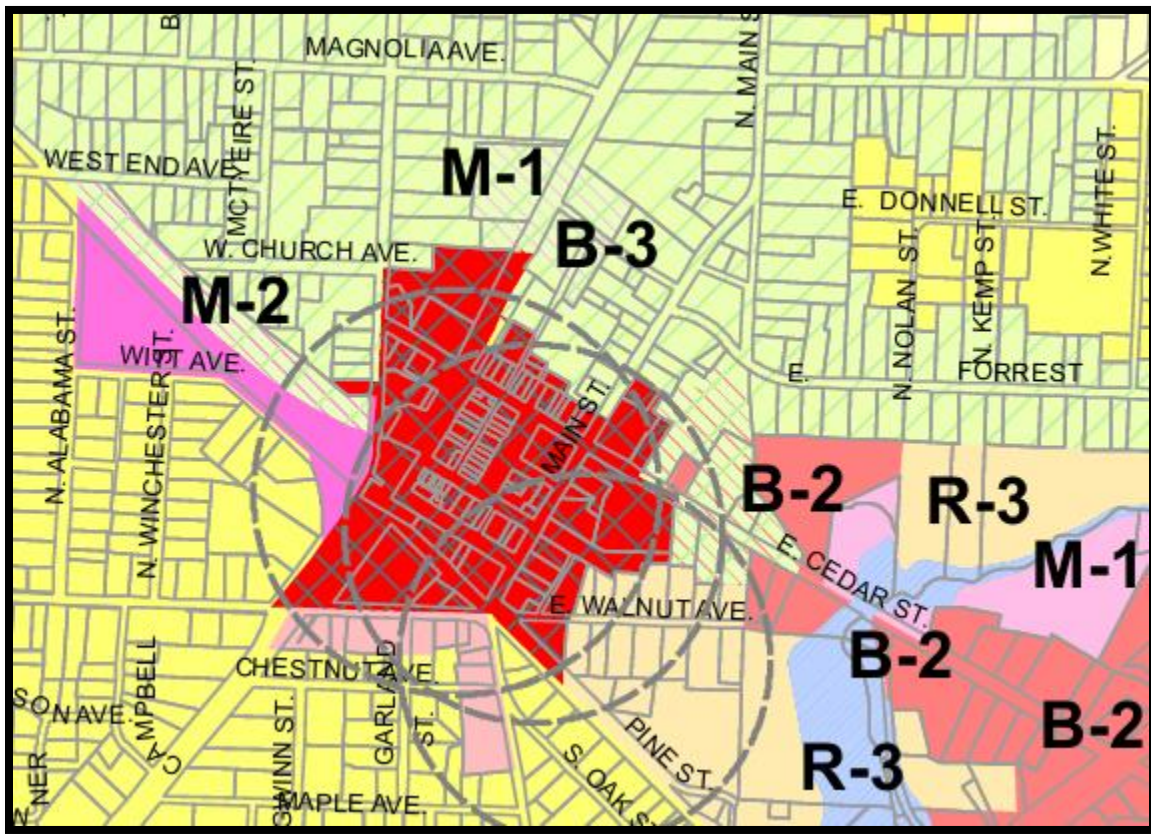


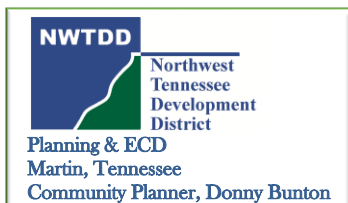
# ZONING ORDINANCE



## MCKENZIE, TENNESSEE

Re-adopted September 11, 2025

with assistance from:



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# ZONING ORDINANCE OF MCKENZIE, TENNESSEE

## CHAPTER 1

### AUTHORITY

An ordinance to amend Title 11 of the municipal code of the City of McKenzie, Tennessee by deleting in their entirety Chapters 2 through 17 and by substituting in lieu thereof Chapters 2 through 18 as set forth in the remainder of this Ordinance. This section is taken in pursuance of the authority granted by Section 13-7-201 through 13-7-210 of the Tennessee Code Annotated, and for the purpose of promoting the public health, safety, morals, convenience, order, prosperity and general welfare; to provide for the establishment of districts or zones within the corporate limits of McKenzie; to regulate within such districts the location, height, bulk, number of stories and size of buildings and other structures, the percentage of the lot which may be occupied, the sizes of yards, courts and other open spaces, the density of population, the uses of buildings, structures and land for trade, industry, residence, recreation, public activities and other purposes; to provide methods of administration of this Ordinance and to prescribe penalties for the violation thereof.

## CHAPTER 2

### TITLE AND MAP

#### SECTION

##### **11-201. TITLE AND MAP**

**11-201.** This Ordinance shall be known and may be cited as the Zoning Ordinance of McKenzie, Tennessee, and the map herein referred to which is identified by the title, "Zoning Map McKenzie, Tennessee" which is on file in the McKenzie City Hall and is hereby adopted as a part of this Ordinance.

## CHAPTER 3

### PURPOSE

#### SECTION

##### **11-301. PURPOSE**

**11-301.** The zoning regulations and districts as herein set forth have been made in accordance with a comprehensive plan for the purpose of promoting the health, safety, morals, and the general welfare of the community.

They have been designed to lessen congestion in the streets, to secure safety from fire, panic and other dangers, to provide adequate light and air, to prevent the overcrowding of land, to avoid undue concentration of population, to facilitate the adequate provision of transportation, water, sewerage, schools, parks, and other public requirements. They have been made with reasonable

consideration among other things, as to the character of each district and its peculiar suitability for particular uses, and with a view of conserving the value of buildings and encouraging the most appropriate use of land throughout the city.

## CHAPTER 4

### GENERAL PROVISIONS

#### SECTIONS

- 11-401. ZONING AFFECTS EVERY BUILDING AND USE
- 11-402. NON-CONFORMITIES
- 11-403. ERECTION OF MORE THAN ONE PRINCIPAL STRUCTURE ON A LOT
- 11-404. REDUCTION IN LOT AREA PROHIBITED
- 11-405. REQUIRED YARD CANNOT BE USED BY ANOTHER BUILDING
- 11-406. STREET FRONTAGE REQUIRED
- 11-407. REAR YARD ABUTTING A PUBLIC STREET
- 11-408. OBSTRUCTION OF VISION AT STREET INTERSECTION PROHIBITED
- 11-409. FUTURE STREET LINES
- 11-410. OFF-STREET AUTOMOBILE STORAGE
- 11-411. OFF-STREET LOADING AND UNLOADING SPACE
- 11-412. ACCESS CONTROL
- 11-413. SIGNS AND BILLBOARDS
- 11-414. TELECOMMUNICATION TOWER PROVISIONS
- 11-415. MANUFACTURED HOME PROVISIONS
- 11-416. PROVISIONS GOVERNING FENCES
- 11-417. LANDSCAPE PROVISIONS

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

**11-401. Zoning Affects Every Building and Use.** No building or land shall hereafter be used and no building or part thereof shall be erected, moved or altered unless for a use expressly permitted by and in conformity with the regulations herein specified for the district in which it is located, whether operated for or without compensation.

**11-402. Non-Conformities**

1. Within the districts established by this Ordinance or amendments that may later be adopted there exist:
  - (a) Non-conforming structures
  - (b) Non-conforming uses of land
  - (c) Non-conforming uses of structures which were lawful before this Ordinance was passed or amended, but which would be prohibited, regulated, or restricted under the terms of this Ordinance or future

amendment. It is the intent of this Ordinance to recognize that the elimination, as expeditiously as is reasonable, of the existing structures or uses of land or structures that are not in conformity with the provisions of this Ordinance is as much a subject of health, safety and welfare as is the prevention of the establishment of new uses that would violate the provisions of this Ordinance. It is also the intent of this Ordinance to so administer the elimination of non-conformities as to avoid any unreasonable invasion of established private property rights.

2. Any non-conforming structure with the exception of non-conforming residential structures excluding mobile homes may not be:
  - (a) Extended except in conformity with this Ordinance except as permitted by Section 13-7-208, Tennessee Code Annotated.
  - (b) Rebuilt or repaired after damage exceeding seventy-five (75) percent of replacement value except in conformity with the provision of this Ordinance or as permitted by Section 13-7-208, Tennessee Code Annotated.
3. Any non-conforming use of land may not be:
  - (a) Changed to another non-conforming use which would be more detrimental to the district in which it is located as determined by the Board of Zoning Appeals.
  - (b) Extended, except in conformity with this Ordinance or as permitted by Section 13-7-208 Tennessee Code Annotated. The Board of Zoning Appeals may allow single-family residential structures excluding mobile homes to be extended.
4. Any non-conforming use of structure may not be:
  - (a) Changed to another non-conforming use which would be more detrimental to the district in which it is located as determined by the Board of Zoning Appeals.
  - (b) Re-established after discontinuance of one year except as permitted by Section 13-7-208, Tennessee Code Annotated. Non- conforming residential structures excluding mobile homes may be re-established after discontinuance of one year.
5. Any structure (besides a non-conforming mobile home) used for a non-conforming use shall have one (1) year in which to rebuild or replace in the event that such structure is damaged or destroyed. If such structure is not rebuilt or replaced within one (1) year of receiving damage, then any future structure will be required to be used in conformity with the Zoning Ordinance.

6. Non-conforming mobile homes and mobile home parks shall comply to the following provisions.
  - (a) Non-conforming mobile home parks shall not be expanded through the addition of mobile home pads and mobile homes
  - (b) When a non-conforming mobile home, in a mobile home park, has been removed, the mobile home may not be replaced.
  - (c) When a nonconforming mobile home has been removed, on an individual lot, it may not be replaced with another mobile home.
7. Non-conforming commercial or industrial uses shall be allowed to operate continuously, expand their operations, and rebuild if necessary, so long as the operations do not cease for a period to exceed 30 months. In the event of the ceasing of operations for more than 30 months, then the new use of the property must conform with the permitted uses of the underlying zoning district.

**11-403. Erection of More than One Principal Structure on a Lot.** In any district, more than one structure housing a permitted or permissible principal use may be erected on a single lot, provided that yard and other requirements of this Ordinance shall be met for each structure as though it were on an individual lot. This provision does not apply to group housing developments as permitted under Section 11-1103.

**11-404. Reduction in Lot Area Prohibited.** No lot shall be reduced in area so that yards, lot area per family, lot width, building area, or other requirements of this Ordinance are not maintained. This section shall not apply when a portion of a lot is acquired for a public purpose.

**11-405. Required Yard Cannot be Used by Another Building.** No part of a yard or other open space required about any building for the purpose of complying with the provisions of these regulations shall be included as a part of a yard or other open space requirement under these regulations for another building.

**11-406. Street Frontage Required.** No building shall be erected in any district except the B-3 (Central Business District) on a lot which does not abut at least one public street for at least fifty (50) feet. This shall not be construed to apply to properties abutting a cul-de-sac type turn around: a minimum street abutment of twenty-five (25) feet shall apply to cul-de-sac turnarounds provided, however, that the minimum lot width is provided at the front yard setback (building) line.

**11-407. 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 from the street line, centerline of the street, or property line as required for adjacent properties which front on that street.

**11-408. Obstruction to Vision at Street Intersection Prohibited.** On a corner lot not in a B-3 Central Business District, within the area formed by the center lines of the intersecting or intercepting streets and a line joining points on such center lines at a distance of ninety (90) feet from their intersection, there shall be no obstruction to vision between a height of three and one-half (3 -1/2) feet and a height of ten (10) feet above the average grade of each street at the center line thereof. The requirements of this section shall not be construed to prohibit any necessary retaining wall.

**11-409. Future Street Lines.** For the purpose of providing adequate space for widening major streets in the future, the minimum required front yard on a lot abutting a major street shall be measured from the proposed right-of-way width shown on the latest Major Street and Road Plan officially adopted and placed on public record by the Planning Commission.

**11-410. Off-Street Automobile Storage.** There shall be provided, at the time of the erection of any building or structure, or at the time any main building or structure is enlarged or increased in capacity by adding dwelling units, guests rooms, seats or floor area; or before conversion from one zoning use or occupancy to another, permanent off-street parking space in the amount specified by this section. Such space shall be provided with vehicular access to a street or alley. The provisions of this article shall not apply to the B-3 Central Business District.

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

hundred (400) square feet per parking space shall be used when computing parking area to include maneuvering space.

(b) Residential and Related Uses:

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

(c) Public and Semi-public Uses:

Hospital	One (1) space for each three beds intended for patient use, exclusive of bassinets.
Clinic	Three (3) space for each doctor plus one (1) space for every two (2) employees.
Elementary school and junior high school	One (1) space for each classroom and administrative office.
Senior high school	One (1) space for each classroom and administrative office plus one space for each twenty (20) students for which the building was designed.
Stadium	One (1) space for each ten (10) spectator seats.



adjacent van accessible spaces shall have a minimum of two 96 inch (8 feet) spaces separated by a 96 inch (8 feet) aisle.

The number of handicapped parking spaces in relation to the total number of spaces is listed below (unless dictated for multiple family, or automobile showrooms or specified medical uses as dictated by the North Carolina Handicapped Code):

<u>Total Spaces in Lot</u>	<u>Required number of reserved spaces</u>
Up to 25	1
26 to 50	2
51 to 75	3
76 to 100	4
101 to 150	5
151 to 200	6
201 to 300	7
301 to 400	8
401 to 500	9
501 to 1000	2% of Total
Over 1000	20 plus 1 for each 100 over 1000

- (b) Ramp slopes for wheelchair accessibility shall be between 1:12 and 1:20.
- (c) The travel distance along accessible routes from accessible parking spaces to accessible entrances shall not exceed 200 feet.
- (d) The number and location of handicapped parking spaces shall be dictated the North Carolina Handicapped Code, the Americans with Disabilities Act, or other applicable code. If there is a conflict, the strictest standard shall apply.

5. Maintenance

Property owners shall be required to maintain their parking lot facilities located within the City of McKenzie. Each owner shall be required to ensure that proper striping for all parking spaces is provided at all times. Signs shall be maintained by property owners as well.

**11-411. Off-Street Loading and Unloading Space.** Behind every building or structure used for business or trade, except the central business district, there shall be a rear yard not less than twenty (20) feet in depth to provide space for loading and unloading vehicles.

**11-412. Access Control.** In order to promote the safety of the motorist and pedestrian and to minimize traffic congestion and conflict by reducing the points of contact, the following regulations shall apply:

1. A point of access, i.e., a drive or other opening for vehicles onto a street, shall not exceed forty (40) feet in width, except that driveways serving gasoline service stations or other auto service facilities shall not exceed fifty (50) feet in width.
2. Lots more than one hundred (100) feet in width shall be permitted two (2) access points to any one (1) public street, provided, however, there shall be a minimum of one hundred-fifty (150) feet between access points. Lots more than one hundred (100) feet in width which are not sufficiently wide to meet the above provisions shall provide the maximum possible distance between access points. Lots less than one hundred (100) feet in width shall have no more than one (1) point of access to any one (1) public street.
3. No point of access shall be allowed within ten (10) feet of the right-of-way of any public street intersection.
4. The area between the street and an off-street parking space or driveway parallel to the street shall have a curb at least six (6) inches in height and six (6) inches in width separating the parking area from the sidewalk, to prevent encroachment of vehicles onto the sidewalk area.
5. No curbs on city streets or rights-of-way shall be cut or altered without written approval of the Building Inspector.
6. Cases requiring variances relative to this action, and hardships not caused by the property owner, shall be heard and acted upon by the Board of Zoning Appeals, provided, however, that no curb cuts for off-street automobile storage or parking space shall be permitted where the arrangement would require that vehicles back directly into a public street.
7. Access control on property abutting state or federal highways shall be governed by official regulations of the Tennessee Department of Highways or the provisions of this Ordinance, which ever is higher.

#### **11-413. SIGN REGULATIONS.**

1. General purpose. These conditions are established as a reasonable method of regulating advertising structures in order to ensure light, air, and open space; to reduce hazards at intersections; to prevent accumulation of trash; to preclude the establishment of structures which would afford hiding places for activities characterized as criminal; and to protect property value of the entire community. The regulations for signs and other advertising structures are indicated below. The interpretation of nomenclature in this Section shall be as defined in Section 11-1301.
2. Definitions. The definitions pertaining to this section relative to various signs are found within Chapter 13, Section 11-1301, Definitions, of the Zoning Ordinance of McKenzie, Tennessee.
3. Exemptions. The following signs shall be exempt from regulation under this chapter:
  - (A) Any public notice or warning required by a valid and applicable federal, state, or local law, regulation, or ordinance;
  - (B) Any sign inside a building, not attached to a window or door, that is not legible from a distance of more than three (3) feet beyond the lot- line of the zone lot or parcel on which such sign is located;

- (C) Works of art that do not include a commercial message;
- (D) Holiday signs and decoration with no commercial message;
- (E) Traffic control signs on private property, such as Stop, Yield, and similar signs, the face of which meet department of transportation standards and which contain no commercial message of any sort; and,
- (F) Signs of any kind displayed within the geographic boundaries of, and in conjunction with, public functions, festivals, street fairs or other similar celebrations.
- (G) Certain civic and institutional signs promoting the City and or educational facilities within the City of McKenzie.

4. Regulations applying to all districts. In any zoning district, as indicated in Section 11-501, the following general regulations shall apply:

- (A) No sign shall be erected or maintained at any location where, by reason of its position, wording, illumination, size, shape, or color it may obstruct, impair, obscure, interfere with the view of, or be confused with any authorized traffic control sign, signal, or device as to interfere with, mislead, or confuse traffic.
- (B) No illuminated sign shall be permitted within twenty-five (25) feet of property in any residential district unless the illumination of the sign is so designed that it does not shine or reflect light onto the property.
- (C) No business or advertising sign shall be erected to exceed fifty (50) feet in length. No sign shall be erected to exceed the height of the district limit in which it is located.
- (D) All outdoor advertising structures, including billboards, shall be erected in conformity with the side and rear yard requirements of the district in which located, and shall be set back from the established street right-of-way line so as not to block the view of an adjacent building.
- (E) No off-premise advertising sign shall be located in any area designated as one of scenic beauty and/or scenic route.
- (F) Posting Signs and Notices. [See existing McKenzie City Ordinance 16-114].
- (G) Temporary signs. Temporary signs are prohibited in all areas except in the following cases:
  - a. Temporary signs not exceeding thirty-two (32) square feet in area are allowed to advertise drives or events of civic, philanthropic, educational, or religious organizations, provided that said signs are posted only during said drive or no more than sixty (60) days before said event and are removed within forty-eight (48) hours after the completion of such event.
  - b. Signs exceeding twenty-four (24) square feet in area and containing a commercial message are allowed on private property only upon the issuance of a temporary sign permit, which shall authorize the use of such a sign for a specified ten-day period. Temporary signs shall be registered with the City of McKenzie. There is not a registration fee required for temporary signs.
  - c. Such signs shall not be considered billboards, outdoor advertising devices.
  - d. The following applies only to the aforementioned allowable temporary signs:

- 1) Temporary signs shall neither be erected or otherwise fixed to any object within the right-of-way of any street, nor be erected at the intersection of any street in such a manner as to obstruct vision or be confused with any authorized traffic sign, signal, or device. See adopted Building Code.
  - 2) Temporary signs identifying or advertising relocated, permanently closed or non-existent businesses shall be permitted not to exceed 30 days.
  - 3) Signs that are not properly maintained shall be removed in their entirety.
  - 4) Temporary domestic signs associated with any authorized residential garage sales, or moving sale provided such temporary domestic signs:
    - Shall indicate no more than the type, location, time, and date of such sale; with no listing of items to be sold.
    - Shall be no higher than 3-1/2 feet above grade or larger in display area than nine (9) square feet.
    - Shall not be attached to any structure or vehicle other than its own support posts.
    - Shall not be displayed immediately in front of another person's property without express consent from that property owner or owner's representative.
    - Shall be displayed no more than ten (10) days prior to the sales date and shall be removed within seven (7) days following the last date of the respective sale.
    - It is the responsibility of the adult resident of the location of the sale to conform to these provisions including removal of all such signs within the time frames specified.
  - 5) Temporary signs associated with any estate auction shall be displayed no more than forty-five (45) days prior to the beginning date and shall be removed within seven (7) days following the last date of the respective sale.
  - 6) There shall be no more than two (2) temporary signs authorized per 100 linear feet of street frontage.
- (H) Portable signs are prohibited except in the (B-2) Highway Business, INS (Institutional), (I-R) Restricted Institutional Districts as well as for the following uses: State, County, Municipal, Religious, and Schools. These signs are not to exceed 24 square feet and their illumination shall not be permitted to flash. Said signs are to be setback a minimum of 10 feet from the property line in which the sign will front. The wheels of such signs shall not be removed.
- (I) At any location deemed a safety hazard by the Building and Codes Department, a clear zone of vision shall be established between three and one-half (3-1/2) feet to ten (10) feet above grade level. Sign clearance shall be measured from grade level.

- (J) Professional signs for home occupations shall comply with the requirements of Chapter 6, Provisions Governing Residential Districts, Sections 11-601, 11-602, 11-603 of the Zoning Ordinance of McKenzie.
- (K) No rotating sign shall exceed eight (8) rounds per minute (rpm's). No direct beam of light shall revolve.
- (L) All abandoned signs or signs relating to an abandoned use must be removed within forty-five (45) days after abandonment. Removal is the responsibility of the owner of the property.
- (M) All signs shall be constructed, connected, operated and maintained according to the specifications of the adopted Building Code.
- (N) All signs and their components shall be maintained in a good state of repair. The City may order the removal of any sign which becomes a public hazard due to lack of maintenance or repair. Replacement signs which do not exceed the size of their proceeding sign and which conform to the current provisions governing signs shall not be required to have a permit.
- (O) Signs may be illuminated provided the illumination is effectively shielded so as to prevent beams or rays of light from being directed at any portion of the traveled ways of any road or street. Illumination which is of such intensity and brilliance as to cause glare or to impair the vision of the driver of any motor vehicle or which otherwise interferes with any driver's operation of a motor vehicle is prohibited.
- (P) No sign shall be allowed if the changeable copy area of the sign exceeds eighty (80) percent of the total sign area.
- (Q) Upon the effective date of Ordinance No. 11-413, no new off-premise advertising structures shall be erected within the city limits of the City of McKenzie. Any off-premise advertising structure which is legally permitted on the effective date of Ordinance No. 11-413 shall be considered to be nonconforming and is subject to the following regulations:
  - (a) The maximum area for any one sign face shall be seven hundred (700) square feet on all interstate and controlled access highways, and four hundred (400) square feet on all other streets of the City of McKenzie, plus a maximum of thirty (30) percent additional for embellishments. Embellishments shall be considered to be any type of border or decorative trim. The thirty (30) percent factor shall be calculated proportionally for each individual sign face in question. The total sign face area may not exceed the maximum square footage as regulated above; however, sign faces may be placed back-to-back or v-type at a thirty-degree angle or less.
  - (c) The maximum sign face height shall be thirty (30) feet and the maximum sign face length shall be sixty (60) feet, inclusive of any border and trim, but excluding ornamental base or apron support and other structural members.
  - (d) On all highways or streets no two (2) structures shall be spaced less than one thousand (1,000) linear feet apart on the same side of such highway or street. The minimum distance between sign structures shall be measured between points on each structure closest to the other projected

- perpendicular to the nearest edge of the pavement (or traveled portion of such right-of-way).
- (e) No two (2) structures shall be placed on any highway or street spaced less than five hundred (500) feet apart in any direction. The minimum distance shall be measured along a straight line between the points on each structure closest to the other.
  - (f) Outdoor advertising structures shall not exceed thirty-five (35) feet in height above the roadway grade level to which the sign is oriented.
- (R) Banners shall be allowed only when attached at all corners to the principal structure, including any enclosed area, containing merchandise for sale and attached to the principal structure.
  - (S) Pennants/streamers shall maintain a ten-foot clearance from the bottom of the pennants/streamers to the ground.
  - (T) Strings of lights shall be required to have electrical permits, be inspected, and approved by UL or a major testing laboratory. Strings of lights must also meet the ten- (10) foot minimum clearance required for pennants and streamers.
  - (U) Public signs.
    - 1) No signs shall be allowed in the public right-of-way, except for the following:
      - (a) Public signs erected by or on behalf of a governmental body to post legal notices, identify public property, convey public information, and direct or regulate pedestrian or vehicular traffic.
      - (b) Bus stop signs erected by a public transit company.
      - (c) Informational signs of a public utility regarding its poles, lines, pipes, or facilities.
      - (d) Emergency warning signs erected by a governmental agency, a public utility company, or a contractor doing authorized or permitted work in the public right-of-way.
    - 2) Any sign not specified above which is installed or placed on public property, except in conformance with the requirements of this section, shall be forfeited to the public and subject to immediate confiscation without notice to the owner. In addition to other remedies hereunder the City shall have the right to recover from the owner or person placing such sign the full cost of removal or disposal of such sign.
  - (V) Nothing in this Ordinance shall prohibit the use of advertising signs within the confines of athletic facilities, civic halls, or within the confines of parks in conjunction with sporting events. Such allowance shall be at the discretion of the Building and Codes Department.
  - (W) Mailbox Identification/Street Address Numeral Displays must be as specified by provisions of the adopted State of Tennessee Emergency 911 regulations and the United States Postal Service regulations.
  - (X) For single-family, two- and three-family, and multiple-family dwellings, nameplates not to exceed two (2) square feet in area shall be permitted for each dwelling unit. The nameplate shall indicate nothing other than name and/or address of occupants, premises, or announcement of boarders or roomers. In such

residential districts, unlighted, freestanding permanent or temporary signs of six (6) square feet in area or less are permitted. The use of such signs to advertise any commercial enterprise not permitted and actually conducted on the same lot is prohibited.

- (Y) For multiple-family and group dwellings, identification signs, not to exceed twelve (12) square feet in area, shall be permitted. The sign shall indicate nothing other than name and/or address of premises and name of the management.
- (Z) For all permitted uses not listed in this Section, signs not to exceed thirty (30) square feet in area shall be permitted. Such shall not be located in a manner so as to obscure or impair vision of persons operating vehicles entering or leaving the premises.
- (AA) Signs permitted in subsections (X), (Y) and (Z) shall be limited to one sign per street frontage.
- (BB) Identification signs containing only the name of the public use or institution shall be permitted but shall not exceed one hundred fifty (150) square feet of area.
- (CC) Flashing or intermittent illumination is prohibited.
- (DD) Subdivisions may erect no more than two (2) permanent identification signs at subdivision entrances on every major connector street entering the subdivision, with an aggregate maximum square footage not to exceed sixty-four (64) square feet. Such signs may identify the name of the subdivision, the primary developer or builders of dwelling units in the subdivision; however, the use of such signs to advertise any commercial enterprise is prohibited.

5. Business Districts B-1, B-2, B-3, B-4, and P-B; Hospital - Institutional Districts H-M, INS, I-R; Industrial Districts M-1, M-2, and M-P.

- (A) For business uses permitted, the regulations of signs shall be the same as in the regulations in Section (3) above.
- (B) The total area of all signs on each parcel shall not exceed one square foot of surface area for each one linear foot of lot adjoining a place street or permanent easement, as regulated in Section 11-701, or at a maximum of 360 square feet except within the B-3 (Central Business District). The maximum total area of all signs within the B-3 (Central Business District) shall be 250 square feet.
- (C) No signs, except "low profile signs," may be placed within twenty (20) feet of the front property line and shall comply with all rear and side yard setback requirements.
  - 1) Portable signs are allowed by sign registration only. Registration fees are not required for portable signs.
- (D) Signs shall not exceed fifteen (15) feet in height, except those attached to the face of the building. Signs attached to buildings shall not extend above the roofline.
- (E) Bulletin boards not exceeding forty (40) square feet in area shall be permitted for public uses, utilities, hospitals, and clinics
- (F) No sign shall exceed, from the ground elevation on which it is placed, thirty-five (35) feet in height in the H-M, INS, and I-R zones and fifty (50) feet in height in the B-1, B-2, B-3, B-4 and B-P zones with the exception of signs as controlled in the following item (H).

- (G) In an M-1, M-2, and M-P district, business signs shall be permitted not exceeding two (2) square feet per one linear foot of street frontage, or at a maximum of 200 square feet. Such signs shall be located not closer than one-half the required setback from all property lines.

6. Central Business District B-3, (CBD) the following regulations shall apply, and if the same subject matter is regulated elsewhere in the title, the more restrictive regulation shall apply:

- (A) The total square footage for all wall and awning signs is one square foot per linear foot of the structure's primary entrance frontage, and shall not exceed ten (10) percent of the surface to which it is affixed, whichever is lesser.
- (B) All projecting signs shall maintain a clear height of a least ten (10) feet above the finished elevation of the sidewalk. Such sign shall not project upon or over any sidewalk for more than four (4) feet, and shall not extend over a public street. For signs within (7) seven to ten (10) feet of the finished elevation of the sidewalk, the size of the projecting sign shall not exceed six (6) square feet in area. For signs within ten (10) to twelve (12) feet of the finished elevation of the sidewalk, the size of the projecting sign shall not exceed twelve (12) square feet in area. For signs twelve (12) feet above the finished elevation of the sidewalk, the size of the projecting sign shall not exceed sixteen (16) square feet in area.
- (C) All awnings shall maintain a clear height of eight (8) feet above the finish elevation of the sidewalk and shall not project over any sidewalk more than six (6) feet, and shall not extend over a public street.
- (D) All projecting signs and awnings shall be set back two (2) feet from the street.
- (E) After the effective date of this Ordinance, all new signs for which a permit is required must be reviewed and approved by the Historic Zoning Commission, upon a determination that the proposed signage is in conformance with the Historic District Design Guidelines as adopted by the Historic Zoning Commission, or any amendment thereto.
- (F) In addition to all wall and awning signs, all window signs shall not exceed more than twenty-five (25) percent of the total window area of the primary entrance footage.
- (G) All freestanding signs shall not exceed thirty-two (32) square feet and shall not encroach upon any public right-of-way.
- (H) Flags, as defined and authorized in Section 11-1201 of said Ordinance, shall have a seven-foot clearance from the finish elevation of the sidewalk. No principal structure shall be allowed more than three (3) flags.
- (I) Banners shall be allowed only when attached at all corners to the principal structure and shall obtain a temporary sign permit, which shall authorize the use of such a banner for a specified ten-day period. Banners shall provide for a ten-foot clearance and shall have only one such permit issued to the same business license holder per calendar quarter. The Building Inspector shall establish the fee for a temporary permit.

- (J) Entrance and exit signs, for parking or directions, shall be four (4) square feet or less.
- (K) Signs must be illuminated in a manner that does not impair the visibility of motorist or pedestrians. Light sources shall be shielded to minimize the visibility of lamps and prevent over spray beyond the sign perimeter.
- (L) Exposed bulb signs are prohibited. No flashing, chasing, running or sequential lighting is permitted.
- (M) With the exception of projecting signs and awnings as described in this Section, no private advertising signs shall be placed on or overhanging the public right-of-way.
- (N) Private signs attached to utility poles are the subject of other governmental jurisdictions and are NOT covered by this ordinance.
- (O) All pennants / streamers are prohibited with the exceptions of those which were displayed continuously by businesses on or before April 27, 2006 may continue to display such pennants / streamers.
- (P) One sign not to exceed forty (40) square feet in area, indicating the name of the contractors, engineers, and/or architects of a project is allowed during a construction period.
- (Q) Preservation of the cultural and historic character of Downtown McKenzie is a valid object of zoning by the McKenzie Board of Mayor and Council as recommended by both the Historic Zoning and Planning Commissions. Therefore, for the purpose of maintaining the historical character of the McKenzie Central Business District, the following signs shall be exempt from the regulations contained herein:
  - 1) Signs which are part of the original construction of any building constructed before April 27, 2006;
  - 2) Signs which have been displayed continuously before April 27, 2006 a location with the McKenzie Central Business District.

**11-414. Communications towers are allowed in any zoning district if the following conditions are met:**

- A The structure is proposed to be located a distance equal to its own height plus ten (10) feet from the nearest property line.
- B The structure is located closer than a distance equal to its own height plus ten (10) feet from the nearest property line, but a letter has been provided by the design engineer stating that the fall radius of the tower would be completely on the tower's property.
- (3) In order that the Board of Zoning Appeals may make an accurate determination of the character of the proposed uses and its compliance with Zoning standards, the applicant shall submit an accurately and legibly drawn site plan at a scale of not more than 100 feet to one (1) inch, illustrating the proposed structure including, but not limited to the following if requested by the Board of Zoning Appeals, a survey certified by a registered land surveyor or engineer showing property lines and

dimensions; the gross land area of the site; existing and proposed utilities, easements, streets and roadways; rail rights-of-way and public right-of-way crossing and adjacent to the subject property. Distances from existing structures on adjacent property will be required in order to review compliance with the established regulated distances for such uses above.

**11-415. Manufactured Home Requirements**

1. The unit must give the general appearance that it has a permanent brick, block or stone perimeter and interior foundation system. Manufactured Homes in Flood Hazard Areas must comply with the requirements prescribed in Chapter 10 of this Ordinance.
2. The home must be covered with an exterior material customarily used on conventional dwelling units. Suitable exterior materials include but shall not be limited to clapboard, simulated clapboards, such as conventional or metal material, but excluding smooth, ribbed or corrugated metal or plastic panels.
3. The hitches or towing apparatus, axles and wheels must be removed.
4. The roof must be pitched so there is at least a 3.57-inch vertical rise for each 12 inches of horizontal run. The roof must consist of material that is customarily used for conventional dwellings including but not limited to approved wood, asphalt composition shingles or fiberglass, but excluding corrugated aluminum, corrugated fiberglass or metal roof.
5. The unit must be oriented on the lot so that its long axis is parallel with the street.

**11-416. Provisions Governing Yard Sales.**

1. Definitions. The following terms shall have the meanings indicated:
  - a) Yard Sale – shall refer to and include all general sales, open to the public, conducted from or on residential premises in any zone, as defined by the zoning ordinance, for the purpose of disposing of personal property including, but not limited to, all sales entitled "garage," "lawn," "yard," "attic," "porch," "room," "auction," "backyard," "patio," "flea market," or "rummage" sale.
  - b) Personal property -- shall mean property which is owned, utilized and maintained by an individual or members of his or her residence and acquired in the normal course of living in or maintaining a residence. It does not include merchandise which was purchased for resale or obtained on consignment.
  - c) Permit – shall refer to the free form that must be obtained, completed, submitted to and issued by the City of McKenzie prior to conducting a yard sale; and must be displayed on the premises during the time of the sale.

- d) Liability for yard sale- shall mean that the applicant assumes all liability associated with the yard sale; the City of McKenzie assumes no responsibility.
- e) Household – shall refer to the individual who applies for a permit and anyone who resides in that individual’s residence; and
- f) City/Town – shall refer to the City of McKenzie, Tennessee.

2. Permitted signs.

- a) A yard sale sign shall not be placed or affixed to a tree or utility pole. Yard Sale signs are subject to the stipulations and requirements of Signage as found in the City Ordinances. Refer to Section 11-413 of the Zoning Ordinance of McKenzie, Tennessee. A copy of this Ordinance can be viewed or obtained through City of McKenzie – Municipal Building, McKenzie, Tennessee.
- b) Should the yard sale for any reason not be held all signs, flyers, posters, and bulletins advertising the yard sale, must be removed no later than the scheduled last day for the yard sale.

3. Frequency and duration limitations; days and hours of operation.

- a) Three (3) yard sales are permissible per household in any twelve (12) month period (January to December) with a permit and no permit fee. Households will not be allowed to have more than three yard sales per year. The City wide yard sale does not count against the three (3) per year.
- b) Yard sales may be held Thursday through Saturday only. It shall be unlawful for any individual, group, or corporation to conduct a yard sale within the City on a Sunday.
- c) Yard sales may be allowed to operate from 6:00 a.m. to sunset.

4. Permits not transferable. No permit issued pursuant to the provisions of this ordinance shall be transferred. Permits must be displayed on the premises during the time of the sale. Exceptions will be made in instances where an act of God or another uncontrollable circumstance has occurred which would prevent the yard sale from taking place on the original date(s) it was permitted for.

5. Persons exempted from this ordinance. The provisions of this ordinance shall not apply to or affect the following:

- a) Persons selling goods pursuant to an order of process of a court of competent jurisdiction.
- b) Persons acting in accordance with their powers and duties as public officials.

- c) Any sale conducted by any merchant or mercantile or other business establishment on a regular, day-to day basis from or at the place of business wherein such sale would be permitted by zoning regulations of the City, or under the protection of the nonconforming use section thereof, or any other sale conducted by a manufacturer, dealer or vendor in which sale would be conducted from properly zoned premises, and not otherwise prohibited by other ordinances.
  - d) Any bona fide charitable, educational, cultural or governmental institution, or organization when the proceeds from the sale are used directly for the institution or organization's charitable purposes and the goods or articles are not sold on a consignment basis. Proof of status may be required at discretion of the City.
  - e) The City Wide Yard Sale held in conjunction with special city events will not require a permit and will not count as one of the four yard sales per year.
6. Traffic/Parking Control. All traffic and parking must comply with State of Tennessee Regulations as well as Municipal Codes. Refer to Title 15 of the Motor Vehicle Traffic and Parking Regulations as well as City Codes Chapter 2 Sec.9-208, Chapter 5 Section 11-503. Copies of these can be viewed or obtained at City of McKenzie Municipal Building. Applicants and or drivers assume all liability.
  7. Violation. Any person who shall violate any provision of this Ordinance shall, upon conviction thereof, be sentenced to pay a fine of fifty (\$50.00) dollars and prosecution costs.
  8. Enforcement. Any police officer, codes officer and/ or other appointed officer of the City is hereby authorized to act on behalf of the City.
  9. Repeal. All ordinances or any parts thereof which are inconsistent herewith are hereby repealed to the extent of such inconsistency.
  10. Severability. If any provision, sentence, clause, section, or any part of this ordinance is for any reason found to be unconstitutional, illegal, or invalid, such unconstitutionality, illegality, or invalidity shall not affect or impair any of the remaining provisions, sentences, clauses, sections, or parts of this Ordinance. It is hereby declared as the intent of the Board of Mayor and Councilmen that this ordinance would have been adopted had such unconstitutional, illegal, or invalid provision, sentence, clause, section, or part thereof not have been included herein.
  11. Effective date. This ordinance shall take effect immediately upon its enactment.

