the effective date of this ordinance.
48. "100-Year Flood", see "Base Flood".
49. "Person" includes any individual or group of individuals, corporation, partnership, association, or any other entity, including State and local governments and agencies.
50. "Recreational Vehicle" means a vehicle which is:
 - a. built on a single chassis;
 - b. four hundred (400) square feet or less when measured at the largest horizontal projections;
 - c. designed to be self-propelled or permanently towable by a light duty truck; and
 - d. designed primarily not for use as a permanent dwelling but as temporary living quarters for recreational, camping, travel, or seasonal use.
51. "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.
52. "Riverine" means relating to, formed by, or resembling a river (including tributaries), stream, brook, etc.

53. "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.
54. "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 one hundred-eighty (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; or the placement of a manufactured home on a foundation. Permanent construction does not include land preparation, such as clearing, grading and filling; nor does it include the installation of streets and/or walkways; nor does it include excavation for a basement, footings, piers, or foundations or the erection of temporary forms; nor does it include the installation on the property of accessory buildings, such as garages or sheds not occupied as dwelling units or not part of the main structure. 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.
55. "State Coordinating Agency" (Tennessee Department of Economic and Community Development, Local Planning Assistance Office) means the agency of the state government, or other office designated by the Governor of the State or by state statute at the request of the Administrator to assist in the implementation of the National Flood Insurance Program in that state.
56. "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.
57. "Substantial Damage" means damage of any origin sustained by a structure whereby the cost of restoring the structure to its before damaged condition would equal or exceed fifty (50) percent of the market value of the structure before the damage occurred.
58. "Substantial Improvement" means any reconstruction, rehabilitation, addition or other improvement of a structure, the cost of which equals or exceeds fifty (50) percent of the market value of the structure before the "start of construction" of the improvement. This term includes structures which have incurred "substantial damage", regardless of the actual repair work performed. 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 identified by the local code enforcement official and which are the minimum necessary to assure safe living conditions or; (2) Any alteration of a "historic structure", provided that the alteration will not preclude the structure's continued designation as a "historic structure".

59. "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.
60. "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.
61. "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 Section 5.050, (b)(5), (c)(4), (c)(10), (d)(3), (e)(2), (e)(4), or (e)(5), is presumed to be in violation until such time as that documentation is provided.
62. "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 coastal or riverine areas.

5.083 General Provisions

A. Application

This article shall apply to all areas within the incorporated area of Hohenwald, Tennessee.

B. Basis for Establishing the Areas of Special Flood Hazard

The areas of special flood hazard identified on the **Hohenwald Tennessee, Federal Emergency Management Agency, Flood Insurance Rate Maps, Community - Panel Numbers 470103 (0001 - 0005) A, Effective Date: February 9, 1979**, and any subsequent amendments or revisions, are adopted by reference and declared to be a part of this ordinance. These areas shall be incorporated into the Hohenwald Tennessee Zoning Map.

C. Requirement for Development Permit

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

D. Compliance

No 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.

E. Abrogation and Greater Restrictions

This ordinance is not intended to repeal, abrogate, or impair any existing easement, covenant, or deed restriction. However, where this ordinance conflicts or overlaps with another, whichever imposes the more stringent restrictions shall prevail.

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 state statutes.

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 flood hazard areas or uses permitted within such areas will be free from flooding or flood damages. This ordinance shall not create liability on the part of the City of Hohenwald, 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 herein.

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 or special exceptions, shall constitute a misdemeanor punishable as other misdemeanors as provided by law. Each day such violation continues shall be considered a separate offense. Nothing herein contained shall prevent the City of Hohenwald, Tennessee, from taking such other lawful actions to prevent or remedy any violation.

5.084 Administration

A. Designation of (Building Inspector)

The Building Inspector is hereby appointed to administer and implement the provisions of this ordinance (with assistance from Planning Commission and advisory assistance from Local Planning Assistance Office).

risk. The Building Inspector shall review the floor elevation survey data submitted. Deficiencies detected by such review shall be corrected by the permit holder immediately and prior to further progressive work being permitted to proceed. Failure to submit the survey or failure to make said corrections required hereby, shall be cause to issue a stop-work order for the project.

C. Duties and Responsibilities of the Building Inspector

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

1. Review of all development permits to assure that the 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 Office, prior to any alteration or relocation of a watercourse, and submission of evidence of such notification to the Federal Emergency Management Agency.
4. Record the actual elevation (in relation to mean sea level or highest adjacent grade, whichever is applicable) of the lowest floor (including basement) of all new or substantially improved buildings, in accordance with Subsection 5.084, B, 2.
5. Record the actual elevation (in relation to mean sea level or highest adjacent grade, whichever is applicable) to which the new or substantially improved buildings have been floodproofed, in accordance with Subsection 5.084, B, 2.
6. When floodproofing is utilized, the Building Inspector shall obtain certification from a registered professional engineer or architect, in accordance with Subsection 5.084, B, 2.
7. 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 Building Inspector shall make the necessary interpretation. The person contesting the location of the boundary shall be given a reasonable opportunity to appeal the interpretation as provided in Subsection 5.086.

5. 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 which is in compliance with the provisions of this ordinance, shall meet the requirements of "new construction" as contained in this article; and,
10. Any alteration, repair, reconstruction or improvements to a building which is not in compliance with the provision of this ordinance, shall meet the requirements of "new construction" as contained in this article and provided said nonconformity is not extended.

B. Specific Standards

These provisions shall apply to all areas of special flood hazard as provided herein. In all areas of special flood hazard where base flood elevation data have been provided, including A Zones, A1-30 Zones, AE Zones, AO Zones, AH Zones and A99 Zones, and has provided a regulatory floodway, as set forth in Subsection 5.083, B, the following provisions are required:

1. Residential Construction

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 the unimpeded movements of flood waters shall be provided in accordance with standards of Subsection 5.085, B, 3.

2. Nonresidential Construction

New construction or substantial improvement of any commercial, industrial, or nonresidential building shall have the lowest floor, including basement, elevated no lower than one (1) foot above the level of the base flood elevation. Buildings located in all A-Zones may be floodproofed in lieu of being elevated provided that all areas of the building below the required elevation are watertight with walls substantially impermeable to the passage of water, and are built with structural components having the capability of resisting hydrostatic and hydrodynamic loads and the effects of buoyancy. A registered professional engineer or architect shall certify that the standards of this subsection are satisfied. Such certification shall be provided to the Building Inspector as set forth in Subsection 5.084, B, 2.

3. Elevated Building

New construction or substantial improvements of elevated buildings that include fully enclosed areas formed by foundation and other exterior walls below the base flood elevation, 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.
 - i. Provide a minimum of two openings having a total net area of not less than one (1) square inch for every square foot of enclosed area subject to flooding;
 - ii. The bottom of all openings shall be no higher than one (1) foot above grade; and
 - iii. 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 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 Subsection 5.085, B, of this article.

4. Standards for Manufactured/Mobile Homes and Recreational Vehicles

- a. All manufactured mobile homes placed, or substantially improved, on individual lots or parcels, in expansions of existing mobile home parks or subdivisions, or in substantially improved mobile home parks or subdivisions, must meet all the requirements of new construction, including elevations and anchoring.
- b. All manufactured mobile homes placed or substantially improved in an existing mobile home park or subdivision must be elevated so that:
 - i. The lowest floor of the mobile home is elevated no lower than one (1) foot above the level of the base flood elevation on a permanent foundation;
 - ii. The mobile home must be securely anchored to an adequately anchored foundation system to resist flotation, collapse and lateral movement; and,
 - iii. In or outside of an existing or new mobile home park or subdivision, or in an expansion of an existing mobile home park or subdivision, on which a mobile home has incurred "substantial damage" as the result of a flood, any mobile home placed or substantially improved must meet the standards of Subsection 5.085, B, 4, b, i, and ii, above.
- c. All recreational vehicles placed on sites must either:
 - i. Be on the site for fewer than one hundred-eighty (180) consecutive days;
 - ii. Be fully licensed and ready for highway use; or
 - iii. The recreational vehicle must meet all the requirements for new construction, including anchoring and elevation requirements of Subsection 5.085, B, 4, a, or b, i, and ii, above.

A recreational vehicle is ready for highway use if it is on its wheels or jacking system, is attached to the site only by quick disconnect type utilities and security devices and has no permanently attached structures.

In all areas of special flood hazard where base flood elevation data or floodway data have not been provided, the provisions of 5.084, C, 8, shall be utilized for all requirements relative to the base flood elevation or floodways.

C. Standards for Areas of Special Flood Hazard Zones A1-30 and AE with Established Base Flood Elevation, but Without Floodways Designated

Located within the areas of special flood hazard established in Subsection 5.083, B, where streams exist with base flood data provided but where no floodways have been provided, (Zones A1-30 and 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 floodproofed to elevations established in accordance with Subsection 5.085, B.

D. Standards for Areas of Shallow Flooding (AO and AH Zones)

Located within the areas of special flood hazard established in Subsection 5.083, 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 buildings shall have the lowest floor, including basement, elevated to the depth number specified on the Flood Insurance Rate Map, in feet, above the highest adjacent grade. If no depth number is specified, the lowest floor, including basement, shall be elevated, at least two (2) feet above the highest adjacent grade.

2. All new construction and substantial improvements of nonresidential buildings shall:
 - a. Have the lowest floor, including basement, elevated to the depth number specified on the Flood Insurance Rate Map, in feet, above the highest adjacent grade. If no depth number is specified, the lowest floor, including basement shall be elevated at least two (2) feet above the highest adjacent grade; or,
 - b. Together with attendant utility and sanitary facilities be completely floodproofed to or above that level so that any space below that level is watertight with walls substantially impermeable to the passage of water and with structural components having the capability of resisting hydrostatic and hydrodynamic loads and effects of buoyancy.
3. Adequate drainage paths shall be provided around slopes to guide floodwaters around and away from proposed structures.

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

Located within the areas of special flood hazard established in Subsection 5.083, B, are areas of the 100-year flood protected by a flood protection system which is under construction but where base flood elevations and flood hazard factors have not been determined. With these areas (A-99 Zones), the following provisions apply:

All provisions of Subsections 5.084, and 5.085, A, and H, shall apply.

F. Standards for Areas of Special Flood Hazard with Established Base Flood Elevation and with Floodways Designated

Located within the areas of special flood hazard established in Subsection 5.083, B, where streams exist with base flood data and floodways provided, the following provisions apply:

1. No encroachments, including fill material, new construction, substantial improvements or other developments shall be located within designated floodways, unless certification by a registered professional engineer is provided demonstrating that the cumulative effect of the proposed encroachments or new development, when combined with all other existing and anticipated development, will not increase the water surface elevation of the base flood during the occurrence of the base flood discharge at any point within the community. The engineering certification should be supported by technical data that conforms to standard hydraulic engineering principles.

2. If Subsection 5.085, F, 1, above, is satisfied, new construction or substantial improvements of buildings shall be elevated or floodproofed to elevations established in accordance with Subsection 5.085, B.

G. Standards For Unmapped Streams

Located within Hohenwald, Tennessee, are unmapped streams where areas of special flood hazard are neither indicated nor base flood data or floodways have been provided. 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 along each side of the stream, 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 flood elevation data is available, new construction or substantial improvements of buildings shall be elevated or floodproofed to elevations established in accordance with Subsection 5.084, B, 2.

H. Standards for Subdivision Proposals

Subdivision proposals and other proposed new development, including manufactured home parks or subdivisions, 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:

1. All subdivision proposals shall be consistent with the need to minimize flood damage.
2. 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.
3. All subdivision proposals shall have adequate drainage provided to reduce exposure to flood hazards.
4. Base flood elevation data shall be provided for subdivision proposals and other proposed development (including manufactured home parks and subdivisions) which is greater than fifty (50) lots and/or five (5) acres.

5.086 Variance Procedures

The provisions of this section shall apply exclusively to areas of special flood hazard.

A. Board of Zoning Appeals

1. The Hohenwald Board of Zoning Appeals shall hear and decide appeals and requests for variances from the requirements of this article.
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 Zoning Appeals may attach such conditions to the granting of variances as it deems necessary to effectuate the purposes of this ordinance.
5. Variances shall not be issued within any designated floodway if any increase in flood levels during the base flood discharge would result.

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 (i) a showing of good and sufficient cause, (ii) a determination that failure to grant the variance would result in exceptional hardship; and (iii) 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 Building Inspector shall maintain the records of all appeal actions and report any variances to the Federal Emergency Management Agency upon request.

