

**CITY OF
CHURCH HILL
TENNESSEE**

**ZONING
ORDINANCE**

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11-401. Short title. This ordinance shall be known as the "Zoning Ordinance of Church Hill, Tennessee," and the map herein referred to, which is identified by the title, "Church Hill, Tennessee Zoning Map" and dated May 1982 shall be known as the "Zoning Map of Church Hill, Tennessee." The Zoning Map of Church Hill, Tennessee and all explanatory matter thereon are hereby adopted and made a part of this chapter.

11-402. Purpose. The zoning regulations and districts as herein set forth have been made in accordance with a comprehensive plan for the purpose of promoting the health, safety, morals, and the general welfare of the community. They have been designed to lessen congestion in the streets, to secure safety from fire, panic and other dangers, to provide adequate light and air, to prevent the overcrowding of land, to avoid undue concentration of population, and 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 particular 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.

11-403. Definitions of terms used in ordinance. Except as specifically defined herein, all words used in the Ordinance have their customary dictionary definition. For the purpose of this Ordinance, certain words or terms used herein shall be defined as follows: words used in the present tense include the future tense. Words used in the singular number include the plural, and words in the plural include the singular. The word "person" includes a firm, co-partnership, company, organization, trust, association, corporation, as well as an individual. The word "lot" includes the word "plot" or "parcel". The word "building" includes the word "structure". The word "shall" is mandatory, not

directory. The word “used” or “occupied” as applied to any land or building shall be determined to include “intended”, as in arranged or designed to be used or occupied.

1. Access. The right to cross between public and private property, thus allowing pedestrians and vehicles to enter and leave property.
2. Accessory Use or Accessory Structure. A use or structure incidental and subordinate to the principal use of the property and located on the same lot as the principal use.
3. Adult-Oriented Establishments. Establishments that cater to an exclusively or predominantly adult clientele and which feature sexually explicit products and/or entertainment. Examples of such establishments includes but are not limited to: adult book stores, adult theaters, adult motion picture theaters, adult cabarets and other enterprises that regularly feature materials, acts, or displays involving male or female nudity and/or sexually oriented activities.
 - A. Adult Book Store. Any establishment having more than fifty (50%) percent of the face value of its stock in trade: books, magazines, motion pictures, periodicals, and/or other materials which are distinguished or characterized by depicting, describing, or relating to male or female nudity and/or sexually oriented activities.
 - B. Adult Cabaret. Any restaurant, bar, dance hall, nightclub or other such place, which features male or female dancers, strippers, or similar entertainers for the entertainment of a predominantly adult clientele.
 - C. Adult Motion Picture Theater. Any public place, whether open or enclosed, used for presenting material distinguished or characterized by an emphasis on matter depicting, describing, or relating to male or female nudity and/or sexually oriented activities for observation by patrons therein.
 - D. Adult Theater. Any theater, concert hall, auditorium, or similar establishment which, for any form of consideration, regularly features live performances characterized by male or female nudity and/or sexually oriented activities.
4. Alley. A public or private way that provides only a secondary means of access to property.
5. Apartment. A form of multi-family housing which is “attached” and which contains three (3) or more dwelling units for lease.
6. Automobile Wrecking Yard. Commonly referred to as a “junk yard”, it is a premises used for the storage or sale of five (5) or more inoperative used automobiles (to include trucks, buses, trailers, and vehicular machinery) and parts of same, or for the storage, dismantling, or abandonment of junk, obsolete automobiles or parts thereof.
7. Bed and Breakfast Inn. A residential unit in which up to four (4) guest rooms are available for overnight accommodation and breakfast for registered guests is provided.