**11-417. Fence Requirements.** Fences, walls and hedges may be permitted, upon issuance of a building permit (per the requirements of Chapter 15) in any required yard along the edge of any yard except as prohibited in Subsection below:

1. Visibility at Intersections

On a corner lot in any district, except B-3, nothing shall be erected, placed, planted or allowed to grow in such a manner as to impede vision between a height of three (3) and then ten (10) feet. This restriction applies to that area formed by the center lines of streets or a street and a railroad at a distance of one hundred (100) feet from their intersections.

2. Maximum Height

Single-family, duplexes, and multi-family – six (6) feet.

Tennis courts – ten (10) feet.

3. Exterior Storage

Exterior storage may be permitted in the side and rear yards of the principal building only, provided the location, extent, and screening of storage is approved as a part of the site plan by the Planning Commission; and further, provided that exterior storage shall be screened from public view by a suitable fence, wall or hedge not exceeding fifteen (15) feet in height with the stored materials to be kept at least two (2) feet below the top of such screen.

4. Screening

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

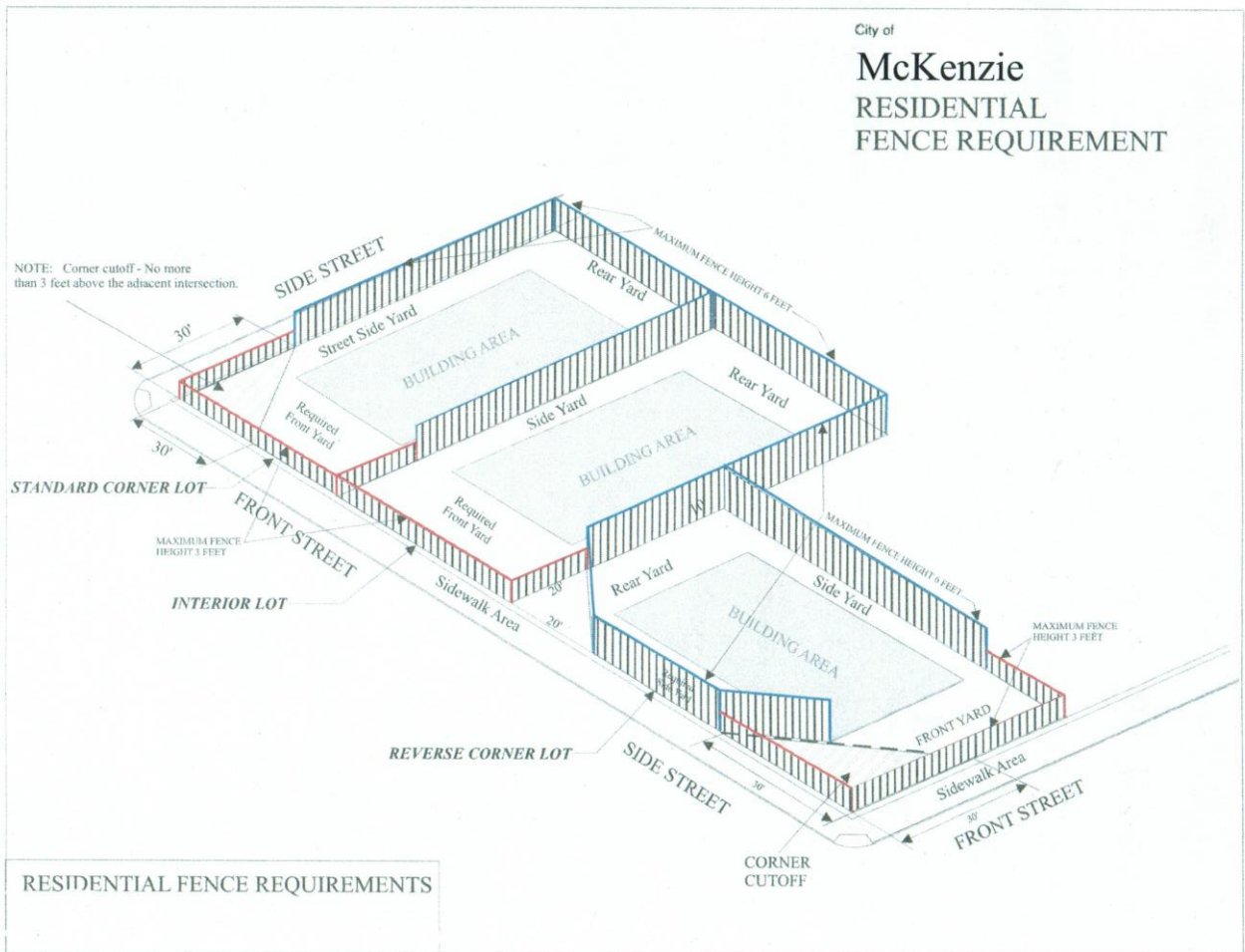
5. Fencing Materials

Fences should be made of masonry, ornamental metal, vinyl, chain link, durable wood, or some combination of the aforementioned materials. The use of wire is not permitted for fences. The finished side or outside of fences shall be positioned to face adjacent properties.

Privacy screening shall be required in multi-family housing areas to separate such areas from adjacent single-family or duplex properties.

6. Front Yard Fences

In any front yard, fences, walls and hedges may be permitted, but not in the required front yard. Setbacks shall not be required in side and rear yards.



## 11-418. LANDSCAPING

### 11-418.1 LANDSCAPE PLAN

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

### 11-418.2 ADMINISTRATION AND ENFORCEMENT

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

11-418.3 LANDSCAPE PLAN AND PLANTING REQUIREMENTS

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

11-418.4 LANDSCAPING REGULATIONS FOR MULTI-FAMILY (WITH MORE THAN 3 UNITS), COMMERCIAL AND INDUSTRIAL SITES

- A. Landscape Zones
  - 1. All site boundaries fronting onto streets shall have a Landscape Zone consisting of an unpaved area planted in grass or mulched with bark. The area shall be landscaped with trees (and shrubs if the developer so desires). The zone shall be a minimum of 5 feet wide facing two lane streets and 10 feet wide facing four lane streets. This shall be behind the property line between right-of-way and any paving. No parking or structures (except signs) will be allowed in the Landscape Zone. At least one tree for every 30 linear feet or portion thereof shall be planted in the landscaped strip; however, this shall not be construed as requiring the planting of trees on thirty (30) foot centers.
  
  - 2. All site boundaries facing adjacent properties shall have an unpaved Landscape Zone. At least one tree for every 30 linear feet or portion thereof shall be planted in the landscaped strip. A minimum zone five (5') wide shall be provided. The Landscape Zone shall be increased if there is a larger buffer required because of a zoning or land use difference between properties.
  
  - 3. The preferred trees for Landscape Zones facing adjacent properties are canopy or shade trees and evergreen trees. In the event overhead or underground utilities are present, 1½" caliper understory trees may be planted.

4. In the event the proper number of trees cannot be planted in the Landscape Zones because of utilities or site development problems, the trees shall be placed elsewhere on the property.

B. Screening

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

11-420. Tiny Houses

Tiny houses, as defined in Chapter 13 of this Ordinance, where allowed as a permitted use by this Ordinance shall meet the following conditions:

1. Tiny houses shall have the same general appearance as required for site-built homes.
2. Tiny houses must be installed on a permanent foundation system in compliance with all applicable requirements of the adopted building code.
3. Tiny houses must be covered with an exterior material customarily used on a conventional dwelling. The exterior covering material shall extend to the ground except that, when a solid concrete or masonry perimeter foundation is used, the exterior covering material need not extend below the top of the foundation.
4. Any hitches or towing apparatus, axles and wheels must be removed.
5. The roof must be pitched so there is at least a two - inch vertical rise for each twelve (12) inches of horizontal run. The roof must consist of material that is customarily used for conventional dwellings.
6. Tiny houses shall be required to connect to a public utility system which includes gas, electric, water and sewer in compliance of the adopted applicable building and electric codes.
7. Tiny houses may not exceed two (2) stories in height.

11-421. Travel Trailers / Recreational Vehicles. Occupied, privately owned, Individual travel trailers / recreational vehicles are not permitted as a principal use of property in any zoning district. These structures are only allowed as units in approved “travel trailer / recreational vehicle” parks in R-4 (Residential Mobile Home) Districts, or under the broader land use category of “Commercial Recreational” in the B-2 (Highway Business) Districts. Unoccupied travel trailers / recreational vehicles being stored by the occupant(s) of an approved residential dwelling (on the

same property) are considered to be accessory uses, which are customarily incidental to said residential dwelling.

11-422      Site Plan Review Requirements - The following procedures and standards are established for those sections of this ordinance which require the submission and approval of a site plan prior the issuance of a building permit or certificate of occupancy for any affected lands, structures, or buildings, including those owned or occupied by governmental entities. Site plans shall be reviewed and approved or disapproved under the following procedures and standards as specified by this ordinance.

A.      Site Plan Submission and Review - Site plan review is required as follows:

1.      The review and approval of a site plan by the McKenzie Municipal / Regional Planning Commission for:
  - a.      Any permitted use in Business, Institutional, and Industrial districts.
  - b.      Any permitted use in residential districts, excluding single family dwellings.

The Planning Commission may require such changes in the presented site plan as may be necessary to minimize the impact of the requested use upon the town. This power of review may include, but not be limited to, setbacks, screening, lighting, parking location, layouts, access, drainage and general landscaping requirements. This power of review shall not include the authority to specify or alter the architectural style of proposed or existing buildings.

2.      The review and approval of a site plan by the McKenzie Board of Zoning Appeals (BZA) for any Use Permitted on Appeal in Residential, Business, Institutional, and Industrial zoning districts. The Board of Zoning Appeals may require such changes in the presented site plan as may be necessary to minimize the impact of the requested use upon the town. This power of review may include, but not be limited to, setbacks, screening, lighting, parking location, layouts, access, drainage and general landscaping requirements. The BZA further reserves the right to require off-site improvements when necessary and a traffic analysis, if deemed necessary by the City Engineer. This power shall not include the authority to specify or alter the architectural style of proposed or existing buildings.

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

1.      Planning Commission Review

- a. The owner or developer shall submit four (4) copies of the proposed site plan to the Building Inspector twenty-one (21) days prior to the regular meeting date of the Planning Commission. The site plan shall be reviewed in light of the provisions of this ordinance and approved or disapproved. The plans shall then be returned to the owner or agent with the date of such approval or disapproval noted thereon. When approval has been granted, the site plan shall be signed and dated by the Secretary of the Planning Commission. In instances of disapproval, the applicant shall be notified in writing as to the reasons(s) the site plan was disapproved.
- b. Prior to the regular Planning Commission meeting, copies of the proposed site plan shall be distributed to the staff planner, and other affected departments for review of areas under their concern. Once the town staff has reviewed the proposed development and has submitted a written review, a copy of these reviews shall be distributed to members of the Planning Commission and to the applicant prior to the scheduled meeting. To assist in resolving any potential problems, the owner, developer, or agent shall be required to attend the meeting at which the item is to be heard.

2. Board of Zoning Appeals Review

- a. The owner or developer shall submit four (4) copies of the proposed site plan to the Building Inspector Twenty-one (21) days prior to the regular meeting date of the Board of Zoning Appeals. The site plan shall be reviewed in light of the provisions of this ordinance and approved or disapproved. The plans shall then be returned to the owner or agent with the date of such approval or disapproval noted thereon. When approval has been granted, the site plan shall be signed and dated by the Chairman of the Board of Zoning Appeals. In instances of disapproval, the applicant shall be notified in writing as to the reason(s) the site plan was disapproved.
- b. Prior to the scheduled meeting, copies of the proposed site plan shall be distributed to the staff planner, staff engineer and other affected departments for review of areas under their concern. Once the town staff has reviewed the proposed development and has submitted a written review, a copy of these reviews shall be distributed to members of the Board of Zoning Appeals and to the applicant prior to the scheduled meeting. To assist in resolving any potential

problems, the owner, developer, or agent shall be required to attend the meeting at which the item is to be heard.

- C. Contents of the Site Plan - In instances where site plan review is required by either the Planning Commission or the Board of Zoning Appeals, the site plan shall be drawn to a scale of not less than 1" = 50' and shall include, at a minimum, the following:
1. Name and address of development.
  2. Name and address of the applicant and owner of record.
  3. Present zoning of the site and abutting properties.
  4. Date, graphic scale, and north point with reference to source of meridian.
  5. Courses and distances of center of all streets and all property lines, setback lines, property restricting lines, easements, covenants, reservations and rights-of-way.
  6. The total land area.
  7. A vicinity map showing the location of the property in relation to the City of McKenzie
  8. Topography of the existing ground and paved areas and elevations in relation to mean sea level of streets, alleys, utilities, sanitary and storm sewers, and buildings and structures. Topography to be shown by dashed line illustrating one (1) foot contours and by spot elevation where necessary to indicate flat areas.
  9. Certification as to the following: Certificate of accuracy of the plan by a licensed architect or engineer; and, certificate of approval by either the McKenzie Municipal / Regional Planning Commission or the McKenzie Municipal Board of Zoning Appeals, whichever is applicable to the type of use that is requested. For new buildings or additional less than 5,000 square feet in size, a scaled drawing may be submitted, which wouldn't have to be drawn by a licensed engineer or surveyor.
  10. The location, dimensions, site and height of the following when existing:
    - a. Sidewalks, streets, alleys, easements and utilities.
    - b. Buildings and structures.
    - c. Public waste water systems.
    - d. Slopes, terraces and retaining walls.
    - e. Driveways, entrances, exits, parking areas and sidewalks.

- f. Water mains and fire hydrants.
- g. Trees and shrubs.
- h. Recreational areas and swimming pools.
- i. Natural and artificial water courses.
- j. Limits of flood plains.

11. The location, dimensions, site and height of the following when proposed:

- a. Sidewalks, streets, alleys, easements and utilities.
- b. Buildings and structures including the front (street) elevation of proposed buildings.
- c. Public waste water systems.
- d. Slopes and terraces, and retaining walls.
- e. Driveways, entrances, exits, parking areas and sidewalks.
- f. Water mains and fire hydrants.
- g. Trees and shrubs.
- h. Recreational areas.
- i. Distances between buildings.
- j. Estimates of the following when applicable:
  - (1) Number of dwelling units.
  - (2) Number of parking spaces.
  - (3) Number of loading spaces.
  - (4) Number of commercial or industrial tenants and employees.
- l. Proposed grading, surface drainage terraces, retaining wall heights, grades on paving area, and ground floor elevations of proposed building and structures. Proposed topography of the site shall be shown by one (1) foot contours.

12. In instances where the proposed construction is for a new building or addition less than 5,000 square feet in size the site plan shall consist of the following:

- a. All property lines.
- b. All building restricting lines, setback lines, easements, covenants, reservations and rights-of-way.
- c. Total land area.
- d. Present zoning of site and abutting properties.
- e. Name, address of owner of record and applicant.
- f. Provisions for utilities (water, sewer, etc.)
- g. Location and dimensions of the proposed structures.
- h. Parking spaces (new and proposed), internal drives, driveway access points.

D. Expiration of Approval and Renewal - A site plan approved by the Planning Commission or the Board of Zoning Appeals shall lapse unless a building permit,

based thereon, is issued within one (1) year from the date of such approval unless an extension of time is applied for and granted by the appropriate approving body.

## CHAPTER 5

### ESTABLISHMENT OF DISTRICTS

#### SECTIONS

- 11-501. CLASSIFICATION OF DISTRICTS  
11-502. BOUNDARIES OF DISTRICTS

**11-501. Classification of Districts.** For the purpose of this Ordinance, McKenzie, Tennessee is hereby divided into twenty-one (21) districts, designated as follows:

<b>Residential</b>	UAG (Urban Agriculture) R-1 (Low Density Residential) R-2 (Medium Density Residential) R-3 (High Density Residential) R-4 (Residential-Mobile Home) PRD (Planned Residential Development)
<b>Business</b>	B-1 (Local Business) B-2 (Highway Business) B-3 (Central Business) B-4 (Impact Business) P-B (Planned Business) O-R (Office-Residential)
<b>Institutional</b>	H-M (Hospital-Medical) INS (Institutional) I-R (Restricted Institutional)
<b>Industrial</b>	M-1 (Light Industrial) M-2 (Heavy Industrial) M-P (Planned Industrial)
<b>Flood Hazard Boundary</b>	FHB (Flood Hazard Boundary Overlay)
<b>Historic Preservation</b>	H-P (Historic Preservation Overlay)
<b>Wellhead Protection</b>	Wellhead Protection Overlay

**11-502. Boundaries of Districts.**

1. The boundaries of districts in 11-502 of this Chapter are hereby established as shown on the Official Zoning Map entitled: "Zoning Map of McKenzie, Tennessee," which is a part of this Ordinance and which is on file in the City Hall.

2. Unless otherwise indicated on the zoning map, the boundaries are lot lines, the center lines of streets or alleys, railroad rights-of-way, or the corporate limit lines as they existed at the time of the enactment of this Ordinance. Questions concerning the exact location of district boundaries shall be determined by the Board of Zoning Appeals.
2. Where a district boundary divides a lot, as existing at the time this Ordinance takes effect, the regulations relative to either district may be extended to twenty (20) feet within the adjacent district within said lot.

## CHAPTER 6

### PROVISIONS GOVERNING RESIDENTIAL DISTRICTS

#### SECTIONS

- 11-601. UAG (URBAN AGRICULTURE) DISTRICT
- 11-602. R-1 (LOW DENSITY RESIDENTIAL) DISTRICTS
- 11-603. R-2 (MEDIUM DENSITY RESIDENTIAL) DISTRICTS
- 11-604. R-3 (HIGH DENSITY RESIDENTIAL) DISTRICTS
- 11-605. R-4 (RESIDENTIAL-MOBILE HOME) DISTRICTS
- 11-606. PRD (PLANNED RESIDENTIAL DEVELOPMENT) DISTRICTS

**11-601. UAG (Urban Agriculture) Districts.** The purpose and intent of this district is to provide space for agricultural, forestry and open space uses within an urban environment while imposing minimum restrictions, and to allow lands best suited for agriculture to remain in agricultural use. In so doing provision is made for uses and activities that are deemed compatible and complementary to the primary purpose of the district.

1. Uses Permitted

Property and buildings in a UAG (Urban Agriculture District) shall be used only for the following purposes:

- (a) General agricultural activities such as, but not limited to, growing vegetables, fruit, trees, grain, field and plant crops, raising poultry, horses, cattle, sheep and other farm animals (excluding commercial feed lots and commercial poultry production facilities), and any similar agricultural activities which are in keeping with the character and purpose of this district.
- (b) Accessory uses including barns, stables, riding rings, outbuildings, and similar facilities for storage of products raised on the premises; and the offering for sale of agricultural products raised on the premises.
- (c) Detached single-family dwellings, but not including trailers and mobile homes.
- (d) City, State, and Federal uses, utility sub-stations, transportation and utility easements.

2. Uses Permitted on Appeal

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

- (a) Athletic fields, fairgrounds, golf courses, fishing lakes, parks, playgrounds and recreational areas operated by membership organizations for the benefit of their members.
- (b) Churches and similar places of worship.
- (c) Portable sawmill.
- (d) Cemeteries.
- (e) Lodge hall, private clubs and civic organizations.
- (f) Commercial mobile communications facilities or other wireless transmission facilities.
- (g) County uses.

3. Uses Prohibited

Commercial feed lots including commercial poultry production facilities, dog kennels, quarrying activities, and any other use not specifically permitted or permissible on appeal in this section.

4. Regulations Controlling Lot Areas, Lot Width, Yards, and Building Height

All buildings shall be set back from the right-of-way lines, lot lines and property lines to comply with the following requirements:

- (a) Front Yard: Sixty (60) feet

On double frontage and/or corner lots there shall be a required yard of sixty (60) feet on each street frontage.

- (b) Side Yard: Twenty -five (25) feet
- (c) Rear Yard: Fifty (50) feet
- (d) Minimum required lot width at the building line:
  - (1) Dwellings: One hundred fifty (150) feet
  - (2) All other uses: Two hundred (200) feet
  - (3) This provision shall not apply to lots in agricultural use where buildings or structures are located.

- (e) Minimum required lot area:
  - (1) Agricultural activities: Fifteen (15) acres
  - (2) Dwellings: Five (5) acres
  - (3) Uses permitted on appeal: As determined by the Board of Zoning Appeals

No lot or other parcel of land shall be reduced in area to provide separate lots or building sites less than five (5) acres. However, where there is an existing lot of record of less than five (5) acres, this lot may be used for the development of one (1) single-family dwelling. In no case shall property be subdivided, sold or reduced to less than one (1) acre of lot area.

- (f) Maximum Lot Coverage:  
The maximum lot coverage shall not exceed twenty-five (25) percent of the lot area.
- (g) Maximum permitted height of structures:
  - (1) Barns, agricultural storage buildings or similar facilities are not subject to height restrictions of this ordinance provided they do not contain habitable

provisions space for human occupancy, and provided they comply with the of other pertinent codes and ordinances.

- (2) All other buildings shall not exceed 35 feet in height.
  - (3) Towers, antennae, water tanks and similar structures may exceed 35 feet provided they comply with the provisions of other pertinent codes and ordinances and provided they are located a distance equal to their own height, plus ten (10) feet from the nearest property line.
5. Minimum Off Street Parking Requirements. (As required in Section 11-410 of this Ordinance.)
  6. Limitations of Signs and Billboards. (See Section 11-413 of this Ordinance.)
  7. Site Plan Review. Prior to the issuance of a building permit, site plan review is required in accordance with Section 11-420 of this ordinance for all permitted uses and uses permitted on appeal, except for single family dwellings. Once a site plan has been approved and all modifications, if any, have been made a building permit may be issued. The Building Inspector shall maintain a copy of the site plan in the permanent files of the City.

**11-602. R-1 (Low Density Residential) Districts.** The purpose and intent of these districts are to provide for suitable areas for low density residential development characterized by an open appearance. 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. Further, it is the intent of this ordinance that these districts be located so that the provisions of appropriate urban services will be physically and economically feasible and so that provision is made for the orderly expansion and maintenance of urban residential development. Within R-1 (Low Density Residential) Districts, as shown on the Zoning Map of McKenzie, Tennessee, the following regulations shall apply:

1. Uses Permitted
  - (a) Single-family detached residential
  - (b) Accessory buildings customarily incidental to any aforementioned permitted use.
2. Uses Permissible on Appeal
  - (a) Churches and other places of worship, parish houses, public libraries, schools offering general education courses, public parks and public recreational facilities, and railroad rights-of-way shall be permitted as a matter of right, provided however, that the provisions of this Ordinance are observed and subject to approval of the site plan by the Board of Zoning Appeals. The Board of Zoning Appeals may attach such conditions to the permit as are necessary to minimize vehicle and pedestrian congestion and to preserve and protect the character of the district in which the proposed use is located. This power shall include: The power to require greater setbacks and yard spaces than required by other provisions of this Ordinance, the power to specify access points and driveway and parking locations, and similar site design matters. This power shall not include

the power to specify or alter the architectural style of proposed building, the power to specify building materials or colors, or other similar powers.

- (b) The Board of Zoning Appeals may at its direction permit county, state, or federal uses, public utilities facilities, cemeteries, philanthropic institutions and clubs, except a club the chief activity of which is customarily carried on as a business, customary general farming uses, and buildings incidental thereto, but not including commercial, animal or poultry farms or kennels; provided, however, that no permit shall be issued except with the written approval of the Board of Zoning Appeals and subject to such conditions as the Board of Zoning Appeals may require in order to preserve and protect the character of the district in which the proposed use is located.
  
- (c) Customary incidental home occupations, to include family day care, provided that no building permit or certificate of occupancy for such use shall be issued without the written approval of the Board of Zoning Appeals and subject to such conditions as the Board of Zoning Appeals may require in order to preserve and protect the character of the neighborhood in which the proposed use is located; and provide further that:
  - (1) the proposed use shall be located and conducted in the principal building only;
  - (2) the principals and employees engaged in the proposed use shall be residents of the dwelling unit in which the proposed use is located;
  - (3) not more than fifteen (15) percent of the total floor area in dwelling unit shall be devoted to the proposed use;
  - (4) the proposed use shall not constitute primary or incidental storage facilities for a business, industrial, or agricultural activity conducted elsewhere;
  - (5) no activity, materials, goods, or equipment indicative of the proposed use shall be visible from any public way;
  - (6) the proposed use shall not be advertised by the display of goods or signs on the lot on which the proposed use is located;
  - (7) the proposed use shall not generate noise, odor, fumes, smoke, vehicular or pedestrian traffic, nor nuisance of any kind which would tend to depreciate the residential character of the neighborhood in which the proposed use is located.
  - (8) the provisions of this section shall not be used under any circumstances to permit barber shops, beauty shops, gift shops, florist shops or business or professional offices.
  
- (d) Bed and Breakfast Establishments shall be allowed as uses permitted on appeal in R-1 (Low Density Residential) Districts only. In order to preserve and protect the character of the neighborhood in which the use is located, the Board of Zoning Appeals shall ensure the following standards prior to any approval; and any approved Bed and Breakfast Establishment shall conform to the following:

- (1) Minimum Square Footage Required - A minimum of 4,000 square feet, excluding garage / storage space, shall be required to establish a bed and breakfast establishment.
- (2) Permits - No building permit or certificate of occupancy for such use shall be issued without the written approval of the Board of Zoning Appeals. Further, the necessary county health department permit must be obtained.
- (3) Location - The bed and breakfast establishment shall be located in a residence only.
- (4) Owner Occupied - The principals engaged in the Bed and Breakfast Establishment operation shall be the property owners, who are residents of the dwelling unit in which the operation is located. Non-resident employees may also be engaged in the operation. Additionally, the residents of the dwelling unit shall establish separate and distinct sleeping quarters from the Bed and Breakfast guests.
- (5) Number of Guest Units - A minimum of four (4), but not more than twelve (12) sleeping quarters of the dwelling unit shall be used for guest lodging in the bed and breakfast establishment. This would not apply to the common areas of the dwelling units, which may be incidentally used by guest, such as bathrooms, living rooms and kitchens, which are not being used as sleeping quarters by guests.
- (6) Length of Stay - Lodging of guests at the bed and breakfast establishment shall be limited to no more than fourteen (14) consecutive days during one (1) stay.
- (7) Site Plan - An accurately drawn plan shall be presented to the Board of Zoning Appeals no later than ten (10) days prior to the meeting. The site plan shall show the location of the principal residence, off-street automobile only parking, relationship to adjoining properties and surrounding land use, existing zoning of the proposed site, and any other information as may be required by the Board of Zoning Appeals.
- (8) Appearance - The establishment of a bed and breakfast establishment shall not change the residential character and outward appearance of the home.
- (9) Lot size - All area and yard requirements of the R-1 (Low Density Residential) District must be met.
- (10) Signage - One freestanding sign shall be permitted and shall comply with Section 11-413 "Sign Regulations" of this Ordinance. Said sign shall be for the express purpose of identifying the bed and breakfast establishment,

and conform to the appearance and be in keeping with the residential character of the surrounding neighborhood. No direct lighting shall be permitted.

- (11) Parking - Off-street parking facilities shall be provided at the rate of at least one (1) space per sleeping quarter (room) for rent, in addition to at least two (2) spaces for the household parking. At least one (1) parking space for disabled/handicapped guests shall be provided. Parking shall comply with any current or future parking ordinance of the City of McKenzie.
  - (12) Code Compliance - All eligible Federal, State, and Municipal codes including, but not limited to fire, building, and electrical codes shall be complied with as a condition of approval by the Board of Zoning Appeals. An inspection report from the Codes Enforcement Officer and Fire Marshall shall be presented to the Board of Zoning Appeals showing compliance.
  - (13) Miscellaneous - The Board of Zoning Appeals may also attach other conditions on the use of the structure or site, which may be necessary in order to carry out the intent of this Ordinance.
- (e) Bed and Breakfast Homestays shall be allowed as uses permitted on appeal in R-1 (Low Density Residential) Districts only. In order to preserve and protect the character of the neighborhood in which the use is located, the Board of Zoning Appeals shall ensure the following standards prior to any approval; and any approved bed and breakfast homestay shall conform to the following:
- (1) Minimum Square Footage Required - A minimum of 2,500 square feet excluding garage / storage space shall be required to establish a bed and breakfast homestay.
  - (2) Permits - No building permit or certificate of occupancy for such use shall be issued without the written approval of the Board of Zoning Appeals. Further, the necessary county health department permit must be obtained.
  - (3) Location - The bed and breakfast homestay shall be located in a residence only.
  - (4) Owner Occupied - The principals engaged in the bed and breakfast homestay operation shall be the property owners, who are residents of the dwelling unit in which the operation is located. Non-resident employees may also be engaged in the operation. Additionally, the residents of the dwelling unit shall establish separate and distinct sleeping quarters from the bed and breakfast homestay guests.

- (5) Number of Guest Units - No more than three (3) sleeping quarters of the dwelling unit shall be used for guest lodging in the bed and breakfast homestay. This would not apply to the common areas of the dwelling units, which may be incidentally used by guest, such as bathrooms, living rooms and kitchens, which are not being used as sleeping quarters by guests.
- (6) Length of Stay - Lodging of guests at the bed and breakfast homestay shall be limited to no more than fourteen (14) consecutive days during one (1) stay.
- (7) Site Plan - An accurately drawn plan shall be presented to the Board of Zoning Appeals no later than ten (10) days prior to the meeting. The site plan shall show the location of the principal residence, off-street automobile only parking, relationship to adjoining properties and surrounding land use, existing zoning of the proposed site, and any other information as may be required by the Board of Zoning Appeals.
- (8) Appearance - The establishment of a bed and breakfast homestay shall not change the residential character and outward appearance of the home.
- (9) Lot size - All area and yard requirements of the R-1 (Low Density Residential) District must be met.
- (10) Signage - One freestanding sign shall be permitted and shall comply with Section 11-413 "Sign Regulations" of this Ordinance. Said sign shall be for the express purpose of identifying the bed and breakfast homestay, and conform to the appearance and be in keeping with the residential character of the surrounding neighborhood. No direct lighting shall be permitted.
- (11) Parking - Off-street parking facilities shall be provided at the rate of at least one (1) space per sleeping quarter (room) for rent, in addition to at least two (2) spaces for the household parking. Parking shall comply with any current or future parking ordinance of the City of McKenzie.
- (12) Code Compliance - All eligible Federal, State, and Municipal codes including, but not limited to fire, building, and electrical codes shall be complied with as a condition of approval by the Board of Zoning Appeals. An inspection report from the Codes Enforcement Officer and Fire Marshall shall be presented to the Board of Zoning Appeals showing compliance.
- (13) Miscellaneous - The Board of Zoning Appeals may also attach other conditions on the use of the structure or site, which may be necessary in order to carry out the intent of this Ordinance.

3. Uses Prohibited.
  - (a) Any other use or structure not specifically permitted or permissible on appeal in this section.
  
4. Side Yards on Corner Lots. The minimum widths of side yards for dwellings along an intersecting street shall be thirty (30) feet for the side facing the street.
  
5. Location of Accessory Building.
  - (a) No accessory building shall be erected in any required front or side yard. Accessory buildings shall not cover more than thirty (30) percent of any required rear yard, and shall be at least five feet from all lot lines and from any other building on the same lot.
  - (b) Accessory buildings on corner lots shall conform with front yard setbacks for both intersecting streets.
  
6. Regulations Controlling Lot Areas, Lot Width, Yards, Building Height. The principal building shall be located so as to comply with the following requirements:
  - (a) Minimum required lot area
 

(1) Dwelling units	10,000 square feet for the first dwelling unit plus 5,000 square feet for each additional dwelling unit.
(2) Churches	One (1) acre or 200 square feet of lot area per auditorium seat, whichever is greater.
(3) Schools	Eight (8) acres plus one (1) acre for each 100 students.
(4) Other Uses	As required by the Board of Zoning Appeals.
  
  - (b) Minimum required lot width at the building line.
 

(1) Dwellings	75 feet
(2) Churches	200 feet
(3) Other uses	As required by the Board of Zoning Appeals
  
  - (c) Minimum required front yard.
 

(1) Dwelling	30 feet
(2) Churches	40 feet
(3) Other Uses	40 feet or more as required by the Board of Zoning Appeals.
  
  - (d) Minimum required rear yard.
 

(1) Dwellings	20 feet
(2) Churches	30 feet

- (3) Other Uses 20 feet or more as required by the Board of Zoning Appeals.
- (e) Minimum required side yard on each side of lot.
  - (1) Dwellings 10 feet
  - (2) Churches 30 feet
  - (3) Other Uses 50% or less as required by the Board of Zoning Appeals.
- (f) Maximum permitted height of structures.
  - (1) No building shall exceed three (3) stories or thirty-five (35) feet in height unless each side yard is increased over the required minimum by five (5) feet for every five (5) feet, or fraction thereof, of additional height over thirty-five (35) feet, not to exceed sixty-five (65) feet, however.
  - (2) On a lot less than fifty (50) feet in width at the building line no building shall exceed one and one-half (1 -1/2) stories or twenty-five (25) feet in height, whichever is less.
  - (3) No accessory building shall exceed two (2) stories in height.
  - (4) Free standing poles, spires, towers, antennae and similar structures not designed for, or suitable to human occupancy may exceed the height provisions of this Ordinance provided they comply with all other codes and ordinances, and provided that they are located a distance equal to their own height plus ten (10) feet from the nearest property line.

7. Minimum Off-Street Parking Requirements. (As required in Section 11.410, General Provisions, of this Ordinance.)

8. Limitations on Signs and Billboards. (See Section 11.413, General Provisions, of this Ordinance.)

9. Site Plan Review. Prior to the issuance of a building permit, site plan review is required in accordance with Section 11-420 of this ordinance for all permitted uses and uses permitted on appeal, except for single family dwellings. Once a site plan has been approved and all modifications, if any, have been made a building permit may be issued. The Building Inspector shall maintain a copy of the site plan in the permanent files of the City.

**11-603. R-2 (Minimum Density Residential) Districts.** The purpose of these districts are to provide suitable areas for medium 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 feasible. Generally, these districts will be characterized by single-family detached dwellings. Within the R-2 (Medium Density Residential) Districts as shown on the Zoning Map of McKenzie, Tennessee, the following regulations shall apply.

- 1. Uses Permitted
  - (a) Single-family and two-family dwellings, not mobile homes.

(b) Townhouses and Multiple-family dwellings and Residential Homes for the Aged shall be permitted as a matter of right, provided, however, that the provisions of this Ordinance are observed and subject to approval of the site plan by the Planning Commission. The Planning Commission may attach such conditions to the permit as are necessary to minimize vehicle and pedestrian congestion and to preserve and protect the character of the district in which the proposed use is located. This power shall include: the power to require greater setbacks and yard spaces than required by other provisions of this Ordinance, the power to require provision of well designed and supplied play spaces, the power to specify access points and driveway parking locations, and similar site design matters. This power shall not include the power to specify or alter the architectural styles of the proposed buildings, the power to specify building materials or colors, or other similar powers. The site plan shall include the following:

- (i) Name of the development and address.
- (ii) Name and address of owner of record and the applicant.
- (iii) Scale of 1"= 50' or larger.
- (iv) Note present zoning classification of the site and all abutting properties. Also, note nature of proposed.
- (v) Date, scale, and north point with reference to source meridian. Note all related dimensions and bearings of the lot.
- (vi) Courses and distances of center lines of all streets.
- (vii) All building restriction lines (yard setbacks and rights-of-way) rights and highway setback lines, easements, covenants, reservations and rights-of-way.
- (viii) The acreage or square footage of the lot.
- (ix) Sufficient grade and elevation information to demonstrate that the property will properly drain and can be connected to the public sewer system to provide gravity discharge of waste from the building. Topography to be shown by dashed line illustrating contours.
- (x) A certificate by a licensed civil engineer, architect or land surveyor certifying that the plan as shown is true and correct. Drainage plans requiring calculations shall be certified by a licensed civil engineer.
- (xi) A vicinity map showing the relationship of the proposed development to McKenzie.
- (xii) A form for certification of approval by the Secretary of the Planning Commission.
- (xiii) A form for certification by the owner and trustee of the mortgage, if any, that they adopt the plan, and dedicated the streets and other public improvements shown on the plan and agree to make any required improvements as shown on the plan.

The site plan shall also show the locations, dimensions, site and height of the following:

- (i) Sidewalks, streets, alleys, easements and utilities.
- (ii) Buildings and structures including the front (street) side and rear elevations of proposed buildings.
- (iii) Public sewer systems.

- (iv) Slopes, terraces, and retaining walls.
- (v) Driveways, entrances (all access points), exits, parking areas, sidewalks and garbage collection site.
- (vi) Water mains and fire hydrants.
- (vii) Number and size of parking stalls and type of proposed pavement.
- (viii) Number of loading spaces and type of proposed pavement.
- (ix) Plans for collection and discharge of storm water and methods for landscaping. The delineation of the limits of floodplains, if any. Also the site plan must denote the minimum 100-year, base flood elevation if any portion of the site lies within the FEMA-designated special flood hazard area.
- (x) Proposed grading and drainage plan with calculations.
- (xi) Proposed lighting infrastructure.
- (xii) Detailed plans for landscaping and required screens.
- (c) Accessory buildings customarily incidental to any aforementioned permitted use.