5.090 SPECIAL OVERLAY DISTRICT REGULATIONS

The following regulations shall apply in the special overlay zoning districts established in Section 5.060, of this ordinance. This type of planned development may be located within any C-3 or C-4 commercial zone. Within this base commercial zone, the developer may seek approval by the City Council to

rezone the property to a mixed use/Planned-Unit Development. Like all rezonings, the applicant shall conform to the rezoning process as stated in ARTICLE 7.091. All site development plans shall be prepared by a licensed, certified engineer and/or surveyor.

5.091 Planned Commercial Development

A. Intent of Section

This section is intended to provide a maximum flexibility in design and to insure a minimum standard of site development for commercial activities involving the location of two (2) or more buildings on a single lot or tract of land, or any development site involving five (5) or more acres not subdivided. Proposed uses for a planned commercial development project shall conform to the intent and permitted uses for the commercial zone within which it is to be located.

B. Procedure for Approval

A building permit for a planned commercial development project shall be issued by the Building Inspector only as authorized by the Hohenwald Planning Commission. The commission shall so authorize said permit only after application and review in accordance with the requirements of this section, and after the Planning Commission determines that the proposed project meets the intent of this article and that the development standards set forth by this article will be followed.

1. Information Required

The following information is required:

- a. Site development plan drawn to a scale no smaller than 1"=100', showing:
 - (1) Small scale location map of the proposed site.
 - (2) Acreage and zoning classification of the area involved.
 - (3) Topographic contours at five (5) foot intervals.
 - (4) The location and dimension of internal streets (including traffic circulation patterns), sidewalks, points of access to public streets, and off-street parking spaces and loading areas.
 - (5) The location and dimensions of structures including height, bulk, and the utilization of structures including activities and number of living units (if any).

- (6) Reservations for yards and other open space areas, and landscaping/screening features.
- (7) The location and size of existing and proposed water and sewer lines, storm drainage, and any easements.
- (8) A tabulation of the land area to be devoted to various uses and activities and overall densities.
- (9) Provisions or agreements for maintenance of common open space area.
- (10) A stage development schedule, generally setting forth when the land owner intends to commence construction and completion period.
- (11) Identification of tax map, group, and parcel number of property.

2. Review Procedure

a. Pre-application Conference

Prior to the filing of the application, the applicant shall confer with the Planning Commission and/or staff to clarify procedures and issues.

b. Preliminary Review

Six (6) copies of the proposal containing the information required above shall be submitted to the Planning Commission at least ten (10) days in advance of the meeting at which it is to be considered for preliminary review. Commission findings, including necessary revisions or additions prior to final site plan submission, shall be outlined to the applicant.

c. Final Review

Six (6) copies of the proposal shall be submitted to the Planning Commission, at least ten (10) days in advance of the meeting at which it is to be considered for final review. Upon final approval, the Planning Commission shall authorize issuance of a permit for the planned development project by the Building Inspector.

3. Expiration of Building Permit

In the event that actual construction has not begun within two (2) years from the date of approval of the planned development project, the building permit for said project shall expire. Reinstatement of a project after expiration shall require submission of the proposal for Planning Commission approval.

4. Amendments

Any amendments or changes to a planned development project after receiving final approval by the Planning Commission must be resubmitted for commission consideration and approval.

C. Purpose and Intent of Planned Commercial Development

The purpose and intent of planned commercial development are:

1. To encourage the grouping of commercial activities within areas specifically designed to accommodate the activities and to discourage the proliferation of commercial uses along major thoroughfares and residential areas.
2. To encourage the orderly development of commercial areas through establishment of sound design and development standards providing for suitable location of commercial activities, parking and traffic circulation, ingress and egress, loading, landscaping and open space, and utilities and other service facilities.

D. Types of Planned Commercial Development

The three (3) types of planned commercial development include:

1. Planned Commercial Development--General (C-3G Overlay Zone)

Planned commercial development--general provides for a range of retail trade and service activities including neighborhood commercial special purpose shopping facilities and community shopping centers.

2. Planned Commercial Development--Office Park (C-4OP Overlay Zone)

Planned commercial development--office park provides for adequate regulation of activities and traffic around office parks.

3. Planned-Unit Development/Mixed-Use (C-4PUD Overlay Zone)

Any proposed PUD/Mixed-Use may only be considered in the C-4 district if residential units are proposed. All phases of development shall be approved prior to any construction and must follow the master planning procedures. Additional buffering may be required. It is recommended that any residential units incorporated within the planned development, be located adjacent to existing residential tracts if at all possible, to ensure compatibility within uses. *This type of mixed-use/Planned-Unit Development, where it is necessary to rezone the underlying commercial zone, must be approved by City Council as do all rezonings. See ARTICLE 7.091. Furthermore, this type of overlay commercial or approved mixed-use/PUD may also incorporate the alternative density design principals as stated in ARTICLE 4.100 only for the residential cluster development areas.*

E. Permitted Activities in Planned Commercial Development

Activities or uses in planned commercial development shall conform to the intent and permitted uses of the particular commercial zone within which it is located. Any planned commercial development located in the Corridor Commercial and General Commercial (C-3 and C-4) zones will come under "Planned Commercial Development" provisions of this section.

F. Development Standards

1. Location and Site Requirements

In all planned commercial developments

- a. The site shall comprise a single lot or tract of land.
- b. The site shall abut a public street a minimum of fifty (50) feet.
- c. Minimum lot area two (2) acres

2. Building Area

In all planned commercial developments maximum building area shall not exceed thirty (30) percent of the total lot area. Parking, areas, open courts, and other open space uses shall not be computed in building area.

3. Maximum Permitted Height of Structures

a. Planned commercial development--general:

No building shall exceed forty (40) feet in height.

b. Planned commercial development--office park:

No building shall exceed forty (40) feet in height.

4. Minimum Yards

	Setback from Public Street <u>Right-of-Way</u>	Rear <u>Yard</u>	Side <u>Yard</u>
Planned Commercial Development-- General, C-3G	<i>35 feet</i>	<i>20 feet</i>	<i>15 feet</i>
Planned Commercial Development-- Office Park, C-4OP	<i>40 feet</i>	<i>20 feet</i>	<i>15 feet</i>
Planned-Unit Development Mixed-Use, C-4PUD	<i>same as required for each rezoned base district and/or that required in the Alternative Lot Size, ARTICLE 4.100.</i>		

In any planned commercial development abutting a residential district, the minimum distance between any building and a residential district boundary in all cases shall be sixty (60) feet. Not less than forty (40) feet, of such required space shall be devoted to grass, trees, shrubs, and other landscaping; the remainder of such space may be used for off-street parking.

5. Building Location Requirements

a. In all planned commercial developments, the minimum distance between any building and any internal street shall be fifteen (15) feet.

b. The minimum distance between buildings shall be:

- (1) *Planned commercial
development--general* *25 feet*
- (2) *Planned commercial
development--office park* *25 feet*

6. Maximum Lot Coverage

In any planned commercial development no more than eighty (80) percent of the total surface land area shall be improved with buildings, structures, parking and loading areas, streets, driveways, or roadways.

7. Minimum Off-Street Parking Space Requirements

- a. An off-street parking space shall contain a minimum of two hundred (200) square feet, exclusive of access and maneuvering space.
- b. The off-street parking requirements shall be as provided in Article IV, Section 4.010.
- c. There shall be ten (10) square feet of landscaped area per parking space, such landscaped areas to be evenly distributed throughout the parking area.
- d. Each off-street parking space shall have a curb or parking bumper to aid in preventing vehicle encroachment upon adjacent spaces.
- e. Curbs, planting strips, or similar aids to channelization of traffic shall be provided at the ends of parking tiers in order to clearly delineate and separate parking aisles.

8. Off-Street Loading Space

a. Size

An off-street loading space, open or enclosed, shall have three (3) minimum dimensions:

- | | | |
|-----|--------------------|----------------|
| (1) | Length | <i>55 feet</i> |
| (2) | Width | <i>12 feet</i> |
| (3) | Vertical Clearance | <i>12 feet</i> |

These dimensions shall not include driveways or entrances to, or exits from, such off-street spaces.

b. Location

No off-street loading space and no entrance or exit thereto shall be located less than fifty (50) feet from the intersection of two (2) street lines. A location closer to such intersection may be permitted if such location is not hazardous to traffic safety and will not create traffic congestion.

- c. In any planned commercial development there shall be one (1) off-street loading space for a floor area of from seventy-five hundred (7,500) square feet to ten thousand (10,000) square feet in a single occupancy; one (1) additional space for each additional fifteen thousand (15,000) square feet of such floor area or major fraction thereof; provided, that under no circumstances shall more than five (5) off-street loading spaces be required for any single occupancy.

9. Internal Street Design and Construction Standards

In any planned commercial development, the following shall apply:

- a. The maximum grade on any street shall be six (6) percent.
- b. All street intersections shall be at right angles.
- c. All internal streets, drives, roadways, and parking and loading areas shall be privately constructed and maintained.
- d. All internal streets, drives, roadways, and parking and loading areas shall meet the construction standards for streets as set forth in Article 4, of the Subdivision Regulations of Hohenwald, Tennessee.
- e. The minimum pavement width of any internal street, road, or drive shall be twenty (20) feet.

10. Access Requirements

In any planned commercial development, the following provisions shall apply:

- a. Access to public streets shall be controlled in the interest of public safety. Each building or group of buildings and accompanying parking or service area shall be physically separated from public streets by a curb, planting strip, or other suitable barrier that prevents unchanneled motor vehicle ingress and egress and clearly delineates authorized points of access.

- b. A point of access, i.e., a drive, curb-cut, or other opening for vehicles onto a street shall not exceed thirty (30) feet in width.
- c. There shall be no more than two (2) points of access to any one (1) public street on a lot of less than four hundred (400) feet, but more than one hundred (100) feet of public street frontage. Lots with less than one hundred (100) feet frontage on a public street shall have no more than one (1) point of access to any one (1) public street. On lots of more than four hundred (400) feet frontage on a public street, the minimum distance between access points in addition to those indicated above shall be one thousand (1,000) feet.
- d. No points of access shall be permitted within fifty (50) feet of the curb line (or street line where there is no curb) of any public street intersection.
- e. No access point to a public street shall be made without written approval of the Building Inspector.

11. Utility Provisions

- a. All planned commercial developments shall be serviced with public sanitary sewerage and water lines of not less than eight (8) inches and six (6) inches respectively. Septic sewage disposal may be permitted with the approval of the Planning Commission and the Lewis County Department of Public Health.
- b. All electric, telephone, and similar service lines and wiring shall be installed underground, and there shall be no utility poles or overhead wiring in any planned commercial development.

12. Storage of Solid Waste Material

In all planned commercial developments, solid waste storage areas shall be screened from public view and shall be maintained in such a manner as to meet County Public Health Department requirements.

13. Street Graphics

Street graphic provisions as provided in Section 4.080, are effective in planned commercial developments.

ARTICLE VI

EXCEPTIONS AND MODIFICATIONS

SECTION

- 6.010 Scope
- 6.020 Nonconforming Uses
- 6.030 Bulk and Lot Size Noncompliance
- 6.040 Exceptions to Height Limitations
- 6.050 Lots of Record
- 6.060 Exceptions to Setback Requirements
- 6.070 Absolute Minimum Lot Size

6.010 SCOPE

Article VI, of this ordinance, is devoted to providing for the necessary exceptions and modifications to the specific zoning district provisions and the supplementary provisions provided in Article IV and Article V.

6.020 NONCONFORMING USES

The districts established in this ordinance (as set forth in district regulations in Article V) are designed to guide the future use of land in Hohenwald, Tennessee by encouraging the development of desirable residential, commercial, and industrial areas with appropriate groupings of compatible, and related uses and thus promote and protect the public health, safety, and general welfare.

As a necessary corollary, in order to carry out such purposes, nonconforming uses which adversely affect the development of such areas must be subject to certain limitations. The provisions governing nonconforming uses set forth in this Article are therefore established to contain the existing undesirable conditions resulting from such incompatible nonconforming uses, which are detrimental to the achievement of such purposes. While such uses are generally permitted to continue, this ordinance is designed to restrict any expansion of such uses beyond the site which the use occupied upon the effective date of this ordinance.

In the case of buildings or other structures not complying with the bulk regulations of this ordinance, the provisions governing noncomplying buildings or other structures set forth in this article are established in order to permit the continued use of such buildings or other structures, but to limit the creation of additional noncompliance or increase in the degree of noncompliance.