8. Berm. A mounded or raised area of soil or other material used to obstruct views, decrease noise, and/or otherwise act as a buffer between incompatible land uses.
9. Buffer Strip. Plant material, to include trees, shrubs, and/or grasses, of such growth characteristics as will provide an obscuring screen not less than ten (10) feet in width and not less than six (6) feet in height when planted. The planning commission may approve the use of other materials to provide a buffer strip if the situation warrants.
10. Building. Any built structure having a roof supported by columns or by walls and intended for the shelter, housing, or enclosure of persons, animals, or property of any kind.
 - A. Building, Accessory. A subordinate building detached from but located on the same lot as the principal building, the use of which is incidental and accessory to that of the principal building.
 - B. Building, Principal. A building in which the primary use of the lot on which the building is located is conducted.
11. Building Height. The vertical distance measured from the finished grade at the building line to the highest point of the roof.
12. Building Official. Also commonly referred to as the “building inspector”, the officer, or his duly authorized representative, charged with the administration and enforcement of this ordinance.
13. Building Setback Line. A line delineating the minimum allowable distance between the property line and a building on a lot, within which no building or other structure shall be placed except as otherwise provided herein.
 - A. Building Setback Line, Front. A line delineating the minimum allowable distance between the street right-of-way and the front of a building on a lot. The front building setback line extends the full width of the lot and is parallel to or concentric with the street right-of-way.
 - B. Building Setback Line, Rear. A line delineating the minimum allowable distance between the rear property line and a building on a lot. The rear building setback line extends the full width of the lot. The rear building setback line may differ for the principal building and any accessory building.
 - C. Building Setback Line, Side. A line delineating the minimum distance between the side property line and a building on a lot. The side building setback line extends from the front building setback line to the rear building setback line. The side building setback line may differ for the principal building and any accessory building.
14. Clinic. A building designed and used for the diagnosis and treatment of human patients that does not include overnight care facilities.

15. Club. A building or facility owned or operated by a corporation, association, or persons for a social, educational, or recreational purpose; but not primarily for profit or to render a service that is customarily carried on as a business.
16. Cluster Development. A development design technique that concentrates buildings in specific areas on a site to allow the remaining land to be used for recreation, common open space, and preservation of environmentally sensitive areas.
17. Conditional Use. A use that would not be appropriate generally or without restriction throughout the zoning district but which, if controlled as to number, area, location, or relation to the neighborhood, would not be detrimental to public health, safety, or general welfare.
18. Condominium. A multi-unit development offering individual ownership of said units. (Ord. No. 407, 05/17/05)
19. Day Care Center. A place operated by a person, society, agency, corporation, institution, or other group that receives payment for the care of eight (8) or more children under 17 years of age for less than 24 hours per day, without transfer of custody. The term "Day Care Center" also includes child development centers, nursery schools, day nurseries, play schools, and kindergartens, as well as agencies providing before and after school care, regardless of name, purpose, or auspices. (Excluded are schools graded 1 – 12 and kindergartens operated by governmental units or by religious organizations).
 - A. Day Care Center, Adult. A place operated by a person, society, agency, corporation, institution, or other group that receives payment for the care of persons over 18 years of age for less than 24 hours per day. The adult day care center shall provide a structured program of personalized care for adults who are not capable of full independent living as a result of physical disability, developmental disability, emotional impairment, or frailty resulting from advanced age.
20. Dwelling Unit. One or more rooms physically arranged so as to create an independent housekeeping establishment for occupancy by one family with separate toilets and facilities for cooking and sleeping.
21. Dwelling, Single-Family. A building designed, constructed, and used for one dwelling unit.
22. Dwelling, Two-Family or Duplex. A building designed, constructed or reconstructed and used for two dwelling units that are connected by a common structural wall.
23. Dwelling, Multi-Family. A building designed, constructed or reconstructed and used for more than two dwelling units, with each dwelling unit having a common structural wall with any other dwelling unit on the same floor.
24. Family. An individual, or two or more persons related by blood, marriage, legal adoption, or legal guardianship, living together as a single housekeeping unit. Expressly excluded from this definition are lodgers or tenants.