## 2. Uses Permissible on Appeal

- (a) Family day care, group day care, churches and other places of worship, parish houses, public libraries, schools offering general education courses, public parks and public recreational facilities, railroad right-of-way, provided, however, that the provisions of this Ordinance are observed and subject to approval of the site plans by the Board of Zoning Appeals. The Board of Zoning Appeals may attach such conditions to the permit as are necessary to minimize vehicle and pedestrian congestion and to preserve and protect the character of the district in which the proposed use is located. This power shall include the power to require greater setbacks and yard spaces than required by other provisions of this Ordinance, the power to specify access points and driveways and parking locations, and similar site design matters. This power shall not include the power to specify or alter the architectural style of proposed building materials or colors, or other similar powers.
- (b) The Board of Zoning Appeals may at its discretion permit county, state or federal uses, public utilities facilities, cemeteries, philanthropic institutions, and clubs except a club the chief activity of which is customarily carried on as a business, customary general farming uses, and buildings incidental thereto, but not including commercial animal or poultry farms or kennels; provided, however, that no permit shall be issued except with the written approval of the Board of Zoning Appeals and subject to such conditions as the Board of Zoning Appeals may require in order to preserve and protect the character of the district in which the proposed use is located.
- (c) Customary incidental home occupations provided that no building permit or certificate of occupancy for such use shall be issued without the written approval of the Board of Zoning Appeals and subject to such conditions as the Board of Zoning Appeals may require in order to preserve and protect the character of the neighborhood in which the proposed use is located; and provide further that:
  - (1) the proposed use shall be located and conducted in the principal building only;

- (2) the principals and employees engaged in proposed use shall be residents of the dwelling unit in which the proposed use is located;
  - (3) not more than fifteen (15) percent of the total floor area in the dwelling unit shall be devoted to the proposed use;
  - (4) the proposed use shall not constitute primary or incidental storage facilities for a business, industrial, or agricultural activity conducted elsewhere;
  - (5) no activity, materials, goods, or equipment indicative of the proposed use shall be visible from any public way;
  - (6) the proposed use shall not be advertised by the display of goods or signs on the lot on which the proposed use is located;
  - (7) the proposed use shall not generate noise, odor, fumes, smoke, vehicular or pedestrian traffic, nor nuisance of any kind which would tend to depreciate the residential character of the neighborhood in which the proposed use is located;
  - (8) the provisions of this section shall not be used under any circumstances to permit barber shops, beauty shops, gift shops, florist shops, or business or professional offices.
- (d) Bed and Breakfast Establishments shall be allowed as uses permitted on appeal in R-2 (Low Density Residential) Districts only. In order to preserve and protect the character of the neighborhood in which the use is located, the Board of Zoning Appeals shall ensure the following standards prior to any approval; and any approved Bed and Breakfast Establishment shall conform to the following:
- (1) Minimum Square Footage Required - A minimum of 4,000 square feet, excluding garage / storage space, shall be required to establish a bed and breakfast establishment.
  - (2) Permits - No building permit or certificate of occupancy for such use shall be issued without the written approval of the Board of Zoning Appeals. Further, the necessary county health department permit must be obtained.
  - (3) Location - The bed and breakfast establishment shall be located in a residence only.
  - (4) Owner Occupied - The principals engaged in the Bed and Breakfast Establishment operation shall be the property owners, who are residents of the dwelling unit in which the operation is located. Non-resident employees may also be engaged in the operation. Additionally, the residents of the dwelling unit shall establish separate and distinct sleeping quarters from the Bed and Breakfast guests.
  - (5) Number of Guest Units - A minimum of four (4), but not more than twelve (12) sleeping quarters of the dwelling unit shall be used for guest lodging in the bed and breakfast establishment. This would not apply to the

common areas of the dwelling units, which may be incidentally used by guest, such as bathrooms, living rooms and kitchens, which are not being used as sleeping quarters by guests.

- (6) Length of Stay - Lodging of guests at the bed and breakfast establishment shall be limited to no more than fourteen (14) consecutive days during one (1) stay.
- (7) Site Plan - An accurately drawn plan shall be presented to the Board of Zoning Appeals no later than ten (10) days prior to the meeting. The site plan shall show the location of the principal residence, off-street automobile only parking, relationship to adjoining properties and surrounding land use, existing zoning of the proposed site, and any other information as may be required by the Board of Zoning Appeals.
- (8) Appearance - The establishment of a bed and breakfast establishment shall not change the residential character and outward appearance of the home.
- (9) Lot size - All area and yard requirements of the R-2 (Medium Density Residential) District must be met.
- (10) Signage - One freestanding sign shall be permitted and shall comply with Section 11-413 "Sign Regulations" of this Ordinance. Said sign shall be for the express purpose of identifying the bed and breakfast establishment, and conform to the appearance and be in keeping with the residential character of the surrounding neighborhood. No direct lighting shall be permitted.
- (11) Parking - Off-street parking facilities shall be provided at the rate of at least one (1) space per sleeping quarter (room) for rent, in addition to at least two (2) spaces for the household parking. At least one (1) parking space for disabled/handicapped guests shall be provided. Parking shall comply with any current or future parking ordinance of the City of McKenzie.
- (12) Code Compliance - All eligible Federal, State, and Municipal codes including, but not limited to fire, building, and electrical codes shall be complied with as a condition of approval by the Board of Zoning Appeals. An inspection report from the Codes Enforcement Officer and Fire Marshall shall be presented to the Board of Zoning Appeals showing compliance.
- (13) Miscellaneous - The Board of Zoning Appeals may also attach other conditions on the use of the structure or site, which may be necessary in order to carry out the intent of this Ordinance.

- (e) Bed and Breakfast Homestays shall be allowed as uses permitted on appeal in R-2 (Medium Density Residential) Districts only. In order to preserve and protect the character of the neighborhood in which the use is located, the Board of Zoning Appeals shall ensure the following standards prior to any approval; and any approved bed and breakfast homestay shall conform to the following:
- (1) Minimum Square Footage Required - A minimum of 2,500 square feet excluding garage / storage space shall be required to establish a bed and breakfast homestay.
  - (2) Permits - No building permit or certificate of occupancy for such use shall be issued without the written approval of the Board of Zoning Appeals. Further, the necessary county health department permit must be obtained.
  - (3) Location - The bed and breakfast homestay shall be located in a residence only.
  - (4) Owner Occupied - The principals engaged in the bed and breakfast homestay operation shall be the property owners, who are residents of the dwelling unit in which the operation is located. Non-resident employees may also be engaged in the operation. Additionally, the residents of the dwelling unit shall establish separate and distinct sleeping quarters from the bed and breakfast homestay guests.
  - (5) Number of Guest Units - No more than three (3) sleeping quarters of the dwelling unit shall be used for guest lodging in the bed and breakfast homestay. This would not apply to the common areas of the dwelling units, which may be incidentally used by guest, such as bathrooms, living rooms and kitchens, which are not being used as sleeping quarters by guests.
  - (6) Length of Stay - Lodging of guests at the bed and breakfast homestay shall be limited to no more than fourteen (14) consecutive days during one (1) stay.
  - (7) Site Plan - An accurately drawn plan shall be presented to the Board of Zoning Appeals no later than ten (10) days prior to the meeting. The site plan shall show the location of the principal residence, off-street automobile only parking, relationship to adjoining properties and surrounding land use, existing zoning of the proposed site, and any other information as may be required by the Board of Zoning Appeals.
  - (8) Appearance - The establishment of a bed and breakfast homestay shall not change the residential character and outward appearance of the home.

- (9) Lot size - All area and yard requirements of the R-2 (Low Density Residential) District must be met.
  - (10) Signage - One freestanding sign shall be permitted and shall comply with Section 11-413 "Sign Regulations" of this Ordinance. Said sign shall be for the express purpose of identifying the bed and breakfast homestay, and conform to the appearance and be in keeping with the residential character of the surrounding neighborhood. No direct lighting shall be permitted.
  - (11) Parking - Off-street parking facilities shall be provided at the rate of at least one (1) space per sleeping quarter (room) for rent, in addition to at least two (2) spaces for the household parking. Parking shall comply with any current or future parking ordinance of the City of McKenzie.
  - (12) Code Compliance - All eligible Federal, State, and Municipal codes including, but not limited to fire, building, and electrical codes shall be complied with as a condition of approval by the Board of Zoning Appeals. An inspection report from the Codes Enforcement Officer and Fire Marshall shall be presented to the Board of Zoning Appeals showing compliance.
  - (13) Miscellaneous - The Board of Zoning Appeals may also attach other conditions on the use of the structure or site, which may be necessary in order to carry out the intent of this Ordinance.
- (f) Senior Independent Living Facilities provided, as conditions of approval of uses permissible on appeal, the subject property for such must be located on an arterial status street, the property should contain a minimum of one (1) acre in area, and a site plan shall be approved by the Planning Commission. The Board of Zoning Appeals may attach such conditions to the permit as are necessary to minimize vehicle and pedestrian congestion and to preserve and protect the character of the district in which the proposed use is located. This power shall include the following:
- (i) The power to require greater setbacks and yard spaces than required by other provisions of this Ordinance;
  - (ii) The power to specify access points and driveway and parking locations, and similarly site design matters;
  - (iii) The power to require proper buffering / screening in order to protect adjacent properties;
  - (iv) This power shall not include the power to specify or alter the architectural style of proposed buildings, the power to specify building materials or colors, or other similar powers.

3. Uses Prohibited.

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

4. Side Yards on Corner Lots. The minimum widths of side yards for dwellings along an intersecting street shall be twenty-five (25) feet for side facing street.
  
5. Location of Accessory Buildings.
  - (a) No accessory building shall be erected in any required front or side yard. Accessory building shall not cover more than thirty (30) percent of any required rear yard, and shall be at least five (5) feet from all lot lines.
  - (b) Accessory buildings on corner lots shall conform with front yard setbacks for both intersecting streets.
  
6. Regulations Controlling Lot Area, Lot Width, Yards Building Coverage and Building Height. The principal building shall be located so as to comply with the following requirements:
  - (a) Minimum required lot area
 

(1) Dwelling units single-family, two-family, multiple-family and Residential Home for the Aged - private room, bed or home for the aged resident, as described herein, whichever is greater	8,000 sq. ft. for the first dwelling unit plus 2,500 sq. ft. for each additional dwelling unit.
(2) Townhouses	One (1) dwelling unit shall be allowed for each 3,500 sq. ft. of land area.
(3) Churches	One (1) acre or 200 sq. ft. of lot area per auditorium seat, whichever is greater.
(4) Schools	Eight (8) acres plus one (1) acre for each 100 students.
(5) Other uses	As required by the Board of Zoning Appeals.
  - (b) Minimum required lot width at the building line.
 

(1) Dwellings: Single-family, two-family, multiple-family and Residential Home for the Aged	60 feet.
(2) Townhouses	None
(3) Churches	100 feet.
(4) Other uses	As required by the Board of Zoning Appeals.
  - (c) Minimum required front yard
 

(1) Dwellings: Single-	25 feet
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- family, two-family, multiple-family and residential home for the aged
- (2) Townhouses 25 feet
- (3) Churches 30 feet
- (4) Other uses 30 feet or more as required by the Board of Zoning Appeals.
- (d) Minimum required rear yard
- (1) Dwellings: Single-family, two-family and multiple-family and Residential Home for the Aged 20 feet
- (2) Townhouses 20 feet
- (3) Churches 25 feet
- (4) Other uses 20 feet or more as required by the Board of Zoning Appeals.
- (e) Minimum required sideyard on each side of lot.
- (1) Dwellings: Single family, two-family, multiple-family and Residential Home for the Aged 8 feet
- (2) Townhouses None on side of Cityhouse with common walls, eight (8) feet in all other cases.
- (3) Churches 20 feet
- (4) Other uses 10 feet or more as required by the Board of Zoning Appeals.
- (f) Maximum lot coverage by all buildings.
- (1) Dwelling and accessories: Single family, Two-family, Multiple-family and Residential Home for the Aged 35%
- (2) Townhouses and accessories 50%
- (3) Churches 30%
- (4) Other uses 50% or less as required by the Board of Zoning Appeals.
- (g) Maximum permitted height of structures.
- (1) No building shall exceed three (3) stories or thirty-five (35) feet in height unless each side yard is increased over the required minimum by five (5)

feet for every five (5) feet, or fraction thereof of additional height over thirty-five (35) feet not to exceed forty (40) feet, however.

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

7. Minimum Off-Street Parking Requirements. (As required in Section 11-410, General Provisions, of this Ordinance.)
8. Limitations on Signs and Billboards. (See Section 11-413, General Provisions, of this Ordinance.)
9. Site Plan Review. Prior to the issuance of a building permit, site plan review is required in accordance with Section 11-420 of this ordinance for all permitted uses and uses permitted on appeal, except for single family dwellings. Once a site plan has been approved and all modifications, if any, have been made a building permit may be issued. The Building Inspector shall maintain a copy of the site plan in the permanent files of the City.

**11-604. R-3 (High Density Residential) Districts.** The purpose and intent of these districts are to provide for suitable areas for high 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 feasible. Generally, these districts will be characterized by single-family detached dwellings, duplexes and multiple-family dwellings. These districts also include community facilities, public utilities, and open uses which serve the residents of these districts. Within the R-3 (High Density Residential) Districts as shown on the Zoning Map of McKenzie, Tennessee, the following regulations shall apply:

1. Uses Permitted.
  - (a) Single-family and two-family dwellings;
  - (b) Townhouses, Multiple-family dwellings and Residential Homes for the Aged shall be permitted as a matter of right, provided, however, that the provisions of this Ordinance are observed and subject to approval of the site plans by the Planning Commission. The Planning Commission may attach such conditions to the permit as are necessary to minimize vehicle and pedestrian congestion and to preserve and protect the character of the district in which the proposed use is located. This power shall include: the power to require greater setbacks and yard spaces than required by other provisions of this Ordinance, the power to require provision of well designed and supplied play spaces, the power to specify access points and driveways and parking locations and similar site design matters. This

power shall not include the power to specify or alter the architectural style of the proposed buildings, the power to specify building materials or colors, or other similar powers. The site plan shall include the following:

- (i) Name of the development and address.
- (ii) Name and address of owner of record and the applicant.
- (iii) Scale of 1"=50' or larger.
- (iv) Note present zoning classification of the site and all abutting properties. Also, note nature of proposed use.
- (v) Date, scale, and north point with reference to source meridian. Note all related dimensions and bearings of the lot.
- (vi) Courses and distances of center lines of all streets.
- (vii) All building restriction lines (yard setbacks and rights-of-way) rights-of-way and highway setback lines, easements, covenants, reservations and rights-of-way.
- (viii) The acreage or square footage of the lot.
- (ix) Sufficient grade and elevation information to demonstrate that the property will properly drain and can be connected to the public sewer system to provide gravity discharge of waste from the building. Topography to be shown by dashed line illustrating contours.
- (x) A certificate by a licensed civil engineer, architect or land surveyor certifying that the plan as shown is true and correct. Drainage plans requiring calculations shall be certified by a licensed civil engineer.
- (xi) A vicinity map showing the relationship of the proposed development to McKenzie.
- (xii) A form for certification of approval by the Secretary of the Planning Commission.
- (xiii) A form for certification by the owner and trustee of the mortgage, if any, that they adopt the plan, and dedicated the streets and other public improvements shown on the plan and agree to make any required improvements as shown on the plan.

The site plan shall show the location, dimensions, site and height of the following:

- (i) Sidewalks, streets, alleys, easements and utilities.
- (ii) Buildings and structures including the front (street) side and rear elevations of proposed buildings.
- (iii) Public sewer systems.
- (iv) Slopes, terraces, and retaining walls.
- (v) Driveways, entrances (all access points), exits, parking areas, sidewalks and garbage collection site.
- (vi) Water mains and fire hydrants.
- (vii) Number and size of parking stalls and type of proposed pavement.
- (viii) Number of loading spaces and type of proposed pavement.
- (ix) Plans for collection and discharge of storm water and methods for landscaping. The delineation of the limits of floodplains, if any. Also the site plan must denote the minimum 100-year, base flood elevation if any

portion of the site lies within the FEMA-designated special flood hazard area.

- (x) Proposed grading and drainage plan with calculations.
- (xi) Proposed lighting infrastructure.
- (xii) Detailed plans for landscaping and required screens.
- (c) Accessory building customarily incidental to any aforementioned permitted use.
- (d) Tiny Houses

## 2. Uses Permissible on Appeal

- (a) Family day care, group day care, churches and other places of worship, parish houses, public libraries, schools offering general education courses, public parks and public recreational facilities, railroad rights-of-way, provided however, that the provisions of this Ordinance are observed and subject to approval of the site plans by the Board of Zoning Appeals. The Board of Zoning Appeals may attach such conditions to the permit as are necessary to minimize vehicle and pedestrian congestion and to preserve and protect the character of the district in which the proposed use is located. This power shall include: the power to require greater setbacks and yard spaces than required by other provisions of this Ordinance, the power to specify access points and driveway and parking locations, and similar site design matters. This power shall not include the power to specify or alter the architectural style of proposed buildings, the power to specify building materials or colors, or other similar powers.
- (b) The Board of Zoning Appeals may at its discretion permit county, state, or federal uses, public utilities facilities, cemeteries, philanthropic institutions and clubs, except a club the chief activity of which is customarily carried on as a business, customary general farming uses, and buildings incidental thereto, but not including commercial animal or poultry farms or kennels; provided, however, that no permit shall be issued except with the written approval of the Board of Zoning Appeals may require in order to preserve and protect the character of the district in which the proposed use is located.
- (c) Customary incidental home occupations provided that no building permit or certificate of occupancy for such use shall be issued without the written approval of the Board of Zoning Appeals and subject to such conditions as the Board of Zoning Appeals may require in order to preserve and protect the character of the neighborhood in which the proposed use is located; and provide further that:
  - (1) the proposed use shall be located and conducted in the principal building only;
  - (2) the principals and employees engaged in the proposed use shall be residents of the dwelling unit in which the proposed use is located;
  - (3) not more than fifteen (15) percent of the total floor area in dwelling unit shall be devoted to the proposed use;
  - (4) the proposed use shall not constitute primary or incidental storage facilities for a business, industrial, or agricultural activity conducted elsewhere;
  - (5) no activity, materials, goods, or equipment indicative of the proposed use shall be visible from any public way;

- (6) the proposed use shall not be advertised by the display of goods or signs on the lot on which the proposed use is located;
- (7) the proposed use shall not generate noise, odor, fumes, smoke, vehicular or pedestrian traffic, nor nuisance of any kind which would tend to depreciate the residential character of the neighborhood in which the proposed use is located;
- (8) the provisions of this section shall not be used under any circumstances to permit barber shops, beauty shops, gift shops, florist shops, or business or professional offices.

3. Uses Prohibited

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

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

5. Location of Accessory Buildings

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

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

- (a) Minimum required lot area.
 

(1) Dwelling units - Single-family, Two-family, Multiple-family, Home for the Aged - private room, bed, or Home for the Aged Resident, as described herein, whichever is greater	6,000 sq. ft. for the first dwelling unit plus 1,800 sq. ft. for each additional dwelling unit providing two (2) or more bedrooms, or 1,300 sq. ft. for each additional one (1) bedroom dwelling unit.
(2) Townhouses	One (1) dwelling unit shall be allowed for each 2,500 sq. ft. of land area.
(3) Churches	20,000 sq. ft. or 200 sq. ft. of lot area per auditorium seat, whichever is greater.
(4) Schools	Eight (8) acres plus one (1) acre for each 100 students.

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|-----|---|---|
| (5) | Other uses  | As required by the Board of Zoning Appeals.                                     |
| (b) | Minimum required lot width at the building line.  |   |
| (1) | Dwellings: Single family, two-family, multiple-family and Residential Home for the Aged | 50 feet   |
| (2) | Townhouses  | None  |
| (3) | Churches  | 70 feet   |
| (4) | Other uses  | As required by the Board of Zoning Appeals                                      |
| (c) | Minimum required front yard   |   |
| (1) | Dwellings: Single family, two-family multiple-family, Residential Home for the Aged     | 20 feet   |
| (2) | Townhouses  | 20 feet   |
| (3) | Churches  | 25 feet   |
| (4) | Other uses  | 25 feet or more as required   |
|     | by  | the Board of Zoning Appeals.  |
| (d) | Minimum required rear yard  |   |
| (1) | Dwellings: Single family, two-family multiple-family, Residential Home for the Aged     | 15 feet   |
| (2) | Townhouses  | 15 feet   |
| (3) | Churches  | 20 feet   |
| (4) | Other Uses  | 15 feet or more as required   |
|     | by  | the Board of Zoning Appeals.  |
| (e) | Minimum required side yard on each side of lot.   |   |
| (1) | Dwellings: Single-family, two-family multiple-family, Home for the Aged                 | 7 feet  |
| (2) | Townhouses  | None on side of Cityhouse with common walls, seven (7) feet in all other cases. |
| (3) | Churches  | 20 feet   |
| (4) | Other Uses  | 10 feet or more as required   |
|     | by  | the Board of Zoning Appeals.  |
| (f) | Maximum lot coverage by all buildings   |   |

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|-----|---|--|
| (1) | Dwellings and accessories,<br>Residential Home for the Aged | 50%  |
| (2) | Townhouses and accessories                                  | 60%  |
| (3) | Churches  | 35%  |
| (4) | Other uses  | 50% or less as required by<br>Board of Zoning Appeals. |
- the
- (g) Maximum permitted height of structures
- (1) No building shall exceed three (3) stories or thirty-five feet in height unless each side yard is increased over the required minimum by five (5) feet for every five (5) feet, or fraction thereof, of additional height over thirty-five (35) feet, not to exceed forty (40) feet however.
  - (2) On a lot less than fifty (50) feet in width at the building line no building shall exceed one and one-half (1 -1/2) stories or twenty-five (25) feet in height.
  - (3) No accessory building shall exceed two (2) stories in height.
  - (4) Free standing poles, spires, towers, antennae and similar structures not designed for, or suitable to human occupancy may exceed the height provisions of this Ordinance provided they comply with all other codes and ordinances, and provided that they are located a distance equal to their own height plus ten (10) feet from the nearest property line.

7. Minimum Off-Street Parking Requirements. (As required in Section 11-410, General Provisions, of this Ordinance.)
8. Limitations on Signs and Billboards. (See Section 11-413, General Provisions, of this Ordinance.)
9. Site Plan Review. Prior to the issuance of a building permit, site plan review is required in accordance with Section 11-420 of this ordinance for all permitted uses and uses permitted on appeal, except for single family dwellings. Once a site plan has been approved and all modifications, if any, have been made a building permit may be issued. The Building Inspector shall maintain a copy of the site plan in the permanent files of the City.

**11-605. R-4 - Residential-Mobile Home District**

The regulations set forth in this section apply to the district designation of the R-4 Residential - Mobile Home District. The R-4 district is a high density residential district consisting of single-family dwellings, mobile homes on individual lots, mobile home parks and travel trailer parks.

1. Definitions to Regulate Residential-Mobile Home Districts
  - (a) Mobile Home (Trailer). A structure manufactured before June 15, 1976, that is not constructed in accordance with the National Manufactured Home

Construction and Safety Standards Act of 1974, (42 U.S.C. 5401 et seq.). It is a structure that is transportable in one (1) or more sections that in the traveling mode is eight (8) body-feet or more in width and forty (40) body-feet or more in length, or when erected on site, is three hundred twenty (320) or more square feet and that is built on a chassis and designed to be used as a dwelling with or without a permanent foundation when connected to the required utilities and includes any plumbing, heating, air conditioning and electrical systems contained in the structure.

- (b) Mobile Home Parks. Any plot of ground on which three (3) or more mobile homes, occupied for dwelling or sleeping purposes, are located.
- (c) Mobile Home Space. The term mobile home space shall mean a plot of ground within a mobile home park designated for the accommodation of one (1) mobile home.
- (d) Travel Trailer. A travel trailer, pick-up camper, converted bus, or similar device used for temporary portable housing or a unit which:
  - (1) can operate independently of connections to external sewer, water, and electrical systems,
  - (2) contains water storage facilities and may contain a lavatory, kitchen sink and/or bath facilities; and/or,
  - (3) is identified by the manufacturer as a travel trailer.
- (e) Recreational Vehicle or Travel Trailer Park. The term recreational vehicle and travel trailer park shall mean any plot of ground within the City of McKenzie on which two (2) or more recreational vehicles or travel trailers, occupied for camping or periods of short stay, are located.
- (f) Health Officer. The director of a city, county, or district health department having jurisdiction over the community health in a specific area, or his duly authorized representative.
- (g) Annual Permit License. A permit is required for mobile home parks and recreational vehicle / travel trailer parks. Fees charged under the permit requirement are for inspection and the administration of this Ordinance.
- (h) Modular Home. A factory-fabricated transportable building designed to be used by itself or to be incorporated with similar units at a building to apply to major assemblies and does not include prefabricated panels, trusses, plumbing trees, and a structure at the site. The unit is not built on a chassis, has never had wheels, is placed on a permanent foundation, and is required to meet local building codes.
- (i) Recreational Vehicle. Means a vehicle which is:
  - Built on a single chassis;
  - 400 square feet or less when measured at the largest horizontal projection;
  - Designed to be self-propelled or permanently towable by a light duty truck; and
  - Designed primarily not for use as a permanent dwelling but as temporary living quarters for recreational, camping, travel, or seasonal use.

## 2. Uses Permitted

- (a) Single-family dwellings, mobile homes on individual lots,
- (b) Single-family mobile homes within in mobile home parks.

- (c) Recreational vehicles in mobile home parks limited to temporary uses of a period not to exceed fourteen (14) days.
- (d) Mobile home park offices.
- (e) Recreational Vehicle / Travel Trailer Parks.
- (f) Accessory buildings and accessory uses customarily incidental to the permitted uses.
- (g) Signs as permitted in Section 11-413.

3. Uses Prohibited

Any other use not specifically permitted in Section 11-605 (1)

4. Minimum Lot Area  
Mobile Home Parks

Five (5) acres with fifteen (15) percent of the park area set aside for recreation and open space requirements. No portion of the required square footage for the mobile home dwelling shall be counted toward the 15% open space requirement

Recreational Vehicle / Travel Trailer Parks

Five (5) acres with fifteen (15) percent of the park area set aside for requirements. No portion of the required square footage for the recreational vehicle or travel trailer dwelling shall be counted toward the 15% open space requirement.

Single-family mobile home

6,000 square feet per individual mobile home space

Single-family dwellings

6,000 square feet

5. Minimum Lot Width at Building Line  
Mobile Home Parks

Recreational Vehicle / Travel Trailer Parks

60 feet for the overall development (periphery)

Single-family mobile home

60 feet for the overall development (Periphery)

Single-family dwellings

100 feet per mobile home space

100 feet

6. Minimum Yard Requirements

(a) Minimum Required Front Yard

Mobile Home Parks	25 feet for the overall development
Recreational Vehicle / Travel Trailer Parks	25 feet for the overall development
Single-family mobile home	20 feet for the mobile home interior front yard
Single-family dwellings	20 feet

(b) Minimum Required Side Yard on Each Side of Lot

Mobile Home Parks	25 feet for the overall development
Recreational Vehicle / Travel Trailer Parks	25 feet for the overall development
Single-family mobile home	10 feet for the interior side yard
Single-family dwelling unit	10 feet

(c) Yards on Corner Lots

On corner lots there shall be a minimum required front yard abutting each of the intersecting streets. The remaining yards shall be considered side yards.

(d) Minimum Required Rear Yard

Mobile Home Parks	20 feet for the overall development
Recreational Vehicle / Travel Trailer Parks	20 feet for the overall development
Single-family mobile home	15 feet for the interior rear yard
Single-family dwelling unit	15 feet

7. Maximum Number of Principal Buildings Permitted

- (a) Uses shall have no limitations on the number of principal buildings per lot provided that the lot area and yard requirements are met and provided that the site plan for the complex is approved by the Planning Commission.
- (b) Uses other than residential shall have no limitations on the number of buildings, but the aggregate of all buildings shall not exceed thirty-five (35) percent of the entire lot area.

8. Height Regulations

No building shall exceed three (3) stories or thirty-five (35) feet in height except that free-standing poles, towers, spires, and structures not designed for or suitable for human

occupancy may exceed this height provided that they comply with the provisions of all other pertinent codes and ordinances, and provided that they are located no closer to the nearest property line than the distance equal to their own height plus five (5) feet.

9. Accessory Buildings and Uses

Accessory buildings and uses shall include private garages, swimming pools, carports and other accessory uses customarily incidental to the previously permitted use.

- (a) No accessory building or use shall be erected in any front or required side yard. Accessory buildings or uses shall not cover more than thirty (30) percent of any required rear yard and shall be at least five (5) feet from all lot lines, recorded easements or other buildings on the same lot.
- (b) Accessory buildings on corner lots shall conform to front yard setbacks for both intersecting streets.
- (c) No accessory building or use shall exceed two (2) stories or twenty-five (25) feet in height

10. Development Requirements

All mobile home parks developed in the City of McKenzie must meet certain development requirements. A mobile home park site plan must be submitted to the Planning Commission which shows that the following development requirements will be met:

(a) Mobile Home Parks Screening

There shall be screening along the side and rear lot lines. The screening will either be a five (5) feet wide green strip with evergreen plants at least six (6) feet tall or a fence of a minimum height of six (6) feet. The fence will be designed to totally block visibility of the development even when the viewer is moving.

(b) Installation Requirements for Mobile Home (Pads)

- i. All mobile homes permitted under this section shall be set upon masonry blocks or steel piers which are constructed upon a concrete footing and each mobile home shall be anchored with approved anchors as required by Tennessee Code Annotated, Section 68-45-103.
- ii. All mobile homes moved into any mobile home park, existing or new, after the effective date of this Ordinance shall have under skirting to prevent the accumulation of refuse and rodents.

(c) Street System

- i. The internal street system shall consist of paved streets with a 50 feet right-of-way and have a paved surface a minimum of 24 feet wide measured from the edge of the paved surface to the edge of the paved surface.

- ii. The construction standards for the streets are: The sub-grade shall consist of six (6) inches of compacted chert or gravel topped with asphalt primer as per the subdivision regulation standards.
- iii. Entrances and exits to mobile home parks shall be designed for safe and convenient movement of traffic into and out of the park.
- iv. No entrance or exit shall require a turn at more than a ninety (90) degree angle for vehicles moving in the direction intended, and radii of curbs and pavements at intersection shall be such to facilitate each turning movement for vehicles with trailers or mobile homes attached.
- v. Access to the park shall be located so as to provide an unobstructed view of the oncoming traffic from both directions for at least the minimum sight stopping distance as determined by the design and speed limit of the abutting street.
- vi. Water lines - shall be a minimum six (6) inch water main looped for adequate water pressure for fire protection with fire hydrants every five hundred feet and shall be approved by the water and sewer department.
- vii. Sewer lines - shall be minimum eight (8) inch sewer pipe, with four (4) inch force mains where applicable, designed according to the standards required in the subdivision regulations and shall be approved by the water and sewer department.
- viii. Gas Supply - Natural Gas Systems, equipment and installation within a mobile home park shall be constructed in accordance with applicable code and regulations. The system shall be designed so as to minimize the potential of damage to lines, regulations meters and valves from vehicles or other natural causes. The manner of connection of the system to the sewer line shall be approved by the appropriate utility distributor prior to the actual connection.
- ix. Garbage Disposal - The storage, collection, and disposal of refuse in a mobile home park shall be conducted and maintained so as to create no unsanitary health hazards, rodent harborage, insect breeding areas, fire or accident hazard, air pollution or nuisance of any kind. When a mobile home park is located so as to be served by a public refuse collection sewer it shall be utilized by the mobile home park. If such a sewer is not available, it shall be transported to a designated approved disposal site in accordance with Health Department procedures. A plan for refuse storage within the mobile home park shall be approved by the McKenzie Planning Commission.
- x. Electrical Distribution. Every mobile home park shall contain an electrical wiring system consisting of wiring, fixtures and equipment installed and maintained in accordance with the appropriate codes and regulations as adopted by the City of McKenzie. All electrical systems shall receive approval from the appropriate utility distributor prior to installation and be in accordance with minimum standards imposed by said utility distributor.
- xi. Paved Parking - All trailer spaces shall provide a minimum of 400 square feet of paved parking area.

- xii. Drainage Plan - An adequate drainage system, including necessary open ditches, pipes, culverts, intersectional drains, drop inlets, bridges, headwalls, etc., shall be provided for the proper drainage of all surface water. All streets and roads shall be so designed as to provide for the discharge of surface water for the right-of-way of all streets and roads by grading and drainage, and the design shall be approved by the Planning Commission. Storm drainage facilities shall be located in the road right-of-way where feasible, or in perpetual unobstructed easements of appropriate width. Where a park is traversed by a water course, drainage, canal or stream, there shall be provided a storm water easement or drainage right-of-way along side for the purpose of widening, deepening, relocating, improving, or protecting such drainage channels. A drainage plan must be approved by the City Engineer.

11. Regulations for Establishment of Mobile Home Parks

(a) Planning Commission Approval of Mobile Home Park Site Plan

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

(b) Site Plan Requirements for Mobile Home Parks

Prior to the issuance of a building permit for the construction of mobile home parks, the developer shall submit a site plan to the Planning Commission for review and approval. The site plan shall include the following:

- i. drawn to a scale not more than one (1) inch equals 100 feet;
- ii. name and owner of record;
- iii. proposed park name;
- iv. north point and graphic scale and date;
- v. vicinity map showing location and acreage of mobile home park;
- vi. exact boundary lines of the tract by bearing and distance;
- vii. names and adjoining property owners;
- viii. existing streets; utilities, easements, and water courses adjacent to the tract;
- ix. the location of the mobile home park and the boundaries of the mobile home spaces will be indicated.
- x. proposed design including streets, proposed street names, lot line with approximate dimensions, easements, land to be reserved or dedicated for public uses, and any land used for purposes other than mobile home spaces;

- xi. provisions for water supply, sewerage and drainage; and the following certifications are required:
  - (1) owner's certification
  - (2) Planning Commission approval signed by the secretary
  - (3) Certification of the Tennessee Department of Environment and Conservation.

The Planning Commission may require modification of the site plan with respect to the following items to ensure that the proposed project is compatible with and does not adversely affect the adjacent properties:

- i. relocation of drives and parking areas;
- ii. require increased lot areas and/or setbacks;
- iii. require screening;
- iv. alter building locations.

The developer shall also submit a complete utility plan showing the location and sizes of proposed water and sewer lines and fire hydrants to the McKenzie Director of Public Works at the time the site plan is submitted. The Planning Commission may withhold site plan approval at the request of Public Works until he and the water and sewer committee are satisfied with the water, sewer and fire hydrant plans.

12. Licenses and License Fees

- (a) No mobile home may be located in the City of McKenzie unless the same shall be in an approved and duly licensed mobile home park.
- (b) It shall be unlawful for any person to maintain or operate within the corporate limits of the City of McKenzie any mobile home park unless such person shall first obtain a license for that park.
- (c) Licenses shall not be transferred.
- (d) The annual license fee for each mobile home park shall be established by the Board of Mayor and Council of the City of McKenzie.
- (e) The license shall be conspicuously posted in the office of, or on the premises of, the mobile home park at all times.
- (f) The annual permit fee for mobile home parks shall be fifty (\$50) dollars for the first twenty (20) spaces approved and five (5) dollars for each space approved thereafter.

13. Application for License

Applications for a mobile home license shall be filed with and issued by the Building Inspector. Applications shall be in writing signed by the applicant and shall contain the following:

- a. name and address of applicant;
- b. location and legal description of mobile home park;
- c. a valid state permit issued by the Tennessee Department of Public Health (Health and Environment);
- d. a complete plan shall be clearly and legibly drawn to a scale of one hundred (100) feet to one (1) inch. The plan shall show buildings, and

structures, streets, existing road ways, utilities, the location of pads and individual mobile home spaces;

- e. such further information as may be requested by the Building Inspector to enable him to determine if the proposed park will comply will legal requirements.

The application and all accompanying plans and specifications shall be filed in triplicate. The Building Inspector and the Health Officer shall investigate the applicant and inspect the proposed plans and specifications. If the proposed mobile home park will be in compliance with all provisions of this Ordinance, the Building Inspector shall approve the application and upon completion of park according to the plans, shall issue the license.

14. Revocation of License

The Building Inspector shall make periodic inspections of the park to ensure compliance with this Ordinance. In case of non-compliance with any provisions of this Ordinance, the Tennessee Department of Environment and Conservation and/or Building Inspector shall serve warning to the licensee. Thereafter, upon failure to the licensee to remove said violation, the Health Officer and Building Inspector shall have the authority for the revocation of the license. The license may be reissued if the circumstances leading to revocation have been remedied and the park can be maintained and operated in full compliance with the law.

15. Register of Mobile Homes

It shall be the duty of the licensee to keep a register containing a record of all mobile home owners located within the park. The register shall contain the following information:

- a. the make, model and year of all mobile homes;
- b. owner and/or leasee of each mobile home;
- c. the dates of arrival and departure of each mobile home or recreational vehicle.

The park shall keep the register available for inspection at all times by law enforcement officers, public health officials and other officials whose duties necessitate acquisition of the information contained in the register. The register records shall not be destroyed for a period of three (3) years following the date of registration.