These provisions are thus designed to preserve the character of the districts established in this ordinance in light of their suitability to particular uses, and thus to promote the public health, safety, and general welfare.

6.021 Provisions Governing Nonconforming Uses

A. Applicability

The provisions of this chapter are applicable to all uses which are not permitted within the districts in which they are located. Additionally, buildings and other structures located within the floodway are considered within the regulations of nonconforming uses.

B. Construction or Use Permit Approved Prior to Ordinance Adoption

Nothing contained herein shall require any change in the overall layout, plans, construction, site or designated use of any development, building, structure, or part thereof where official approvals and required building permits have been granted before the enactment of this ordinance, or any amendment thereto, the construction of which, conforming with such plans, shall have been started prior to the effective date of this ordinance and completion thereof carried on in a normal manner within the subsequent six (6) months period, and not discontinued until completion except for reasons beyond the builder's control.

In the event that the activity or construction of such building or other structures is not substantially underway and being diligently pursued within the six (6) month period following the issuance of a building permit, then such permit shall automatically lapse and the provisions of this ordinance shall apply.

C. Repairs and Alterations

Nothing in this article shall prevent the strengthening or restoring to a safe condition of any part of any building or structure declared unsafe by proper authority.

D. Zone Lot Containing Nonconforming Use

A zone lot containing a nonconforming use shall not be reduced in area except to comply with Section C.

E. Continuation of Nonconforming Use

Any nonconforming use which existed lawfully at the time of enactment of this ordinance and which remains nonconforming under the provisions contained herein or any use which shall become nonconforming upon enactment of this ordinance, or any subsequent amendments thereto, may be allowed to continue in operation and be permitted provided that no change in use is undertaken.

F. Change of Nonconforming Use

1. General Provisions

For the purpose of this chapter, a change in use is a change to another use either under the same activity type or any other activity type or major class of activity; however, a change in occupancy or ownership shall not, by itself, constitute a change of use.

A nonconforming use may be changed to any conforming use, and the applicable bulk regulations and accessory off-street parking requirements shall apply to such change of use or to alterations made in order to accommodate such conforming use.

2. Land with Incidental Improvements

In all districts a nonconforming use of land, not involving a building or structure, or in connection with which any building or structure thereon is incidental or accessory to the principal use of the land, shall be changed only to a conforming use.

3. Nonconforming to Conforming Use

Whenever a nonconforming use is changed to a conforming use, such use shall not thereafter be changed to a nonconforming use.

G. Expansion of Nonconforming Uses

1. General Provisions

Any nonconforming use which shall become nonconforming upon enactment of this ordinance, or any subsequent amendments thereto, may be allowed to expand operations and construct additional facilities which involve an actual continuance and expansion of the nonconforming use provided that any such expansion shall not violate the provisions as set out below.

2. Land with Incidental Improvements

In all districts a nonconforming use of land, not involving a building or structure, or in connection with which any building or structure thereon is incidental or accessory to the principal use of the land, shall not be allowed to expand through the addition of buildings or other structures.

3. Adequate Space for Expansion

No expansion or any nonconforming use shall infringe upon, or increase the extent of any infringement existing at the time of adoption of this ordinance, upon any open space required by this ordinance. All required yard setback requirements must be adhered to in any such expansion project.

4. Expansion Limited

Any expansion of a nonconforming use permitted under the provisions of this section shall take place only upon the zone lot(s) on which said use was operating at the time the use became nonconforming. Nothing within this provision shall be construed so as to permit expansion of any nonconforming use through the acquisition and development of additional land.

5. Expansion upon Land Subject to Flood

No expansion of any nonconforming use shall violate the provisions of Section 5.080.

H. Damage or Destruction

1. General Provisions

Any nonconforming use which shall become nonconforming upon enactment of this ordinance, or any subsequent amendments thereto, may be permitted to reconstruct damaged or destroyed facilities which involve any actual continuance of the nonconforming use provided that any such reconstruction shall not violate the provisions set out below.

2. Change in Use Prohibited

No reconstruction of damaged or destroyed facilities may occur which shall act to change the nonconforming use (as regulated in Section G., above) to other than a permitted use.

3. Land with Incidental Improvements

In all districts, when a nonconforming building or other structure or improvements located on "land with incidental improvements" (as defined by this ordinance) is damaged or destroyed to the extent of twenty-five (25) percent or more of the assessed valuation of all buildings, and other structure or other improvements located thereon (as determined from the assessment rolls effective on the date of damage or destruction), such nonconforming use shall terminate and the tract of land shall therefore be used only for a conforming use.

4. Infringement upon Open Space Restricted

No reconstruction of damaged or destroyed facilities utilized by a nonconforming use shall increase the extent of any infringement upon any open space required by this ordinance.

5. Reconstruction of Flood Damaged Property

The provisions of Section 6.030 shall apply to the reconstruction of all buildings and structures associated with any nonconforming use located within floodway district.

I. Discontinuance

When a nonconforming use of land or the active operation of substantially all the nonconforming uses in any building or other structure or tract of land is discontinued for a period of one (1) year, then the land or building or other structure shall thereafter be used only for conforming use. Intent to resume active operations shall not affect the foregoing provision.

6.030 BULK AND LOT SIZE NONCOMPLIANCE

A. General Provisions

The provisions of this chapter shall control buildings and other structures which do not meet the bulk or any other provisions applicable in the districts in which they are located except those provisions which pertain to activity or use.

B. Continuation of Use

The use of a noncomplying building or other structure or parcel may be continued, except as otherwise provided by this chapter.

C. Repairs and Alterations

Repairs, incidental alterations, or structural alterations may be made in noncomplying buildings or other structures subject to the provisions of Section 6.030, D., through 6.030, F.

D. Enlargements or Conversions

A noncomplying building or other structure may be enlarged or converted, provided that no enlargement or conversion may be made which would either create a new noncompliance or increase the degree of noncompliance of any portion of a building or other structure or parcel.

E. Buildings Noncomplying as to Lot Area

If a building does not comply with the applicable district regulations on lot area per dwelling unit (lot area being smaller than required for the number of dwelling units on such zone lot) such building may be converted (except when in the floodway district), provided that the deficiency in the required lot area is not thereby increased (for example, a noncomplying building on a lot of 3,500 square feet, which before conversion required a lot area of 5,000 square feet and was, therefore, deficient by 1,500 square feet, can be converted into any combination of dwelling units allowed in the zoning district in question requiring a lot area of no more than 5,000 square feet).

F. Damage or Destruction of Noncomplying Uses

A noncomplying building which is damaged or destroyed may be reconstructed, provided that the reconstruction will not either create a new noncompliance or increase the degree of noncompliance of a building or structure or parcel or portion thereof.

6.040 EXCEPTIONS TO HEIGHT LIMITATIONS

The height limitations of this ordinance shall not apply to church spires, belfries, cupolas and domes not intended for human occupancy; monuments, water towers, transmission towers, windmills not in residential zones, chimneys, smokestacks, conveyors, flag poles, public and semi-public radio towers, masts and aerials. Heights exceptions for radio towers and windmills in residential zoning districts shall be allowed only when approved by the Planning Commission.

6.050 LOTS OF RECORD

The following provisions shall apply to all existing lots of record:

- A. 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. 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 possible in the opinion of the Board of Zoning Appeals.

- B. No lot which is now or hereafter built upon shall be so reduced in area that the yards and open space will be smaller than prescribed by this ordinance, and no yard, court, or open space provided around any building for the purpose of complying with the provisions hereof, shall again be considered as a yard, court, or other open space for another building.
- C. Where two (2) or more lots of record with a continuous frontage are under the same ownership, or where a substandard lot of record has continuous frontage with a larger tract under the same ownership, such lots shall be combined to form one or more building sites meeting the minimum requirements of the district in which they are located.

6.060 EXCEPTIONS TO SETBACK REQUIREMENTS

The front setback requirement of this ordinance for dwellings shall not apply to any lot where the average depth of existing setbacks on the developed lots located within one hundred (100) feet on each side of such lot is less than the minimum required front yard depth. In such cases, the front yard setback may be less than required but not less than the average of the existing depth for front yards on developed lots within one hundred (100) feet on each side of the lot. In residential districts, however, the setback shall in no case be less than fifteen (15) feet from the street right-of-way line.

6.070 ABSOLUTE MINIMUM LOT SIZE

In no case shall the Building Inspector or the Board of Zoning Appeals permit any zone lot in a residential district to be used as a building site which is less than five thousand (5,000) square feet in total area and thirty (30) feet in width at its narrowest point, or has a front setback of less than fifteen (15) feet and a side setback of less than five (5) feet, with the exception of officially approved planned developments, lots of record and lack of setback requirements for the C2 and C5 zones only.

ARTICLE VII

ADMINISTRATION AND ENFORCEMENT

SECTION

- 7.010 Administration of the Ordinance
- 7.020 The Enforcement Officer
- 7.030 Building Permits
- 7.040 Temporary Use Permits
- 7.050 Certificate of Occupancy
- 7.060 Board of Zoning Appeals
- 7.070 Variances
- 7.080 Procedure for Authorizing Special Exceptions
- 7.090 Amendments to the Ordinance
- 7.100 Penalties
- 7.110 Remedies
- 7.120 Separability
- 7.130 Interpretation
- 7.140 Effective date

7.010 ADMINISTRATION OF THE ORDINANCE

Except as otherwise provided, no structure or land shall after the effective date of this ordinance be used and no structure or part thereof shall be erected, altered, or moved unless in conformity with the regulations herein specified for the district in which it is located. In their interpretation and application, the provisions of this ordinance shall be considered minimum requirements adopted for the promotion of public health, safety, morals, convenience, order, prosperity, and general welfare of the community. Where other ordinances, resolutions, or regulations heretofore adopted or which may be adopted hereafter impose greater restrictions than those specified herein, compliance with such other ordinances, resolutions, or regulations is mandatory.

7.020 THE ENFORCEMENT OFFICER

The provisions of this ordinance shall be administered and enforced by the City Building Inspector/Codes Enforcer. In performance of administering and enforcing this ordinance, he shall:

- A. Issue all Building Permits and make and maintain records thereof.
- B. Issue all Certificates of Occupancy and make and maintain records thereof.
- C. Issue and renew, where applicable, all Temporary Use Permits and make and maintain records thereof.

- D. Maintain and keep current zoning maps and records of amendments thereto.
- E. Receive, file and forward to the Board of Zoning Appeals all applications for variances or other matters on which the Board is required to act under the provisions of this ordinance.
- F. Conduct inspections as required in this ordinance and such other inspections as are necessary to insure compliance with the various other general provisions of this ordinance. The Building Inspector shall possess the right to enter upon any premises for the purpose of making inspections of buildings or premises necessary to carry out his authorized duties.

7.030 BUILDING PERMITS/GRADING PERMITS/DEMOLITION PERMITS

It shall be unlawful to commence the excavation for or the construction of any building or other structure, including accessory structures, to commence the moving, alteration, or repair of any structure, or to commence the filling of land without a permit therefore, issued by the Building Inspector. If said excavation or construction is begun without a proper permit the building permit fee shall be double or twice the original cost of the permit if legal compliance had been obtained as is required. Where applicant desires to excavate, fill or begin grading of any kind, prior to the preparation of site plans, such activity shall require the issuance of a **grading permit** from the Building Inspector. Similarly, if applicant desires to demolish any existing structure (greater than 1000 square feet) such activity will require the issuance of a **demolition permit** from the Building Inspector. This review process is not designed to delay or cause undue hardship upon the applicant; rather it is to safeguard the general welfare of the community in conformance with the provisions of this ordinance

No Building, grading or Demolition Permit shall be issued by the Building Inspector except in conformity with the provisions of this ordinance, unless there is received a written order from the Board of Zoning Appeals in the form of an administrative review, special exception, or variance as provided by this ordinance.

A. Application

Applications for a **Grading or Demolition Permit** shall be made in writing to the Building Inspector on forms provided for that purpose only. A sketch of the site shall accompany the application, noting dimensions of lot, setback to public roads and rights-of-way, notation of existing structures, scale, and name of applicant. Furthermore, based on the topography of the land, the building inspector may require a compaction test which has been certified by a licensed engineer.

Application for a **Building Permit** shall be made in writing to the Building Inspector on forms provided for that purpose. All applications for Building Permits shall be accompanied by a plan or a plat in duplicate, drawn to scale, and showing the following:

1. The actual shape, location, and dimensions of the lot to be built upon.

2. The shape, size, and location of all buildings or other structures to be erected, altered, or moved and of buildings or other structures already on the lot and the elevation of the building site.
3. The existing and intended use of all such buildings or other structures.
4. Location and design of off-street parking areas and off-street loading areas, and such other information concerning the lot or adjoining lots as may be essential for determining whether the provisions of this ordinance are being observed.

B. Site Plan Requirements

Site plans containing the information required for the particular use by this section must be submitted to the Building Inspector at the time of an application for a building permit. It is specifically anticipated that the approval process for one- and two-family detached houses and individual mobile homes shall be administratively approved by the Building Inspector. All other uses shall only be approved in the manner set forth in 7.030, B., 2., below.

1. Site Plans Required for One- and Two-Family Detached Houses and Individual Mobile Homes
 - a. The actual shape, location, and dimensions of the lot to be built upon.
 - b. The shape, size, and location of all buildings or other structures to be erected, altered, or moved and of buildings or other structures already on the lot and the elevation of the building site.
 - c. The existing and intended use of all such buildings or other structures, upon it, including the number of dwelling units the building is intended to accommodate.
 - d. The size and location of all yards and open areas required by this ordinance.
 - e. The dimension and location of all public water and sewer lines from which the property is to be served.
 - f. The location and approximate dimension of all points of access to a public street or road.
 - g. Such other information concerning the lot or adjoining lots as may be essential for determining whether the provisions of this ordinance are being observed.
 - h. Where subsoil sewage disposal is anticipated, certification from the county health department approving the lot for such use.

2. Site Plans Required for All Other Buildings and Activities

This procedure is to be utilized for all buildings and activities, except those subject to the provisions of 7.030, B., 1. All site development plans, as required herein, shall be prepared by a licensed, certified engineer and/or surveyor. Unless otherwise specified, the reviewing agency shall be the Hohenwald Planning Commission. Proposals for planned developments and mobile home parks shall follow separate provisions outlined elsewhere in this ordinance, but such proposals shall also be reviewed by the Planning Commission.

The following information shall be included in the site development plan:

a. General Location Sketch Map at a Scale not Smaller than 1"=2,000', Showing:

- (1) The approximate boundaries of the site.
- (2) External (public access streets or roads in relation to the site).
- (3) Surrounding development (i.e., general residential, commercial, and industrial areas) within the general vicinity of the site.
- (4) Any public water and sewer systems in relation to site.

b. Site Plan Drawn at a Scale no Smaller than 1"=100', Showing:

- (1) The actual shape, location, and dimensions of the lot.
- (2) The shape, size, and location of all buildings or other structures already on the lot.
- (3) The existing and intended use of the lot and of such structures upon it, including, for residential activities, the number of dwelling units the buildings are intended to accommodate.
- (4) Topographic features, both existing and proposed, with contours at a vertical, interval no greater than two (2) feet.
- (5) Location of all driveways and entrances.
- (6) Location of all accessory off-street parking areas to include a plan showing design and layout of such parking facilities where five (5) or more accessory off-street parking spaces are to be provided. (Dimensions shall be shown.)
- (7) Location of all accessory off-street loading berths.

- (8) Location of open space.
- (9) Proposed ground coverage, floor area, and building heights.
- (10) Position of fences and walls to be utilized for screening (materials specified).
- (11) Position of screen planting (type of planting specified).
- (12) Proposed means of surface drainage, including all drainage ways and facilities.
- (13) Location of all easements and rights-of-way.
- (14) Location of areas subject to flooding.
- (15) Location and size of all utilities, including all fire hydrants.
- (16) Location, type, and size of proposed signs.

c. The Planning Commission as the Reviewing Body May:

- (1) Recommend approval of the plan as submitted to the Building Inspector.
- (2) Recommend disapproval of the plan.
- (3) Recommend approval of the plan with conditions or recommendations for alterations.

If no "actual construction" has begun in the development within two (2) years from the date of approval of the site plan, said approval of the site plan shall lapse and be of no further effect.

C. Fee

The Hohenwald City Commission shall establish a schedule of fees and a collection procedure for Building Permits. The schedule of fees shall be posted in the main office at City Hall. Only the City Council may alter or amend the fee schedule. Until the appropriate fee has been paid in full, no action shall be taken on any application.

D. Issuance of Permit

If the proposed excavation, construction, moving, or alteration as set forth in the application is in conformity with the provisions of this ordinance, the Building Inspector shall issue a building permit for such excavation or construction. If an application for a Building Permit is not approved, the Building Inspector shall state in writing on the application the cause for such disapproval. Issuance of a permit shall in no case be construed as a waiving of any provisions of this ordinance.

E. Construction Progress

Any Building Permit issued becomes invalid if work authorized is not commenced within six (6) months of the date of issuance or if the work authorized by the permit is suspended or discontinued for a period of one (1) year.

7.040 TEMPORARY USE PERMITS

It shall be unlawful to commence construction or development of any use of a temporary nature unless a permit has been obtained from the City Building Inspector, as provided for in Article IV, Section 4.030, of this ordinance. Application for a Temporary Use Permit shall be made in writing to the Building Inspector on the form provided for that purpose. A schedule of fees shall be established by the Hohenwald City Council. Such schedule shall be posted in the office of the Building Inspector and City Hall. Until the appropriate fee has been paid in full, no action shall be taken on any application.

7.050 CERTIFICATE OF OCCUPANCY

No land or building or other structure or part thereof hereafter erected, moved, or altered in its use shall be used until the Building Inspector shall have issued a Certificate of Occupancy stating that such land, structure, or part thereof is 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 of 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 building or premises or part thereof is found to conform with provisions of this ordinance, or, if such certificate is refused, to state the refusal in writing with the cause for such refusal.

7.060 BOARD OF ZONING APPEALS

In accordance with 13-7-205 *Tennessee Code Annotated*, a Hohenwald Board of Zoning Appeals, consisting of three members, is hereby established. All members of such Board shall be appointed by the City Council.

A. Term of Office of Board Members, Removal, and Vacancies

The members of the Board of Zoning Appeals, shall serve for a three (3) year term, or until their respective successors are appointed and qualified. The Board first appointed shall serve respectively for the following terms: one for (1) year, two for (2) years, and two for (3) years.

All members of the Board of Zoning Appeals shall serve with such compensation as may be fixed by the City Council and may be removed from membership on the Board of Zoning Appeals for continued absence or just causes. Any member being so removed shall be provided, upon his/her request, a public hearing upon the removal decision. Vacancies of said Board of Zoning Appeals shall be filled for the unexpired term of those members whose position has become vacant in the manner provided herein for the appointment of such member.

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. Such chairman, or in his absence, the acting chairman, may administer oaths and compel the attendance of witnesses. All meetings of the Board shall be open to the public. The Board shall adopt rules of procedure and shall keep records and action taken thereon. The records and minutes shall be filed in the office of the Building Inspector and shall be of public records.

C. Appeals to the Board

An appeal to the Hohenwald Board of Zoning Appeals may be taken by any person, firm, or corporation aggrieved by, or by any governmental office, department, board, or bureau affected by, any decision of the Building Inspector based in whole or in part upon the provisions of this ordinance. Such appeal shall be taken by filing with the Board of Zoning Appeals a notice of appeal specifying the grounds thereof. The Building Inspector shall transmit to the Board all papers constituting the record upon which the action appealed was taken.

The Board shall fix a reasonable time for the hearing of the appeal, given public notice thereof, as well as due notice to the parties in interest, and decided the same within a reasonable time. Upon the hearing, any person or party may appear in person, by agent, or by attorney.

D. Powers of the Board

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/Codes Enforcer, Planning Commission or other administrative official in the carrying out or enforcement of any provision of this ordinance. The Board of Zoning Appeals may also perform an administrative review for uses not specifically listed in Section 2.030, but may conform to the purpose and intent of applicable zoning district.

2. Special Exceptions

To hear and decide applications for special exceptions as specified in this ordinance, hear requests for interpretation of the Zoning Map, and for decision on any special questions upon which the Board of Zoning Appeals is authorized to pass.

3. Variances

To hear and decide applications for variances from the terms of this ordinance.

E. Rules and Regulations of the Board

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

1. The presence of three (3) members of the Board shall constitute a quorum and the concurring vote of at least three (3) members of the Board shall be necessary to deny or grant any application before the Board.
2. No action shall be taken by the Board on any case until after a public hearing and notice thereof. Said notice of public hearing shall be a legal notice published in a newspaper of general circulation in Lewis County at least ten (10) days before the hearing of an appeal. No appeal shall be considered and heard by the Board less than ten (10) days after filing such appeal. If new information is uncovered regarding an action of the Board, that could not have been reasonably presented in a public hearing before the Board, the Board shall establish a date for the purpose of rehearing in accordance with the appropriate procedures stated herein.
3. The Board may call upon any other office or agency of the county government for information in the performance of its duties and it shall be the duty of such other agencies to render such information to the Board as may be reasonably required.
4. The Planning Commission shall be permitted to submit an advisory opinion on any matter before the Board and such opinion shall be made part of the record of such public hearing.
5. Any officer, agency, or department of the county or other agency, or department of the county or other aggrieved party may appeal any decision of the Board to a court of competent jurisdiction as provided for by State law.
6. Any decision made by the Board on a special exception shall indicate the specific section of this ordinance under which the permit is being considered and shall state clearly the specific conditions imposed in granting such permit.

7. Appeals will be assigned for hearing in the order in which they appear on the calendar thereof, except that appeals may be advanced for hearing by order of the Board, good, and sufficient cause being shown.
8. At the public hearing of the case before the Board, the appellant shall appear in his own behalf or be represented by counsel or agent. The appellant's side of the case shall be heard first and those in objection shall follow. To maintain orderly procedure, each side shall proceed without interruption from the other.

F. Stay of Proceedings

An appeal stays all legal proceedings in furtherance of the action appealed from, unless the building inspector certifies to the Board of Zoning Appeals, after such notice of appeal shall have been filed, that by reason of facts stated in the certificate such stay would cause eminent peril to life or property. In such instance, the proceedings shall not be stayed otherwise than by a restraining order, which may be granted by the Board or by a court of competent jurisdiction on application, on notice to the Building Inspector, and on due cause shown.

G. Liability of Board Members, Building Inspectors and Employees

Any board member, building inspector, or other employee charged with the enforcement of this ordinance, acting for the City of Hohenwald, within the scope of the responsibilities assigned him under this ordinance shall not thereby render himself liable personally, and he is hereby relieved from all personal liability and shall be held harmless by the city of any damage that may occur to persons or property as the result of any act required or permitted in the proper discharge of their duties. Any suit brought against any board member, building inspector, or employee charged with the enforcement of any provision of this ordinance shall be defended by legal representatives furnished by the city, until the final termination of such proceedings.

H. Right of Entry upon Land

Upon notice to property owners, the Board, its members and employees in the performance of its work, may enter upon any land within its jurisdiction and make examinations and surveys and place or remove public notices as required by this ordinance.

I. Rehearings

1. No rehearing of the decision by the Board shall be had except:
 - a. On motion to reconsider the vote; or
 - b. On a written request for a hearing.

2. If the motion to reconsider receives a majority affirmative vote, the Board of Zoning Appeals may vote on the motion to grant the request for a rehearing, subject to such conditions as the Board may, by resolution in each case, stipulate.
3. No request to grant a rehearing will be entertained unless new evidence is submitted which could not reasonably be presented at the previous hearing.

If the request for a rehearing is granted, the case shall be put on the calendar for a rehearing. In all cases, the request for a rehearing shall be in writing, reciting the reasons for the request and shall be duly verified and accompanied by the necessary data and diagrams. The persons requesting the rehearing shall be notified to appear before the Board on a date to be set by the Board.

4. No rehearing for a variance shall be granted and applicant found by a court of competent jurisdiction to be in willful violation of the express provisions of a prior variance granted under the authority of this Article.

7.070 VARIANCES

The purpose of this variance is to modify the strict application of the specific requirements of this ordinance in the case of exceptionally irregular, narrow, shallow, or steep lots, or other exceptional physical conditions, whereby such strict application would result in practical difficulty or unnecessary hardship which would deprive an owner of the reasonable use of his land. The variance shall be used only where necessary to overcome some obstacle which is preventing an owner from using his property under this ordinance.

A. Application

After written denial of a permit, a property owner may make application for a variance, using any form which might be made available by the Board of Zoning Appeals.