16. Recreational Vehicle / Travel Trailer Parks. It shall be unlawful for any recreational vehicle or travel trailer to be occupied or serviced outside of any properly designated recreational vehicle / travel trailer park. This provision shall not apply to the storage of recreational vehicles or travel trailers provided said trailer units are not permanently occupied as a dwelling unit while within the city limits.

- (a) Permit for Recreational Vehicle / Travel Trailer Park. No place or site within said city shall be established or maintained by any person, group of persons, or corporation as a recreational vehicle / travel trailer park unless he holds a valid permit issued by the City Building Inspector in the name of such person or persons for the specific recreational vehicle/ travel trailer park. The Building Inspector is authorized to issue, suspend, or revoke permits in accordance with the

provisions of this Ordinance. The annual permit fee for each travel trailer park shall be fifty (\$50) dollars.

- (b) Inspections by City Building Inspector or County Health Officer. The City Building Inspector or County Health Officer is hereby authorized and directed to make inspections to determine the condition of recreational vehicle / travel trailer parks, in order that he may perform his duty of safeguarding the health and safety of the occupants of recreational vehicle / travel trailer parks and of the general public. The Building Inspector or County Health Officer shall have the power to enter at reasonable times upon any private or public property for the purpose of inspecting and investigating conditions relating to the enforcement of this Ordinance.
- (c) Length of Occupancy. Recreational Vehicle / Travel Trailer spaces shall be rented by the day or week only and the occupant of such space shall remain in the same recreational vehicle / travel trailer park not more than fourteen (14) days.
- (d) Location. Recreational Vehicle / Travel Trailer parks shall be located in R-4 (Residential-Mobile Home) districts as specified in the Zoning Ordinance of the City of McKenzie.
- (e) Minimum Size of Travel Trailer Space. Each recreational vehicle / travel trailer space shall have a minimum width of twenty (20) feet and a minimum length of thirty (30) feet.
- (f) Recreational Vehicle / Travel Trailer Parks Screening. There shall be screening along the side and rear lot lines of the recreational vehicle / travel trailer park. The screening will either be a five (5) feet wide green strip with evergreen plants at least six (6) feet tall or a fence of a minimum height of six (6) feet. The fence will be designed to totally block visibility of the development even when the viewer is moving.
- (g) Site planning improvements shall conform to the standards established in Regulations VI XX of the State Regulations Governing the Construction, Operation and Maintenance of Organized Camps in Tennessee, as provided in Chapter 65, Public Acts of 1965, and subsequent amendments thereto.
- (h) Recreational Vehicle / Travel Trailer Parks Site Plan. Application for a recreational vehicle / travel trailer park shall be filed with and issued by the City Building Inspector subject to the Planning Commission's approval of the recreational vehicle / travel trailer park plan. Applications shall be in writing and signed by the applicant and shall be accompanied with an approved plan of the proposed recreational vehicle / travel trailer park. The plan shall contain the following information and conform to the following requirements:
  - i. drawn to a scale not more than one (1) inch equals 100 feet;
  - ii. name and owner of record;
  - iii. proposed park name;
  - iv. north point and graphic scale and date;
  - v. vicinity map showing location and acreage of recreational vehicle / travel trailer park;
  - vi. exact boundary lines of the tract by bearing and distance;
  - vii. names and adjoining property owners;

- viii. existing streets; utilities, easements, and water courses adjacent to the tract;
- ix. the location of the recreational vehicle / travel trailer park and the boundaries of the recreational vehicle / travel trailer spaces will be indicated.
- x. proposed design including streets, proposed street names, lot line with approximate dimensions, easements, land to be reserved or dedicated for public uses, and any land used for purposes other than mobile home spaces;
- xi. provisions for water supply, sewerage and drainage; and the following certifications are required:
  - (1) owner's certification
  - (2) Planning Commission approval signed by the secretary
  - (3) certification of the Tennessee Department of Environment and Conservation.

The Planning Commission may require modification of the site plan with respect to the following items to ensure that the proposed project is compatible with and does not adversely affect the adjacent properties:

- i. relocation of drives and parking areas;
- ii. require increased lot areas and/or setbacks;
- iii. require screening;
- iv. alter building locations.

The developer shall also submit a complete utility plan showing the location and sizes of proposed water and sewer lines and fire hydrants to the McKenzie Director of Public Works at the time the site plan is submitted. The Planning Commission may withhold site plan approval at the request of Public Works until he and the water and sewer committee are satisfied with the water, sewer and fire hydrant plans.

**11-606. PRD (Planned Residential Development) District.** The purpose of this section is to provide for greater flexibility in the development of residential districts. Within any residential district as shown on the zoning map of McKenzie, Tennessee, the following regulations shall apply if a developer chooses to utilize a Planned Residential Development District.

- (1) Definitions. The following definitions shall apply to this section:
  - (a) "Base Zoning District" - The zoning of the property prior to the establishment of the PRD.
  - (b) "Conditional Zoning" - The attachment of special conditions to a rezoning which are not spelled out in the text of the ordinance. Along with the devices to insure compliance, it may bind the developer to the conditions through filing a covenant.

- (c) "Covenant" - A private legal restriction on the use of land contained in the deed to the property or otherwise formally recorded. They can be used in rezoning restrictions to bond the land owner to use his property in a specific manner.
  - (d) "Density" - The number of dwelling units permitted in a development.
  - (e) "Gross Land Area" - All of the land area involved in the PRD.
  - (f) "Flexible Regulations" - Regulations which apply general standards to property with final decisions made shortly before development occurs. This has been a long-standing practice under subdivision regulations and increasingly is being applied under zoning. The intent is to widen the range of options available to developers and thereby lead to a better design. They recognize that the appropriate use for every parcel cannot be predetermined, as a result, policies and criteria for decision making area established often through performance standards, rather than specified uses and standards. Under most flexible techniques public officials or bodies have discretion in their decisions and frequently negotiate with developers before final approval is given. Thus, while development options are broad, development permission, once granted may be quite narrow. Among flexible zoning devises are floating zones, overlay zones, and PRD's.
  - (g) "Floating Zone" - A zoning district whose requirements are fully described in the text of the ordinance but which is unmapped. It is "anchored" to the land in response to an applicant's petition for a rezoning, almost invariable through legislative action. The new zoning description then replaces the previous designation.
  - (h) "Net Land Area" - The gross land area minus the area set aside for streets, drives, and parking.
  - (i) "PRD" - Planned Residential Development.
  - (j) "Site Plan" - A plan drawn to scale showing uses and structures proposed for a parcel of land as required by the regulations involved. It includes at a minimum, lot-line, streets, building sites, reserved open space, buildings, topography, location of existing and proposed utility lines, and etc.
  - (k) "Zero Lot Line" - A development approach in which a building is sited on one or more lot-lines with no yard. It is possible for three or four sides of the building to be on the lot lines. The intent is to allow more flexibility in site design and to increase the amount of usable open space on the lot.
- (2) Uses Permitted.

- (a) All residential uses are permitted in the PRD subject to the approval of the Board of Mayor and Council. Each development proposal shall be evaluated on its own merits, and no PRD, shall be considered as setting a precedent. The applicant shall submit the intended residential use to the Board of Mayor and Council and they shall determine if it is appropriate for the area. No residential uses are excluded from consideration. No uses are permitted outright, and are subject to review and prior approval. The Board of Mayor and Council may require a deed covenant to enforce the approved use.
  - (b) Churches, schools, parks, playgrounds, and community buildings.
  - (c) Accessory uses and buildings customarily incidental and subordinate to the above.
- (3) Area regulations.
- (a) Minimum PRD area. The minimum size of a parcel of land submitted for consideration as a PRD shall be two (2) acres.
  - (b) Required yard areas. The regulations governing the base zoning district shall apply for all yard requirements. The Board of Mayor and Council may permit zero lot lines.
  - (c) Lot Width.
    - (i) For all residential uses there shall be a minimum lot width of sixty (60) feet at the front building line. Lot widths for single family attached dwellings shall be determined on the site plan and may be narrower than the minimum allowed width.
    - (ii) All other uses shall have a minimum lot width of one hundred (100) feet at the front building line.
  - (d) Density.
    - (i) The number of dwelling units permitted in the PRD shall be determined by the following formula:
      - A = Gross Land area.
      - B = Fifteen (15) percent of land area for parking, streets, and drives.
      - C = Net land area.

D = Lot area requirements for single family dwellings from the base zoning district.

N = Number of dwelling units permitted.

$A \times .15 = B$

$A - B = C$

$C / D = N$

- (ii) All other uses shall be governed by the regulations established for the base zoning district.
- (e) Maximum area coverage. A maximum of forty (40) percent of the gross land area can be covered by structures, parking and drives.
- (4) Height regulations. No building shall exceed three (3) stories or thirty-five (35) feet in height.
- (5) Off-street parking.
  - (a) There shall be two (2) spaces for each dwelling unit.
  - (b) Other uses shall be governed by Chapter 4, section 11-410.
- (6) Screening and landscaping.
  - (a) A minimum of sixty (60) percent of the total land area shall be set aside as open space devoted to planting, patios, walkways, and recreation areas.
  - (b) All open space areas shall be landscaped as approved by the city Board of Mayor and Council.
  - (c) All fencing shall be of a wood or masonry material.
- (7) Administrative procedures for planned residential development. In establishing a Planned Residential Development District in accordance with this section the following shall be required:
  - (a) Pre-submission conference with the Planning Staff;
  - (b) Compliance with Chapter 17 of the Zoning Ordinance of McKenzie, Tennessee;
  - (c) A comprehensive site plan containing the following:
    - (i) Name of the development.
    - (ii) Name and address of developer.

- (iii) Name, address, telephone number, and email of designer.
  - (iv) Date, north arrow, and scale.
  - (v) Location of existing property lines, streets, buildings, easements, and utility lines.
  - (vi) Location and dimensions of proposed streets, easement utilities, structures and lot-lines.
  - (vii) Proposed land uses and their locations.
  - (viii) Off-Street parking.
  - (ix) Recreational areas.
  - (x) Existing and finished contours.
  - (xi) Tax map and parcel reference for subject property.
  - (xi) Any other information as may be required by the planning staff.
- (d) Architectural elevations;
  - (e) Drainage plan;
  - (f) Landscape plan;
  - (g) Restrictive covenants;
  - (h) Homeowner association agreements and bylaws.
- (8) Every planned residential development district approved under these provisions shall be considered as an amendment to the Zoning Ordinance. In approving the PRD district the Board of Mayor and Council may impose conditions relative to the standard of development. Those conditions shall be complied with before a building permit or certificates of occupancy is issued for the use of the land and/or any structure which is part of the said district and such conditions shall not be construed as conditions precedent to the approval of the zoning amendment, but shall be construed as conditions precedent to the granting of a building permit and/or certificate of occupancy.
  - (9) All PRDs approved in accordance with the provisions of this section in its original form or by subsequent amendment shall be references on the Official Zoning Map.
  - (10) If favorable action is taken by the Board of Mayor and Council on the petition for rezoning, the developer shall have one (1) year after the effective date of the PRD district rezoning to start construction. If construction has not been started in that time period the developer has one (1) month from the end of the year period to submit the PRD for re-approval. If the developer does not resubmit the PRD, the property shall automatically revert to the original zoning classification.
  - (11) Any unauthorized deviation from the approved site plan shall constitute a violation of the building permit authorizing construction of the development. In

such cases where revisions would constitute a minor change in the site plan, the Planning Commission shall have the authority to authorize such changes. In all instances where a substantial change is request or where there is any question of the magnitude or consequence of the proposed revision, such revisions shall be submitted to the Planning Commission and Board of Mayor and Council for approval.

**CHAPTER 7**

**PROVISIONS GOVERNING BUSINESS DISTRICTS**

**SECTIONS**

- 11-701. B-1 (LOCAL BUSINESS) DISTRICT
- 11-702. B-2 (HIGHWAY BUSINESS) DISTRICTS
- 11-703. B-3 (CENTRAL BUSINESS) DISTRICTS
- 11-704. B-4 (IMPACT BUSINESS) DISTRICTS
- 11-705. P-B (PLANNED BUSINESS) DISTRICTS
- 11-706. O-R (OFFICE RESIDENTIAL) DISTRICTS

**11-701. B-1 (Local Business) Districts.** Within the B-1 (Local Business) Districts as shown on the Zoning Map of McKenzie, Tennessee, the following regulations shall apply:

- 1. Uses Permitted.
  - (a) Retail sales: bakery and dairy products; drug and pharmaceutical; florist shops; gift shops; book stores; groceries; hardware; hobby shops; decorator's shop, camera shop; and automobile sales; packaged liquor stores provided the following:
    - (i) No packaged liquor store shall be permitted to locate within 300 feet from an existing or pre-existing public or private school, or established place of worship;
    - (ii) Must be located on an arterial status road as adopted on the McKenzie Major Road Plan Map;
    - (iii) For the purpose of this section, measurements shall be made in a straight line from property line to property line.
  - (b) Services: Banks; savings and loan associations; barber shops; beauty shops; funeral homes; automobile service stations; laundry and dry cleaning pick-up stations and self service laundry and dry cleaning facilities; business and professional offices; radio and television sales and service; shoe repair; restaurants, family day care, group day care, and day care centers.
  - (c) Churches; and, federal, state and municipal uses.
  - (d) Outdoor advertising signs and advertising structures.

(e) Any accessory use or building customarily incidental to the above permitted uses.

2. Uses Permitted on Appeal.

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

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

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

(a) Minimum required lot area

- |                |  |
|----------------|--|
| (1) Churches   | 15,000 sq. ft. or 200 sq. ft. of lot area per auditorium seat, whichever is greater. |
| (2) Other uses | No minimum requirement   |

(b) Minimum required lot width that the building line

- |                               |                         |
|-------------------------------|-------------------------|
| (1) Gasoline service stations | 120 feet                |
| (2) Churches                  | 60 feet                 |
| (3) Other uses                | No minimum requirements |

(c) Minimum required front yard

- |                               |         |
|-------------------------------|---------|
| (1) Gasoline service stations | 15 feet |
| (2) Churches                  | 25 feet |
| (3) Other uses                | 25 feet |

(d) Minimum required yard

- |              |         |
|--------------|---------|
| (1) All uses | 20 feet |
|--------------|---------|

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

- |                |  |
|----------------|--|
| (1) Churches   | 15 feet  |
| (2) Other uses | No minimum requirement, however, if buildings do not have common or adjoining walls, there shall be a side yard of at least five (5) feet. |

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

(f) Maximum permitted height of structures.

- |   |
|---|
| (1) No building shall exceed three (3) stories or thirty-five (35) feet in height unless each side yard is increased over the required minimum by five (5) feet for every five (5) feet, or fraction thereof, of additional height over thirty-five (35) feet, not to exceed forty (40) feet however. |
|---|

- (2) On a lot of less than fifty (50) feet in width at the building line no building shall exceed one and one-half (1 -1/2) stories or twenty-five (25) feet in height.
  - (3) No accessory building shall exceed two (2) stories in height.
  - (4) Free standing poles, spires, towers, antennae and similar structures not designed for or suitable to human occupancy may exceed the height provisions of this Ordinance provided they comply with all other codes and ordinances, and provided that they are located a distance equal to their own height plus ten (10) feet from the nearest property line.
5. Minimum Off-Street Parking Requirements. (As required in Sections 11-410, General Provisions, of this Ordinance.)
  6. Limitations on Signs and Billboards. (See Section 11-413, General Provisions, of this Ordinance.)
  7. Landscaping Provisions. Each site shall be developed with not less than ten (10%) percent of its total area landscaped with trees, evergreen shrubbery, grass and / or plantings. Solid waste storage and disposal areas shall be screened from public view and shall be maintained in compliance with Carroll County Health Department regulations.
  8. Site Plan Review. Prior to the issuance of a building permit, site plan review is required in accordance with Section 11-420 of this ordinance for all permitted uses and uses permitted on appeal, except for single family dwellings. Once a site plan has been approved and all modifications, if any, have been made a building permit may be issued. The Building Inspector shall maintain a copy of the site plan in the permanent files of the City.

**11-702. B-2 (Highway Business) Districts.** The purpose and intent of these districts are to provide adequate space in appropriate locations along major arterial roads for the establishment of a wide variety of uses including commercial trade and service uses, entertainment facilities, offices and establishments engaged in wholesale trade. Since these establishments tend to generate relatively large volumes of traffic and have other characteristics detrimental to residential districts, their locations should be removed from the proximity of residential districts as much as possible. Also, all developments within these districts shall have access on frontage (service), or marginal access roads in order to secure sufficient traffic flow along major arterial roads. Within the B-2 (Highway Business) Districts shown on the Zoning Map of McKenzie, Tennessee, the following regulations shall apply:

1. Uses Permitted.
  - (a) Retail sales; automobile sales; automobile parts; bakery and dairy products; drug and pharmaceuticals; florist shops; gift shops; book stores; newspaper stands; groceries; hardware: boats and boating equipment; sporting goods; mobile home sales; paint and wallpaper; agricultural implements; furniture; household appliances; floor coverings and draperies; seed and feed; nursery and greenhouses; and packaged liquor stores provided the following:

- (i) No packaged liquor store shall be permitted to locate within 300 feet from a pre-existing public or private school, childcare facility or established place of worship;
- (ii) Must be located on a major arterial status road as adopted on the McKenzie Municipal-Regional Major Road Plan Map;
- (iii) For the purpose of this section, measurements shall be made in a straight line from property line to property line.
- (b) Services: automobile repair; animal hospital and veterinarian clinic; commercial recreation; banks; savings and loan association; barber shops; beauty shops; funeral home; automobile service station; laundry and dry cleaning establishments; business and professional offices; radio and television sales and service; shoe repair; motels and hotels; restaurants, family day care, group day care, and day centers.
- (c) Churches; and, federal, state and municipal uses.
- (d) Outdoor advertising signs and advertising structures.
- (e) Manufacturing incidental to retail business or service where products are sold on the premises by producers and where not more than ten (10) operatives are employed in such manufacture.
- (f) Any accessory use or building customarily incidental to the above permitted uses.

2. Uses Permitted on Appeal

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

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

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

- (a) Minimum required lot area
  - (1) Churches 15,000 sq. ft. or 200 sq. ft. of lot area per auditorium space, whichever is greater.
  - (2) Other Uses No minimum requirements.
- (b) Minimum required lot width at the building line.
  - (1) Gasoline service station 120 feet
  - (2) Churches 100 feet
  - (3) Other uses No minimum requirement.
- (c) Minimum required front yard
  - (1) All uses 25 feet
- (d) Minimum required rear yard
  - (1) All uses 20 feet
- (e) Minimum required side yard on each side of lot.
  - (1) Churches 25 feet

- (2) Other uses 10 feet
- (3) On lots adjacent to a residential district, all buildings shall be located so as to comply with the side yard requirement of the adjacent residential, district on the side adjacent to the residential district. In addition, on any corner lot a side yard of 25 feet shall be provided.
- (f) Maximum permitted height of structures.
  - (1) No building shall exceed three (3) stories or thirty-five (35) feet in height.
  - (2) On a lot less than fifty (50) feet in width at the building line no building shall exceed one and one-half (1-1/2) stories or twenty-five (25) feet in height.
  - (3) No accessory building shall exceed two (2) stories in height.
  - (4) Free standing poles, spires, towers, antennae and similar structures not designed for, or suitable to human occupancy may exceed the height provisions of this Ordinance provided they comply with all other codes and ordinances and provided that they are located a distance equal to their own height plus ten (10) feet from the nearest property line.
- 5. Minimum Off-Street Parking Requirements. (As required in Section 11-410, General Provisions, of this Ordinance.)
- 6. Limitations on Signs and Billboards. (See Section 11-413, General Provisions, of this Ordinance.)
- 7. Site Plan Review. Prior to issuance of a building permit for any permitted use or use permitted on appeal, a site plan for the use and development of the entire tract shall be submitted to and approved by the Planning Commission. The site plan shall conform to the requirements provided in Section 11-420 of the General Provisions.
- 8. Landscaping Provisions. All developments requiring a building permit and site plan, shall also be required to submit a landscape plan, which meets the requirements specified in Section 11-419 of the General Provisions.
- 9. Site Plan Review. Prior to the issuance of a building permit, site plan review is required in accordance with Section 11-420 of this ordinance for all permitted uses and uses permitted on appeal, except for single family dwellings. Once a site plan has been approved and all modifications, if any, have been made a building permit may be issued. The Building Inspector shall maintain a copy of the site plan in the permanent files of the City.

**11-703. B-3 (Central Business) District.** The intent of this district is to provide opportunities for traditional commercial development, and redevelopment, in existing, or planned commercial centers, within the City of McKenzie. The purpose is to maintain the current character of the Downtown while maintaining the viability. The district is also designed to enhance the quality of life in the Downtown square, encourage access to sunlight by preserving open spaces, and to encourage pedestrian use through connection to adjacent neighborhoods. Construction or redevelopment of mixed-uses in buildings shall be encouraged to promote pedestrian traffic around the Downtown square. Zero lot line development is also

encouraged to preserve the traditional Downtown. The principles of pedestrian oriented design shall be utilized in this district. The Building Inspector, Fire Marshall and Planning Commission must approve all new and redeveloped buildings before approved for occupancy.

1. Definitions - Except as specifically defined herein all words used in this ordinance have their customary dictionary definitions where not inconsistent with the context of the ordinance. The term “shall” and “should” are mandatory. Words used in the present tense shall include the future’ the word “building: shall include the word “structure.” The word “lot” includes a firm, association, organization, partnership corporation, trust, and company as well as an individual. In case of conflict between building code or dictionary definitions with the definitions contained in this ordinance, the definition herein shall prevail. The categories established herein to define the permitted uses are derived from the Standard Land Use Coding Manual and adapted to the particular needs of the City of McKenzie.

Accessory Building and Use: A use or building on the same lot with and of a nature customarily incidental and subordinate to the principle use or building.

Apartment: One unit, including living, cooking and sanitary facilities, in a multi-family dwelling or building with mixed uses.

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

Building Permit: A permit obtained from the McKenzie Building Inspector for the construction, repair, alteration or addition to a structure.

Certificate of Occupancy: A certificate allowing the occupancy or use of a building or tract of land certifying that the structure or use has been constructed or will be used in compliance with this ordinance and all other regulations.

Civic Uses: Uses that are generally non-profit organizations including religion, arts, and culture, education and government. Civic uses can be either publicly or privately owned.

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

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

Density: Number of dwelling units per acre allowed by this zoning ordinance.

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

Easement: The right to use another person’s property but only for a limited and specifically named purpose. The most common purposes are for utility installation, the protection or provision of drainage ditches or swales, and the provision of access. The owner generally continues to make use of such land since he has given up only certain, and not all, ownership rights.

Encroachment: The part of a structure which intrudes into an easement or required yard.

Façade: The vertical surface, or face of a building, which is parallel to the street. The elevation of a façade is the vertical surface area. Facades are subject to visual

definition by building height, setback lines, recess lines. The location of a recess line is determined by the desired compatibility with existing buildings, and transition lines.

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

Gasoline Service Station: Any facility used for dispensing or sale at retail of any motor vehicle fuels.

Government Agency: A agency of the Federal, State or the local governmental or any combination thereof.

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

Gross Floor Area: The total floor area, including basements, mezzanines and upper floors, if any, expressed in square feet measured from center lines of joint partitions and exteriors of outside walls.

Habital Space: Areas within a building designed and / or used as living quarters for human beings.

Interconnected: Refers to streets which provide through access to other streets. Interconnected means the existence of grid pattern and includes curvilinear streets, but discourages the use of cul-de-sacs. All streets and alleyways in the B-3 District will be interconnected.

Large, Medium and Small Maturing Trees: Tree height categories are: large trees grow to a minimum height of forty-five (45) feet; medium trees grow to a minimum height of thirty (30) feet; small trees grow to a minimum height of fifteen (15) feet.

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

Massing: The three dimensional bulk of a structure: height, width and depth.

Mixed Use: The presence of residential and nonresidential uses within the same complex or same building. Mixed use also refers to presence of different categories of nonresidential uses including commercial, civic, cultural, office and governmental uses within the same complex or building.

Neighborhood: A pedestrian oriented neighborhood, with variable lot widths and sizes, a mix of dwelling unit types, on-street parking, and non-residential uses generally located along a main street core area or fronting a community green. The size of the neighborhood is five-minute walk from the core or ¼ mile.

Open Space: Any area which does not consist of buildings, streets, rights of ways, parking, or easements, and serves as a passive or active recreational area.

Overlay District: A set of regulations which add an additional layer of design provisions to an underlying regulating district.

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

Parking Space Required: A paved and properly drained area, enclosed or unclosed, required by this ordinance to be permanently reserved for parking one

motor vehicle. Each required parking space shall have a minimum area of one hundred and eighty (180) square feet and not less than nine feet wide.

Pedestrian Oriented Development: Development that accommodates the needs of the pedestrian. Such development will mix uses and provide them in proximity to one another, will allow the pedestrian the option or choice of not having to use an automobile to accomplish certain trips. Such development will balance the needs to the pedestrian and automobile equally.

Planter: A portable, self-contained, or non-permanent container which has the sole purpose of containing plants, flowers, trees or other vegetation.

Plat: A map, plan, or layout indicating the location and boundaries of individual properties and which may indicate structure location and horizontal measurements.

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

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

Retail Trade: Those establishments engaged in selling merchandise for personal or household consumption and rendering services incidental to the sale of the goods.

Right-of-Way: An area of land dedicated to infrastructure such as streets, sewer lines, water lines, electric lines or gas lines.

Setback: The minimum distance required between the lot boundary and the building line as stipulated by the front, side and rear yard provisions of this ordinance.

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

Special Use Permit: A permit which must be obtained from the Board of Zoning Appeals for selected uses prior to the construction or operation of said use.

Start of Construction: The actual start means the first placement of permanent construction of a structure (including a manufactured home) on a site, such as the pouring of slabs or footings, installation of piles, construction of columns, or any work beyond the stage of excavation or the placement of a manufactured home on a foundation. Permanent construction does not include land preparation, such as clearing, grading and filling; nor does it include excavation for a basement, footings, piers installation on the property of accessory buildings, such as garages or sheds not occupied as dwelling units or part of the main structure. For a substantial improvement, the actual start of construction means the first alteration of any wall, ceiling, floor or other structural part of a building, whether or not that alteration affects the external dimensions of the building.

Story: That portion of a building included between the upper surface of any floor and the upper surface of the floor next above or any portion of a building used for human occupancy, between the topmost floor and the roof. A basement not used for human occupancy shall not be counted as a story.

First Story: That portion of a building included between the upper surface at ground level, upper surface of a basement, or upper surface of a half story, and the upper surface of the floor next above.

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

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

- a. Arterial Street: A major street with a minimum of 80 feet right of way, used primarily for heavy through traffic, over 8,000 vehicles a day, which will be so designated on the McKenzie Major Road Plan.
- b. Collector Street: A street with a minimum of 60 feet right of way designed to carry traffic, up to 4,000 vehicles a day, from minor streets to the major road system. Collector streets are usually designated on the McKenzie Major Road Plan.
- c. Marginal Access Street: A minor street with a minimum of 50 feet right of way which is constructed parallel and adjacent to an arterial street for the purpose of providing access to abutting properties and protection from through traffic.
- d. Minor Residential Street: A neighborhood street with a minimum of 50 feet right of way designed to carry between 400 and 3,000 vehicles a day at a posted speed of 30 mph.
- e. Alley: A street set aside primarily for vehicular service access to the back or side of properties otherwise abutting on a street. An alley is designed to carry less than 250 vehicles a day at a posted speed on no more than 15 mph.

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

Street Orientation: The direction of the architectural front façade of a building in relation to the street. Buildings shall have their main entrance facing a street.

Street Yard: The area of land along the front property line parallel to a right of way reserved for tree planting and landscaping.

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

Usable Floor Area: Measurement of usable floor area shall be the sum of gross horizontal areas of the several floors of the building, measured from the interior faces of the exterior walls. Floor area which is used or intended to be used principally for the storage or processing of merchandise or for utilities shall be excluded from this computation. For the purposes of computing parking, usable floor area shall be that area used or intended to be used for the sale of merchandise or services, or for use to serve patrons, clients, or customers.

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

Variance: A modification of the strict application of the area (lot, yard and open space) regulations and development standards of this ordinance due to exceptionally irregular, narrow, shallow, or steep lots, whereby such strict application would result in practical difficulty or unnecessary hardship which would deprive an owner of reasonable use of the property. Requirements for a variance are (1) undue hardship caused by exceptional physical irregularities of the property; and (2) unique circumstances due to the exceptional physical irregularities; and, (3) strict application of the area regulations and development standards which would deprive an owner of reasonable use of the property.

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

Warehouse, Mini: A building or group of buildings in a controlled access and fenced compound that contains various sizes of individual, compartmentalized, and controlled access stalls or lockers for the dead storage of customers goods or wares.

Zero Lot Line: The location of a building on a lot in such a manner that one or more of the buildings sides rest directly on a lot line.

3. Uses Permitted - Retail sales, services (not to include commercial recreation), apartments (not to include the first story) on multi-story buildings, civic uses, cultural activities, public uses, recreational uses office use, governmental use and public / semi-public uses, and apartments provided the following:

- (i) Apartments shall be located above the ground floor, basement, or in the rear portion of a structure that must be used for commercial or service use only.
- (ii) Apartments shall be an incidental use to a permitted commercial or service use, unless located on the upper floor or basement of the structure the units will be premised.
- (iii) A floor layout is designed that ensures adequate space and a separate outside entrance from the commercial entrance.
- (iv) No more than one (1) apartment shall be allowed on the ground floor in any one (1) building.
- (v) The use must meet the parking requirements of this ordinance.
- (vi) The character of the building as a commercial structure shall not be changed by the addition of the residential use.
- (vii) No more than forty percent (40%) of a building with a single floor can be used for a residential use.
- (viii) The occupant of a ground floor apartment use must either be the owner, proprietor, or an employee of the business located in the building.

- (ix) Apartments which are located on the upper floor or within the basement of a structure may be used for rental purposes.
  - (x) A site plan and floor layout shall be presented to Codes Enforcement Officer and to the Planning Commission to ensure the provisions of (i) through (ix) above are met. Detailed construction information shall be required to ensure compliance with all pertinent codes of the City of McKenzie, Tennessee.
3. Special Exceptions - Temporary holiday-oriented decorations, building identification markers, and street yards shall be granted special exceptions without need for Planning Commission approval. All permanent outdoor lighting shall require Planning Commission approval before construction.
4. Uses Prohibited -
- Freestanding signs, off-premise signage, vulgar or obtrusive signage, moving parties in signage and all uses not specifically permitted in Section B of this ordinance.
  - Mini-warehousing and warehousing
  - Temporary structures
  - Gasoline service stations and all related uses
  - Industrial uses
  - Adult oriented businesses
  - Any use not indicated in Section 2 of this ordinance
5. Regulations Controlling Lot Area, Lot Width, Yards and Encroachments -  
 The principle building shall be located so as to comply with the following requirements. All setbacks shall be consistent with adjacent buildings.
- |  |         |
|--|---------|
| Maximum lot size for all lots                | None    |
| Minimum lot width                            | 35 feet |
| Minimum Side setbacks                        | 0 feet  |
| Minimum Rear setback                         | 0 feet  |
| Minimum Front setback from sidewalk easement | 0 feet  |
- The main entrance of all buildings (except accessory buildings) must have full street frontage.
- Balconies, awnings and signs shall be permitted to encroach within sidewalk areas as follows:
- Balconies (limited to above first story) 3 feet
  - Awnings 6 feet
6. Height Regulations - The maximum height of all structures shall be as follows:  
 No building shall exceed 35 feet in height or three stories.
- Flagpoles, belfries, chimneys, church spires or water tanks not designed for or suitable for human occupancy, may exceed the height provisions of this ordinance provided that they comply with all other codes and ordinances and further provided that they are located a distance equal to their own height plus 10 feet from the nearest property line.

7. Parking Requirements -Off site parking within 400 feet of a use shall count towards fulfilling required parking. To be considered, all off site parking used to count toward fulfilling required parking shall be depicted on the site plan.

- Each residential use 2 spaces
- Religious Institution 1 space per 4 seats
- Offices 1 space per 300 sq. ft. of usable floor space
- Retail 1 space per 250 sq. ft. of usable floor space

The Planning Commission may suspend parking requirements upon special request for select uses of 2,500 square feet or less or portions of restaurants with outdoor seating.

8. Landscaping requirements - The intent of landscaping requirements is to encourage building occupiers to enhance the ambiance of the Downtown square. Street yards and planters are encouraged. While there are not specific guidelines for species of plantings, the Planning Commission will offer advise for storeowners who participate in beautifying the Downtown.

It is the intent of the City to keep commercial streets landscaped. However, trees and shrubs shall not obstruct the visibility of storefronts from the street or limit pedestrian traffic. Plantings, such as small maturing trees, shall be no taller than 15 feet and situated so that there is not an obstruction when viewing storefronts. All landscaping should be placed so that it does not obstruct pedestrian traffic.

The City of McKenzie shall maintain the park in the square while the storeowners and residents of this district shall maintain landscaping along the street.

9. Written Documentation Requirement - Prior to issuance of a building permit or Certificate of Occupancy, written documentation shall be required for all development or redevelopment in the Downtown Square Business District. As-built drawings are required on all redeveloped buildings, and site plans are required on all new construction.

a. As-Built Drawing - Prior to site plan review for re-developed buildings, an as-built drawing drawn to scale of no less than 1" = 50' shall be required. The as-built drawing shall have three certifications; signatures shall be obtained from the McKenzie Fire Department, Planning Commission and Building Inspector, respectively. The Fire Marshall, the Building Inspector and the Planning Commission must approve the request prior to any construction or reconstruction. The purpose of the as-built is to ensure the health, safety and welfare of the building owners and tenants. The as-built drawing will be kept on file at McKenzie City Hall and at the McKenzie Fire Department and shall depict the following:

- Certifications by the Fire Marshall, the Building Inspector and the Planning Commission.
- The name, address, and location of the building, applicant, and owner of record.
- Vicinity map showing the location of the redevelopment in relation to the Central Business District.
- All existing and proposed landscaping.

- Courses and distances of all existing and proposed streets, property lines, existing buildings and setback lines, property restricting lines, utilities, easements, covenants, reservations and rights-of-way, including streets and alleyways.
  - The date in which the building was built.
  - The existing and proposed floor layout of each level of the building (to include, but not limited to, all internal permanent structures, restrooms, fire escapes, bedrooms, crawl areas, offices, attics, basements, bomb shelters, and closets).
  - Existing and proposed areas for residential, office, public or retail uses.
  - The acreage or square footage of the lot.
  - Existing and proposed fire prevention utilities (to include, but not limited to, fire extinguishers, and sprinklers),
  - Existing and proposed utilities (to include, but not limited to, sewer, water, electric and gas).
- b. Site Plan Review - Prior to the issuance of a building permit for new construction, a site plan drawn to a scale no less than 1" = 50' shall be required. The site plan will depict the following:
- Certifications by the Fire Marshall, the Building Inspector, Public Works Director and the Planning Commission Secretary.
  - The name, address, and location of the proposed development, applicant and owner of record.
  - Date, graphic scale and north point with reference to meridian
  - Courses and distances of center of all existing and proposed streets and all property restricting lines, utilities, easements, covenants, reservations and rights-of-way, including streets and alleyways.
  - Notation of proposed use
  - Vicinity map showing the location of the development in relation to the Central Business District.
  - All existing and proposed landscaping.
  - The acreage or square footage of the lot.
  - Existing and proposed fire prevention utilities (to include, but not limited to, fire extinguishers, and sprinklers).
- c. Site Plan Review Authority - The Planning Commission shall have the power to require such changes in the required site plan as may be necessary to minimize the impact of the required use. This may include, but not be limited to setbacks, screening, lighting, parking location and layouts, access and general landscaping requirements. This power of review shall not include the authority to specify or alter the architectural style of proposed or existing buildings, the authority to specify building materials, colors or similar considerations.
- The Planning Commission shall have the power to require a buffering of the development from surrounding properties by the use of fencing plantings or combinations thereof.

**11-704. B-4 (Impact Business) Districts.** The Primary purpose of this district is to recognize and allow a limited range of commercial establishments with the potential for high traffic generation. Such districts should be situated in areas of the City having a minimal proximity to religious and educational facilities and residential neighborhoods. Areas zoned B-4 (Impact Business) shall be situated along major thoroughfares, with access to adequate utilities. Within the B-4 (Impact Business) District, the following regulations shall apply.

1. Uses Permitted.

- (a) Wholesale and Retail Trade.
- (b) Services Limited to:
  - (i) Finance, Insurance and real estate services (61).
  - (ii) Personal Services (62).
  - (iii) Business Services (63) excluding:  
Warehousing and storage services (637).
  - (iv) Professional Services (65) excluding:  
Hospitals (6513) and Sanitariums, convalescent and rest home services (6516).
  - (v) Governmental Services (67).
  - (vi) Miscellaneous Services (69).
- (c) Hotels, Motels and Transient Lodging
- (d) Transportation, Communication and Utilities Limited to:  
Utilities (48) Limited to:
  - (i) Electric (481)
  - (ii) Gas (482)
  - (iii) Water (483)
- (e) Cultural, Entertainment and Recreational Uses
- (f) Adult Oriented Businesses

2. Uses Permitted on Appeal. Following public notice and hearing and subject to appropriate conditions and safe-guards, the Board Appeals may permit another use which in the opinion of the Board of Zoning Appeals, is similar in character to the above permitted uses and will not be determined to the district in which located.