B. Hearings

Upon receipt of an application and fee, the Board shall hold a hearing to decide whether a variance to the ordinance provisions is, in fact, necessary to relieve unnecessary hardships which act to deprive the property owner of the reasonable use of his land. The Board shall consider and decide all applications for variances within thirty (30) days of such hearing and in accordance with the standards provided below.

C. Standards for Variances

The Board shall not grant a variance, except where special circumstances or conditions, fully described in the findings of the Board, do not apply generally in the district. The burden of showing that the variance should be granted shall be upon the person applying for the variance. In granting a variance, the Board shall ascertain that the following criteria are met:

1. The particular physical surroundings, shape, topographic conditions of the specific property involved that would result in a particular hardship upon the owner as distinguished from a mere inconvenience, if the strict application of this ordinance were carried out must be stated.
2. The conditions upon which the petition for a variance is based would not be applicable, generally, to other property within the same district.
3. The granting of the variance requested will not confer on the applicant any special privilege that is denied by this ordinance to other land structures, or buildings in the same district.
4. Financial returns only shall not be considered as a basis for granting a variance.
5. The variance is the minimum variance that will relieve such difficulties or hardship and thereby make possible the reasonable use of the land, building, or structure.
6. The variance will not authorize activities otherwise excluded from the particular district in which requested.
7. That the granting of the variance will not be detrimental to the public welfare, injurious to other property or improvements in the area in which the subject property is located, or a substantial impairment to the intent and purpose of the zoning district wherein such property is located or of the general provisions of this ordinance.
8. The proposed variance will not impair an adequate supply of light and air to adjacent property, or substantially increase the congestion in the public streets, or increase the danger of fire, endanger the public safety.
9. That the alleged difficulty or hardship has not been knowingly and intentionally created by any person having an interest in the property after the effective date of this ordinance.

D. Restrictions and Variances

1. No nonconforming use of neighboring lands, structures, or buildings in the same district, and no permitted or nonconforming use of lands, structures, or buildings in other districts shall be considered grounds for the issuance of a variance.

2. Under no circumstances shall the Board of Appeals grant a variance to allow a "USE" not permissible under the terms of this ordinance in the district involved, or any use expressly or by implication prohibited by the terms of this ordinance in said district.
3. The Board may impose such conditions and restrictions upon the premises benefited by a variance as may be necessary to comply with the provisions set out in 7.070, C., above, to reduce or minimize the injurious effect to such variation upon surrounding property and better carry out the general intent of this ordinance. The Board may establish expiration dates as a condition or as a part of any variances.

7.080 PROCEDURE FOR AUTHORIZING SPECIAL EXCEPTIONS

The following procedure is established to provide procedures for review of a proposed use as a conditional use or special exception by the Board of Zoning Appeals. The procedure shall be the same whether review is required under Section 13-7-206, of the *Tennessee Code Annotated*, by this ordinance, or whether a review is requested by the Building Inspector to determine whether a proposed use is potentially noxious, dangerous or offensive.

A. Application

An application shall be filed with the Board of Zoning Appeals for review. Said application shall show the location and intended uses of the site, the names of the property owners, existing land uses within two hundred (200) feet, and any other material pertinent to the request which the Board may require.

B. General Requirements

A conditional use permit (a special exception) shall be granted provided the Board finds that it:

- a. Is so designed, located, and proposed to be operated so that the public health, safety, and welfare will be protected.
- b. Will not adversely affect other property in the area in which it is located.
- c. Is within the provision of "Special Exceptions" as set forth in this ordinance.
- d. Conforms to all applicable provisions of this ordinance for the district in which it is to be located as well as the provisions cited in Section 7.080, and is necessary for public convenience in the location planned.

C. Criteria for Review

Prior to the issuance of a special exception, the Board shall make written findings certifying compliance with the specific rules governing individual special exceptions (Section 7.080, H.), and that satisfactory provisions and arrangements have been made concerning all the following where applicable:

1. Ingress and egress to property and proposed structures thereon with particular reference to automotive and pedestrian safety and convenience, traffic flow and control, and access in case of fire or catastrophe.
2. Off-street parking and loading areas where required, with particular attention to the items in item 1. above, and the economic, noise, vibrations, glare, or odor effects of the special exception on or by adjoining properties and properties generally in or near the district.
3. Refuse and service areas, with particular reference to the Items in 1. and 2., above.
4. Utilities, with reference to locations, availability, and compatibility.
5. Screening and buffering with reference to type, dimensions and character.
6. Signs, if any, and proposed exterior lighting with reference to glare, traffic, safety, economic effect, and compatibility and harmony with properties in the district.
7. Required yard and other open space.
8. General compatibility with adjacent properties and other property in the district.

D. Restrictions

In the exercise of its approval, the Board may impose such conditions upon the proposed uses of buildings or land as it may deem advisable in the furtherance of the general purposes of this ordinance.

E. Validity of Plans

All approved plans, conditions, restrictions, and rules made a part of the approval of the Board shall constitute certification on the part of applicant that the proposed use shall conform to such regulations at all times.

F. Time Limit:

All applications reviewed by the Board shall be decided within thirty (30) days of the date of application, and the applicant shall be provided with either a written notice of approval or denial.

G. Special Exceptions Appeals

Any person or agency of the county government may appeal to a court of competent jurisdiction from the Board's decision as provided under statutes of the State of Tennessee. The judgment and findings of the Board on all questions of fact that may be involved in any appeal, cause, hearing or proceeding under this Article shall be final, and subject to review only for illegality or want of jurisdiction.

H. Specific Standards for Residential Activities

A special exception shall not be granted for the residential activities specified below unless the standards established there are met as a part of the conditions for issuing such permit in the applicable zone districts.

1. Special Conditions for Multi-Family Dwelling and Mobile Home Park Activities

In addition to the standards contained elsewhere in this ordinance for these type developments, the Board of Appeals shall specifically find that there will be no adverse impact upon adjoining properties or the neighborhood in which such use is proposed. In making this finding, the Board shall consider the effect upon traffic congestion, overcrowding of schools availability of necessary public utilities, and character of adjoining structures, and suitability of the site for the use and such other factors as the Board may deem necessary.

2. Special Conditions for Upper Story Residential Conversion in the Central Business District and Town Center District

In addition to the standards contained elsewhere in this ordinance for the Central Business and Town Center Districts, the Board of Appeals shall consider the effects on the quality of the Central Business District. In consideration of these cases, the board shall consider the commercial uses in the area and ensure that all plans for upper story renovation meets all local and state codes with total involvement by the building inspector and the local fire chief.

3. Special Conditions for Semi-Permanent Residential Activities: Bed & Breakfasts Inns, Rooming Houses, etc.

Parking in the rear shall be encouraged to maintain the character of the neighborhood. Furthermore, the signage shall be limited to that as a home-occupation. The Board of Zoning Appeals may deem it necessary to install extra vegetative buffering and/or

fencing between abutting residential properties. To be considered a semi-permanent residential activity, **see the USE CLASSIFICATION, DEFINITIONS, and SECTION 4.150.** If such use does not conform to a type of residential dwelling, such use shall be considered a commercial business and thus not permitted in any residential district.

I. Specific Standards for Community Facility Activities

In addition to the requirements of the applicable district and the general requirements set forth above, a special exception shall be granted for the community facility activities specified below only when the standards established are met as part of the condition for issuing the permit in the applicable zoning district.

1. Special Conditions for Administrative Services

- a. There must be a demonstrated need for such activities to serve the neighborhood or the total community.
- b. All lot, yard, and bulk regulations of the zone district shall apply.
- c. Appropriate off-street parking requirements shall apply.
- d. Fencing, screening, and landscaping shall be provided as appropriate to protect surrounding properties and reduce any potential adverse impact.
- e. The site and architectural plans shall be approved by the Planning Commission.

2. Day Care Facilities For purposes of this ordinance day care facilities are classified into two types as defined below:

Day Care Home - includes day care in an occupied residence of not more than seven (7) children including children living in the home.

Day Care Center - includes day care for more than seven (7) preteenage children in any kind of building.

a. Day Care Home

The required lot size, yard, and bulk regulations of the district shall apply. No variances shall be permitted for lots on which such use is to be located.

All public utilities and sanitary sewers shall be available and connected to the site unless the site is over one (1) acre in size. The fire department shall approve the facility for safety.

All requirements of the State of Tennessee that pertain to the use shall be met.

An outdoor play area of at least two hundred (200) square feet per child in size shall be available and shall be fenced.

The facility shall be located so as to be compatible with the surrounding area and provide safety to those using the facility.

Fencing, screening, and landscaping shall be provided as appropriate to protect the surrounding area.

b. Day Care Center

- (1) No such facility shall be permitted on a zone lot unless it contains a minimum of forty thousand (40,000) square feet.
- (2) All bulk and setback regulations of the district shall be met.
- (3) One (1) accessory off-street parking space for each five (5) children accommodated in the child care facility shall be provided.
- (4) Special passenger loading and unloading facilities shall be provided on the same zone lot for vehicles to pick-up or deliver passengers. Such facilities shall provide for driveways that do not require any back-up movements by vehicles to enter or exit the zone lot.
- (5) All regulations of the State of Tennessee that pertain to the use shall be met.
- (6) The facility shall be located so as to be compatible with the surrounding area and provide safety to those using such facility.
- (7) Fencing, screening, and landscaping shall be provided as appropriate to protect the surrounding area.
- (8) The site and architectural plans of such a facility shall be approved by the Planning Commission taking into account the above conditions as well as any other pertinent factors.

3. Special Conditions for All Other Personal and Group Care Activities

- a. No such facility shall be permitted on a zone lot unless it contains a minimum of one (1) acre.
- b. All bulk regulations of the district shall be met.

- c. The requirements of the accessory off-street parking regulations of this ordinance shall apply.
- d. All regulations of the State of Tennessee shall be met.
- e. All public utilities and sewage disposal shall be available and connected to the site, and the site and architectural plans for such a facility be approved by the Planning Commission taking into account the above conditions as well as any other pertinent factors.

4. Special Conditions for Community Assembly

- a. No such facilities shall be permitted on a lot unless it contains one (1) acre provided, however, that if such community assembly includes outdoor activities, the minimum lot area shall be four (4) acres.
- b. All bulk regulations of the zone district shall apply.
- c. Off-Street Parking
 - (1) For nonprofit clubs, lodges, meeting halls and recreation centers, one (1) space for each four (4) seats in an assembly area within the facility, or one (1) space for each seventy-five (75) square feet of gross floor area, whichever is greater, shall be provided.
 - (2) For temporary nonprofit festivals, the required number of off-street parking spaces shall be determined by the Board, taking into account the traffic generation of such facility, the hours of other such factors as affect the need for off-street parking.
- d. Except for temporary nonprofit festivals fencing, screening and landscaping shall be provided as appropriate for such facility, except that no landscaped screen shall be located closer than fifteen (15) feet of any vehicular entrance or exit to the property.
- e. The location and operation of such community assembly facility shall be in keeping with the character of the surrounding area and shall not adversely affect the properties within the surrounding area.
- f. All public utilities and sewage disposal shall be available and connected to the site.

Except for temporary nonprofit festivals, the site and/or architectural plans shall first be approved by the Planning Commission taking into account the above conditions.

5. Special Conditions for Cultural and Recreational Services

- a. No such activity shall be permitted on a zone lot unless it contains twice the lot area requirements of the district.
- b. All bulk regulations of the district shall apply.
- c. The off-street parking requirements of this ordinance shall apply.
- d. Fencing, screening, and landscaping shall be provided as appropriate to protect the surrounding area and shall not have an adverse affect on properties within the surrounding area.
- e. The location and operation of such facility shall be in keeping with the character of the surrounding area and shall not have an adverse affect on properties within the surrounding area.
- f. The site and architectural plans shall first be approved by the Planning Commission taking into account the above conditions.

6. Special Conditions for Community Education

- a. No such facilities shall be permitted on a zone lot unless such lot contains the acreage recommended for such facilities by the appropriate state agency.
- b. The traffic generated by such facility shall be safely accommodated along the streets which will provide access to the site.
- c. The location and design of such facilities shall not have an adverse effect upon surrounding properties.
- d. The off-street parking requirements of this ordinance shall apply.

7. Special Conditions for Health Care and Medical Facilities

a. Minimum Lot Area

- (1) No health clinic shall be permitted on a zone lot unless it contains twice the lot area requirements of the district.
- (2) No hospitals, or centers for observation or rehabilitation shall be permitted on a zone lot unless it contains a minimum of five (5) acres.