3. Uses Prohibited. All uses not specifically permitted herein are prohibited.

4. Minimum Lot Size.

All uses - 1 acre or greater if required by the county environmentalist based on soil characteristics

5. Minimum Lot Width at the Building Line.

All uses - 100 feet

6. Minimum Front Yard Depth.

- (a) All lots fronting arterial streets - 60 feet
- (b) All other Lots - 45 feet

7. Minimum Side Yard.  
All uses - 20 feet
8. Minimum Rear Yard Depth.  
All uses - 30 feet except when abutting residential property, 40 feet
9. Maximum Building Coverage (total all buildings).  
All uses - Forty (40%) percent
10. Maximum Building Height.
  - (a) Buildings in General: No building shall exceed 35 feet in height. This limitation shall not apply to belfries, chimneys, church spires, flagpoles, radio and television antennas and water tanks or stand pipes provided they comply with the provisions of all pertinent codes and ordinances and provided that they are located a distance equal to their height plus ten (10) feet from the nearest property line.
  - (b) Accessory Buildings: No accessory building shall exceed 35 feet in height.
11. Off-Street Parking, Loading and Unloading Requirements.  
These requirements are specified in Chapter 4.
12. Locations and Standards
  - (a) The McKenzie Municipal Regional Planning Commission is hereby mandated to impose the following restrictions on the location of adult entertainment establishments:
    - (i) No adult entertainment establishment shall be permitted to locate within seven hundred and fifty (750) feet of any pre-established residential use of any zoning district which is zoned for residential use. For the purpose of this section districts zoned for residential use include (UAG,R-1, R-2, R-3, and R-4).
    - (ii) No adult entertainment establishment shall be permitted to locate within one thousand (1,000) feet from pre-existing public or private school, child-care facility or established place of worship.
    - (iii) No adult entertainment establishment shall be permitted to locate within one thousand (1,000) feet from a public park, public space or other similar open space, which caters to family groups and children.
    - (iv) No adult entertainment establishment shall be permitted to locate within one thousand (1,000) feet from any other adult entertainment business.
    - (v) No adult entertainment shall be permitted to locate within one thousand (1,000) feet from any liquor store.
  - (b) For the purpose of this section, measurements shall be made in a straight line, without regard to intervening structures or objects from the nearest portion of the proposed building housing the adult entertainment business to the nearest portion

of the exterior wall of the existing specified business or land use, or to the nearest residential zoning district line, as appropriate.

13. Exterior Display  
No establishment engaging in adult entertainment activities shall display its stock in trade of activities in such a manner as to be in public view from outside the establishment, including but not limited to view from public sidewalks, streets, arcades, exterior hall ways, breezeways or passageways.
14. Signs  
Advertising signs or lights for illuminating signs provided that they shall not be placed within the street right-of-way and shall not exceed a maximum height of 20 feet.
15. Landscaping Provisions. Each site shall be developed with not less than ten (10%) percent of its total area landscaped with trees, evergreen shrubbery, grass and / or plantings. Solid waste storage and disposal areas shall be screened from public view and shall be maintained in compliance with Carroll County Health Department regulations.
16. Site Plan Review. Prior to the issuance of a building permit, site plan review is required in accordance with Section 11-420 of this ordinance for all permitted uses and uses permitted on appeal, except for single family dwellings. Once a site plan has been approved and all modifications, if any, have been made a building permit may be issued. The Building Inspector shall maintain a copy of the site plan in the permanent files of the city.

**11-705. P-B (Planned Business) Districts.** Planned business districts are intended to permit the development of business uses in areas of the city where additional site development controls are necessary because of the character of the area and the compatibility of the proposed uses with the existing adjacent uses or zoning districts. It is intended for the development of a planned and organized group of compatible uses under a commonly designed site plan.

1. Procedures
  - (a) Before a permit is issued for any use permitted by right, or on appeal, the site plan of the proposed development shall be reviewed and approved by the McKenzie Planning Commission. The Planning Commission shall have the power to impose conditions regarding the location of buildings on the site, the location and design of parking and access facilities, fencing and screening, noise abatement, outdoor advertising and other features affecting the character of the area and the compatibility of the proposed use to existing nearby uses.
  - (b) In order that the Planning Commission may make an accurate determination of the character of the proposed use the applicant shall submit an accurately and legibly drawn site plan showing proposed buildings, parking and access facilities, use of proposed buildings, landscaping, location and general design of outdoor advertising and the front (street) elevation of proposed buildings.  
The Planning Commission may make other reasonable requirements for information when necessary.

- (c) The Planning Commission shall meet and act upon any application within forty-five (45) days from the date of the first meeting at which properly prepared site plans are presented. Failure to act shall constitute approval. When an application is denied the Planning Commission shall state the reasons for such action in writing and they shall be entered in the official records of the Planning Commission.

2. Uses Permitted

- (a) Retail sales: bakery and dairy products; beverages stores; drugs and pharmaceuticals; florist shops; gift shops; book stores; groceries; hardware; clothing and drygoods; hobby shops; camera shops; sporting goods; paint and wallpaper; furniture; household appliances; floor coverings and draperies; hats; shoes; air-conditioning equipment; automobile parts; tires; jewelry stores; cloth shops; musical instruments; music stores; motorcycle and bicycle sales and services; department stores and general merchandise; variety stores; and, video stores.
- (b) Services: Banks, savings and loan associations; barber shops; beauty shops; laundry and dry cleaning pick-up stations; self-service laundry and dry cleaning; medical offices, business and professional offices; radio and television sales and service; shoe repair; hotels and motels; restaurants; photography studios; movie theaters; tailoring and dressmaking; watch repair; family day care, group day care; and day care centers.
- (c) Churches; civic clubs and lodge halls; federal, state and municipal uses.
- (d) Outdoor advertising signs and advertising structures.
- (e) Any accessory use or building customarily incidental to the above permitted uses.
- (f) Automobile sales and service accessory thereto and automobile service stations provided that they are part of a unified development of at least two (2) acres in size.

3. Uses Permitted on Appeal

- (a) Any other uses which in the opinion of the Board of Zoning Appeals is similar in character to above permitted uses and not detrimental to the immediate area.

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

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

- (a) Minimum required lot area
  - (1) Churches Two (2) acres
  - (2) All other uses 20,000 sq. ft.
- (b) Minimum required front yard
  - (1) All uses 50 ft.
- (c) Minimum required rear yard
  - (1) All uses 25 ft.
- (d) Minimum required side yard on each side of lot.

- (1) All uses 20 feet, but not to apply to individual buildings on the same lot.
- (e) Maximum permitted height of structures.
  - (1) No building shall exceed three (3) stories or thirty-five (35) feet in height unless each side yard is increased over the required minimum by five (5) feet for every five (5) feet, or fraction thereof of additional height over thirty-five (35) feet, not to exceed forty (40) feet however;
  - (2) On a lot less than fifty (50) feet in width at the building line no building shall exceed one and one-half (1--1/2) stories or twenty-five (25) feet in height.
  - (3) No accessory building shall exceed two (2) stories in height.
  - (4) Free standing poles, spires, towers, antennae and similar structures not designed for, or suitable to human occupancy may exceed the height provisions of this Ordinance provided they comply with all other codes and ordinances, and provided that they are located a distance equal to their own height plus ten (10) feet from the nearest property line.
- 6. Minimum Off Street Parking Requirements. (As required in Section 11-410, General Provisions, of this Ordinance.)
- 7. Limitations on Signs and Billboards. (See Section 11-413, General Provisions, of this Ordinance.)
- 8. Landscaping Provisions. Each site shall be developed with not less than ten (10%) percent of its total area landscaped with trees, evergreen shrubbery, grass and / or plantings. Solid waste storage and disposal areas shall be screened from public view and shall be maintained in compliance with Carroll County Health Department regulations.
- 9. Site Plan Review. Prior to the issuance of a building permit, site plan review is required in accordance with Section 11-420 of this ordinance for all permitted uses and uses permitted on appeal, except for single family dwellings. Once a site plan has been approved and all modifications, if any, have been made a building permit may be issued. The Building Inspector shall maintain a copy of the site plan in the permanent files of the city.

**11.706. O-R (Office-Residential) Districts.** This district is intended primarily to provide locations for offices and service commercial uses and may include existing or new residential uses. This district may be located between business and residential districts and the regulations of this district are designed to protect and achieve compatibility in or for nearby residential districts.

- 1. Uses Permitted  
Property and buildings in O-R (Office-Residential) Districts shall be used only for the following purposes:
  - (a) Residential: Single-family and two-family dwelling, not including mobile homes.

- (b) Office Uses: Professional offices including medical. Legal, accounting, engineering, planning, architecture, real estate, insurance, business and management consultant services and travel agencies.
- (c) Business Services: Advertising services, stenographic services, document reproduction or copying.
- (d) Personal Services: Beauty shops and barber shops.
- (e) Limited Retail Sales: Retail sales are limited to those that are incidental to the office, business service and personal uses permitted.

2. Uses Permissible on Appeal

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

- (a) Churches, schools and other public uses.
- (b) Group day care homes and child care centers.
- (c) Other office, business service, and personal service uses deemed similar in character as determined by the Board of Zoning Appeals.

3. Uses Prohibited

Retail trade and other uses not of a nature specifically permitted herein.

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

- (a) Minimum required lot area:
  - (1) Dwellings 8,000 sq. ft. for the first dwelling unit, plus 2,500 sq. ft. for each additional dwelling unit
  - (2) All other uses Six (6) thousand square feet
- (b) Minimum required lot width at the building line:
  - (1) Dwellings 60 feet
  - (2) All other uses No minimum
- (c) All buildings shall be set back from the right-of-way lines, lot lines and property lines to comply with the following requirements:
  - (1) Minimum required front yard:
    - (i) Dwellings 35 feet
    - (ii) All other uses 35 feet. There shall be a minimum setback of ten (10) feet from street right-of-way lines for all parking  
On double frontage and/ or corner lots there shall be a required yard of thirty-five (35) feet on each street frontage
  - (2) Minimum required rear yard
    - (i) Dwellings Sa

- (ii) All other uses 20 feet
  - (3) Minimum required side yard
    - (a) Dwellings 8 feet
    - (b) All other uses 10 feet, except that a 20 ft. side yard shall be required when abutting a residential district
  - (4) Maximum Lot Coverage
    - (a) The maximum lot coverage shall not exceed thirty (30) percent of the lot area
  - (5) Maximum permitted height of structures
    - (a) Residential Same as R-2 (Medium Density Residential)
    - (b) All other uses No building shall exceed two (2) stories in height
- 5. Minimum Off Street Parking Requirements (As required in Section 11-410 of the ordinance.)
- 6. Landscaping and Screening
  - (A) A landscape area of a minimum of ten (10) feet in width shall be required along all street frontages, located parallel to and insided the property line
  - (B) Where any part of this district abuts a residential district the following shall be required:
    - (1) A landscaped buffer area with a minimum width of fifteen (15) feet
    - (2) A fence with a minimum height of six (6) feet, the type and design to be approved by the Planning Commission as part of the plan review process
- 7. Billboards and Signs
  - (A) Billboards Billboards shall not be permitted in the O-R (Office-Residential) District.
  - (B) Signs referencing on-site businesses or services are permitted. No off-premise sign shall be permitted.
- 8. Site Plan Review. Prior to the issuance of a building permit, site plan review is required in accordance with Section 11-420 of this ordinance for all permitted uses and uses permitted on appeal, except for single family dwellings. Once a site plan has been approved and all modifications, if any, have been made a building permit may be issued. The Building Inspector shall maintain a copy of the site plan in the permanent files of the City.

## CHAPTER 8

### PROVISIONS GOVERNING INSTITUTIONAL DISTRICTS

#### SECTION

- 11-801. H-M (HOSPITAL -MEDICAL) DISTRICTS
- 11-802. INS (INSTITUTIONAL) DISTRICTS
- 11-803. I-R (RESTRICTED INSTITUTIONAL) DISTRICTS

**11-801. H-M (Hospital-Medical) Districts.** The purpose and intent of these districts are to provide adequate space in appropriate locations suitable for accommodating medical, dental or similar personal services. In addition, certain commercial trade and service uses are permitted if necessary to serve the frequent and recurring needs of persons working in this district. Within the H-M (Hospital-Medical) District as shown on the zoning map of McKenzie, Tennessee, the following regulations shall apply:

1. Uses Permitted
  - (a) Hospitals for human care, offices, or clinics for medical or dental practice, clinical laboratories and public health administration offices, medical and other technical services related to human care.
  - (b) Pharmacies devoted to the preparation and retailing of drugs, medicines and surgical and orthopedic supplies.
  - (c) Living quarters for doctors, nurses and interns.
  - (d) Nursing, convalescent and rest homes; institutional home for the aged.
  - (e) Any use customarily incidental to the above permitted uses.
2. Permitted Accessory Uses

The sale of food, beverages, periodicals and tobacco will not be permitted except for the convenience of the employees; patients and visitors within each hospital, clinic or office buildings, and provided that any advertising of such sales shall be confined to the interior of the building and shall not be visible from the outside of such buildings. Access to any room or enclosure set aside for such sales shall be from the interior of the building only.
3. Uses Permitted on Appeals. None
4. Prohibited Uses. Any use not specifically permitted in this Section.
5. Regulations Controlling Lot Area, Lot Width, Yards, Building Coverage and Building Height.
  - (a) Minimum required lot area:

(1) Hospitals	5 acres
(2) Other Uses	None
  - (b) Minimum required lot width at building line

(1) Hospitals	100 ft.
(2) Other Uses	50 ft.
  - (c) Minimum required front yard

- |     |  |  |
|-----|--|--|
|     | All uses                                       | 40 ft.   |
| (d) | Minimum required rear yard                     |  |
|     | All uses                                       | 30 ft.   |
| (e) | Minimum required side yard on each side of lot |  |
|     | (1) All uses                                   | None required however, if buildings do not have common or adjoining walls there shall be a side yard of at least five (5) feet.  |
|     | (2)  | On lots adjacent to a residential district, all buildings shall be located so as to comply with the side yard requirements of adjacent residential district on the side adjoining the residential district. In addition, on any corner lot a side yard of 25 feet shall be provided.   |
| (f) | Maximum permitted height of structures         |  |
|     | (1)  | No building shall exceed three (3) stories or thirty-five (35) feet in height unless each side yard is increased over the required minimum by five (5) feet for every five (5) feet, or fraction thereof, of additional height over thirty-five (35) feet; not to exceed forty (40) feet however.  |
|     | (2)  | On a lot less than fifty (50) feet in width at the building line no building shall exceed one and one-half (1--1/2) stories or twenty-five (25) feet in height.  |
|     | (3)  | No accessory building shall exceed two (2) stories in height.  |
|     | (4)  | Free standing poles, spires, towers antennae and similar structures not designed for, or suitable to human occupancy may exceed the height provisions of this Ordinance provided they comply with all other codes and ordinances, and provided that they are located a distance equal to their own height plus ten (10) feet from the nearest property line. |

6. Minimum Off-Street Parking Requirements. (As required in Section 11-410, General Provisions, of this Ordinance.)
7. Limitations on Signs and Billboards. (See Section 11-413, General Provisions, of this Ordinance.)
8. Landscaping Provisions. Each site shall be developed with not less than ten (10%) percent of its total area landscaped with trees, evergreen shrubbery, grass / and or plantings. Solid waste storage and disposal areas shall be screened from public view and shall be maintained in compliance with Carroll County Health Department regulations.
9. Site Plan Review. Prior to the issuance of a building permit, site plan review is required in accordance with Section 11-420 of this ordinance for all permitted uses and uses permitted on appeal, except for single family dwellings. Once a site plan has been approved and all modifications, if any, have been made a building permit may be issued. The Building Inspector shall maintain a copy of the site plan in the permanent files of the City.

## **11-802. INS (INSTITUTIONAL) DISTRICTS**

Within the INS (Institutional) Districts, as shown on the Zoning Map of McKenzie, Tennessee, the following regulations shall apply:

1. Uses Permitted
  - a. Single Family Dwellings; excluding mobile homes,
  - b. Two Family Dwellings,
  - c. Multiple Family Dwellings
  - d. Dormitories,
  - e. Universities,
  - f. University Administrative Offices
  - g. Public Administration, excluding correctional institutions,
  - h. Churches, synagogues, temples, mosques, and chapels
  - i. Retail, limited to;
    - (1) Eating places, provided the use is located completely in a building and is designed to serve as a convenience for persons working in the building; and,
    - (2) Miscellaneous retail, excluding liquefied petroleum gas, provided the use is located completely in a building and is designed to serve as a convenience for persons working in the building.
  - j. Services, limited to;
    - (1) Health services, including only general medical and surgical hospitals;
    - (2) Educational services;
    - (3) Social services, limited to child day care services and homes for the aged, with health care incidental (assisted living facilities), provided the proposed use adheres to the provisions in Chapter 6;
    - (4) Membership organizations; and
  - k. Public assembly -limited to:
    - (1) Stadiums;
    - (2) Arenas;
    - (3) Field houses
  - l. Accessory buildings customarily incidental to the permitted use.
  - m. One real estate sign per lot, advertising the sale, rental, or leasing of only the premises on which they are maintained provided they are not over 4 square feet in area, and at least 15 feet from all lot lines. All such signs must be removed within two weeks of the sale, rental or leasing of the property on which they are maintained; and,
  - n. Customary incidental home occupations as provided for in Chapter 6.
2. Uses Permissible on Appeal

a. Laboratories and Research Facilities dedicated to academic pursuit.

3. Uses Prohibited

Any other uses or structures not specifically permitted or permissible on appeal in this Chapter.

4. Location of Accessory Buildings

Accessory buildings shall be located on the lot in accordance with Chapter 3, Section 11-312.

5. Regulations Controlling Lot Area, Lot Width, and Yards.

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

Use	Minimum Lot Size	Minimum Lot Width*	Minimum Front Yard	Minimum Rear Yard	Minimum Side Yard
Single-family dwellings;	7,500 sq. ft.	75'	25'	25'	8'
Two family dwellings;	11,000 sq. ft.	85'	25'	25'	10'
Assisted Living Facilities and Multi-family dwellings;	7,500 sq. ft. for the 1st unit & 3,500 sq. ft. for each additional unit. Individual Cityhouse lots shall be a minimum of 3,500 sq. ft.	100 feet, with individual Cityhouse lots having a minimum lot width of 25'	40'	25', except when adjoining an R-1 or R-2 district, then it shall be 50'	25', except when adjoining an R-1 or R-2 district, then it shall be 50'
Group Day Care Home	12,000 sq. ft.	85'	25'	25'	10'
Day Care Center	30,000 sq. ft.	100'	40'	40'	25'
Retail trade establishments	None	None	None	None	None
Educational services	5 acres.	100'	40'	40'	25'
All other uses.	1 acre.	100'	40'	40'	25'

\* Minimum lot width is measured at the building line.

6. Maximum permitted height of structures

a. No building shall exceed 3 stories or 35 feet in height unless each side yard is increased over the required minimum by 1 foot for every 1 foot of additional height over 35 feet, not to exceed 55 feet, however on a lot less than 50 feet in width at the building line, no building shall exceed 1.5 stories or 25 feet in height.

b. No accessory building shall exceed 20 feet in height.

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

7. Maximum Number of Principal Buildings Permitted

- a. Single family residential uses and two family residential uses shall be limited to 1 principal building per lot.
- b. Uses other than residential shall have no limitations on the number of buildings provided however, that the aggregate of all buildings shall not cover more than 60% of the entire lot area.

8. Parking Requirements

Off-street parking spaces shall be provided on the same lot as the principal building in accordance with Chapter 4.

9. Site Plan Review. Prior to the issuance of a building permit, site plan review is required in accordance with Section 11-420 of this ordinance for all permitted uses and uses permitted on appeal, except for single family dwellings. Once a site plan has been approved and all modifications, if any, have been made a building permit may be issued. The Building Inspector shall maintain a copy of the site plan in the permanent files of the City.

**11-803. I-R(RESTRICTED INSTITUTIONAL) DISTRICTS**

Within the I-R (Restricted Institutional) Districts, as shown on the Zoning Map of McKenzie, Tennessee, the following regulations shall apply:

1. Uses Permitted

- (a) Public Administration, excluding correctional institutions;
- (b) Federal, State, Municipal and County uses;
- (c) Churches, synagogues, temples, mosques, and chapels;
- (c) University Administrative Offices;
- (d) Services, limited to:
  - (1) Health services;
  - (2) Educational services;
  - (3) Social services, limited to child day care services and homes for the aged, with health care incidental (assisted living facilities);
  - (4) Membership organizations; and
- (e) Public assembly - limited to:
  - (1) Stadiums;

- (2) Arenas;
- (3) Field houses
- (f) Accessory buildings customarily incidental to the permitted use.
- (g) One real estate sign per lot, advertising the sale, rental, or leasing of only the premises on which they are maintained provided they are not over 4 square feet in area, and at least 15 feet from all lot lines. All such signs must be removed within two weeks of the sale, rental or leasing of the property on which they are maintained; and,
- (h) Customary incidental home occupations as provided for in Chapter 6 of this ordinance.

2. Uses Permissible on Appeal

Laboratories and Research Facilities dedicated to academic pursuit.

3. Uses Prohibited

Any other uses or structures not specifically permitted or permissible on appeal in this Chapter.

4. Location of Accessory Buildings

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

5. Regulations Controlling Lot Area, Lot Width, and Yards.

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

Use	Minimum Lot Size	Minimum Lot Width*	Minimum Front Yard	Minimum Rear Yard	Minimum Side Yard
Group Day Care Home	12,000 sq. ft.	85'	25'	25'	10'
Day Care Center	30,000 sq. ft.	100'	40'	40'	25'
Educational services limited to elementary and secondary schools;	5 acres.	100'	40'	40'	25'
All other uses.	1 acre.	100'	40'	40'	25'

\* Minimum lot width is measured at the building line.

6. Maximum permitted height of structures

- (a) No building shall exceed 3 stories or 35 feet in height unless each side yard is increased over the required minimum by 1 foot for every 1 foot of additional height over 35 feet, not to exceed 55 feet, however on a lot less than 50 feet in width at the building line, no building shall exceed 1.5 stories or 25 feet in height.
- (b) No accessory building shall exceed 20 feet in height.
- (c) Free standing poles, spires, towers, antennae, and similar structures not designed for, or suitable to human occupancy, may exceed the height provisions of this ordinance provided they comply with all other codes and ordinances and provided that they are located a distance equal to their own height plus 10 feet from the nearest property line. (Self-collapsible structures confirmed by a certified engineer are exempt from this provision).

7. Maximum Number of Principal Buildings Permitted

Permitted uses shall have no limitations on the number of buildings provided however, that the aggregate of all buildings shall not cover more than 60% of the entire lot area.

8. Parking Requirements

Off-street parking spaces shall be provided on the same lot as the principal building in accordance with Section 11-410 of this ordinance.

9. Site Plan Review. Prior to the issuance of a building permit, site plan review is required in accordance with Section 11-420 of this ordinance for all permitted uses and uses permitted on appeal, except for single family dwellings. Once a site plan has been approved and all modifications, if any, have been made a building permit may be issued. The Building Inspector shall maintain a copy of the site plan in the permanent files of the City.

## CHAPTER 9.

### PROVISIONS GOVERNING INDUSTRIAL DISTRICTS

#### SECTIONS

- 11-901. M-1 (LIGHT INDUSTRIAL) DISTRICTS
- 11-902. M-2 (HEAVY INDUSTRIAL) DISTRICTS
- 11-903. M-P (PLANNED INDUSTRIAL) DISTRICTS

**11-901. M-1 (Light Industrial) Districts.** Within the M-1 (Light Industrial) Districts as shown on the Zoning Map of McKenzie, Tennessee, the following regulations shall apply:

1. Uses Permitted
  - (a) Retail and wholesale sales: automobile sales and service; automobile parts; agricultural implement sales and service; lawnmower sales and service; lumber and building materials; paint; mobile home sales and service; boats and boating equipment sales and service; sporting goods; greenhouse and nursery products; hardware; motorcycle sales and service; and, welding supplies.
  - (b) Services: animal hospitals and clinics; automobile service stations; auto repair garages; truck terminals; printing; tire repair and recapping; pest exterminator; sign shop; upholstery shop; plumbing and heating supply; outdoor advertising signs and structures; sheet metal shop; family day care, group day care, day care centers, and warehousing including warehousing operation, but not including gravel, sand, fertilizers or other nuisance producing goods.
  - (c) Manufacturing, processing or fabrication; canned or preserved fruits or vegetables; bakery products; bottling plants; candy and confectioneries; apparel and another finished products made from fabrics; drugs; footwear, except rubber; leather gloves and mittens; luggage; handbags and other personal leather goods; glass products, made of purchased glass; communication equipment; electronic components an accessories; professional, scientific and controlling instruments; photographic and optical goods; watches and clocks; and jewelry, silverware, and plated ware.
  - (d) Federal, state and municipal uses.
  - (e) Research laboratories.
  - (f) Accessory uses customarily incidental to any aforementioned permitted use.
2. Uses Permitted on Appeal
  - (a) Any other use which, is the opinion of the Board of Zoning Appeals, is similar in character to the above permitted uses and will not be detrimental to the district in which located, subject to such conditions and safeguards as may be required by the Board of Zoning Appeals.
3. Uses Prohibited. Any use not specifically permitted by the terms of this section or permissible on appeal. The Board of Zoning Appeals shall specifically not have the authority to permit: single and multiple-family dwellings; hotels and motels; bag cleaning; boiler and tank works; central mixing plant for cement, mortar, plaster or paving materials creamery; crematory; curing, tanning and storage of raw hides and

skins; distillation of bones, coal, woods or tar; fat rendering; forge plant or foundry; metal fabrication plant; quarry; scrap paper, rag storage and baling; sawmills; slaughter house and stockyards; smelting plant; and the manufacture of acetylene, acid, alcohol, alcoholic beverages, ammonia, bleaching powder, condensed milk, chemicals, brick, pottery, terra cotta, or tile, candles, disinfectants, dye stuffs, fertilizers, illuminating or heating gas (or storage of same), linseed oil paint, oil, turpentine, varnish, soap and tar products; screws and bolts, wire and tires, or any other use which would cause injurious or obnoxious noise, vibrations, smoke, gas, fumes, odors, dust, or other objectionable conditions.

4. Regulations Controlling Yards and Building Height.

- (a) Minimum required front yard.
  - (1) All Uses 35 feet
- (b) Minimum required rear yard
  - (1) All Uses 25 feet
- (c) Minimum required side yard on each side of lot
  - (1) All Uses 25 feet
- (d) Notwithstanding the above provision, no yard will be required for that part of a lot which fronts on a railroad siding.
- (e) On a lot adjacent to a residential district all buildings shall be located so as to conform with the front and rear yard requirements of the adjacent residential district, and a minimum side yard of fifty (50) feet shall be provided. Streets or public rights-of-way of thirty (30) feet or more in width may be included as the side yard requirements of this subsection, but in no case shall a building be erected closer to the side property line than twenty-five (25) feet.
- (f) When a side lot line is shared with a residential lot, a well maintained tight fence or compact evergreen hedge not less than six (6) feet in height, beginning at the front building line and extending along the common side lot line to the rear property line, shall be installed to "screen" the industrial use from the adjoining lot in residential use.
- (g) Maximum permitted height of structures.
  - (1) No building shall exceed four (4) stories or forty-five (45) feet in height.
  - (2) Free standing poles, spires, towers, antennae and similar structures may exceed the height provisions provided they comply with the provisions of all other codes and ordinances and provided that they are located a distance equal to their own height plus ten (10) feet from the nearest property line.

5. Minimum Off-Street Parking Requirements. (As required in Section 11-410, General Provisions, of this Ordinance.)

6. Limitations on Signs and Billboards. (See Section 11-413, General Provisions, of this Ordinance.)

7. Site Plan Review. Prior to the issuance of a building permit, site plan review is required in accordance with Section 11-420 of this ordinance for all permitted uses and uses permitted on appeal. Once a site plan has been approved and all modifications, if any,

have been made a building permit may be issued. The Building Inspector shall maintain a copy of the site plan in the permanent files of the City.

**11-902. M-2 (Heavy Industrial) Districts.** Within the M-2 (Heavy Industrial) Districts as shown on the Zoning Map of McKenzie, Tennessee, the following regulations shall apply:

1. Uses Permitted.

- (a) Retail and wholesale sales: automobile sales and services; automobile parts, agricultural implement sales and services; lawnmower sales and service; lumber and building materials; paint; mobile homes sales and service; boats and boating equipment sales and service; sporting goods; greenhouse and nursery products; hardware; motorcycle sales and service and, welding supplies.
- (b) Services: animal hospitals and clinics; automobile service stations; auto repair garages; truck stops; barber shops; beauty shops; laundry and dry cleaning; restaurants; truck terminals; printing; tire repair and recapping; pest extermination; sign shop; upholstering shops; plumbing and heating supply; outdoor advertising signs and structures; sheet metal shops; warehousing, including wholesale sales; family day care, group day care, and day care centers.
- (c) Manufacturing, processing or fabrication: canned or preserved fruits or vegetables; bakery products; bottling plants; candy and confectioneries; apparel and other finished products made from fabrics; drugs; footwear, except rubber; leather gloves and mittens; luggage; handbags and other personal leather goods; glass products, made of purchased glass; communication equipment; electronic components and accessories; professional, scientific and controlling instruments; photographic and optical goods; watches and clocks; and jewelry, silverware, plated ware and metal fabrication.
- (d) Federal, state and municipal uses.
- (e) Research laboratories.
- (f) Accessory uses customarily incidental to any aforementioned permitted use.

2. Uses Permissible on Appeal

- (a) Any other use which, in the opinion of the Board of Zoning Appeals, is similar in character to above permitted uses and will not be detrimental to the district in which located, subject to such conditions and safeguards as may be required by the Board of Zoning Appeals.
- (b) Auto wrecking; bag cleaning, boiler and tank works; central mixing plant for cement, mortar, plaster or paving materials; creamery; crematory; curing; tanning and storage of raw hides and skins; distillation of bones, coal, wood or tar; fat rendering; forge plant or foundry; metal fabrication plant; quarry; gasoline or oil storage above ground in excess of five hundred (500) gallons; junk, scrap paper, rag storage and baling; sawmill; slaughter house or stockyards; smelting plant; and the manufacturing of acetylene, acid, alcohol, alcoholic beverages, ammonia, bleaching powder, condensed milk, chemical, brick, pottery, terra cotta or tile, candles, disinfectants, dye stuff, fertilizers, illuminating or heating gas (or storage of same), linseed oil, paint, oil, turpentine, varnish, soap and tar products; screws and bolts, wire and tires, or any other non-residential use which in the opinion of

the Board of Zoning Appeals can be controlled so as not to produce injurious or obnoxious noise, vibrations, smoke, gas fumes, odors, dust or other objectionable conditions, provided that written approval of the Board of Zoning Appeals is obtained and subject to such conditions as the Board may stipulate.

3. Uses Prohibited. Any use not specifically permitted or permissible on appeal in this Chapter.
4. Regulations Controlling Yards and Building Height.
  - (a) Minimum required front yard.
    - (1) All uses 35 feet
  - (b) Minimum required rear yards.
    - (1) All uses 20 feet
  - (c) Minimum required side yard on each side of lot.
    - (1) All uses 10 feet
  - (d) Notwithstanding the above provisions, no yard will be required for that part of a lot which fronts on a railroad siding.
  - (e) On a lot adjacent to a residential district all buildings shall be located so as to conform with the front and rear yard requirements of the adjacent residential district, and a minimum side yard of fifty (50) feet shall be provided. Streets or public rights-of-way of thirty (30) feet or more in width may be included as the side yard requirements of this subsection, but in no case shall a building be erected closer to the side property line than twenty-five (25) feet.
  - (f) When a side lot line is shared with a residential lot, a well maintained tight fence or compact evergreen hedge not less than six (6) feet in height, beginning at the front building line and extending along the common side lot line to the rear property line, shall be installed to "screen" the industrial use from the adjoining lot in residential use.
  - (g) Maximum permitted height of structures.
    - (1) No building may exceed six (6) stories or seventy (70) feet in height.
    - (2) Free standing poles, spires, towers, antennae, and similar structures may exceed the height provisions provided they comply with the provisions of all other codes and ordinances, and provided that they are located a distance equal to their own height plus ten (10) feet from the nearest property line.
5. Minimum Off Street Parking Requirements. (As required in Section 11-410, General Provisions, of this Ordinance.)
6. Limitations on Signs and Billboards. (See Section 11-413, General Provisions, of this Ordinance.)
7. Site Plan Review. Prior to the issuance of a building permit, site plan review is required in accordance with Section 11-420 of this ordinance for all permitted uses and uses permitted on appeal. Once a site plan has been approved and all modifications, if any,

have been made a building permit may be issued. The Building Inspector shall maintain a copy of the site plan in the permanent files of the City.

**11-903. M-P (Planned Industrial) Districts.** Within the M-P (Planned Industrial) Districts as shown on the Zoning Map of McKenzie, Tennessee, the following regulations shall apply:

1. Intent. Planned Industrial Districts and the regulations thereof are intended to assure the grouping of industrial buildings on a parcel of land in such a manner as to constitute a visually pleasant, efficient and convenient industrial area, free from unsightly or noxious effect and to provide a means for permitting the establishment of such areas as a part of the development of the City of McKenzie.
2. Site Plan Review. Prior to the issuance of a building permit, site plan review is required in accordance with Section 11-420 of this ordinance for all permitted uses and uses permitted on appeal, except for single family dwellings. Once a site plan has been approved and all modifications, if any, have been made a building permit may be issued. The Building Inspector shall maintain a copy of the site plan in the permanent files of the City.
3. Uses Permitted
  - (a) Warehousing, processing or fabrication: canned or preserved fruits or vegetables; bakery products; bottling plants; candy and confectioneries; apparel and other fabric products; drugs; footwear, except rubber; leather gloves and mittens; luggage; handbags and other personal leather goods; glass products, made of purchased glass; communication equipment, electronic components and accessories; professional, scientific and controlling instruments; photographic and optical goods; watches and clocks; and jewelry, silverware, and plated ware.
  - (b) Federal, state and municipal uses.
  - (c) Research laboratories.
  - (d) Accessory uses customarily incidental to any aforementioned permitted use.
  - (e) Family day care, group day care and day care centers.
4. Uses Permitted on Appeal.
  - (a) Any other use which, in the opinion of the Board of Zoning Appeals, is similar in character to the above permitted use and will not be detrimental to the district in which located, subject to such conditions and safeguards as may be required by the Board of Zoning Appeals.
5. Uses Prohibited. Any use not specifically permitted by the terms of this Chapter or permissible on appeal. The Board of Zoning Appeals shall specifically not have the authority to permit: Single and multiple-family dwellings; hotels and motels; bag cleaning; boiler and tank works; central mixing plant for cement, mortar, plaster or paving materials; creamery; crematory; curing, tanning and storage of raw hides and skins; distillation of bones, coal, wood or tar; fat rendering; forge plant or foundry, metal fabrication plant; quarry; scrap paper, rag storage and baling; sawmills; slaughter house or stockyards; smelting plant; and the manufacture of acetylene, acid, alcohol, alcoholic beverages, ammonia, bleaching power, condensed milk, chemicals, brick, pottery, terra

cotta or tile, candles, disinfectants, dye stuffs, fertilizers, illuminating or heating gas (or storage of same), linseed oil, paint, oil, turpentine, varnish, soap and tar products; screws and bolts, wire and tires; or any other use which would cause injurious or obnoxious noise, vibrations, smoke, gas, fumes, odors, dust, or other objectionable conditions.

6. Regulations Controlling Yards and Building Heights.

- (a) Minimum required front yard
  - (1) All uses 80 feet
- (b) Minimum required rear yard
  - (1) All uses 50 feet
- (c) Minimum required side yard on each side of lot.
  - (1) All uses 40 feet
- (d) Notwithstanding the above provisions, no yard will be required for that part of a lot which fronts on a railroad siding.
- (e) On a lot adjacent to a residential district all buildings shall be located so as to conform with the front and rear yard requirements of the adjacent residential district, and a minimum side yard of fifty (50) feet shall be provided. Streets or public rights-of-way of thirty (30) feet or more in width may be included as the side yard requirements of this subsection, but in no case shall a building be erected closer to the side property line than twenty-five (25) feet.
- (f) When a side lot line is shared with a residential lot, a well-maintained tight fence or compact evergreen hedge not less than six (6) feet in height, beginning at the front building line and extended along the common side lot line to the rear property line, shall be installed to "screen" the industrial use from the adjoining lot in residential use.
- (g) Maximum permitted height of structures.
  - (1) No building shall exceed four (4) stories or forty-five (45) feet in height.
  - (2) Free standing poles, spires, towers, antennae, and similar structures may exceed the height provisions provided they comply with the provisions of all other codes and ordinances and provided that they are located a distance equal to their own height plus ten (10) feet from the nearest property line.

7. Minimum Off-Street Parking Requirements. (As required in Section 11-410, General Provisions, of this Ordinance.)

8. Limitations on Signs and Billboards. (See Section 11-413, General Provisions, of this Ordinance.)

9. Site Plan Review. Prior to the issuance of a building permit, site plan review is required in accordance with Section 11-420 of this ordinance for all permitted uses and uses permitted on appeal. Once a site plan has been approved and all modifications, if any, have been made a building permit may be issued. The Building Inspector shall maintain a copy of the site plan in the permanent files of the City.

## CHAPTER 10

### PROVISIONS GOVERNING FLOOD DISTRICTS

#### SECTIONS

11-1001 FLOOD DISTRICTS

#### **11-1001. STATUTORY AUTHORIZATION, FINDINGS OF FACT, PURPOSE AND OBJECTIVES**

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

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

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

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

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

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

1. Restrict or prohibit uses which are vulnerable to flooding or erosion hazards, or which result in damaging increases in erosion, flood heights, or velocities;
2. Require that uses vulnerable to floods, including community facilities, be protected against flood damage at the time of initial construction;
3. Control the alteration of natural floodplains, stream channels, and natural protective barriers which are involved in the accommodation of floodwaters;
4. Control filling, grading, dredging and other development which may increase flood damage or erosion;
5. Prevent or regulate the construction of flood barriers which will unnaturally divert flood waters or which may increase flood hazards to other lands.

#### **D. Objectives**

The objectives of this Ordinance are:

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

#### **11-1002. DEFINITIONS**

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

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

1. Accessory structures shall only be used for parking of vehicles and storage.
2. Accessory structures shall be designed to have low flood damage potential.
3. Accessory structures shall be constructed and placed on the building site so as to offer the minimum resistance to the flow of floodwaters.
4. Accessory structures shall be firmly anchored to prevent flotation, collapse, and lateral movement, which otherwise may result in damage to other structures.
5. Utilities and service facilities such as electrical and heating equipment shall be elevated or otherwise protected from intrusion of floodwaters.

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

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

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

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

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

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

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

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

"Building" see "Structure".

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

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

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

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

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

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

"Existing Manufactured Home Park or Subdivision" - means a manufactured home park or subdivision for which the construction of facilities for servicing the lots on which the

manufactured homes are to be affixed (including, at a minimum, the installation of utilities, the construction of streets, final site grading or the pouring of concrete pads) is completed before the effective date of the first floodplain management code or ordinance adopted by the community as a basis for that community's participation in the NFIP.

"Existing Structures" see "Existing Construction".

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

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

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

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

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

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

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

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

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

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

"Flood Protection System" - means those physical structural works for which funds have been authorized, appropriated, and expended and which have been constructed specifically to modify flooding in order to reduce the extent of the area within a community subject to a "special flood hazard" and the extent of the depths of associated flooding. Such a system typically includes

hurricane tidal barriers, dams, reservoirs, levees or dikes. These specialized flood modifying works are those constructed in conformance with sound engineering standards.

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

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

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

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

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

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

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

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

"Historic Structure" - means any structure that is:

1. Listed individually in the National Register of Historic Places (a listing maintained by the U.S. Department of Interior) or preliminarily determined by the

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

"Recreational Vehicle" - means a vehicle which is:

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

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

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

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

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

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

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

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

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

"Substantial Improvement" - means any reconstruction, rehabilitation, addition, alteration or other improvement of a structure in which the cost equals or exceeds fifty percent (50%) of the market value of the structure before the "start of construction" of the initial improvement. This term includes structures which have incurred "substantial damage", regardless of the actual repair work performed. The market value of the structure should be (1) the appraised value of the structure prior to the start of the initial improvement, or (2) in the case of substantial damage, the value of the structure prior to the damage occurring. The term does not, however, include either: (1) Any project for improvement of a structure to correct existing violations of State or local health, sanitary, or safety code specifications which have been pre-identified by the local code enforcement official and which are the minimum necessary to assure safe living conditions and not solely triggered by an improvement or repair project or; (2) Any alteration of a "historic structure", provided that the alteration will not preclude the structure's continued designation as a "historic structure".

"Substantially Improved Existing Manufactured Home Parks or Subdivisions" - is where the repair, reconstruction, rehabilitation or improvement of the streets, utilities and pads equals or

exceeds fifty percent (50%) of the value of the streets, utilities and pads before the repair, reconstruction or improvement commenced.

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

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

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

### **11-1003. GENERAL PROVISIONS**

#### **A. Application**

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

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

The Areas of Special Flood Hazard identified on the Carroll County, Tennessee and Incorporated Areas, as identified by FEMA, and in its Flood Insurance Study (FIS) 47017CV000A and Flood Insurance Rate Map (FIRM), Community Panel Number 47017C0150C, dated March 18, 2008, and Henry County, Tennessee and Incorporated Areas, as identified by FEMA, and its Flood Insurance Study (FIS) dated June 6, 2001 and Flood Insurance Rate Map (FIRM), Community Panel Numbers 47079C0425E and 47079C450E Dated September 28, 2007, and Weakly County, Tennessee and Incorporated Areas, as identified by FEMA and its Flood Insurance Study (FIS) 47183CV000A and Flood Insurance Rate Map (FIRM), Community Panel Number 47183C0375D dated November 5, 2008, along with all supporting technical data, are adopted by reference and declared to be a part of this Ordinance.

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

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

#### **D. Compliance**

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

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

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

**F. Interpretation**

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

**G. Warning and Disclaimer of Liability**

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

**H. Penalties for Violation**

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

**11-1004. ADMINISTRATION**

**A. Designation of Ordinance Administrator**

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

**B. Permit Procedures**

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

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

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

- c. A FEMA Floodproofing Certificate from a Tennessee registered professional engineer or architect that the proposed non-residential floodproofed building will meet the floodproofing criteria in 11-1005, Sections A and B.
- d. Description of the extent to which any watercourse will be altered or relocated as a result of proposed development.

2. Construction Stage

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

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

For all new construction and substantial improvements, the permit holder shall provide to the Administrator an as-built certification of the lowest floor elevation or floodproofing level upon the completion of the lowest floor or floodproofing. Any work undertaken prior to submission of the certification shall be at the permit holder's risk. The Administrator shall review the above-referenced certification data. Deficiencies detected by such review shall be corrected by the permit holder immediately and prior to further work being allowed to proceed. Failure to submit the certification or failure to make said corrections required hereby, shall be cause to issue a stop-work order for the project.

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

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

1. Review all development permits to assure that the permit requirements of this Ordinance have been satisfied, and that proposed building sites will be reasonably safe from flooding.
2. Review proposed development to assure that all necessary permits have been received from those governmental agencies from which approval is required by Federal or State law, including Section 404 of the Federal Water Pollution Control Act Amendments of 1972, 33 U.S.C. 1334.

3. Notify adjacent communities and the Tennessee Department of Economic and Community Development prior to any alteration or relocation of a watercourse and submit evidence of such notification to FEMA.
4. For any altered or relocated watercourse, submit engineering data/analysis within six (6) months to FEMA to ensure accuracy of community FIRM's through the Letter of Map Revision process.
5. Assure that the flood carrying capacity within an altered or relocated portion of any watercourse is maintained.
6. Record the elevation, in relation to mean sea level or the highest adjacent grade, where applicable, of the lowest floor (including basement) of all new and substantially improved buildings, in accordance with 11-1004, Section B.
7. Record the actual elevation, in relation to mean sea level or the highest adjacent grade, where applicable to which the new and substantially improved buildings have been floodproofed, in accordance with 11-1004, Section B.
8. When floodproofing is utilized for a nonresidential structure, obtain certification of design criteria from a Tennessee registered professional engineer or architect, in accordance with 11-1004, Section B.
9. Where interpretation is needed as to the exact location of boundaries of the Areas of Special Flood Hazard (for example, where there appears to be a conflict between a mapped boundary and actual field conditions), make the necessary interpretation. Any person contesting the location of the boundary shall be given a reasonable opportunity to appeal the interpretation as provided in this Ordinance.
10. When Base Flood Elevation data and floodway data have not been provided by FEMA, obtain, review, and reasonably utilize any Base Flood Elevation and floodway data available from a Federal, State, or other sources, including data developed as a result of these regulations, as criteria for requiring that new construction, substantial improvements, or other development in Zone A on the City of McKenzie, Tennessee FIRM meet the requirements of this Ordinance.
11. Maintain all records pertaining to the provisions of this Ordinance in the office of the Administrator and shall be open for public inspection. Permits issued under the provisions of this Ordinance shall be maintained in a separate file or marked for expedited retrieval within combined files.

## **11-1005. PROVISIONS FOR FLOOD HAZARD REDUCTION**

### **A. General Standards**

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

1. New construction and substantial improvements shall be anchored to prevent flotation, collapse and lateral movement of the structure;
2. Manufactured homes shall be installed using methods and practices that minimize flood damage. They must be elevated and anchored to prevent flotation, collapse and lateral movement. Methods of anchoring may include, but are not limited to, use of over-the-top or frame ties to ground anchors. This requirement is in addition to applicable State of Tennessee and local anchoring requirements for resisting wind forces.

3. New construction and substantial improvements shall be constructed with materials and utility equipment resistant to flood damage;
4. New construction and substantial improvements shall be constructed by methods and practices that minimize flood damage;
5. All electrical, heating, ventilation, plumbing, air conditioning equipment, and other service facilities shall be designed and/or located so as to prevent water from entering or accumulating within the components during conditions of flooding;
6. New and replacement water supply systems shall be designed to minimize or eliminate infiltration of flood waters into the system;
7. New and replacement sanitary sewage systems shall be designed to minimize or eliminate infiltration of flood waters into the systems and discharges from the systems into flood waters;
8. On-site waste disposal systems shall be located and constructed to avoid impairment to them or contamination from them during flooding;
9. Any alteration, repair, reconstruction or improvements to a building that is in compliance with the provisions of this Ordinance, shall meet the requirements of "new construction" as contained in this Ordinance;
10. Any alteration, repair, reconstruction or improvements to a building that is not in compliance with the provision of this Ordinance, shall be undertaken only if said non-conformity is not further extended or replaced;
11. All new construction and substantial improvement proposals shall provide copies of all necessary Federal and State permits, including Section 404 of the Federal Water Pollution Control Act amendments of 1972, 33 U.S.C. 1334;
12. All subdivision proposals and other proposed new development proposals shall meet the standards of 11-1005, Section B;
13. When proposed new construction and substantial improvements are partially located in an area of special flood hazard, the entire structure shall meet the standards for new construction;
14. When proposed new construction and substantial improvements are located in multiple flood hazard risk zones or in a flood hazard risk zone with multiple Base Flood Elevations, the entire structure shall meet the standards for the most hazardous flood hazard risk zone and the highest Base Flood Elevation.

**B. Specific Standards**

In all Areas of Special Flood Hazard, the following provisions, in addition to those set forth in 11-1005, Section A, are required:

1. Residential Structures

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

Within approximate A Zones where Base Flood Elevations have not been established and where alternative data is not available, the administrator shall require the lowest floor of a building to be elevated to a level of at least three (3) feet above the highest adjacent grade (as defined in 11-1002). Should solid foundation perimeter walls be used to elevate a structure, openings sufficient to facilitate equalization of flood hydrostatic forces on both sides of exterior walls shall be provided in accordance with the standards of this section: “Enclosures”

2. Non-Residential Structures

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

In approximate A Zones, where Base Flood Elevations have not been established and where alternative data is not available, new construction and substantial improvement of any commercial, industrial, or non-residential building, shall have the lowest floor, including basement, elevated or floodproofed to no lower than three (3) feet above the highest adjacent grade (as defined in 11-1002). Should solid foundation perimeter walls be used to elevate a structure, openings sufficient to facilitate equalization of flood hydrostatic forces on both sides of exterior walls shall be provided in accordance with the standards of this section: “Enclosures”

Non-Residential buildings located in all A Zones may be floodproofed, in lieu of being elevated, provided that all areas of the building below the required elevation are watertight, with walls substantially impermeable to the passage of water, and are built with structural components having the capability of resisting hydrostatic and hydrodynamic loads and the effects of buoyancy. A Tennessee registered professional engineer or architect shall certify that the design and methods of construction are in accordance with accepted standards of practice for meeting the provisions above, and shall provide such certification to the Administrator as set forth in 11-1004, Section B.

3. Enclosures

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

- a. Designs for complying with this requirement must either be certified by a Tennessee professional engineer or architect or meet or exceed the following minimum criteria.
    - 1) Provide a minimum of two openings having a total net area of not less than one (1) square inch for every square foot of enclosed area subject to flooding;
    - 2) The bottom of all openings shall be no higher than one (1) foot above the finished grade;
    - 3) Openings may be equipped with screens, louvers, valves or other coverings or devices provided they permit the automatic flow of floodwaters in both directions.
  - b. The enclosed area shall be the minimum necessary to allow for parking of vehicles, storage or building access.
  - c. The interior portion of such enclosed area shall not be finished or partitioned into separate rooms in such a way as to impede the movement of floodwaters and all such partitions shall comply with the provisions of 11-1005, Section B.
4. Standards for Manufactured Homes and Recreational Vehicles
- a. All manufactured homes placed, or substantially improved, on: (1) individual lots or parcels, (2) in expansions to existing manufactured home parks or subdivisions, or (3) in new or substantially improved manufactured home parks or subdivisions, must meet all the requirements of new construction.
  - b. All manufactured homes placed or substantially improved in an existing manufactured home park or subdivision must be elevated so that either:
    - 1) In AE Zones, with Base Flood Elevations, the lowest floor of the manufactured home is elevated on a permanent foundation to no lower than one (1) foot above the level of the Base Flood Elevation or
    - 2) In approximate A Zones, without Base Flood Elevations, the manufactured home chassis is elevated and supported by reinforced piers (or other foundation elements of at least equivalent strength) that are at least three (3) feet in height above the highest adjacent grade (as defined in 11-1002).
  - c. Any manufactured home, which has incurred “substantial damage” as the result of a flood, must meet the standards of 11-1005, Sections A and B.
  - d. All manufactured homes must be securely anchored to an adequately anchored foundation system to resist flotation, collapse and lateral movement.
  - e. All recreational vehicles placed in an identified Special Flood Hazard Area must either:
    - 1) Be on the site for fewer than 180 consecutive days;
    - 2) Be fully licensed and ready for highway use (a recreational vehicle is ready for highway use if it is licensed, on its wheels or jacking system, attached to the site only by quick disconnect type utilities

and security devices, and has no permanently attached structures or additions), or;

- 3) The recreational vehicle must meet all the requirements for new construction.

5. Standards for Subdivisions and Other Proposed New Development Proposals  
Subdivisions and other proposed new developments, including manufactured home parks, shall be reviewed to determine whether such proposals will be reasonably safe from flooding.
  - a. All subdivision and other proposed new development proposals shall be consistent with the need to minimize flood damage.
  - b. All subdivision and other proposed new development proposals shall have public utilities and facilities such as sewer, gas, electrical and water systems located and constructed to minimize or eliminate flood damage.
  - c. All subdivision and other proposed new development proposals shall have adequate drainage provided to reduce exposure to flood hazards.
  - d. In all approximate A Zones require that all new subdivision proposals and other proposed developments (including proposals for manufactured home parks and subdivisions) greater than 50 lots or 5 acres, whichever is the lesser, include within such proposals Base Flood Elevation data (See 11-1005, Section E).

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

Located within the Special Flood Hazard Areas established in 11-1003, Section B, are areas designated as floodways. A floodway may be an extremely hazardous area due to the velocity of floodwaters, debris or erosion potential. In addition, the area must remain free of encroachment in order to allow for the discharge of the base flood without increased flood heights and velocities. Therefore, the following provisions shall apply:

1. Encroachments are prohibited, including earthen fill material, new construction, substantial improvements or other development within the regulatory floodway. Development may be permitted however, provided it is demonstrated through hydrologic and hydraulic analyses performed in accordance with standard engineering practices that the cumulative effect of the proposed encroachments or new development shall not result in any increase in the water surface elevation of the Base Flood Elevation, velocities, or floodway widths during the occurrence of a base flood discharge at any point within the community. A Tennessee registered professional engineer must provide supporting technical data, using the same methodologies as in the effective Flood Insurance Study for the City of McKenzie, Tennessee and certification, thereof.
2. New construction and substantial improvements of buildings, where permitted, shall comply with all applicable flood hazard reduction provisions of 11-1005, Sections A and B.

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

Located within the Special Flood Hazard Areas established in 11-1003, Section B, where streams exist with base flood data provided but where no floodways have been designated (Zones AE), the following provisions apply:

1. No encroachments, including fill material, new construction and substantial improvements shall be located within areas of special flood hazard, unless certification by a Tennessee registered professional engineer is provided demonstrating that the cumulative effect of the proposed development, when combined with all other existing and anticipated development, will not increase the water surface elevation of the base flood more than one (1) foot at any point within the community. The engineering certification should be supported by technical data that conforms to standard hydraulic engineering principles.
2. New construction and substantial improvements of buildings, where permitted, shall comply with all applicable flood hazard reduction provisions of 11-1005, Sections A and B.

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

Located within the Special Flood Hazard Areas established in 11-1003, Section B, where streams exist, but no base flood data has been provided and where a Floodway has not been delineated, the following provisions shall apply:

1. The Administrator shall obtain, review, and reasonably utilize any Base Flood Elevation and floodway data available from any Federal, State, or other sources, including data developed as a result of these regulations (see 2 below), as criteria for requiring that new construction, substantial improvements, or other development in approximate A Zones meet the requirements of 11-1005, Sections A and B.
2. Require that all new subdivision proposals and other proposed developments (including proposals for manufactured home parks and subdivisions) greater than 50 lots or 5 acres, whichever is the lesser, include within such proposals Base Flood Elevation data.
3. Within approximate A Zones, where Base Flood Elevations have not been established and where such data is not available from other sources, require the lowest floor of a building to be elevated or floodproofed to a level of at least three (3) feet above the highest adjacent grade (as defined in 11-1002). All applicable data including elevations or floodproofing certifications shall be recorded as set forth in 11-1004, Section B. Openings sufficient to facilitate automatic equalization of hydrostatic flood forces on exterior walls shall be provided in accordance with the standards of 11-1005, Section B.
4. Within approximate A Zones, where Base Flood Elevations have not been established and where such data is not available from other sources, no encroachments, including structures or fill material, shall be located within an area equal to the width of the stream or twenty feet (20), whichever is greater, measured from the top of the stream bank, unless certification by a Tennessee registered professional engineer is provided demonstrating that the cumulative effect of the proposed development, when combined with all other existing and

anticipated development, will not increase the water surface elevation of the base flood more than one (1) foot at any point within the City of McKenzie, Tennessee. The engineering certification should be supported by technical data that conforms to standard hydraulic engineering principles.

5. New construction and substantial improvements of buildings, where permitted, shall comply with all applicable flood hazard reduction provisions of 11-1005, Sections A and B. Within approximate A Zones, require that those subsections of 11-1005 Section B dealing with the alteration or relocation of a watercourse, assuring watercourse carrying capacities are maintained and manufactured homes provisions are complied with as required.

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

Located within the Special Flood Hazard Areas established in 11-1003, Section B, are areas designated as shallow flooding areas. These areas have special flood hazards associated with base flood depths of one (1) to three (3) feet where a clearly defined channel does not exist and where the path of flooding is unpredictable and indeterminate; therefore, the following provisions, in addition to those set forth in 11-1005, Sections A and B, apply:

1. All new construction and substantial improvements of residential and non-residential buildings shall have the lowest floor, including basement, elevated to at least one (1) foot above as many feet as the depth number specified on the FIRM's, in feet, above the highest adjacent grade. If no flood depth number is specified on the FIRM, the lowest floor, including basement, shall be elevated to at least three (3) feet above the highest adjacent grade. Openings sufficient to facilitate automatic equalization of hydrostatic flood forces on exterior walls shall be provided in accordance with standards of 11-1005, Section B.
2. All new construction and substantial improvements of non-residential buildings may be floodproofed in lieu of elevation. The structure together with attendant utility and sanitary facilities must be floodproofed and designed watertight to be completely floodproofed to at least one (1) foot above the flood depth number specified on the FIRM, with walls substantially impermeable to the passage of water and with structural components having the capability of resisting hydrostatic and hydrodynamic loads and the effects of buoyancy. If no depth number is specified on the FIRM, the structure shall be floodproofed to at least three (3) feet above the highest adjacent grade. A Tennessee registered professional engineer or architect shall certify that the design and methods of construction are in accordance with accepted standards of practice for meeting the provisions of this Ordinance and shall provide such certification to the Administrator as set forth above and as required in accordance with 11-1004, Section B.
3. Adequate drainage paths shall be provided around slopes to guide floodwaters around and away from proposed structures.

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

Located within the Areas of Special Flood Hazard established in 11-1003, Section B, are areas of the 100-year floodplain protected by a flood protection system but where Base Flood Elevations have not been determined. Within these areas (A-99 Zones) all provisions of 11-1004 and 11-1005 shall apply.

**H. Standards for Unmapped Streams**

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

1. No encroachments including fill material or other development including structures shall be located within an area of at least equal to twice the width of the stream, measured from the top of each stream bank, unless certification by a Tennessee registered professional engineer is provided demonstrating that the cumulative effect of the proposed development, when combined with all other existing and anticipated development, will not increase the water surface elevation of the base flood more than one (1) foot at any point within the locality.
2. When a new flood hazard risk zone, and Base Flood Elevation and floodway data is available, new construction and substantial improvements shall meet the standards established in accordance with 11-1004 and 11-1005.

**11-1006. VARIANCE PROCEDURES**

**A. Municipal Board of Zoning Appeals**

1. Authority  
The City of McKenzie, Tennessee Municipal Board of Zoning Appeals shall hear and decide appeals and requests for variances from the requirements of this Ordinance.
2. Procedure  
Meetings of the Municipal Board of Zoning Appeals shall be held at such times, as the Board shall determine. All meetings of the Municipal Board of Zoning Appeals shall be open to the public. The Municipal Board of Zoning Appeals shall adopt rules of procedure and shall keep records of applications and actions thereof, which shall be a public record. Compensation of the members of the Municipal Board of Zoning Appeals shall be set by the McKenzie Board of Mayor and Council.
3. Appeals: How Taken  
An appeal to the Municipal Board of Zoning Appeals may be taken by any person, firm or corporation aggrieved or by any governmental officer, department, or bureau affected by any decision of the Administrator based in whole or in part upon the provisions of this Ordinance. Such appeal shall be taken by filing with the Municipal Board of Zoning Appeals a notice of appeal, specifying the grounds thereof. In all cases where an appeal is made by a property owner or other interested party, a fee of \$50 dollars for the cost of publishing a notice of such

hearings shall be paid by the appellant. The Administrator shall transmit to the Municipal Board of Zoning Appeals all papers constituting the record upon which the appeal action was taken. The Municipal Board of Zoning Appeals shall fix a reasonable time for the hearing of the appeal, give public notice thereof, as well as due notice to parties in interest and decide the same within a reasonable time which shall not be more than thirty (30) days from the date of the hearing. At the hearing, any person or party may appear and be heard in person or by agent or by attorney.

4. Powers

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

a. Administrative Review

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

b. Variance Procedures

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

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

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

**B. Conditions for Variances**

- 1. Variances shall be issued upon a determination that the variance is the minimum relief necessary, considering the flood hazard and the factors listed in 11-1006, Section A.
- 2. Variances shall only be issued upon: a showing of good and sufficient cause, a determination that failure to grant the variance would result in exceptional hardship; or a determination that the granting of a variance will not result in increased flood heights, additional threats to public safety, extraordinary public expense, create nuisance, cause fraud on or victimization of the public, or conflict with existing local laws or Ordinances.
- 3. Any applicant to whom a variance is granted shall be given written notice that the issuance of a variance to construct a structure below the Base Flood Elevation will result in increased premium rates for flood insurance (as high as \$25 for \$100) coverage, and that such construction below the Base Flood Elevation increases risks to life and property.
- 4. The Administrator shall maintain the records of all appeal actions and report any variances to FEMA upon request.

**11-1007. LEGAL STATUS PROVISIONS**

**A. Conflict with Other Ordinances**

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

**B. Severability**

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

section, clause, provision, or portion of this Ordinance which is not of itself invalid or unconstitutional.

**C. Effective Date**

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

**CHAPTER 11**

**HISTORIC OVERLAY PROVISIONS**

SECTIONS

11-1101 HISTORIC DISTRICT OVERLAY PROVISIONS

11-1102 NEIGHBORHOOD CONSERVATION DISTRICT OVERLAY PROVISIONS

11-1101. Historic District Overlay.

1. Statement of Purpose

Such historic preservation activities will promote and protect the health, safety, prosperity, education, and general welfare of the people living in and visiting.

More specifically, this historic zoning ordinance is designed to achieve the following goals:

- (a) Protect, enhance and perpetuate resources which represent distinctive and significant elements of the City's historical, cultural, social, economic, political archaeological, and architectural identity;
- (b) Ensure the harmonious, orderly, and efficient growth and development of the City;
- (c) Strengthen civic pride and cultural stability through neighborhood conservation;
- (d) Stabilize the economy of the City through the continued use, preservation, and revitalization of its resources;
- (e) Promote the use of resources for the education, pleasure, and welfare of the people of the City of McKenzie.
- (f) Provide a review process for the preservation and development of the City's resources.

2. Historic Zoning Commission: Composition and Terms

The City is authorized to establish a historic zoning commission to preserve, promote, and develop the City's historical resources and to advise the City on the designation of preservation districts, landmarks, and landmark sites and to perform such other functions as may be provided by law.

The commission shall consist of at least five (5) members not exceeding nine (9) which shall consist of a representative of a local patriotic or historical organization; an architect or engineer, if available; a person who is a member of the local planning commission at the time of his/her appointment; and the remainder shall be from the community in general. The position of architect or engineer cannot be filled by a local citizen at the time of adoption.

All members of the commission are appointed by the City and shall serve for designated terms and may be reappointed. All commission members shall have a demonstrated knowledge of or interest, competence, or expertise in historic preservation, to the extent available in the community. The City should appoint professional members from the primary historic preservation-related disciplines of architecture, history, architectural history, or archaeology or from secondary historic preservation-related disciplines such as urban planning, American studies, American civilization, cultural geography, cultural anthropology, interior design, law, and related fields. The City shall document a “good faith effort” to locate professionals to serve on the commission before appointing lay members. The commission shall also seek the advice, as needed, of professionals not serving on the board.

### 3. Powers of the Commission

- (a) The commission shall conduct or cause to be conducted a continuing study and survey of resources within the City of McKenzie.
- (b) The commission shall recommend to the City the adoption of ordinances designating preservation districts, landmarks, and landmark sites.
- (c) The commission may recommend that the City recognize sub-districts within any historic district,
- (d) The commission shall review applications proposing construction, alteration, demolition, or relocation of any resource within the historic districts, landmarks, and landmarks sites.
- (e) The commission shall grant or deny Certificates of Appropriateness, and may grant Certificates of Appropriateness contingent upon the acceptance by the applicant of specified conditions.
- (f) The commission does not have jurisdiction over interior arrangements of buildings and structures, except where such change will affect the exterior of the building and structures.
- (g) The commission, subject to the requirements of the City, is authorized to apply for, receive, hold and spend funds from private and public sources, in addition to appropriations made by the City for the purpose of carrying out the provisions of this ordinance.

- (h) The commission is authorized to employ such staff or contract with technical experts or other persons as may be required for the performance of its duties and to obtain the equipment,
- (i) The commission is authorized, solely in the performance of its official duties and only at reasonable times, to enter upon private land or water for the examination or survey thereof. No member, employee, or agent of the commission shall enter any private dwelling or structure without the express consent of the owner of record or occupant thereof.

4. Rules of Order (By-Laws)

To fulfill the purposes of this ordinance and carry out the provisions contained therein:

- A. The commission shall elect from its membership a chair and vice-chair annually. It shall select a secretary from its membership or its staff. If neither the chair nor the vice-chair attends a particular meeting, the remaining members shall select an acting chair from the members in attendance at such meeting.
- B. The commission shall develop and adopt rules of order (by-laws) which shall govern the conduct of its business, subject to the approval of the City. Such rules of order (by-laws) shall be a matter of public record.
- C. The commission shall develop design review guidelines for determining appropriateness as generally set forth in 11-1101 (7) of this ordinance.
- D. The commission shall keep minutes and records of all meetings and proceedings including voting records, attendance, ordinances, findings, determinations, and decisions. All such material shall be a matter of public record.
- E. The commission shall establish its own regular meeting time; however, the first meeting shall be held within thirty (30) days of the adoption of this ordinance and regular meetings shall be scheduled at least once every three (3) months. The chair or any two (2) members may call a special meeting to consider an urgent matter.

5. Designation of Landmarks, Landmark Sites, and Historic Districts

By ordinance, the City may establish landmarks, landmark sites, and historic districts within the area of its jurisdiction. Such landmarks, landmark sites, or historic overlay districts shall be designated following the criteria as specified in Section 11-1101 (7).

- (a) The commission shall initiate a continuing and thorough investigation of the archaeological, architectural, cultural, and historic significance of the City's resources. The findings shall be collected in a cohesive format made a matter of public record, and made available for public inspection. The commission shall work toward providing complete documentation for previously designated historic districts which would include:

1. A survey of all property within the boundary of the district, with photographs of each building.
  2. A survey which would be in a format consistent with the statewide inventory format of the Historic Preservation Division of the (SHPO).
- (b) The commission shall advise the City on the designation of historic districts, landmarks, or landmark sites and submit or cause to be prepared ordinance to make such designation.
  - (c) A resource or resources may be nominated for designation upon motion of three members of the commission or by an organization interested in historic preservation or by an owner of the property being nominated. A nomination shall contain information as specified by the commission. The commission must reach a decision on whether to recommend a proposed nomination to the City within six months in the case of preservation. After six months for a district and two months for a landmark or landmark site if no action has been taken by the commission the nomination proceeds to the Planning Commission for their recommendation to the Board.
  - (d) The commission shall hold a public hearing on the proposed historic district, landmark, or landmark site. If the commission votes to recommend to the City the designation of a proposed resources, is shall promptly forward to the planning commission its recommendation, in writing, together with an accompanying file.
  - (e) The commission's recommendations to the City for designation of a historic district shall be accompanied by:
    - (i) A map of the historic district that clearly delineates the boundaries.
    - (ii) A verbal boundary description and justification.
    - (iii) A written statement of significance for the proposed historic district.
  - (f) The City Board of Mayor and Council shall conduct a public hearing, after notice, to discuss the proposed designation and boundaries thereof. A notice of the hearing shall be published in the newspaper published in the City. If a newspaper is not published in the City, then the notice shall be published in a paper published in the county.
  - (g) Within sixty (60) calendar days after the public hearing held in connection herewith, the City shall adopt the ordinance with such modifications as may be necessary.
  - (h) Furthermore, the commission shall notify, as soon as is reasonably possible, the appropriate state, county, and municipal agencies of the official designation of all landmarks, landmark sites, and historic districts. An updated list and map shall be maintained by such agencies and made available to the public.

6. Certificate of Appropriateness

No exterior feature of any resource shall be altered, added to, relocated, or demolished until after an application for a certificate of appropriateness of such work has been approved by the commission. Likewise, no construction, which affects a resource, shall be undertaken without a certificate of appropriateness. Therefore,

- A. The commission shall serve as a review body with the power to approve and deny applications for Certificates of Appropriateness.
- B. In approving and denying applications for Certificate of Appropriateness, the commission shall accomplish the purposes of this ordinance.
- C. A Certificate of Appropriateness shall not be required for work deemed by the commission to be ordinary maintenance or repair of any resource.
- D. All decisions of the commission shall be in writing and shall state the findings of the commission, its recommendations, and the reasons therefore.
- E. Expiration of a Certificate of Appropriateness: A Certificate of Appropriateness shall expire six (6) months after its issuance EXCEPT THAT a certificate shall expire if work has not begun within six (6) months of its issuance. When a certificate has expired, an applicant may seek a new certificate.
- F. Resubmitting of Applications: Twelve months after denial of an application for a Certificate of Appropriateness, the application may be resubmitted without change. A changed application may be resubmitted at any time.

7. Criteria for Issuance of Certificates of Appropriateness

The commission shall use the Secretary of the Interior's Standards for Rehabilitation, as the basics for Design Guidelines created for each district or landmark and the following criteria in granting or denying Certificates of Appropriateness:

- (a) General Factors:
  - 1. Architectural design of existing building, structure, or appurtenance and proposed alteration;
  - 2. Historical significance of the resource;
  - 3. Materials composing the resource;
  - 4. Size of the resource;
  - 5. The relationship of the above factors to, and their effect upon the immediate surroundings and, if within a historic district, upon the district as a whole and its architectural and historical character and integrity.
- (b) New construction:

1. The following aspects of new construction shall be visually compatible with the buildings and environment with which the new construction is visually related, including but not limited to: the height, the gross volume, the proportion between width and height of the façade(s), the proportions and relationship between doors and windows, the rhythm of solids to voids created by openings in the façade, the materials, the textures, the patterns, the trims, and the design of the roof.
  2. Existing rhythm created by existing building masses and spaces between them shall be preserved.
  3. The landscape plan shall be compatible with the resource, and it shall be visually compatible with the environment with which it is visually related. Landscaping shall also not prove detrimental to the fabric of a resource, or adjacent public or private improvements like sidewalks and walls.
  4. No specific architectural style shall be required.
- (c) Exterior alteration:
1. All exterior alterations to a building, structure, object, site, or landscape feature shall be compatible with the resource itself and other resources with which it is related, as is provided in 11-1101 (6) A and B, and the design, over time, of a building, structure, object, or landscape feature shall be considered in applying these standards.
  2. Exterior alterations shall not adversely affect the architectural character or historic quality of a landmark and shall not destroy the significance of landmark sites.
- (d) In considering an application for the demolition of a landmark or a resource within a historic district, the following shall be considered:
1. The commission shall consider the individual architectural, cultural, and/or historical significance of the resource.
  2. The commission shall consider the importance or contribution of the resource to the architectural character of the district.
  3. The commission shall consider the importance or contribution of the resource to neighboring property values.
  4. The commission shall consider the difficulty or impossibility of reproducing such a resource because of its texture, design, material, or detail.
  5. Following recommendation for approval of demolition, the applicant must seek approval of replacement plans, if any, as set forth in 11-1101 (7), (d),

prior to receiving a demolition permit and other permits. Replacement plans for this purpose shall include, but shall not be restricted to project concept, preliminary elevations and site plans, and completed working drawings for at least the foundation plan which will enable the applicant to receive a permit for foundation construction.

6. Applicants that have received a recommendation for demolition shall be required to receive such demolition permit as well as Certificate of Appropriateness for the new construction. Permits for demolition and construction shall not be issued simultaneously.
7. When the commission recommends approval of demolition of a resource, a permit shall not be issued until all plans for the site have received approval from all appropriate City boards, commissions, departments, and agencies.

8. Procedures for Issuance of Certificates of Appropriateness

Anyone desiring to take action requiring a Certificate of Appropriateness concerning a resource for which a permit, variance, or other authorization from the City codes enforcement officer is also required, shall make application therefore in the form and manner required by the applicable code section or ordinance. Any such application shall also be considered an application for a Certificate of Appropriateness and shall include such additional information as may be required by the commission. After receipt of any such application, the City codes enforcement officer shall be assured that the application is proper and complete. No building permit shall be issued by the City codes enforcement officer that affects a resource without a Certificate of Appropriateness. In the event that a building permit need not be obtained for construction, alteration, demolition, or relocation of any resource, a Certificate of Appropriateness is still required before such work can be undertaken. Such application shall be reviewed in accordance with the following procedure:

- A. When any such application is filed, the City codes enforcement officer shall immediately notify the commission chair, vice-chair, or staff of the application having been filed.
- B. The chair or vice-chair shall set the agenda for the regular meeting date or set a time and date, which shall be not later than thirty (30) days after the filing of the application for a hearing by the commission, and the City codes enforcement officer shall be so informed.
- C. The applicant shall, upon request, have the right to a preliminary hearing by the commission for the purpose of making any changes or adjustments, which might be more consistent with the commission's standards.
- D. Not later than eight (8) days before the date set for the said hearing, the City codes enforcement officer shall mail notice thereof to the applicant at the address in the application and to all members of the commission.

- E. Notice of the time and place of said hearing shall be given by publication in a newspaper having general circulation in the City at least (number of days to correspond to the newspaper publishing deadlines) days before such hearing and by posting such notice on the bulletin board in the lobby of City hall.
- F. At such hearing, the applicant for a Certificate of Appropriateness shall have the right to present any relevant evidence in support of the application. Likewise, the governing body shall have the right to present any additional relevant evidence in support of the application.
- G. The commission shall have the right to conditional approval.
- H. Either at the meeting or within not more than fifteen (15) days after the hearing on an application, the commission shall act upon it, either approving, denying, or deferring action until the next meeting of the commission, giving consideration to the factors set forth in 11-1101 (8) hereof. Evidence of approval of the application shall be by Certificate of Appropriateness issued by the commission and, whatever its decision, notice in writing shall be given to the applicant and the City codes enforcement officer.
- I. The issuance of a Certificate of Appropriateness shall not relieve an applicant for a building permit, special use permit, variance, or other authorization from compliance with any other requirement or provision of the laws of the City concerning zoning, construction repair, or demolition.

9. Economic Hardship

No decision of the Commission shall cause undue economic hardship. If an applicant request a hearing on economic hardship it shall be conducted after a Certificate of Appropriateness has been denied.

10. Appeals

The applicant who desires to appeal a decision by the commission shall file an appeal with the circuit court (after the determination of the issue by the commission) in the manner provided by law.

11. Minimum Maintenance Requirements

In order to insure the protective maintenance of resources, the exterior features of such properties shall be maintained to meet the requirements of the City's minimum housing code and the International Building Code.

12. Public Safety Exclusion

None of the provisions of this ordinance shall be construed to prevent any action of construction, alteration, or demolition necessary to correct or abate the unsafe or dangerous condition of any resource, or part thereof, where such condition has been declared unsafe or dangerous by the City codes enforcement officer or the fire department and where the proposed actions have been declared necessary by such authorities to correct the said condition provided, however, that only such work as is necessary to correct the unsafe or dangerous condition may be performed pursuant to this section. In the event any resource designated as a landmark or located within a historic district, shall be damaged

by fire or other calamity to such an extent that it cannot be repaired and restored, it may be removed in conformity with normal permit procedures and applicable laws, provided that:

- A. The City codes enforcement officer concurs with the property owner that the resource cannot be repaired and restored and so notifies the commission in writing.
- B. The historic zoning commission, if in doubt after receiving such notification from the City codes enforcement officer, shall be allowed time to seek outside professional expertise from the State Historic Preservation Office and/or an independent structural engineer before issuing a Certificate of Appropriateness for the demolition. The commission may indicate in writing by letter to the City codes enforcement officer that it will require a time period of up to thirty days for this purpose, and upon such notification to the City codes enforcement officer, this section shall be suspended until the expiration of such a delay period.