- b. The minimum side and rear yards for hospitals and centers for observation or rehabilitation shall be fifty (50) feet for a one (1) or two (2) story building, increased by five (5) feet for each story above two (2).
- c. All other regulations of the district shall apply.
- d. There shall be provided along the entire site boundaries fencing, screening, and landscaping as appropriate to protect the surrounding residential area.
- e. The location and operation of such facility shall be in keeping with the character of the surrounding area and shall not have an adverse effect on the properties in the surrounding area.
- f. All public utilities and sewage disposal shall be available and connected to the site.
- g. The site and/or architectural plans shall first be approved by the Planning Commission taking into account the above conditions.
- h. The following activity classes and types may be permitted accessory to the Health Care Activities provided they appropriately complement the Health Care Activity, will not impose an adverse impact on the surrounding land use, and be subject to all other provisions of the zoning district;
 - (1) Community Facility Activities
 - (2) Commercial Activities
 - Convenience Sales and Services*
 - Automotive Parking*
 - Food Service*
 - Medical Service*

8. Special Conditions for Intermediate and Extensive Impact

- a. The location, size, and design of such facilities shall be such that the proposed development shall be compatible with the development within the surrounding area, thus reducing the impact upon the surrounding area.
- b. The traffic generated by such facility shall be safely accommodated along major arterials or collectors without traversing local minor streets.
- c. The proposed facility shall provide a basic community function, or essential service necessary for a convenient and functional living environment in order to be located on the proposed site.

- d. The off-street parking requirements shall be determined by the Board taking into account characteristics of the use.
- e. The site plan for such facilities shall be approved by the Planning Commission taking into account the above conditions as well as any other pertinent factors related to the use and operation of such facility.

9. Special Conditions for Essential Public Transport, Communication, and Utility Services

- a. The location of such facility shall be within an area in order to provide the most efficient service to the community.
- b. All of the bulk regulations of the zone district shall apply.
- c. The location of such facility shall not materially increase traffic on surrounding streets.
- d. The location of such a facility shall not have an adverse effect on surrounding properties.
- e. There shall be provided along the entire site boundaries fencing, screening, and landscaping, as appropriate to protect the surrounding residential area.
- f. The site plan for such facility is first approved by the Planning Commission taking into account the above conditions as well as any other pertinent factors.

10. Special Conditions for Religious Facilities

- a. No such facilities shall be permitted on a zone lot unless it contains one (1) acre.
- b. The location, size, and design of such facilities shall be situated so that the proposed facility shall be compatible with the development within the surrounding area thus reducing the impact upon such area.
- c. All bulk regulations of the district shall be met.
- d. The off-street parking requirements of this ordinance shall apply.

J. Specific Standards for Commercial Activities

A special exception shall not be granted for the commercial activities specified below unless the standards established therein are met as a part of the conditions for issuing such permit in the applicable districts.

1. Special Conditions for Group Assembly Activities

- a. The location, size, and design of such facilities shall be situated so that the proposed development shall be compatible with the development within the surrounding area thus reducing the impact upon the surrounding area.
- b. The traffic generated by such facility shall be safely accommodated along major streets without traversing local minor streets.
- c. The off-street parking requirements shall be based on the type of use and the needs of the use to adequately accommodate the expected groups of people.
- d. The site plan for such facilities shall be approved by the Planning Commission taking into account the above conditions as well as any other pertinent factors related to the use and operation of such facilities.
- e. When an application for a group assembly permit includes amusement parks, sports arenas, fairgrounds, racetracks, and similar recreational pursuits, the following requirements shall be observed.
 - (1) The minimum size site shall be twenty-five (25) acres.
 - (2) The minimum setbacks of all structures from all public roads shall be one hundred (100) feet.
 - (3) Such facility shall be situated so that no residential use is located closer than five hundred (500) feet from building entrance of the principal use at the time of approval.
 - (4) Access to such facility shall be by a paved road and such road shall be either a major arterial or major collector. Traffic shall not be directed through residential subdivisions or on minor residential streets.
 - (5) Off-street parking shall be provided at a minimum of one (1) space for each four (4) patrons or seats. For those facilities which are not utilized on a regular and frequent basis, parking may be provided on adjacent parcels of land provided further that any parcel so used is located no more than five hundred (500) feet from the lot boundary.

- (6) Any lighting provided at such facilities shall be designed so that no direct light falls on adjacent residential property.
 - (7) Accessory uses may be permitted in conjunction with the principal use of the property provided that such uses are physically designed as a part of or within the principal structure. Such uses may include food sales, beverage sales, gift or souvenir shops, and similar activities.
 - (8) Accessory structures may be permitted which are incidental and subordinate to the principal structure. Such structure may not be located within any required setback or buffer area.
- f. When an application for a Group Assembly Permit includes a private campground, the following standards shall be met:
- (1) Such campground shall have on site management.
 - (2) The campground may include convenience commercial establishments such as camp stores, laundry facilities, and personal services; provided that such convenience establishments are subordinate to the recreational character of the campground; are located, designed and intended to serve exclusively the patrons staying in the campground; and such establishment and their parking areas shall not occupy more than ten (10) percent of the area of the parking or one (1) acre whichever is smaller.
 - (3) Such Campground Shall Meet the Following Standards:
 - Minimum size - Ten (10) acres.
 - Maximum density - Ten (10) campsites per gross acre.
 - Sanitary facilities, including flush toilets and showers - Within three hundred (300) feet walking distance of each campsite.
 - Dump station for travel trailers.
 - Potable water supply - One (1) spigot for each four (4) campsites.
 - Trash receptacle - One (1) for each two (2) campsites.
 - Parking - One (1) space per campsite.
 - Picnic table - One (1) per campsite.
 - Fireplace or grill - One (1) per campsite.

Administration or safety building - Open at all times wherein a portable fire extinguisher in operable condition and first aid kit is available, and a telephone is available for public use.

(4) Such Campground Shall Meet the Following Design Requirements:

Vegetation screen or ornamental fence which will substantially screen the campsites from view of public right-of-way and neighboring properties shall be provided around or near the perimeter or that part of the campground containing campsites. Such vegetation or fence shall be maintained in good condition at all times.

Each campground shall reserve at least twenty-five (25) percent of its total area as natural open space excluding perimeter screening. Such open space may include recreation and water areas, but may not include utility areas, administration building, commercial areas, or similar activities.

Each campsite shall have a minimum setback of twenty-five (25) feet from any public road of fifty (50) feet.

Each separate campsite shall contain a minimum of thirty two hundred (3,200) square feet. (A campsite shall be considered to consist of trailer or tent space, parking space, picnic table, fireplace, and one-half (1/2) the roadway providing access.)

Each campsite shall be directly accessible by an interior road.

All interior roads shall be a minimum of ten (10) feet wide for one (1) way traffic and eighteen (18) feet wide for two-way traffic.

All interior roads shall meet the following curve requirements:

-Minimum radius for a 90 degree turn - 40 feet

-Minimum radius for a 60 degree turn - 50 feet

-Minimum radius for a 45 degree turn - 68 feet

No camping vehicle or camping equipment shall be used for human habitation for a period exceeding thirty (30) consecutive days.

2. Special Conditions for Adult Entertainment

a. Separation From Other Adult Entertainment Uses - The building housing an adult entertainment use shall not be located within 5,000 feet of any other adult entertainment use. This 5,000 foot area shall be defined by a radius of 5,000 feet measured from the exterior wall of the subject building.

b. Separation from Other Uses

The building housing an adult entertainment use shall be located at least 5,000 feet from the following uses: church or place of worship; library; day-care center; single-family, duplex or multi-family residential zone district, and , elementary, middle or high school. This 5,000-foot area shall be defined by a radius of 5,000 feet, measured from the exterior wall of the subject building.

c. Prohibited Activities

An adult entertainment use shall not be conducted in any manner that provides the observation of any material depicting, describing or relating to "specified sexual activities" or "specified anatomical areas," from any public right of way. This provision shall apply to any and all displays, decorations or show windows.

K. Specific Standards for Agricultural and Extractive Activities

A special exception permit shall not be granted for the agricultural and extractive activity specified below unless the standards established therein are met as a part of the conditions for issuing such permit in the applicable zone districts.

1. Special Conditions for Mining and Quarrying Activities

a. The location of such an activity shall be in an area sparsely developed during the length of time the mining or quarrying activity is anticipated.

b. Any permit issued herein shall be based on a site plan or other documents submitted with an application which shall provide for the following:

(1) Existing contours of the site and up to one hundred (100) feet beyond the site boundary. Contour intervals shall be at two (2) foot intervals.

(2) Location of the area in which the proposed quarrying activity is to be conducted.

(3) Location of all proposed buildings, crusher and screening equipment, roadways and other facilities proposed on the site.

- (4) Proposed method of drainage of the quarry area.
 - (5) Proposed fencing of the quarry area. Fencing shall be provided around all open excavations.
 - (6) Methods proposed for blasting. Open blasting commonly referred to as "pop shots" shall be prohibited.
 - (7) Methods proposed to control noise, vibration and other particulate matter.
 - (8) Finished contours of the site after the quarrying operation has been terminated. The site shall be graded and/or filled so as to be in substantial conformity with the topography of the surrounding lands. All fill material shall be nontoxic, nonflammable, and noncombustible solids. All areas that are backed-filled shall be left so that adequate drainage is provided.
- c. Approval for mining and quarrying activity may also include accessory concrete batching plants, asphaltic cement mixing plants and/or rock crushing activities on the same zone lot or adjoining zone lots which may have directly opposing frontages on the same public street. If such accessory activities are included on the quarry site, the total site must meet all the special condition requirements for mining and quarrying activities; however, in conditions of multiple zone lots, the outer perimeter of the site shall be considered the lot line.
 - d. Before issuing a permit the Board shall require the owner of the quarry facility to execute a bond in an amount to be determined by the Planning Commission per acre of active quarry throughout a five (5) year period to restore the lands in the manner prescribed herein, including the removal of all structures and machinery.
 - e. Any permit issued herein shall not be for a period exceeding five (5) years. After the expiration date of such special permit, the Board may review and grant an extension of time in the manner and procedure as prescribed for an original application.
 - f. The site plan is first approved by the Planning Commission taking into account the above conditions as well as any other factors related to the use and operation of such facilities.

2. Special Conditions for Commercial Storage of Explosives

- a. The location of such an activity is in an area likely to be sparsely developed for reason of topography, lack of existing or planned utilities, accessibility or for similar cause.

- b. Such facility shall not be located on a site having an area of less than fifty (50) acres.
- c. All regulations of the State Fire Marshall relating to the storage of explosives shall be met.
- d. Any special permit issued herein shall be for a period not exceeding five (5) years. After the expiration date of such special permit, the Board may review and grant an extension of time in the same manner and procedure as prescribed for an original application.
- e. The site plan is first approved by the Planning Commission taking into account the above conditions as well as any other factors related to the use of such facilities.

L. Specific Standards for Intermediate Manufacturing Activities

1. Specific Standards for Intermediate Manufacturing Activities

A special exception permit shall not be granted unless the standards below are met:

- a. The activity takes place in completely enclosed buildings with no outdoor storage of materials or finished products.
- b. Access for heavy trucks and employees is from a major thoroughfare or industrial access road from a major thoroughfare with residential streets unaffected.

2. Specific Standards for Extensive Manufacturing Activities

A special exception shall not be granted unless the standards below are met:

- a. No such facility shall be located on a lot unless such lot contains at least one (1) acre.
- b. Access for heavy trucks and employees is from a major thoroughfare or industrial access road from a major thoroughfare with residential streets unaffected.
- c. State permits for air pollution standards, ground water and emissions must be obtained and kept up-to-date.
- d. The site plan is first approved by the Planning Commission taking into account factors related to the use and operation of the facility.

ORDINANCE 554

AN ORDINANCE TO CREATE A REZONING FEE FOR THE CITY OF HOHENWALD.

BE IT ORDAINED BY THE MAYOR AND CITY COUNCIL OF THE CITY OF HOHENWALD, TENNESSEE, That Subsection 7.091.6 authorizes the City of Hohenwald to implement a rezoning fee to "defray costs resulting from such petition and any subsequent amendment of the Zoning Ordinance."

SECTION 1:

The non-refundable fee shall total one hundred and twelve dollars (\$112.00). This fee is designed to offset the costs of public advertising, physical signage, in addition to the capital cost and city labor involved in processing the request.