13. Enforcement and Penalties

The Historic District Overlay Provisions shall be enforced by the City codes enforcement officer, who shall have the right to enter upon any premises necessary to carry out his duties in this enforcement.

Any person violating any provision of this ordinance shall be guilty of a misdemeanor, and upon conviction shall be fined not less than two (\$2.00) nor more than fifty dollars (\$50.00) for each offense. Each day the violation continues shall constitute a separate offense.

14. Appropriations

The City is authorized to make appropriations to the commission necessary for the expenses of the operation of the commission and may make additional amounts available as necessary for the acquisition, restoration, preservation, operation, and management of historic properties.

15. Disqualification of Members by Conflict of Interest

Because the City may possess few residents with experience in the individual fields of history, architecture, architectural history, archaeology, urban planning, law, or real estate, and in order not to impair such residents from practicing their trade for hire, members of the commission are allowed to contact their services to an applicant for a Certificate of Appropriateness, and, when doing so, must expressly disqualify themselves from the commission during all discussions and voting for that application. In such cases, the City shall, upon the request of the chair of the commission or the vice-chair in his or her stead, shall appoint a substitute member who is qualified in the same field as the disqualified member, and who will serve for that particular case only. If no qualified resident of the City is able to substitute for the disqualified member, the City may appoint, in this case only, a qualified substitute who is a resident. If any member of the commission must be disqualified due to a conflict of interest on a regular and continuing basis, the chair or the vice-chair, in his or her stead, shall encourage the member to resign his commission seat. Failing this resignation, and, if the commission member continues to enter into conflict of interest situations with the commission, the chair or vice-chair of

the commission shall encourage the City to replace the member. Likewise, any member of the commission who has an interest in the property in question or in property within three hundred (300) feet of such a property, or who is employed with a firm that has been hired to aid the applicant in any matter whatsoever, or who has any proprietary, tenancy, or personal interest in a matter to be considered by the commission shall be disqualified from participating in the consideration of any request for a Certificate of Appropriateness involving such a property. In such cases, a qualified substitute shall be appointed as provided above.

16. Severability

The requirements and provisions of this ordinance are separable. If any article, section, paragraph, sentence, or portion thereof, be declared by any court of competent jurisdiction to be void, invalid, or inoperative, the decision of the court shall not affect the validity or applicability of the ordinance as a whole or of any part thereof other than the part held void, invalid or otherwise inoperative.

**11-1102. Neighborhood-Conservation District Overlay.**

1. Statement of Purpose

The Neighborhood Conservation District Overlay provisions are established by this title to ensure the ongoing preservation of structures of historic value to City of McKenzie within residential neighborhoods. The provisions of this section are intended:

- (a) To preserve and protect the historical and/or architectural value of buildings, structures or areas of significant importance within respective neighborhoods throughout the City of McKenzie, Tennessee;
- (b) To regulate exterior design, arrangement, texture and materials proposed to be used within the historic districts to ensure compatibility;
- (c) To create an aesthetic appearance which complements the historic buildings or other structures;
- (d) To stabilize and improve property values;
- (e) To foster civic beauty;
- (f) To strengthen the local economy; and
- (g) To promote the use of historic districts for the education, pleasure and welfare of the present and future citizens of McKenzie, Tennessee

2. Neighborhood Conservation District Overlay established

The following classification of Neighborhood Conservation District Overlays is made a part of this title, having separate and unique regulations and guidelines established according to the provisions of the Zoning Ordinance of McKenzie, Tennessee:

Neighborhood Conservation (N-C) District Overlay. The boundaries shall be shown on the zoning map or on special overlays thereto that are made a part of this zoning code and noted by name on such maps, in which no structure shall be

constructed, relocated, demolished in part or whole, increased in habitable area, or changed in height unless the action complies with the requirements set forth in this title.

3. Neighborhood Conservation District Overlay Defined

This district is defined as geographical areas which possess a significant concentration, linkage or continuity of sites, buildings, structures or objects which are united by past events or aesthetically by plan or physical development, and that meet one or more of the following criteria:

- (a) The district is associated with an event that has made a significant contribution to local, state or national history; or
- (b) It includes structures associated with the lives of persons significant in local, state or national history; or
- (c) It contains structures or groups of structures that embody the distinctive characteristics of a type, period or method of construction, or that represent the work of a master, or that possess high artistic values, or that represent a significant and distinguishable entity whose components may lack individual distinction; or
- (d) It has yielded or may be likely to yield archaeological information important in history or prehistory; or
- (e) It is listed or is eligible for listing in the National Register of Historic Places.

4. Zoning Map Amendments

- (a) Nomination Criteria to become a neighborhood conservation district: 70% historic, 60% approval of property owners;
- (b) Nomination Process: Interested groups, meeting with neighborhoods; neighborhood petition requested; meeting in district – numbers presented.
- (c) City Council Action: After receipt of the proposed design standards / guidelines and map amendment, the City Council shall refer said proposal to the Planning Commission for recommendation as prescribed within Tennessee Code Annotated, Section 13-7-204. After receipt of the recommendation offered by the Planning Commission, City Council deliberates and takes action upon the proposed zoning map amendment ordinance subsequent to holding a public hearing as prescribed within Tennessee Code Annotated 13-7-203.

5. Provisions Governing Neighborhood Conservation District Overlays

All design standards/guidelines governing individual Neighborhood Conservation District Overlays shall be devised by individual neighborhood associations in concert with City Staff. All proposals shall be presented to the informal McKenzie Design Review “Committee”. The McKenzie Codes Enforcement Officer shall enforce these provisions. Activities regulated in Neighborhood Conservation District Overlay are

identical to those in Historic District Overlay, but are given greater latitude. Design Standards/Guidelines shall be unique to each district developed by City Staff in concert with the neighborhood association after the area is surveyed and the character of the neighborhood is determined.

**CHAPTER 12**  
**WELLHEAD PROTECTION OVERLAY DISTRICT**

SECTION

- 11-1201. Statutory authorization, findings of facts, purpose and objectives
- 11-1202. Definitions
- 11-1203. Authority and applicability
- 11-1204. Extent and designations
- 11-1205. Use regulations
- 11-1206. Variance regulations
- 11-1207. Site plan submission and administrative requirements
- 11-1208. Enforcement and penalties

**11-1201. Statutory authorization, findings of facts, purpose and objectives.**

(1) Statutory authorization.

- (a) Section 42 United States Code 300H-7 of the Federal Safe Drinking Water Act mandates that every state develop a wellhead protection program to protect public water supplies which utilize a groundwater source. Tennessee's statewide program was established by the adoption of § 12005-1-34 of the Tennessee Rules and Regulations for Public Water Systems, (the "Rules"), under the authority granted in Tennessee Code Annotated, §§ 68-221-704 and 4-5-202.
- (b) The Legislature of the State of Tennessee in Tennessee Code Annotated §§ 13-7-201 through 13-7-210, delegated the responsibility to local governmental units to adopt regulations designed to promote the public health, safety, and general welfare of its citizenry.

(2) Findings of fact.

- (a) The City owns and operates a Public Water System ("PWS").
- (b) The rules require that wellhead protection areas be established by each PWS, known as Zone 1 and Zone 2.
- (c) Wellhead protection areas have been established for the McKenzie PWS and approved by the Tennessee Department of Environment and Conservation ("TDEC") in May, 2004, the "Wellhead Protection Areas".
- (d) The town desires to bring all proposed land-use activities in the wellhead protection areas into conformance with the wellhead protection guidelines developed by TDEC.
- (e) Wellhead protection areas, Zone 1 is an area encompassed within a seven hundred fifty (750) foot radius immediately surrounding the water sources,

representing a zone within which land-use activities are prohibited and/or restricted in order to protect the well or source of ground water.

- (f) Wellhead protection areas, Zone 2 is an area incorporating and adjacent to wellhead protection area, Zone 1, which represents a ten (10) year capture zone that is determined on the basis of groundwater direction and recharge, and within which land-use activities are prohibited and/or restricted in order to protect the well or source of groundwater.
  - (g) Possible contaminant sources have been identified within the wellhead protection areas, and a potential contaminant source inventory has been compiled so that a safe potable water supply may be provided now and for future generations.
- (3) Statement of purpose. It is the purpose of this chapter to protect the public, municipal water supply the town from land uses which pose a threat to the quality and quantity of the groundwater being extracted from the town's municipal wells within the land areas described as wellhead protection areas,
- (4) Objectives. The objectives of this chapter are to
- (a) Protect human life and health.
  - (b) Ensure that the citizens and institutions that are customers of the town's water system are provided with a safe potable water supply now and for future generations,
  - (c) Prevent the contamination of groundwater resources.
  - (d) Prevent excessive extraction of the groundwater resources.
  - (e) Restrict or prohibit land-use activities that store, handle, or produce regulated substances.
  - (f) Require the use of best management practices (regulatory and non-regulatory) for the protection of future groundwater sources of drinking water.
  - (g) Identify the responsibilities of the town, as the local governmental unit, and the town planning commission and the board of zoning appeals, as the responsible agents for the town, in protecting groundwater resources.
  - (h) Provide a mechanism for the town to work with neighboring communities to safeguard areas extending into other jurisdictions.
  - (i) Minimize expenditure of public funds for pollution remediation projects.
  - (j) Minimize regulations of land use.
  - (k) Minimize business interruptions.
  - (l) Minimize damage to public facilities and utilities such as water mains, sewer lines, and treatment facilities.
  - (m) Protect the natural resources of the state.

**11-1202. Definitions.** Unless specifically defined below, words and phrases used in this chapter shall be interpreted as to give them the meaning they have in common usage and to give this chapter the most reasonable application. For purposes of interpreting, administering and enforcing this chapter, the words and phrases defined below shall have the meaning assigned in this section:

- (1) Aquifer. A geologic formation, portion thereof, or group of formations (including overlying unconsolidated material) which contains and is capable of yielding a sufficient quantity of ground water to serve as a domestic or public water supply or other use.
- (2) Base zoning district. The zoning districts set out in Title 14, Chapter 3 of the McKenzie Municipal Code.
- (3) Best management practices. Operational procedures for handling; storage and disposal of regulated substances and procedures which are designed to minimize the impact of certain activities or land uses or, groundwater quality and quantity.
- (4) Board of zoning appeals. The town's board of zoning appeals
- (5) Building permit. The permit required by the town for construction occupation, and use of a building within its municipal limits,
- (6) Certificate of conformance. A document issued by the town engineer who certifies that a proposed use meets or exceeds the requirements of the wellhead protection plan.
- (7) Construction. Building, erecting, moving, excavation, filing, paving, or any physical operations on a premise.
- (8) Contaminant. A substance of such nature, quality and quantity as to cause degradation of the quality of groundwater. Reference: Tennessee Rule 1200-4-9-01, Water Well Licensing.
- (9) Contaminant source inventory. The inventory compiled by the town of the sources within the wellhead protection areas with the potential to contaminate the groundwater.
- (10) Contamination. The act of introducing into water foreign materials of such nature, quality and quantity as to cause degradation of the quality of the water. Reference: Tennessee Rule 1200-4-9-01, Water Well Licensing.
- (11) Excessive extraction. A non-municipal withdrawal of groundwater from an aquifer that results in or may result in the lowering of the water level or piezometric surface to such an extent as to interfere with the normal operation of existing private, industrial or municipal water wells, or withdrawal from an aquifer which will lead to desaturation of the aquifer or desaturation to a point where consolidation of the aquifer material occurs, preventing any further recharge of the aquifer from occurring.
- (12) Ground water. Any water of the state as defined in Tennessee Code Annotated, § 69-3-103 (Tennessee Water Quality Control Act), occurring below the surface of the ground not contained by artificial barriers.
- (13) Ground water contamination. Presence of any substance designated by the United States Environmental Protection Agency (EPA) or the State of Tennessee as a primary or secondary water quality parameter, in excess of the maximum allowable contaminate

level (MCL) or as regulated under the Primary Drinking Water Standards of the Safe Drinking Water Act.

- (14) Hazardous material. A material which is included in one or more of the following categories.
- (a) Ignitable. A gas, liquid, or solid which may cause fires through friction, absorption of moisture, or which has low flash points. Examples: white phosphorous and gasoline.
  - (b) Carcinogenic. A gas, liquid, or solid which is normally considered to be cancer causing or mutagenic. Examples: PCBs in some waste oils.
  - (c) Explosive. A reactive gas, liquid, or solid which will vigorously and energetically react uncontrollably if exposed to heat shock, pressure; or combinations thereof. Examples: dynamite, organic peroxides, and ammonium nitrate.
  - (d) Highly toxic. A gas, liquid, or solid so dangerous to man as to afford an unusual hazard to life. Examples: parathion and chlorine gas.
  - (e) Moderately toxic. A gas, liquid, or solid which, through repeated exposure or in a single large dose, can be hazardous to humans. Example: Atrazine.
  - (f) Corrosive. Any material, whether acid or alkaline, which will cause severe damage to human tissue, or in case of leakage might damage or destroy other containers of hazardous materials and cause the release of their contents. Examples: battery acid and phosphoric acid. (16) "Local government unit. The town.
- (15) Percolation rate. The rate at which water flows or trickles through porous soils, as determined by a percolation test.
- (16) Pollutant travel time. The time required by pollutants to travel from one point to another.
- (17) Potable water. Water that is satisfactory for drinking, culinary, and domestic purposes, meeting current state and federal drinking water standards.
- (18) Regulated substance. A substance for which there are federal, state and/or local regulations governing its use, storage, and/or disposal.
- (19) Responsible agent. The town planning commission (the planning commission).
- (20) Storm water drainage. A sewer or other system for conveying surface runoff due to storm events and unpolluted groundwater or surface water, including that collected by cellar drains, but excluding sanitary sewage and industrial waste.
- (21) Surface runoff. That part of the precipitation that passes over the surface of the soil to the nearest surface stream without first passing beneath the surface.
- (22) Tennessee Association of Utility Districts. The organization which serves as a center of expertise in ground water science, and provider of technical assistance in devising the Wellhead Protection Plan.
- (23) Tennessee Department of Environment and Conservation (TDEC). The state agency authorized by EPA to adopt and enforce section 1423 of the 1986 Amendments to the

Federal. Safe Drinking Water Act, mandating the protection of public water supplies which utilize a ground water source,

- (24) Travel time contour. Locus of points from which water takes an equal amount of time to reach a given destination such as a well or Wellfield.
- (25) Wastewater. Any combination of water carried wastes from institutional, commercial and industrial establishments, and residences together with any storm, surface water, or groundwater as may be present,
- (26) Water table. The upper surface of a zone of saturation except where that surface is formed by an impermeable barrier,
- (27) Well, abandoned. An abandoned or unused well shall be defined under one or more of the following:
  - (a) A well, other than a monitoring well, which has been out of service continuously for one year or more and does not meet the definition of an inactive well.
  - (b) A monitoring well from which no measurement or sample has been taken for a period of three years.
  - (c) A well which is in such a state of disrepair that it cannot be made operational for its intended purpose.
  - (d) A test hole or exploratory boring twenty-four (24) hours after construction and testing work has been completed.
  - (e) A cathodic protection well that is no longer functional for its original purpose.
  - (f) Any boring intended for the construction of a well that cannot be satisfactory completed.
- (28) Well, active. An active well is a well that has been utilized at least once in the preceding twelve (12) months for the extraction of groundwater and has all applicable licenses, permits and approvals.
- (29) Well, inactive. An inactive well or standby well means a well that has not been used for a period of one year or more for the production of groundwater, but is maintained in such a condition that it could be so used, or a monitoring well maintained for such use, or a cathodic protection well maintained for such use and has all applicable licenses, permits and approvals.
- (30) Wellfield. A tract of land, either contiguous or disjointed, which contains a number of existing or proposed wells for supplying water as specified in the Wellfield Protection Map.
- (31) Wellfield Area of Contribution. Area of an aquifer where ground water flow is diverted to a pumping well due to a lowering of the water table.
- (32) Wellfield Protection Map. A map showing the areas of the town designated as wellhead protection areas, depicted on the map are Zone 1, which represents a seven hundred fifty (750) foot radius surrounding the wellhead, and Zone 2, the ten (10) year capture zone, within which land-use activities are prohibited and/or restricted in order to protect a well, or source of groundwater.

- (33) Wellfield Recharge Area. The area from which groundwater flows directly to the wellfield area of contribution.
- (34) Wellhead. The specific location of the source area for water which is withdrawn from a well or spring.
- (35) Wellhead Protection area. The areas of the town designated as wellhead protection areas; including Zone 1, which represents a seven hundred fifty (750) foot radius surrounding the wellhead, and Zone 2, the ten (10) year capture zone, within which land-use activities are prohibited and/or restricted in order to protect a well, or source of groundwater.
- (36) Wellhead Protection Overlay District.. An overlay district on the existing zoning districts which represents the area covered by wellhead protection areas, Zone 1 and Zone 2.
- (37) Wellhead Protection Overlay Map. A map generated by the town illustrating the location of wellhead protection areas, Zone 1 and Zone 2. Such map is incorporated on the Town of McKenzie's Official Zoning map.
- (38) Zone of Contribution. The area from which groundwater flows to an active well.

**11-1203. Authority and applicability.**

- (1) Application.
  - (a) The wellhead protection overlay district, shall be deemed an overlay on the application zoning districts, and shall be shown on published maps entitled "McKenzie Zoning Map." In the wellhead protection overlay district, the regulations set forth in this chapter shall apply, unless superseded by a more stringent regulation of the base zoning district.
  - (b) The regulations set forth in this chapter shall apply to all land uses and activities located or proposed within the area delineated as the wellhead protection area in the town on a map available for inspection at the office of the building inspector, and as defined in the definitions section of this chapter. The wellhead protection area consists of wellhead protection area Zone 1 and wellhead protection area Zone 2, identified in § 14-1202, for the town municipal wells.
  - (c) The McKenzie Wellhead Protection Overlay map shall be available for inspection at the office of the building inspector.
  - (d) The planning commission, as the responsible agent for the town, shall review all development plans within the wellhead protection area and review any other related matters that may arise in the administration of this chapter. The board of zoning appeals shall make any necessary interpretation of wellhead protection areas, Zone 1 and Zone 2.
- (2) Basis for establishing the wellhead protection area.
  - (a) The rules require that every Public Water System (PWS) in the state set up a two zone protection system for its groundwater source.

- (b) The town, utilizing the groundwater flow model presented by the Tennessee Association of Utility Districts, has established a two-zone protection system for the town's groundwater resources.
- (3) Requirement for development permit. Prior to site plan approval by the planning commission, the applicant shall obtain a "Certificate of Conformance" with the wellhead protection overlay district chapter, from the engineer in a timely manner; of all proposed land-use activities in wellhead protection areas, Zone 1 and Zone 2 within the town. If upon review of the site plan, the town engineer determines that additional information is necessary to completely evaluate the proposed development, the town engineer may defer the development plan to the Tennessee Department of Environment and Conservation (TDEC) for review and recommendation prior to approval of the plan for a "Certificate of Conformance." A certificate of conformance shall be required prior to the commencement of any development activity.
- (4) Compliance. No structure or use shall hereafter be located, extended, converted or structurally altered without full compliance with the terms of this chapter and other applicable regulations.
- (5) Interpretation. In the interpretation and application of this chapter, all provisions shall be:
  - (a) Considered as minimum requirements;
  - (b) Liberally construed in favor of the town; and
  - (c) Deemed neither to limit nor repeal any other powers granted under state statutes.
- (6) Interpretation of wellhead protection area. Where interpretation is needed as to the exact location of any boundary of wellhead protection area, Zone 1 and Zone 2, the town board of zoning appeals shall make the necessary interpretation.

The planning commission shall be responsible for review of all development plans within wellhead protection areas, and other related matters that may arise in the administration of this chapter. A person contesting the location of the wellhead protection area shall be afforded reasonable opportunity before the board of zoning appeals to present any technical evidence he may wish to support his position. Any proposed adjustments shall be based on the same modeling techniques defined in Zone 1 and Zone 2 reports approved by TDEC (May, 2004) and the latest approved delineation of Zone 1 and Zone 2 by TDEC. The board of zoning appeals shall not consider any application for a variance from the provisions of this chapter until the planning commission has had an opportunity to review the application and make a written recommendation to the board of zoning appeals. The planning commission shall have forty-five (45) working days from the filing of any application, for a variance from this chapter, to review and issue its recommendation. The application shall be advertised for public hearing for the next regularly scheduled board of zoning appeals meeting following the expiration of the forty-five (45) day period.

- (7) Warning and disclaimer of information. The levels of wellhead protection required by this chapter are considered reasonable for regulatory purposes and are based on scientific and engineering considerations approved by TDEC. This chapter does not imply that land protected under this chapter within the wellhead protection areas shall be free from contamination or excessive extraction. This chapter shall not

create liability on the part of the town, on any officer or employee thereof, of the Tennessee Association of Utility Districts: or and member, officer or employee of TDEC for any damages to groundwater resources- that result from reliance can this chapter or any administrative decision lawfully made hereunder,

- (8) Conflict with other provisions.
  - (a) The requirements of wellhead protection area, Zone 1 and Zone 2, are in addition to those contained in the basic base zoning districts.
  - (b) Where any conflicts exist between the provisions of this chapter and any other ordinance or regulation of the town, these provisions shall govern; provided, however, that these provisions shall not be construed as permitting any use which is prohibited or permitted only as a special exception within the base zoning district.
- (9) Abrogation and greater restrictions. This chapter is not intended to repeal, abrogate, or impair any existing easements, covenants, or deed restrictions. However, where this chapter imposes greater restrictions, the provisions of this chapter shall prevail.

#### **11-1204. Extent and designations**

- (1) Extent of wellhead protection area. The wellhead protection area consists of two (2) areas, Zone 1 and Zone 2 which are listed and described below:
  - (a) Wellhead Protection Area Zone 1 extends approximately seven hundred fifty (750) foot radially from the wellhead.
  - (b) Wellhead Protection Area Zone 2 extends from the wellhead and includes Wellhead Protection Area Zone 1 and the ten (10) year capture zone that is determined on the basis of groundwater flow direction and recharge.
- (2) Wellhead protection area delineation. Boundaries for the Wellhead Protection Area zones for the Wellhead Protection Overlay Districts are shown on published maps entitled "McKenzie Wellhead Protection Overlay Map" and are hereby adopted by reference as part of this chapter as if the maps were fully described herein. The McKenzie Wellhead Protection Overlay Map is incorporated on to the Official Zoning Map for the Town of McKenzie. The boundaries of wellhead protection areas are based on the predicted groundwater flow pattern in the vicinity of town Wellfields.
- (3) Delineation methodology. Wellhead protection area delineation shall be based on the approved TDEC methodology,
- (4) Amendment of Wellhead Protection Area. The wellhead protection areas shall be reviewed and modified annually by the planning commission of the town, at the beginning of each calendar year, and the McKenzie Wellhead Protection Overlay Map shall be revised accordingly,

Every three (3) years changes shall be made to McKenzie Wellhead Protection Overlay Map to show the location of new wells, update the contaminant source inventory, adopt better modeling techniques and incorporate recent and more accurate hydro geologic data

- (5) Location of properties. In determining the location of properties within the wellhead protection areas, Zone 1 and Zone 2, depicted on McKenzie Wellhead Protection Overlay Map, the following rules shall apply:
- (a) Properties located wholly within one (1) zone reflected on McKenzie Wellhead Protection Area Overlay Map shall be governed by the restrictions applicable to that particular zone.
  - (b) For properties having parts lying within more than one (1) zone as reflected on the wellhead protection area overlay map, individual areas of said property shall be governed by the restrictions applicable to the zone in which that part of the property is located.
  - (c) Where a time-traveler contour which delineates the boundary between two zones of influence passes through a building, the entire building shall be considered to be in that zone with the greatest restrictions as of the date of the enactment of this chapter.

**11-1205. Use regulations.**

- (1) Permitted uses.
- (a) Within the wellhead protection districts, the permitted uses and regulations shall be those of the base zoning district.
  - (b) Permitted uses are allowed in the base zone, subject to the procedures and restrictions in the base zone, and subject to the following additional limitations and restrictions:
    - (1) Permitted uses or changes in use or the enlargement and alteration of permitted uses existing as of the effective date of this chapter and permitted outright in the base zone are permitted in the wellhead protection overlay district when no substances are used, produced by, or commonly associated with the activity which, in the event of introduction of a large quantity thereof into the groundwater, might cause, materially contribute to, or create a material risk of, any adverse effect upon the town's municipal water source.
    - (2) In order to justify a change in permitted uses or the enlargement and alteration of permitted uses for a property, or portion of a property in a wellhead protection overlay district, a study shall be prepared under the supervision of a Tennessee registered professional engineer trained and experienced in hydrogeology, to examine the impact of the use upon the town's municipal water source, under reasonably possible hydrologic or geologic conditions. Technological evidence shall be based on the modeling techniques defined in Wellhead Protection Area, Zone 1 and Zone 2 reports, approved by TDEC (May, 2004). The report from the study shall be submitted to the town engineer.
    - (3) To assure that the quality of groundwater shall be maintained, a groundwater monitoring program shall be established as part of the report prepared pursuant to subparagraph (2) above. The program shall establish

the number of wells to be installed, as well as the duration and frequency regarding the monitoring of the wells to be installed. All laboratory test results shall be submitted to the town engineer in order to assure the town that satisfactory water is maintained.

- (c) Storage of fuel and lubricants for vehicle operations in conjunction with permitted uses shall be either in above ground storage tanks meeting EPA regulations for such facilities or underground storage tanks meeting the requirements of this chapter.
- (d) Underground storage tanks located in wellhead protection area, Zone 2, shall meet all EPA regulations for underground storage tanks and be double wall with monitoring of the space between the tank walls. All piping shall be double wall. Ground water monitoring shall be as per the current EPA regulation for underground storage tanks and shall include one monitoring well in the excavation where the tank is located. All monitoring results for underground storage tanks in a wellhead protection area, Zone 2, (Ground Water, product, vapor space, etc.), shall be provided to the town engineer and the building inspector on a monthly basis.

(2) Prohibited uses.

- (a) Uses prohibited in the base zoning district are also prohibited in the wellhead protection overlay districts.
- (b) The following uses are prohibited in the wellhead protection overlay district, even if they are allowed by right in the base zoning district:
  - (1) Manufacturing and production of hazardous materials, excluding production for on-site usage only. These materials include:
  - (2) Any hazardous substance or hazardous waste as listed in the following federal regulations:
    - (a) Superfund Amendments and Reauthorization Act (SARA) of 1986, Section 302 Extremely Hazardous Substances List (40 Codes of Federal Regulations (C.F.R.) 300, App. A and B);
    - (b) Comprehensive Environmental Response Compensation and Liability Act Superfund (CERCLA) of 1980; Hazardous Substances List (40 C.F.R. 302, Table 302.4);
    - (c) SARA of 1980; Section 313, Toxic Chemicals 40 C F R. Section 372.45); and,
    - (d) Resources Conservation and Recovery Act (RCRA) of 1976 and 1984 Amendments, Hazardous Wastes List (P and U Categories) (40 C.F.R. Section 261.33 (e) and (f).

Note: The lists referenced in section (2)(b), are summarized on the Title III List of Lists - Chemicals Subject to Reporting Under Title III of the Superfund Amendments and

Reauthorization Action (SARA) of 1986, published July 1987, U.S. EPA.

(e) Nuclear or radioactive materials or wastes.

(3) Storage of regulated substances other than fuel and lubricants for vehicle operations in conjunction with permitted and conditional uses.

(4) Underground storage tanks shall not be allowed in Zone 1 areas.

(3) Special exemptions and limited exclusions to prohibited uses.

(a) Any and all requests to delete a use from the contaminant source list or to allow a use conditionally, other than those authorized below, shall be accompanied by a study as required in § 14-1205 (1)(b)(2), using technology based on the modeling techniques defined in wellhead protection area, Zone 1 and Zone 2 Reports approved by TDEC, May 2004 edition. The request and all support documents shall be submitted to the town engineer.

(b) Exclusions from the provisions of this chapter are authorized for:

(1) Fire, police, emergency medical services, emergency management center facilities, and public utilities of this chapter.

(2) Transportation of any regulated substances through wellhead protection area, Zone 1, provided the transporting vehicle is in continuous transit.

(3) Storage of fuel and lubricants for vehicle operations, either in above ground storage tanks meeting EPA regulations for such facilities or underground storage tanks meeting the requirements of this chapter (See § 14-1205(1)(d)).

(4) Office supplies that are used solely for the operation of on-site administrative offices provided such supplies are prepackaged in a form ready for use.

(5) Retail sales establishments that store and handle hazardous substances for resale in their original unopened containers.

(6) Geotechnical borings

(7) Residential activities

(8) Public utility emergency generating facilities above ground, except that permanently installed fuel storage facilities shall meet EPA regulations for such facilities

(c) Use of pesticides, herbicides and fungicides in recreational, agricultural, pest control and aquatic weed control activities shall be allowed provided that:

(1) The use is in strict conformity with the requirements of all applicable federal, state and local regulations, and as directed by the manufacturers of said substances.

(2) The use of the substance is flagged in the records of the certified operator supervising the use.

- (3) The certified operator provides specific notification in writing to the applicators under his or her supervision that they are working at a site located in a wellhead protection area, Zone 1, for which particular care is required.
  - (4) Records are kept of the date and amount of the substance used at each location and said records are made available for inspection by the town.
  - (5) The substance is not handled during use in a quantity exceeding seven hundred (700) gallons of formulation.
- (d) The use of pesticides, herbicides and fungicides in recreational, agricultural, pest control and aquatic weed control activities on nonresidential landscape areas smaller than five thousand (5,000) square feet shall be exempted from the provisions of this chapter.
  - (e) The use of pesticides, herbicides and fungicides in recreational, agricultural, pest control and aquatic weed control activities. However, commercial, government, institutional services, or the railroad in all zones shall not be required to obtain individual licenses for every site at which they use the regulated substances, and these services shall be exempt from the provisions of this chapter with regard to the sites they serve provided the use is in accordance with (3) (c) (1), (3) (c) (2) and (3) (c) (3) above.
  - (f) Use, storage, handling and/or production of a regulated substance, associated with non-routine maintenance or repair of property or equipment, shall be limited to:
    - (1) The aggregate of regulated substances in use, storage, handling and/or production not to exceed fifty (50) gallons or four hundred (400) pounds at any time; and
    - (2) The total use, storage, handling and/or production of regulated substances not to exceed one hundred (100) gallons or eight hundred (800) pounds in any twelve (12) month period.
  - (g) A regulated substance associated with medical and research laboratory use shall be stored, handled, or used in containers not to exceed five (5) gallons or forty (40) pounds of each substance and the aggregate inventory of all regulated substances shall not, exceed two hundred fifty (250) gallons or two thousand (2,000) pounds.
  - (h) A regulated substance which is a cleaning agent shall be packaged for personal or household use or be present in the same form and concentration as a product packaged for use by the general public. The aggregate inventory of such cleaning agents shall not exceed one hundred (100) gallons or eight hundred (800) pounds at any time. In no case shall regulated substances claimed under this exclusion include hydrocarbon or halogenated hydrocarbon solvents.
    - (1) A regulated substance associated with construction for which a permit has been issued, paving or the pouring of concrete shall be excluded from regulation while present on the construction site, provided such

regulated substances do not pose a real and present danger of contaminating surface and/or groundwater.

- (j) Use of regulated substances in conjunction with municipal water supply, and treatment activities shall not be restricted in this chapter.
  - (k) Storage of regulated substances in conjunction with municipal water supply and treatment activities shall not be restricted by this chapter.
  - (l) Use of regulated substances in conjunction with public parks, playgrounds, golf courses and community centers shall be in accordance with the town's parks and recreation maintenance plan and shall not be restricted by this chapter.
  - (m) The town may at its option delete in whole or in part, any of the above described exemptions, but in no case shall the town include any additional exemptions, in the chapter adopted, pursuant to this section, unless otherwise approved by the board of mayor and aldermen.
- (4) Nonconforming uses.
- (a) Non-conforming uses may continue in the wellhead protection overlay district in the form in which they exist at the time of the adoption of this chapter. Any change of title or right to possession shall not affect such continuation of an existing use. Whenever a non-conforming use has been abandoned for a period of six (6) months, such use shall not thereafter be re-established and any future use shall only be in compliance with the provisions of this chapter. In the event such non-conforming use shall pose a direct hazard to the public water supply, the town may take any action permitted by law to abate the hazard.
  - (b) An addition or expansion of the non-conforming use does not increase the non-conforming of the use or activity.
  - (c) The expansion of the non-conforming use may not be for the purpose of changing that use to another non-conforming use unless the applicant can demonstrate that the new use poses a lesser threat to groundwater than the current use.
  - (d) Non-conforming uses presently utilizing underground storage tanks for fuel and lubricants for vehicle operations shall be permitted to replace existing tanks with those constructed as per the specifications of § 14-1205 (1) (d), and not exceeding the capacity of existing tanks,
  - (e) All permitted uses, may be approved by the planning commission, special exemptions and limited exclusions may be approved by the board of zoning appeals, provided such uses meet the performance standards outlined for the wellhead protection overlay district.

**11-1206. Variance regulations.** The provisions of this section shall apply exclusively to areas of wellhead protection overlay districts. In applying for a variance, the following conditions apply:

- (1) Board of zoning appeals.

- (a) The board of zoning appeals shall hear and decide appeals and requests for variances from the requirements of this chapter. The board of zoning appeals shall not consider any application for a variance from the provisions of this chapter until the planning commission has had an opportunity to review the application and make a written recommendation to the board of zoning appeals.
- (b) Variances may be issued for the use of property within the town's corporate limits, upon a determination from the board of zoning appeals that the proposed use will not cause, materially contribute to, or create a material risk of any adverse effect upon the town's municipal water source under reasonably possible hydrologic or geologic conditions. All technological evidence shall be based on the modeling techniques defined in wellhead protection area, Zone 1 and Zone 2 reports, approved by TDEC (May, 2004).
- (c) In reviewing a variance application, the board of zoning appeals shall consider all technical evaluations, all relevant factors, all standards specified in other sections of this chapter; and,
  - (1) The practical difficulty and hardship on the property owner related to the use and enjoyment of the property caused by the regulation or restriction as enacted within the wellhead protection areas, Zone 1 and Zone 2.
  - (2) An allegation that there is an error in any requirements, decision or determination made by the planning commission in the enforcement or administration of this chapter,
- (d) The board of zoning appeals may attach such conditions to the granting of variances as it deems necessary to further the purpose, and objectives of this chapter.
- (e) In reviewing a variance application, the board of zoning appeals shall consider the recommendation of the Tennessee Department of Environment and Conservation.
- (2) No variance may be requested nor granted as a means to circumvent the intentions of this chapter or as a remedy for a violation of this chapter.

**11-1207. Site plan submission and administrative requirements.**

- (1) Prior to the issuance of a building permit all site plan requirements as set forth in § 14-221 shall be submitted for review by the planning commission. If approved, any modifications required by the planning commission shall be made prior to the issuance of a building permit. The site plan shall be maintained in the permanent files of the Town of McKenzie.
- (2) In addition to the site plan requirements set forth in 14-221, site plans for developments within wellhead protection overlay zones shall also include the following:
  - (a) Location of all existing public water supply wells within 1,000 feet.

- (b) Location of wellhead protection Zone 1 and Zone 2 area within five hundred (500) feet of property.
- (c) Location of septic tanks (including size and capacity) and/or sewage lift stations, force mains and grease traps.
- (d) Provide the regulations used to control the uses permitted in the project and the uses specifically prohibited.
- (e) Provide a complete list of the types and volumes of all hazardous materials (including fuels) used, stored, processed, handled or disposed, other than those volumes and types associated with normal household use.
- (f) Provide a description of the types of wastes generated and method of disposal including: solid wastes, hazardous wastes, sewage and non-sewage wastewater discharges.
- (g) Provide plans and documents containing information to show compliance with the performance standards of this chapter.
- (h) Provide other additional information as may be required by removing agencies regarding: the proposed use, its potential impact to water quality, hydro geologic information, monitoring and mitigation measures.

**11-1208. Enforcement and penalties.**

- (1) Applicant's responsibility. It shall be the responsibility of any person owning real property and/or owning or operating a business within the corporate limits of the town to make a determination of the applicability of wellhead protection area overlay districts to the property and/or business under his or her ownership or operation, and such owner's failure to do so shall not excuse any violations of this chapter
- (2) Injunctive. If any person who engages in nonresidential activities stores, handles, uses, and/or produces toxic substances listed in 40 Code of Federal Regulations (CFR) Part 116 (designation of hazardous substances) of the Federal Water Pollution Control Act, within the zone of contribution, as indicated on McKenzie Wellhead Protection Overlay Map, without having obtained a certificate of conformance as provided for herein or continues to operate in violation of the provisions of this chapter, the town may file an action for injunctive relief in the circuit court.
- (3) Penalties for violation. Violation of the provisions of this chapter or failure to comply with any of its requirements, including violation of conditions and safeguard established in connection with grants of variance or special exception, shall constitute a misdemeanor punishable as other misdemeanors as provided by law. Each day such violation continues shall be considered a separate offense.

## CHAPTER 13

### DEFINITIONS

#### SECTIONS

#### 11-1301. DEFINITIONS

**11-1301. Definitions.** Unless otherwise stated the following words shall, for the purpose of this Ordinance, have the meaning herein indicated. Words used in the present tense include the future. The singular number includes the plural and the plural the singular. The word "shall" is mandatory, not directory.

“Accessory Building or Use” - A use customarily incidental and subordinate to the principle use of a building and located on the same lot with such principal use or building.

An accessory use includes, but is not limited to the following:

- a. Off-street motor vehicle parking areas and loading and unloading facilities.
- b. A garage, shed, or building for domestic storage.
- c. A children’s playhouse, garden house, or private greenhouse.
- d. Private swimming pools in residential districts.
- e. Fences

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

A. Adult Entertainment Establishments

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

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

B. “Specified Anatomical Areas” means any of the following:

1. Less than completely and opaquely covered human genitals, pubic region, buttocks, anus or female breasts below a point immediately above the top of the aureole; or
2. Human male genitals in a discernibly turgid state, even if completely and opaquely covered.

C. “Specified Sexual Activities” means any of the following:

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

“Agriculture” - The production, keeping, or maintenance, for sale, lease, or personal use, of plants animals useful to man, including but not limited to: forages and sod crops; grains and seed crops; dairy animals and dairy products, poultry and poultry-products; livestock, including beef cattle, sheep, swine, horses, ponies, mules, or goats or any mutations or hybrids thereof, including the breeding and grazing of any or all of such animals; bees and apiary products; fur animals; grees and forest products; fruits of all kinds, including grapes, nuts, and berries; vegetables; nursery, floral, ornamental, and greenhouse products; or lands devoted to a soil conservation or forestry management program.

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

“Alteration” - Any change, addition or modification in construction, occupancy or use.

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

“Apartment” - A room or suite of rooms ina multiple-family structure which is arranged, designed, used or intended to be used as a single-housekeeping unit, and which contains completed kitchen, bath, and toilet facilities, permanently installed.

“Apartment House” - A building arranged, intended, or designed to be occupied by three (3) or more families living independently of each other. (See also Multiple Family Dwelling)

“Automobile Storage Yard (also Junk or Salvage Yard)” - Any land use for the parking and / or storage of one or more abandoned or impounded operable vehicles for which compensation is received.

“Automotive Repair, Minor” - An establishment primarily engaged in the repair or maintenance of motor vehicles, trailers and similar mechanical equipment, including brake, muffler, upholstery work, tire repair and change, lubrication, tune ups, and transmission work, which is conducted within a completely enclosed building.

“Automotive Self-Service Station” - That portion of property where flammable or combustible liquids or gases used as fuel are stored and dispensed from fixed equipment into the fuel tanks of motor vehicles by persons other than a service station attendant. Such an establishment shall be permitted to offer for sale at retail other convenience items as a clearly secondary activity and shall be permitted also to include a freestanding automatic car wash.

“Automotive Service Station” - That portion of property where flammable or combustible liquids or gases used as fuel are stored and dispensed from fixed equipment into the fuel tanks of motor vehicles. Accessory activities shall be permitted to include automotive repair and maintenance, car wash service, and food sales.

“Awning”- An architectural projection or shelter projecting from and supported by the exterior wall of a building and composed of a covering or rigid or non-rigid materials and / or fabric on a supporting framework that may be either permanent or retractable, including such structures that are illuminated by fluorescent or other light sources.

“Back-lit Awning”- An awning with a translucent covering material and a source of illumination contained within its framework.

“Banner” - A flexible substrate on which copy or graphics may be displayed.

“Basement” - Any floor level below the first story in a building, except that a floor level in a building having only one floor level shall be classified as a basement unless such floor level qualifies as a first story as defined herein.

“Bed and Breakfast Establishment” - Referred to hereafter as the “establishment,” means a private home, inn or other unique residential facility offering bed and breakfast accommodations and one (1) daily meal and having four (4) but not more than twelve (12) guest rooms furnished for pay, with guests staying not more than fourteen (14) days, and where the innkeeper resides on the premises or property immediately adjacent to it. Guest rooms shall be established and maintained distinct and separate from the innkeeper’s quarters.

“Bed and Breakfast Homestay” - Referred to hereafter as the “homestay” means a private home, inn or other unique residential facility offering bed and breakfast accommodations and one (1) daily meal and having less than four (4) guest rooms furnished for pay, with guests staying not more than fourteen (14) days, and where the innkeeper resides on the premises or property or immediately adjacent to it. Guest rooms shall be established and maintained distinct and separate from the innkeeper’s quarters. These shall be considered transient lodging for the purposes of this Zoning Ordinance.

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

“Boarding House” - A dwelling containing a single dwelling unit and not more than 10 guest rooms or suites of rooms, where lodging is provided with or without meals, for compensation for more than one (1) week.

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

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

(a) "Principal Building" - A building in which is conducted the principal use of the lot on which it is situated. In any residential district any dwelling shall be deemed to be the principal building on the lot on which the same is situated.

(b) "Accessory Building" - A subordinate building, the use of which is incidental to that of a principal building on the same lot. Swimming pools shall be considered accessory buildings in residential districts.

“Building Elevation” - The entire side of a building, from ground level to the roofline, as viewed perpendicular to the walls on that side of the building.

“Building Height” - The vertical distance measured from the average elevation of the proposed or existing finished grade at the front of the building to the highest point of the roof for flat roofs, to the deck line of mansard roofs, and to the mean height between eaves and ridge for gable, hip, and gambrel roofs.

“Building Line” - The line of that face of the building nearest the front, side or rear line of the lot. This face includes carports and porches, whether enclosed or open, but does not include steps.

“Building Line, Established” - That line parallel to and specific setback distance from a front lot line, beyond which a building cannot be constructed within the required yard created.

“Building, Temporary” - A building used temporarily for the storage of construction materials and equipment incidental and necessary to on-site permitted construction of utilities, or other community facilities, or used temporarily in conjunction with the sale of property within a subdivision under construction.

“Bulk” - Describes the size of buildings or other structures and their relationship to each other and to open areas and lot lines, and therefore includes:

- (a) The size (including height and floor area) of buildings or other structures,
- (b) The area of the zone lot upon which a building is located, and the number of dwelling units within residential buildings in relation to the area of the lot,

“Business or Financial Services” - An establishment intended for the conduct or service or administration by a commercial enterprise, or offices for the conduct of professional or business service.

“Canopy (attached)” - A multi-sided overhead structure or architectural projection supported by attachments to a building one or more sides and either cantilevered from such building or also supported by columns at additional points. The surface(s) and / or soffit of an attached canopy may be illuminated by means of internal or external sources of light.

“Canopy (freestanding)” - A multi-sided overhead structure supported by columns, but not enclosed by walls. The surface(s) and or soffit of a freestanding canopy may be illuminated by means of internal or external sources of light.

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

“Comprehensive Plan” - The declaration of purposes, policies and programs for the development of the jurisdiction.

“Condominium” - A single-dwelling unit in a multiunit dwelling or structure, that is separately owned and may be combined with an undivided interest in the common areas and facilities of the property.

“Congregate Residence” - Any building or portion thereof that contains facilities for living, sleeping and may include facilities for eating and cooking for occupancy by other than a family. A congregate residence shall be permitted to be a shelter, convent, monastery, dormitory, fraternity or sorority house, but does not include jails, hospitals, nursing homes, hotels or lodging houses.

“Court” - A space, open and unobstructed to the sky, located at or above grade level on a lot and bounded on three or more sides by walls of a building.

“Day Care Center” - Any place, operated by a person, society, agency, corporation, institution or religious organization, or any other group wherein are received thirteen (13) or more children under seventeen (17) years of age for group care for less than twenty-four (24) hours per day without transfer of custody.

“Day Care, Group” - An establishment for the care and/or instruction, whether or not for compensation, of seven or more persons at any one time. Child nurseries, preschools and adult care facilities are included in this definition.

“Density” - The number of dwelling units that are allowed on an area of land, which area of land shall be permitted to include dedicated streets contained within the development.

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

“Driveway” - A private access road, the use of that is limited to persons residing, employed, or otherwise using or visiting the parcel in which it is located.

"Dwelling, Multiple-family" - A residential building designed for or occupied by two or more families, with the number of families in residence not exceeding the number of dwelling units provided.

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

"Dwelling, Two-Family" - A detached residential dwelling unit other than a mobile home, designed for the occupied by two families only.

"Dwelling Unit" - One room or rooms connected together, constituting a separate independent housekeeping establishment for owner occupancy, or rental or lease on a weekly, monthly, or longer basis, and physically separated from any other rooms or dwelling units which may be in the same structure and containing independent cooking and sleeping facilities.

"Family" - One (1) or more persons occupying a premise and living as a single, nonprofit housekeeping unit.

"Family Day-Care" - A home operated by any person who receives therein a minimum of five (5) and a maximum of seven (7) children under seventeen (17) years of age, who are not related to such person and whose parents or guardians are not residents in the same house, less than twenty-four (24) hours per day for care, without transfer of custody.

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

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

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

“Frontage (Building)” - The length of an exterior building wall or structure of a single premise along either a public way or other properties on which it borders.

“Funeral Home” - A building used for the preparation of the deceased for burial and the display of the deceased and rituals connected therewith before burial or cremation.

"Group Day-Care" - Any place operated by a person, social agency, corporation or institution or any other group which receives a minimum of eight (8) and a maximum of twelve (12) children and up to three (3) additional school age children who will only be present before and after school, on school holidays, on school snow days, and during school summer vacation for less than twenty-four (24) hours per day for care outside their own homes, without transfer of custody.

"Home for the Aged" - As defined in Tennessee Code Annotated, Section 68-11-201(7), a home represented and held out to the general public as a home which accepts aged persons for relatively permanent, domiciliary care. A home for the aged provides room, board, and personal services to one (1) or more nonrelated persons.

"Home for the Aged Resident" - As defined in Tennessee Code Annotated, Section 68-11-201(8), any person requiring permanent, domiciliary care and who is not ill or physically or mentally unable to care for themselves at the time of admission and who will be transferred to a licensed hospital or licensed nursing home when more technical nursing care is needed than the personnel and facilities can offer in a home for the aged.

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

"Institutional Home for the Aged" - As defined in Tennessee Code Annotated, 68-11-201(7), a home represented and held out to the general public as a home which accepts aged persons for relatively permanent, domiciliary care. An institutional home for the aged provides room, board and personal services to one (1) or more non-related persons. An institutional home for the aged shall be subject to license and must meet all of the requirements of the minimum standards and regulations of nursing homes, except nursing services by a professional nurse.

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

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

“Mansard” - An inclined decorative roof-like projection that is attached to an exterior building façade.

“Manufactured Home” - Means a structure, transportable in one (1) or more sections, which, in the traveling mode, is eight (8) body feet or more in width, or forty (40) body feet or more in length, or when erected on site, is three hundred twenty (320) or more square feet, and which is built on a permanent chassis and designed to be used as a dwelling with or without a permanent foundation when connected to the required utilities, and includes the plumbing, heating, air conditioning, and electrical systems contained in the structure; except that “manufactured home” includes any structure that meets all the requirements of his subdivision (2), except the size requirements and with respect to which the manufacturer voluntarily files a certification required by the secretary and complies with the standards established under title 68 of Tennessee Code Annotated. These units do not include mobile homes constructed as a single self-contained unit mounted on a single chassis and further described in 68-126-202(4) of Tennessee Code Annotated.

“Marquee” - See “Canopy (attached).”

“Mobile Home” - Means a structure manufactured before June 15, 1976, that is not constructed in accordance with the National Manufactured Home Construction and Safety Act of 1974, (42 U.S.C. 5401 et seq.). It is a structure that is transportable in one (1) or more sections that in the traveling mode is eight (8) body-feet or more in width and forty (40) body-feet or more in length, or when erected on site, is three hundred twenty (320) or more feet and that is built on a chassis and designed to be used as a dwelling with or without a permanent foundation when connected to the required utilities and includes any plumbing, heating, air conditioning and electrical systems contained in the structure.

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

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

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

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

“Parapet” - The extension of a building façade above the line of the structural roof.

“Person” - Any association, company, corporation, firm, organization, or partnership, singular or plural, of any kind.

“Residential Home for the Aged” - As defined in Tennessee Code Annotated, Section 68-11-201(7), a home represented and held out to the general public as a home which accepts aged persons for relatively permanent, domiciliary care. A residential home for the aged provides room, board, and personal services to one (1) or more non-related persons. The residential home for the aged shall be subject to license and meet such requirements and minimum standards as the state licensing board shall prescribe in compliance with Tennessee Code Annotated, Section 6-11-209.

“Roof Line” - The top edge of a peaked roof or, in the case of an extended façade or parapet, the uppermost point of said façade or parapet.

“Setback” - The minimum required distance between the property line and the building line.

“Senior Independent Living Facility” – A residential housing complex containing multi-family dwellings designed for and principally occupied by senior citizens. Such facilities may include a congregate meals program in a common dining area, but exclude institutional care such as medical or nursing care.

“Sign” – Any outdoor sign located within view of persons passing on a street, whether a separate structure, object or device, or attached to or painted on another structure, object, or device bearing an advertisement or announcement relating to the premises on which such sign is located, except that the following shall in no case be considered as announcement signs: (a) any sign designed to be read solely by persons on the premises; (b) any sign less than thirty-six (36) square inches in area.

“Sign, Abandoned” - A sign structure that has ceased to be used, and the owner intends no longer to have used, for the display of sign copy, or as otherwise defined by state law.

“Sign, Animated” - A sign employing actual motion or the illusion of motion. Animated signs, which are differentiated from changeable signs as defined and regulated by this code, include the following types:

Electrically activated - Animated signs producing the illusion of movement by means of electronic, electrical or electro-mechanical input and/ or illumination capable of simulating movement through employment of the characteristics of one or both of the classifications noted below:

1. Flashing. Animated signs or animated portions of signs whose illumination is characterized by a repetitive cycle in which the period of illumination is either the same as or less than the period of non-illumination. For the purposes of this ordinance, flashing will not be defined as occurring if the cyclical period between on-off phases of illumination exceeds four (4) seconds.

2. Patterned illusionary movement. Animated signs or animated portions of signs whose illumination is characterized by simulated movement through alternate or sequential activation of various illuminated elements for the purpose of producing repetitive light patterns designed to appear in some form constant motion.

Environmentally activated - Animated signs or devices motivated by wind, thermal changes or other natural environmental input. Includes spinners, pinwheels, pennant strings, and / or other devices or displays that respond to naturally occurring external motivation.

Mechanically activated - Animated signs characterized by repetitive motion and / or rotation activated by a mechanical system powered by electric motors or other mechanically induced means.

Architectural Projection - Any projection that is not intended for occupancy and that extends beyond the face of an exterior wall of a building, but that does not include signs as defined herein. See also, “Awning”; “Back-lit awning”; and “Canopy, attached and freestanding.”

“Sign, Awning” - A sign displayed on or attached flat against the surface of surfaces of an awning. See also, “Wall” or Fascia sign.”

“Sign, Banner” - A sign utilizing a banner as its display surface.

“Sign, Billboard” - See “Off-premise sign” and “Outdoor advertising sign.”

“Sign, Canopy” - A sign affixed to the visible surface(s) of an attached or freestanding canopy.

“Sign, Changeable” - A sign with the capability of content change by means of manual or remote input, including signs which are:

Manually activated - Changeable sign whose message copy or content can be changed manually.

Electrically activated - Changeable sign whose message copy or content can be changed by means of remote electrically energized on-off switching combinations of alphabetic or pictographic components arranged on a display surface. Illumination may be integral to the components, such as characterized by lamps or other light-emitting devices; or it may be from an external light source designed to reflect off the changeable component display. See also “Electronic message sign or center.”

“Sign, Area” - The area of the smallest geometric figure, or the sum of the combination of regular geometric figures, which comprise the sign face. The area of any double-sided or “V” shaped sign shall be the area of the largest single face only. The area of a sphere shall be computed as the area of a circle. The area of all other multiple-sided signs shall be computed as 50 percent of the sum of the area of all faces of the sign.

“Sign, Combination” - A sign that is supported partly by a pole and partly by a building structure.

“Sign, Copy” - Those letters, numerals, figures, symbols, logos and graphic elements comprising the content or message of a sign, excluding numerals identifying a street address only.

“Sign, Development Complex” - A freestanding sign identifying a multiple -occupancy development, such as a shopping center or planned industrial park, which is controlled by a single owner or landlord, approved in accordance with Section 11-413(9) of this chapter.

“Sign, Directional” - Any sign that is designed and erected for the purpose of providing direction and / or orientation for pedestrian or vehicular traffic.

“Sign, Double-faced” - A sign with two faces, back to back.

“Sign, Electric” - Any sign activated or illuminated by means of electrical energy.

“Sign, Electronic Message” - An electrically activated changeable sign whose variable message capability can be electronically programmed.

“Sign, Exterior” - Any sign placed outside a building.

“Sign, Face” - The surface upon, against or through which the sign copy is displayed or illustrated, not including structural supports, architectural features of a building or sign structure, nonstructural or decorative trim, or any areas that are separated from the background surface upon which the sign copy is displayed by a distinct delineation, such as a reveal or border.

- 1.1. In the case of panel or cabinet type signs, the sign face shall include the entire area of the sign panel, cabinet or face substrate upon which the sign copy is displayed or illustrated, but not open space between separate panels or cabinets.
- 1.2. In the case of sign structures with routed areas of sign copy, the sign face shall include the entire area of the surface that is routed, except where interrupted by a reveal, border, or a contrasting surface or color.
- 1.3. In the case of signs painted on a building, or individual letters or graphic elements affixed to a building or structure, the sign face shall comprise the sum of the geometric figures or combination or regular geometric figures drawn closet to the edge of the letters or separate graphic elements comprising the sign copy, but not the open space between separate groupings of sign copy on the same building or structure.
- 1.4. In the case of sign enclosed within a painted or illuminated border, or displayed on a background contrasting in color with the color of the building or structure, the sign face shall comprise the area within the contrasting background, or within the painted or illuminated border.

“Sign, Fascia” - See “Wall sign.”

“Sign, Flashing” - See “Animated Sign, electrically activated.”

“Sign, Freestanding” - A sign principally supported by a structure affixed to the ground, and not supported by a building, including signs supported by one or more columns, poles or braces placed in or upon the ground.

“Sign, Ground” - See “Freestanding sign.”

“Sign, Illumination” - A sign characterized by the use of artificial light, either projecting through its surface(s) (internally illuminated); or reflecting off its surface(s) (externally illuminated).

“Sign, Incidental” - A sign, generally informational, that has a secondary purpose to the use of the zone lot which it is located, such as “no parking,” “entrance,” “loading only,” “telephone,” and other similar directives. No sign with a commercial message legible from a position off the zone lot on which the sign is located shall be considered incidental.

“Sign, Interior” - Any sign placed within a building, but not including “window signs” as defined by this ordinance. Interior signs, with the exception of window signs as defined, are not regulated by this chapter.

“Signs, Low profile” - are signs which do not exceed three and one-half (3-1/2) feet in height. These signs may be placed up to the front property line, provided they are placed outside of any street right-of-way and so as to not obstruct vision for moving traffic, determined by the building official. Normal side yard setbacks must be met.

“Sign, Marquee” - See “Canopy sign.”

“Sign, Menu Board” - A freestanding sign oriented to the drive-through lane for a restaurant that advertises the menu items available from the drive-through window, and which has no more than 20 percent of the total area for sign utilized for business identification.

“Sign, Multi-faced” - A sign containing three or more faces.

“Sign, Off-Premise” - See “Outdoor advertising sign.”

“Sign, On-Premise” - A sign erected, maintained or used in the outdoor environment for the purpose of the display, of messages appurtenant to the use of, products sold on, or the sale or lease of, the property on which it is displayed.

“Sign, Outdoor Advertising” - A permanent sign erected, maintained or used in the outdoor environment for the purpose of the display of messages appurtenant to the use of, products sold on, or the sale or lease of, the property in which it is displayed. (Billboards)

“Sign, Pennant” - Any lightweight plastic, fabric, or other material, whether or not containing a message of any kind, suspended from a rope, wire, or string, usually in series, designed to move the wind.

“Sign, Pole” - See “Freestanding sign.”

“Sign, Political” - A temporary sign intended to advance a political statement, cause or candidate for office. A legally permitted outdoor advertising sign shall not be considered to be a political sign.

“Sign, Portable” – An electrically illuminated sign not exceeding 24 square feet in area that is not permanently attached to the ground, building, or building surface.

“Sign, Projecting” - A sign other than a wall sign that is attached to or projects more than 18 inches from a building face or wall or from a structure whose primary purpose is other than the support of a sign.

“Sign, Real Estate” - a temporary sign advertising the sale, lease or rental of the property or premises upon which it is located.

“Sign, Residential” - Any sign located in a district zoned for residential uses that contains no commercial message except advertising for goods or services legally offered on the premises where the sign is located, if offering such service at such location conforms with all requirements of this Ordinance.

“Sign, Revolving” - A sign that revolves 360 degrees about an axis. See also, “animated sign, mechanically activated.”

“Sign, Roof” - A sign mounted on, and supported by, the main roof portion of a building, or above the uppermost edge of a parapet wall of a building and which is wholly or partially supported by such a building. Signs mounted on mansard facades, pent eaves and architectural projections such as canopies or marquees shall not be considered to be roof signs.

“Sign, Structure” - Any structure supporting a sign.

“Sign, Temporary” - A sign intended to display either commercial or non-commercial messages of a transitory or temporary nature. Portable signs or any sign not permanently embedded in the ground, or not permanently affixed to a building or sign structure that is permanently embedded in the ground, are considered temporary signs.

“Sign, Under Canopy or Under Marquee” - A sign attached to the underside of a canopy or marquee.

“Sign, V” - Signs containing two faces of approximately equal size, erected upon common or separate structures, positioned in a “V” shape with an interior angle between faces of not more than 90 degrees with the distance between the sign faces not exceeding 5 feet at their closest point.

“Sign, Wall” - A sign that is in any manner affixed to any exterior wall of a building or structure and that projects not more than 18 inches from the building or structure wall, including signs

affixed to architectural projections from a building provided the copy of the area of such signs remains on a parallel plane to the face of the building façade or to the face or faces of the architectural projection to which it is affixed.

“Site Plan” - A plan that outlines the use and development of any tract of land.

"Story" - That portion of a building included between the upper surface of any floor and the upper surface of the floor next above, or any portion of a building used for human occupancy between the topmost floor and the roof. A basement not used for human occupancy other than for a janitor or domestic employee shall not be counted as a story.

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

“Street Frontage” - The distance for which a lot line of a zone lot adjoins a public street, from one lot line intersecting said street to the furthest distant lot line intersecting the same street.

“Structure” - That which is built or constructed, an edifice or building of any kind, or any piece of work artificially built up or composed of parts joined together in some definite manner.

“Subdivision” - The division of a tract or parcel of land into two (2) or more lots, sites, or other divisions requiring new street or utility construction, or any division of less than five (5) acres, for the purpose, whether immediate or future, of sale or building development, and includes resubdivision and when appropriate to the context, relates to the process of resubdividing or to the land or area subdivided.

"Substantial Improvement" - Any repair, reconstruction, or improvement to a structure, the cost of which equals or exceeds fifty (50) percent of the market value of the structure either (1) before the repair or improvement or (2) before the damage occurred. For the purposes of this Ordinance, substantial improvement is considered to occur when the alteration of any wall, ceiling, floor, or other structural part of the building commences, whether or not that alteration affects the external dimensions of the structure. The term does not, however, include either (1) any project for improvement of a structure to comply with existing state or local health, sanitary or safety code specifications which are solely necessary to ensure safe living conditions or (2) any alteration or restoration of a structure listed on the National Register of Historic Places or a State Inventory of Historic Places.

“Tiny house” - A principal residential structure which contains less than 800 square feet of heated living space and is designed to be used as a dwelling. Such residential structures (under 800 square feet in size) fashioned from previously purposed structures, such as storage containers, grain bins, water tanks, train boxcars, or other similar structures shall be considered tiny houses. For the purpose of these regulations the term "tiny house" does not include the terms "mobile home" or “manufactured home.”

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

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

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

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

"Use" - The activity occurring on a lot or parcel for which land or a building is arranged, designed or intended, or for which land or a building is or may be occupied, including all accessory uses.

"Use, Change of" - The change within the classified use of a structure or premise.

"Use, Principal" - A use that fulfills a primary function of a household, establishment, institution or other entity.

"Use, Temporary" - A use that is authorized by this Ordinance to be conducted for a fixed period of time. Temporary uses are characterized by such activities as the sale of agricultural products, contractors' offices and equipment sheds, fireworks, carnivals, flea markets, and garage sales.

"Variance" - A deviation from the height, bulk, setback, parking or other dimensional requirements established within this Ordinance.

"Warehouse, Wholesale or Storage" - A building or premises in which goods, merchandise or equipment are stored for eventual distribution.

"Wedding Chapel" - An establishment that primarily provides the facilities and services for weddings on a commercial basis. This definition does not include churches and similar congregations where weddings are an ancillary use.

"Yard" - A required open space unoccupied and unobstructed by any structure or portion of a structure from 30 inches above the general ground level of the graded lot upward, provided however, that fences, walls, poles, posts, and other customary yard accessories, ornaments, and furniture may be permitted in any yard subject to height limitations and requirements limiting obstruction of visibility.

- (a) "Front Yard" - A yard extending across the entire width of the lot between the lot between the front yard line, and the nearest part of the principal building, including covered porches and carports.
- (b) "Rear Yard" - The yard extending across the entire width of the lot between the rear lot line and the nearest point of the principal building, including covered porches and carports.

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

"Yard Sale" – All general sales, open to the public, conducted from or on residential premises in any residential zone, for the purpose of disposing personal property, including but not limited to all sales entitled "garage", "lawn," "yard," "attic," "porch," "room," "backyard," "patio," "flea market," or "rummage sale".

## CHAPTER 14

### EXCEPTIONS AND MODIFICATIONS

#### SECTIONS

- 11-1401. LOT OF RECORD  
11-1402. FRONT YARDS  
11-1403. GROUP HOUSING PROJECT  
11-1404. SPECIALLY DESIGNED RESIDENTIAL DEVELOPMENTS

**11-1401. Lot of Record.** Where the owner of a lot consisting of one or more adjacent lots of official record at the time of the adoption of this Ordinance, does not own sufficient land to enable him to conform to the yard or other requirements of this Ordinance, an application may be submitted to the Board of Zoning Appeals for a variance from the terms of this Ordinance, in accordance with Chapter 15, 11-1504-3. Such lot may be used as a building site, provided, however, that the yard and other requirements of the district are complied with as closely as is possible in the opinion of the Board of Zoning Appeals.

In no case shall the Board of Zoning Appeals permit a residence to be erected on a lot whose width at the building line is less than forty (40) feet and whose total lot area is less than three thousand (3,000) square feet. Where two or more substandard lots of record with a continuous frontage are under the same ownership, or where a substandard lot of record and continuous frontage with a larger tract under the same ownership, such lot shall be combined to form one or more building sites meeting the minimum requirements of the district in which they are located.

**11-1402. Front Yards.** The front yard requirements of this Ordinance for dwellings shall not apply to any lot where the average depth of existing front yards on developed lots, located within the same block in zoning district and fronting on the same street as such lot, is less than the minimum required front yard depth. In such case, the minimum front yard shall be the average of the existing front yard depths on the developed lots, but in no case less than ten (10) feet.

**11-1403. Group Housing Project.** In the case of a group housing project of two or more buildings to be constructed on a plot of ground of at least one acre not subdivided or where the existing or contemplated street and lot layouts make it impracticable to apply the requirements of this Ordinance to the individual building units in such housing projects, the application of the terms of this Ordinance may be varied by the Board of Zoning Appeals in a manner that will be in harmony with the character of the neighborhood, will ensure substantially the same character of occupancy and an intensity of land use no higher and a standard of open space no lower than

that permitted by this Ordinance in the district in which the proposed project is to be located. However, in no case shall the Board of Zoning Appeals authorize a use prohibited in the district in which the project is to be located, or a smaller lot area per family than the minimum required in such districts.

**11-1404. Specially Designed Residential Development.** It is the intent of this Ordinance to permit variations in the design of residential developments that would conform to the spirit but not to the exact letter of the yard and space requirements of this Ordinance, including, but not limited to, such variations as building alignments that include setbacks of less than those required when compensated for by other setbacks of more than those required and the pooling of required yard spaces to provide large undivided open areas. Such variations may be granted by the Board of Zoning Appeals after consultation with the Planning Commission. Any such variations shall be granted only if proper protection can be afforded abutting properties and if the density of land use is no higher and the standards of opens pace are at least as high as those required by this Ordinance for the district in which is located the property for which the variation is requested.

As such variation by the Board of Zoning Appeals shall be made subject at the recording of a plat of the proposed project, approved by the Planning Commission, on which are indicated location of all proposed streets, drives, walks, parking areas and building.

## CHAPTER 15

### ENFORCEMENT

#### SECTIONS

11-1501. ENFORCING OFFICER

11-1502. BUILDING PERMITS AND CERTIFICATES OF OCCUPANCY

11-1503. PENALTIES

11-1504. REMEDIES

**11-1501. Enforcing Officer.** The provisions of this Ordinance shall be administered and enforced by a Building Inspector appointed by the Board of Mayor and Council who shall have the power to make inspection of buildings or premises necessary to carry out his duties in the enforcement of this Ordinance.

**11-1502. Building Permits and Certificates of Occupancy.**

1. Building Permit Required. It shall be unlawful to commenced the excavation or the construction of any building or structure, including accessory buildings and structures, or to commence the moving or alteration of any building or structure, including accessory buildings and structures, until the Building Inspector has issued a Building permit for such work.
2. Issuance of Building Permit. In applying to the Building Inspector for a building permit, the applicant shall submit a dimensional sketch or a scale plan indicating the shape, size, height, and location of the lot of all buildings to be erected, altered or moved and of any building already on the lot. He shall also state the exiting and intended use of all such buildings and supply such other information as may be required by the Building Inspector for determining whether the provisions of this Ordinance are being observed. If the proposed excavation or construction as set forth in the application are in conformity for the provisions of this Ordinance and other ordinances of the City of McKenzie,

Tennessee than in force, the Building Inspector shall issue a building permit. If the permit is refused, the Building Inspector shall state such refusal in writing with the cause.

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

- 3. Certificate of Occupancy. No land or building or part thereof hereafter erected or altered in its use or structure shall be used until the Building Inspector shall have issued a certificate of occupancy stating that such land, building or part thereof, and the proposed use thereof are found to be in conformity with the provisions of this Ordinance. Within three (3) days after notification that a building or premises on part thereof is ready for occupancy or use, it shall be the duty of the Building Inspector to make a final inspection thereof and to issue a certificate of occupancy if the land, building or part thereof and the proposed use thereof are found to conform with the provisions of this Ordinance; or, if such certificate is refused, to state such refusing in writing with the cause.
- 4. Records. A complete record of such applications, sketches, and plans shall be maintain in the Office of the Building Inspector.

**11-1503. Penalties.** Any person violating any provisions of this Ordinance shall be guilty of a misdemeanor, and upon conviction shall be fined under the general penalty provisions of this code. Each day such violations shall continue shall constitute a separate offense.

**11-1504. Remedies.** In case any building or structure is erected, constructed, reconstructed, repaired, converted, or maintained, or any building, structure, or land is used in the violation of this Ordinance, the Building Inspector or any other appropriate authority, or any adjacent or neighboring property owner who would be damaged by such violation, in addition to other remedies may institute injunction, mandamus, or other appropriate action in proceeding to prevent the occupancy of use of such building, structure or land.

## CHAPTER 16

### **BOARD OF ZONING APPEALS.**

#### SECTIONS

- 11-1601. CREATION AND APPOINTMENT
- 11-1602. PROCEDURE
- 11-1603. APPEAL: HOW TAKEN
- 11-1604. POWERS

**11-1601. Creation and Appointment.** A Board of Zoning Appeals is hereby established in accordance with Section 13-705, 13-707, Tennessee Code Annotated. The Board of Zoning Appeals shall consist of three (3) members, at least of whom is a member of the McKenzie Municipal Regional Planning Commission. They shall be appointed by the Mayor and confirmed by a majority vote of the Board of Mayor and Council. The term of membership shall be three (3) years except that the initial individual appointments to the Board shall be terms of one (1), two (2) and three (3) years respectively. Vacancies shall be filled for any unexpired term by the mayor in confirmation by the Board of Mayor and Council.

**11-1602. Procedure.** Meetings of the Board of Zoning Appeals shall be held at the call of the chairman and at such other time as the Board may determine. The chairman or in his absence, the acting chairman may administer oaths and compel the attendance of witnesses. All meetings of the Board shall be open to the public. The Board shall keep minutes of its proceedings showing the vote of each member upon each question, or if absent or failing to vote, indicating such fact. The Board shall take all evidence necessary to justify or explain its actions and shall keep records of its examinations and other official actions. The minutes of its meetings and all other records of the Board of Zoning Appeals shall be promptly filed in the city hall and shall be public record.

**11-1603. Appeals: How Taken.** An appeal of the Board of Zoning Appeals may be taken by any person, firm or corporation aggrieved, or by any governmental officer, department, board or bureau affected by any decision of the Building Inspector based on 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. A fee in the amount of \$25 will be charged for each application. The Building Inspector shall transmit to the Board all papers constituting the record upon which the action appealed was taken. The Board shall fix a reasonable time for the hearing of the appeal, give public notice thereof, as well as due notice to the parties in interest, and decide the same within a reasonable time which shall not be more than fifteen (15) days from the date of the hearing. Upon the hearing any person or party may appear and be heard in person or by agent or by attorney.

**11-1604. Powers.** The Board of Zoning Appeals shall have the following powers.

1. Administrative Review. To hear and decide appeals where it is alleged by the appellant that there is error in any order, requirement, permit decision, determination

or refusal made by the Building Inspector or other administrative official in the carrying out of enforcement of any provision of this Ordinance.

2. Special Exceptions. To hear and decide applications for special exception upon which the Board of Zoning Appeals is specifically authorized to pass.
3. Variance. To hear and decide applications for variance from the terms of this Ordinance, but only where by reason of exceptional narrowness, shallowness or shape of a specific piece of property which at the time of the adoption of this Ordinance was a lot of record; or where by reason of exceptional topographic conditions or other extraordinary or exceptional situations or condition of a piece of property the strict application of the provisions of this Ordinance would result in exceptional practical difficulties to or exceptional and undue hardship upon the owner of such property, provided that such relief may be granted without detriment to the public good and the intent and purpose of this Ordinance. Financial disadvantage to the property owner is no proof of hardship within the purpose of zoning.
  - (a) In granting a variance, the Board may attach thereto such conditions regarding the location, character and other features of the proposed building, structure or use as it may deem advisable in furtherance of the purpose of this Ordinance.
  - (b) Before any variance is granted it shall be shown that circumstances are attached to the property which do not generally apply to other property in the neighborhood.

## **CHAPTER 17**

### **AMENDMENT**

#### **SECTIONS**

- 11-1701. ZONING AMENDMENT PETITION
- 11-1702. PLANNING COMMISSION REVIEW
- 11-1703. PUBLIC HEARING ON PROPOSED AMENDMENT
- 11-1704. FEE

**11-1701. Zoning Amendment Petition.** Before enacting any zoning amendment, the Board of Mayor and Council shall hold a public hearing thereof, at least fifteen (15) days notice of the time and place of which shall be published in a newspaper of general circulation in the City of McKenzie, Tennessee. No change in or departure from the text or map 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, receive the favorable vote of a majority of entire membership of the Board of Mayor and Council.

**11-1702. Planning Commission Review.** No such amendment shall become effective unless the same be first submitted for approval, disapproval or recommendations to the McKenzie Planning Commission. If the McKenzie Planning Commission within sixty (60)

days disapprove after such submission, it shall require the favorable vote of a majority of the Board of Mayor and Council to become effective, if the McKenzie Planning Commission neither approves nor disapproves such proposed amendment within (60) days after such submission, the action of such amendment by said commission shall be deemed favorable. After the Planning Commission has acted upon a petition to change the zoning classification of that particular piece of property, additional petitions to change the zoning classification of that same piece of property may not be introduced for another six (6) months period.

**11-1703. Public Hearing on Proposed Amendment.** Before enacting any zoning amendment, the Board of Mayor and Council shall hold a public hearing thereon, at least fifteen (15) days notice of the time and place of which shall be published in a newspaper of general circulation in the City of McKenzie, Tennessee. No change in a departure from the text or map 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, receive the favorable vote of a majority of entire membership of the Board of Mayor and Council.

**11-1704. Fee.** An amendment to this Ordinance may be requested by any person upon the presentation of a verified petition, which petition shall be accompanied by a fee of \$75.

CHAPTER 18

LEGAL STATUS PROVISIONS

SECTIONS

**11-1801. CONFLICT WITH OTHER ORDINANCES.**

**11-1802. VALIDITY**

**11-1803. EFFECTIVE DATE**

**11-1801. Conflict with Other Ordinances.** In case of conflict between this Ordinance or any part thereof, and the whole or part of any existing or future ordinance of the City of McKenzie, the most restrictive shall in all cases apply.

**11-1802. Validity.** If any section, clause, provision, or portion of this Ordinance shall be held to be invalid or unconstitutional by a court of competent jurisdiction, such hold shall not affect any other section, clause provision, or portion of this Ordinance which is not of itself invalid or unconstitutional.

**11-1803. Effective Date.** This Ordinance shall take effect and be in force immediately after its passage, the public welfare demanding it.

Certified by Planning Commission: May 29, 2025

Public Hearing Date: July 10, 2025

Passed on 1st Reading: June 12, 2025

Passed on 2nd Reading: July 10, 2025

Re-adopted by Board of Mayor and Council in open meeting

July 10, 2025

Date

\_\_\_\_\_  
Ryan Griffin, Mayor

**Attest:**

\_\_\_\_\_  
Jennifer Waldrup, City Recorder