BE IT FURTHER ORDAINED that this ordinance shall take effect from and after its passage and publication, the welfare of the City of Hohenwald requiring it.

Motion to adopt the preceding ordinance having been made by Billy K. Edwards and seconded by Wayne Staggs, the following voted:

AYE: Don Barber, Robert Burklow, Billy K. Edwards, Wayne Staggs

NAY: None

The preceding ordinance passed:

First Reading: May 7, 2002

Second Reading: June 4, 2002

Third and Final Reading: July 2, 2002

7.090 AMENDMENTS TO THE ORDINANCE

The regulations, restrictions, and boundaries set forth in this ordinance may from time to time be amended, supplemented, changed, or repealed by the Hohenwald City Council. Any member of the City Council may introduce such legislation, or any official, board, or any other person may present a petition to the City Council requesting an amendment or amendments to this ordinance.

No amendment to this ordinance shall become effective unless it is first submitted to the Hohenwald Planning Commission for review and recommendation. The Planning Commission shall have sixty (60) days within which to submit its recommendation to the City Council. If the Planning Commission disapproves the amendment, it shall require the favorable vote of a majority of the City Council to become effective. If the Planning Commission fails to submit a report within the sixty (60) day period, it shall be deemed to have approved the proposed amendment.

No change or departure from the text or maps as certified by the Planning Commission shall be made, unless such change or departure be first submitted to the Planning Commission and approved by it, or, if disapproved, received the favorable vote of a majority of the entire membership of the City Council.

Before finally adopting any such amendment, the City Council shall hold a public hearing thereon, at least fifteen (15) days' notice of the time and place of which shall be given by at least one (1) publication in a newspaper of general circulation in the county; and any such amendment shall be published at least once in the official newspaper of the county or in a newspaper of general circulation in the county.

7.091 Application for Rezoning

A proposed change of zoning district boundaries shall be initiated by the filings of an application with the Planning Commission. Said application shall contain:

1. The name and address of the owner and/or owners of the subject property, and the written certification of the authorized agent.
2. A written legal description of the subject property including the Lewis County Tax map and parcel number and acreage.
3. A description of the proposed zone change, modification or repeal together with written justifications for the requested zone change.
4. The names and addresses of the adjacent property owners including those property owners across streets, roads, highways, and/or railways, and waterways which border the applicant's property.

5. Two (2) copies of a map depicting the property requested for rezoning. These maps shall be at a scale of no less than 1"=100' and no larger than 1"=30' and show the following information.
 - a. Title, north arrow, graphic scale, date, civil district, and the acreage of the property to be rezoned.
 - b. Dimensions in feet of property to be rezoned.
 - c. All roads and easements within or adjoining property to be rezoned.
 - d. Location, size, type and current use of any building on the property requested for rezoning.
 - e. Location of the adjoining property owners in relation to the property to be rezoned.
6. A fee may be due and payable at the time of filing of petition shall be posted with requests to amend a provision or provisions of this zoning ordinance. The fee is to be used by Hohenwald to defray costs resulting from such petition and any subsequent amendment of the zoning ordinance.

7.100 PENALTIES

Any persons violating any provisions of this ordinance shall be guilty of a misdemeanor, and upon conviction shall be fined each offense. Each day such violations continue shall constitute a separate offense.

7.110. REMEDIES

In case any building or other structure is erected, constructed, altered, 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 specifically damaged by such violation, in addition to other remedies, may institute an injunction, mandamus, or other appropriate action or proceeding to prevent such unlawful erection, construction, reconstruction, alteration, repair, conversion, maintenance, or use; or to correct or abate such violation; or to prevent occupancy of such building, structure, or land.

7.120 VALIDITY

Should any section, clause, or provision of this ordinance be declared by a court of competent jurisdiction to be unconstitutional or invalid, this judgment shall not affect the validity of this ordinance as a whole or any other part of this ordinance be judged invalid or unconstitutional.

7.130 INTERPRETATION

Whenever the conditions of this ordinance are less restrictive than comparable conditions imposed by any other provision of this ordinance or any other resolution, the provisions which are more restrictive shall govern.

7.140 EFFECTIVE DATE

Be it enacted by the City Council of Hohenwald, that the foregoing ordinance be passed and shall take effect from and after the effective date of its passage and publication as required by law, the public welfare requiring it.

Certified by the Hohenwald Planning Commission:

<u><i>Ricky Mason</i></u>	<u>4/6/98</u>
Chair, Planning Commission	Date
<u><i>Don Barber</i></u>	<u>4/6/98</u>
Secretary, Planning Commission	Date

ORDINANCE FILED:

First Reading: 6-2-98
 Second Reading: 7-7-98
 Third Reading: 7-20-98

PASSED AND ADOPTED BY THE BOARD OF CITY COUNCIL MEMBERS OF THE CITY OF HOHENWALD, TENNESSEE THIS 20th DAY OF July, 1998

MAYOR AND BOARD OF COUNCILMEN OF THE CITY OF HOHENWALD, TENNESSEE

<u><i>Henry Richardson</i></u>	<u>7-20-98</u>
Mayor	Date

ATTESTED BY:

<u><i>Camille Kelley</i></u>	<u>7-20-98</u>
City Recorder	Date

Approved as to form:

<u><i>Wanda [Signature]</i></u>	<u>8/19/98</u>
City Attorney	Date

APPENDIX A

City of Hohenwald Application Review Process

Prior to the issuance of a building permit, temporary-use permit, grading permit, demolition permit, or sign permit, all applicants shall follow the below steps:

- ◆ **Site Plan Review - See Section 7.030, of the Zoning Ordinance**
Submit site plan and fee to the Zoning Codes Enforcer for initial review
Request to be added to the Planning Commission Agenda
Planning Commission shall review site plan
Upon approval, seek building permit, grading permit, or demolition permit.
- ◆ **Rezoning/Amendment to the Zoning Ordinance - See Section 7.091**
Submit tax map, legal description, written request and fee to Zoning Codes Enforcer
Request to be added to the Planning Commission Agenda
Obtain favorable Planning Commission recommendation; request final approval from City Council.
City Council shall hold three readings of the request at their public meeting, and one public hearing. No illegal use shall begin prior to the final reading and passing by City Council.
- ◆ **Subdivision Plat Review - See Hohenwald Subdivision Regulations, Article Three, beginning on page 3**
Submit Preliminary Plat to the Zoning Codes Enforcer for initial review
Request to be added to the Planning Commission Agenda
Submit 5 prints of the plat to the Planning Commission
Upon Preliminary Plat Approval, seek approval from City Utility Staff as necessary
Obtain Grading Permit/Demolition Permit as necessary, from Codes Enforcer
Submit 5 prints of the Final Plat to Planning Commission noting all required changes
Obtain Building Permits from Codes Enforcer
- ◆ **Request for Zoning Variance, Special Use Exception, or Administrative Review - See Ordinance, Section 7.070, & 7.080,**
Submit Request to the Zoning Codes Enforcer for initial review
Request to be added to the Planning Commission Agenda
Seek recommendation from the Planning Commission
Submit request to the Board of Zoning Appeals (file application form with City Recorder)
Seek Final approval from the BZA and obtain the Certificate of Approval
- ◆ **Request for Sign Permit - See Ordinance, Section 4.080, and Temporary Sign Permit**
Submit request to the Zoning Codes Enforcer for initial review
File Sign Permit Application with City Recorder
Further review by Planning Commission may be required
Obtain Certificate of Approval from Codes Enforcer

**APPENDIX B
CITY OF HOHENWALD
BOARD OF ZONING APPEALS
CERTIFICATE OF APPROVAL**

**This application shall serve as the Certificate of Approval when signed by the chairman of the
Hohenwald Board of Zoning Appeals**

Applicant's Name: _____

Applicant's Address: _____

Applicant's Day-time and Home Telephone Numbers: _____

Description of Request for Appeal: _____

Signature of the Applicant

Date

please check one of the following:

Request for a Variance to the City of Hohenwald Official Zoning Ordinance: _____

Request for a Special Exception/Use on Appeal/Conditional Use: _____

Request for an Administrative Review of the Zoning Map or Ordinance: _____

**Attach a Copy of the Tax Map/Parcel, Site Plan Noting Request, Statement of Request and Fee
to the Building Inspector/Codes Enforcer Upon Submittal of Application.**

Signature of the Chairman of the Board of Zoning Appeals

Date

Application Number: _____

DIFFERING TYPES OF RESIDENTIAL DEVELOPMENT



CONVENTIONAL

85 Lots
15,000 Sq. Ft per lot



SEMI CLUSTER

85 Lots
10,000 Sq. Ft. per lot



CLUSTER

85 Lot
No conventional lot lines

ORDINANCE 580

AN ORDINANCE AMENDING THE MUNICIPAL ZONING ORDINANCE OF THE CITY OF HOHENWALD, TENNESSEE, NO. 526,

SECTION 1: BE IT ORDAINED BY THE MUNICIPAL PLANNING COMMISSION FOR THE CITY OF HOHENWALD, TENNESSEE, that Section 4.083 Supplementary Definitions be amended by adding and altering six definitions. Two definitions are amended in section 4.084

4.083 Supplementary Definitions

Banner - Any sign having the characters, letters, illustrations or ornamentation applied to cloth, paper or fabric including animated, rotating and or fluttering devices, flags and pennants but excluding government flags for the purposes of this ordinance, designated to attract attention. All banner signs in the city limits of Hohenwald are considered temporary signage and subject to the provisions of section 4.089.2.

Billboard Sign - A free-standing, off premise sign. No permanent off-premise sign shall be located within the city, except on publicly owned property.

Cement Bucket Sign - A portable sign that affixed to a post/pole which is secured in a bucket of hardened cement. All cement bucket signs in the city limits of Hohenwald are considered temporary signage and subject to the provisions of section 4.089.2.

Off-Premise Sign - Any sign which is not located on the premises that it identifies or advertises (no off-premise signs, except on publicly owned property).

Portable Sign - A sign that is not permanently affixed to a building, structure, or the ground or designed to be permanently affixed to a building, structure, or the ground. All portable signs in the city limits of Hohenwald are considered temporary signage and subject to the provisions of section 4.089.2.

Temporary Signs - A sign that is displayed for a specified period of time only (see section 4.089.2).

4.084 Signs Permitted in all Districts

Construction Sign - *One temporary* (see section 4.089.2) sign not to exceed 6 (six) square feet in area indicating the name of contractors, engineers, and/or architects of a project during a construction period

Election Sign - All election signs are temporary signs (see section 4.089.2) which may be displayed for twelve (12) weeks prior to the election and must be removed seven (7) days after the election.

Temporary Sign - Unless specific provisions of this section apply, temporary signs must be in conformity with the parameters of section 4.089.2.

SECTION 2: Section 4.089.2, Temporary Signs Requiring a Sign Permit, is amended in its entirety (including the name of the section) all to read as follows:

4.089.2 Temporary Signs

Temporary signs may be erected for three weeks per calendar quarter, to be calculated with January as month one (1). The business owner shall be responsible with dating each temporary sign with day one (1) of display in a legible, permanent, and weather-resistant fashion. If the temporary sign is not removed by the expiration of the time limit noted in this section, the Codes Enforcement Officer may remove it and charge the costs of removal to the individual or enterprise responsible. This may be in addition to appropriate fines levied by the city.

1. The individual or enterprise will be able to use one type of temporary signage only at any given time; to include: banner signs, signs affixed to a wooden stakes, or metal wires.
2. The total sum of all temporary signage displayed at any given time shall not exceed thirty (30) square feet. At no time shall any temporary signage exceed five (5) feet in height.
3. No temporary signage may possess exposed, extension drop-cords which may cause harm or accidents.

SECTION 3: Effective Date

Be it ordained by the Town of Hohenwald that this ordinance shall become effective the day after its passage, the public welfare requiring it.

Motion to adopt the preceding ordinance having been made by Don Barber and seconded by Bill Lawson, the following voted:

AYE: Don Barber, Dustin Flowers, Terry Keathley and Bill Lawson

NAY: None

The preceding ordinance passed

PASSED FIRST READING: June 8, 2004

PASSED SECOND READING: July 6, 2004

PASSED THIRD READING: September 7, 2004

Date: September 7, 2004

/s/ Bob Burklow
Mayor of the City of Hohenwald

ATTEST:

/s/ Chester Darden
City Recorder

ORDINANCE NO. 571

AN ORDINANCE AMENDING THE MUNICIPAL ZONING ORDINANCE OF THE CITY OF HOHENWALD, TENNESSEE NO. 526

SECTION 1: BE IT ORDAINED BY THE MUNICIPAL PLANNING COMMISSION FOR THE CITY OF HOHENWALD, TENNESSEE, that Section 4.082, General Requirements, of Section 4.080, STANDARDS FOR SIGNS, BILLBOARDS, AND OTHER ADVERTISING STRUCTURES, be amended to read as follows:

4.82 General Requirements

The regulations in this section specify the number, types, sizes, heights, and locations of signs which are permitted within the City of Hohenwald and which require a permit. Any sign regulation incorporated into a separate development plan approved by the City Council may supersede all or part of the section.

Generally, all free-standing signs shall be permitted only on zoning lots with one hundred (100) feet or more of street frontage. No free-standing sign shall be erected within one hundred (100) feet of another free-standing sign.

All wall signs shall be installed flat against the wall of a building and shall not extend from the wall more than twelve (12) inches.

Sandwich boards, and the like, are limited in size to a maximum of seven hundred-twenty (720) square inches per board face and not to exceed five feet in height, and three feet in width. These signs must be taken inside when the establishment displaying them closes.

Save that of publicly owned property, there shall be no new off-premise signs including billboards. Off-premise advertising on publicly owned property must be approved by the Planning Commission.

All existing permanent signs may remain provided they are maintained and in good repair. No sign shall be permitted where, in the opinion of the Planning Commission, a safety hazard would be created.

SECTION 2. BE IT FURTHER ORDAINED That Section 4.083, Supplementary Definitions, be amended by adding another term in alphabetical sequence to read as follows:

Flashing Sign: Any sign that uses intermittent change of lighting intensity to depict action or create a special effect, scene, or strobe effect. This includes, but is not limited to electronic "scrolling signs."

SECTION 3. BE IT FURTHER ORDAINED That Section 4.086, Signs Permitted in the Central Commercial Districts (C-2) and Town Center (C-5), be amended by deleting the first sentence, Signs permitted following approval permit: to read as follows:

Signs permitted in the Central Commercial District (C-2), following approval by permit:

SECTION 4. BE IT FURTHER ORDAINED That Section 4.086, Signs Permitted in the Central Commercial Districts (C-2) and Town Center (C-5), be amended by adding new sentence before new Numbers 3, 4, 5, 6, and 7, to read as follows:

Signs permitted in the Town Center District (C-5), following approval by permit:

3. In order to reduce streetscape clutter and improve the safety standards of the "Town Center District, (C-5) wall-mounted signs, awning signs, window/door (all of them to specification) are the only types of signage allowable.
 - a. The signage shall only be affixed to the front façade of the building, except as noted in these guidelines, and shall not project outward from the wall by more than twelve (12) inches.

- b. The maximum permitted height is fifteen (15) feet above the front sidewalk elevation, and shall not extend above the base of a second floor.
- c. The signboard itself, or the individual constituent lettering, numbering, or graphics shall be raised from the wall to create a shadow, or three-dimensional effect.
- d. The area of the signboard shall not exceed five (5) percent of the ground floor building façade area, or twenty-four (24) square feet whichever is less.
- e. The maximum height of the lettering, numbering, or graphics shall not exceed twelve (12) inches in height.
- f. In order to reduce uncomplimentary glare, all lighting for wall-mounted signage shall be "goose-neck" lights aimed in the direction of the lighting only.
- g. "White" light sources with a Color Rendition Index ("CRI") of 80 or higher are the only sources of light permissible in this district. This restriction does not apply to temporary decorative lighting, which may include colored lamps, such as holiday lighting. Currently available light sources that shall be used, which meet these CRI criteria include some versions of the following:

Incandescent	Incandescent-tungsten halogen	Metal Halide
ICETRON 100	Compact Fluorescent	QL Induction

- h. In the event that a commercial building maintains a side or rear entrance openly accessible to the public (for the same hours of the primary entrance), then additional one wall-mounted sign shall be permitted with the position of it approved in advance by the Planning Commission. Such signage shall be in conformity with the other provisions in this section, except that they may not exceed six (6) square feet in area. This square footage shall not count towards the twenty-four (24) square foot maximum.
4. Wall signs identifying the occupants of a commercial, or office building located in upper-story businesses, are permitted provided the following additional standards are met:
 - a. The sign is located immediately next to the entrance with the location of it approved by the Planning Commission
 - b. The sign does not extend above the parapet, eave, or building façade.
 - c. The signage shall not project outward from the wall by more than a total of twelve (12) inches.
 - d. The area of these signs shall not exceed three (3) square feet.
 - e. The height of the lettering, numbering, or graphics shall not exceed four (4) inches.
 5. Awning Signs are permitted for ground floor use only to provide the establishment's name or address. When used as primary signage awning signs shall not be used in conjunction with wall signs. The following standards apply to awnings:
 - a. When acting as the primary signage, the awning will be able to extend from one end of the individual business premise's façade to the other. The awning shall not be more than eight (8) feet wide from top to bottom. The height of the lettering, numbering, or graphics appearing on the awning shall be a maximum of ten (10) inches.
 - b. One small, directional sign may hang perpendicular to the business, in order to advertise to pedestrians walking underneath the awning. These signs may not exceed 100 square inches.

- c. If illumination is desired for the awnings, it shall be under-lit (lights underneath the awning, with protective sheathing in case of breakage).
6. Painted Window or Door Signs that give information about the establishments are also permitted given that they meet the following standards:
 - a. The sign shall not exceed twenty (20) percent of the window area or ten (10) percent of the door area.
 - b. The sign shall be silk screened, vinyl, hand-painted, or in the case of a door, permanently affixed as a part of the door's design or architecture.
 - c. The height of the lettering, numbers, or graphics shall not exceed twelve (12) inches.
 - d. Flyers, coupons, newspaper merchandise advertisements, and related signage are prohibited from display on doors and windows.
 - e. Window or door painted signs are limited to one (1) per establishment, affixed to either the window or the door, but not on both.
7. Illustration of the Emergency 911, physical address of the commercial unit must be displayed, which will not count as square footage in any signage calculations. The Street name is not required, but the numbers are. The address illustration shall be complimentary to the signage implemented on site, and easily discernable to vehicular and pedestrian traffic.
8. Flashing signs, as per the definition in Section 4.083, are strictly prohibited in the C-5 District.
9. Vending machines by nature contain commercial speech and are strictly prohibited on the external perimeter of the commercial development in the C-5 District.

SECTION 5. BE IT FURTHER ORDAINED That this ordinance shall take effect from and after its passage on third and final reading, the welfare of the City requiring it.

Motion to adopt the foregoing ordinance having been made by Don Barber and seconded by Bill Lawson, the following voted:

AYE: Don Barber, Dustin Flowers, Terry Keathley, Bill Lawson

NAY: None

The preceding ordinance passed:

First Reading: September 9, 2003

Second Reading: October 7, 2003

Third and Final Reading: November 11, 2003

ORDINANCE 567

AN ORDINANCE AMENDING THE MUNICIPAL ZONING ORDINANCE OF THE CITY OF HOHENWALD, NO. 526.

BE IT ORDAINED BY THE MUNICIPAL PLANNING COMMISSION FOR THE CITY OF HOHENWALD, TENNESSEE, That Section 4.080 STANDARDS FOR SIGNS, BILLBOARDS, AND OTHER ADVERTISING STRUCTURES to be amended by amending the fourth (4th) sentence of the second (2nd) paragraph in subsection 4.082 General Requirements to be read as follows:

Except on publicly owned property, there shall be no off-premise signage, including, but not limited to billboards.

BE IT FURTHER ORDERED That the provisions of this ordinance shall take effect on third and final reading, the welfare of the City requiring it.

Motion to adopt the foregoing ordinance having been made by Don Barber and seconded by Bill Lawson, the following voted:

AYE: Don Barber, Dustin Flowers, Terry Keathley, Bill Lawson

NAY: None

THEREUPON, the preceding ordinance passed:

First Reading: May 6, 2003

Second Reading: May 21, 2003

Third and Final Reading: June 3, 2003

ORDINANCE 584

**AN ORDINANCE TO AMEND THE ZONING ORDINANCE OF HOHENWALD, TENNESSEE,
AS OFFICIALLY ADOPTED ON JULY 20, 1998, AS AMENDED.**

WHEREAS, the following amendment was recommended by the Hohenwald Municipal Planning Commission unanimously;

WHEREAS, a public hearing will be conducted in this regard before the Mayor and City Council of the City of Hohenwald, on October 5, 2004 at 7:00 p.m., and

NOW THEREFORE, BE IT ORDAINED BY THE MAYOR AND CITY COUNCIL OF THE CITY OF HOHENWALD, TENNESSEE, That the Zoning Ordinance of Hohenwald, Tennessee is hereby amended to read as follows:

Amend Article V, Section 5.063 subsection D in the C-3 Corridor Commercial District
By adding a new special exception of Residential Activities to read as follows:

Residential Activities

Permanent residential: single-family dwellings only

BE IT FURTHER ENACTED that this ordinance shall take effect from and after its passage on the third and final reading, the welfare of the City requiring it.

Motion to adopt the foregoing ordinance having been made by Terry Keathley, seconded by Dustin Flowers, a roll call vote was held and the following voted:

AYE: Dustin Flowers, Terry Keathley and Bill Lawson

NAY: None

The following ordinance passed

First Reading: September 13, 2004

Second Reading: October 5, 2004

Third and Final Reading: November 2, 2004

Date: November 2, 2004

/s/ Bob Burklow
Mayor of the City of Hohenwald

ATTEST:

/s/ Chester Darden
City Recorder

ORDINANCE 585

AN ORDINANCE TO AMEND THE ZONING ORDINANCE OF HOHENWALD, TENNESSEE, AS OFFICIALLY ADOPTED ON JULY 20, 1998, AS AMENDED.

WHEREAS, the following amendment was recommended by the Hohenwald Municipal Planning Commission unanimously;

WHEREAS, a public hearing will be conducted in this regard before the Mayor and City Council of the City of Hohenwald, on November 2, 2004 at 6:30 p.m., and

NOW THEREFORE, BE IT ORDAINED BY THE MAYOR AND CITY COUNCIL OF THE CITY OF HOHENWALD, TENNESSEE, That the Zoning Ordinance of Hohenwald, Tennessee is hereby amended to read as follows:

Amend the ordinance in the R-2 Low Density Residential District by re-zoning property located at the corner of Walnut and West Main belonging to Bob Berry (Map 36M Group G Parcels 18.00 and 18.01) to PR-5 Preservation Residential District to allow restricted business activity.

BE IT FURTHER ENACTED that this ordinance shall take effect from and after its passage on the third and final reading, the welfare of the City requiring it.

Motion to adopt the foregoing ordinance having been made by Dustin Flowers, seconded by Bill Lawson, the following voted:

AYE: Don Barber, Dustin Flowers, Terry Keathley and Bill Lawson

NAY: None

The following ordinance passed

First Reading: October 5, 2004

Second Reading: November 2, 2004

Third and Final Reading: December 7, 2004

ORDINANCE 586

AN ORDINANCE CONCERNING EXTENSIONS OF COLUMBIA AVENUE

WHEREAS, The Mayor and City Council have determined that it is in the interest of the City for Columbia Avenue to be extended to the north and to the east; and

WHEREAS, the land owners affected by the northern extension have executed dedications of rights-of-way, those land owners being Jackie Dabbs, Wanda Frazier, Wilma Murphy Hill, Scott Higgins and Franklin; and

WHEREAS, those land owners affected by the eastern extension have not yet granted rights-of-way;

NOW THEREFORE, BE IT ORDAINED BY THE MAYOR AND CITY COUNCIL OF THE CITY OF HOHENWALD, TENNESSEE, that appropriate City officials contact the land owners affected by the eastern extension to determine whether they are willing to grant rights-of-way, and if not, then the City Attorney is authorized to begin eminent domain proceedings to acquire those rights-of-way for the eastern extension of Columbia Avenue.

BE IT FURTHER ENACTED that this ordinance shall take effect from and after its passage on the third and final reading, the welfare of the City requiring it.

Motion to adopt the foregoing ordinance having been made by Terry Keathley, seconded by Bill Lawson, the following voted:

A YE: Dustin Flowers, Terry Keathley and Bill Lawson

NAY: None

The following ordinance passed

First Reading: November 2, 2004

Second Reading: December 7, 2004

Third and Final Reading: January 4, 2005