25. Farming. This includes all forms of agriculture, growing of crops in the open, dairying, grazing, the raising and maintaining of poultry and other livestock, horticulture, viticulture, forests and woods, provided however, all health codes of Church Hill and Hawkins County are complied with.
26. Home Occupation. An occupation for gain or support which is customarily conducted within the home, which is incidental to the use of the building as a dwelling unit, which employs not more than two persons who are not residents of the premises, and which occupies not more than thirty (30) percent of the area of the ground floor of the dwelling unit.
27. Lot. A parcel of land which fronts on and has access to a public street and which is occupied or intended to be occupied by a building or buildings with customary accessories and open spaces.
 - A. Lot, Corner. A lot abutting two or more streets, exclusive of alleys, at their intersection.
28. Lot Area. The total horizontal area within the lot lines of a lot, exclusive of street rights-of-way and easements of access to other property.
29. Lot Line. The property line bounding a lot.
 - A. Lot Line, Front. The lot line separating the lot from the street that provides access to the lot.
 - B. Lot Line, Rear. The lot line which is opposite and most distant from the front lot line.
 - C. Lot Line, Side. Any lot line not a front or rear lot line.
30. Lot of Record. A lot, the boundaries of which are filed as legal record.
31. Lot Width. The width of a lot at the required front building setback line.
32. Manufactured Home. Commonly called a “mobile home”, manufactured home is a single- or multi-sectional unit which is built on a permanent chassis and designed for use with or without a permanent foundation when connected to the required utilities. The plumbing, heating, air conditioning, and electrical systems are complete. A manufactured home can be transported in one or more sections, and in the traveling mode is eight (8) body feet or more in width, or forty (40) body feet or more in length. When erected on site the structure contains at least three hundred twenty (320) square feet. It is constructed to National Manufactured Home Construction and Safety Standards, identifiable by a red and silver seal.
33. Manufactured Home Park. Commonly called a “mobile home park”. Any single plot or tract of land containing, or designed for and intended to contain, two (2) or more manufactured homes for permanent residence, where manufactured home spaces are leased or rented to the homeowner by the land owner.

34. **Manufactured Home Space.** A leased area within a manufactured home park which is developed to contain one manufactured home and its associated parking, patios, decks, utilities, landscaping, and private recreation area.
35. **Manufactured Home Subdivision.** A subdivision of land designed for occupancy by manufactured homes exclusively and where the individual lots are sold to the occupants.
36. **Modular Home.** A home constructed in a factory, like a manufactured home, but which is not built on a permanent chassis, and which requires placement on a permanent foundation. It is constructed to the Tennessee Modular Building Code, and is identified by a green seal.
37. **Nonconforming Use.** A building, structure, or use of land lawfully existing at the time of enactment of this ordinance or any amendment thereto, which does not conform to the requirements of the zone in which it is located.
38. **Off-Street Parking.** A parking space provided in a parking lot, parking structure, or private driveway.
39. **Planned Unit Development.** A development of land that is under unified control and is planned and developed as a whole in a single development operation or programmed series of development stages. The development may include streets, circulation ways, utilities, buildings open spaces, and other site features and improvements.
40. **Principal Use.** The primary use of a property, which is permitted under the zoning regulations which apply to the district in which the use is located.
41. **Recreational Vehicle.** A vehicular type unit primarily designed as temporary living quarters for recreational, camping or travel use, which either has its own motive power or is mounted on or drawn by another vehicle. The basic entities are: travel trailer, camping trailer, truck camper, and motor home.
42. **Recycling Center.** A building in which recoverable resource materials are separated and processed prior to shipment to others who will use those materials to manufacture new products.
43. **Recycling Collection Point.** An incidental use that serves as a neighborhood or regional drop-off point for recoverable resources, located either in a container or small structure. This facility would generally be located in a shopping center parking lot or in other public / semi-public areas.
44. **Repair Garage.** A building in which motor vehicles are repaired, rebuilt, reconstructed, painted, or stored, for compensation.
45. **Right-Of-Way.** An area or strip of land, either public or private, on which an irrevocable right-of-passage has been recorded for the use of vehicles or pedestrians or both.

46. Self-Service Storage Facility. Commonly referred to as “mini-warehouses”, a building or group of buildings consisting of individual, small, self-contained units that are leased or owned for the storage of business and household goods and wares.
47. Service Station. Any premises where gasoline and other petroleum products are sold and/or light maintenance activities such as engine tune-ups, lubrication, minor repairs, and carburetor cleaning are conducted. Service stations shall not include premises where heavy automobile maintenance activities such as engine overhauls, automobile painting, and major body work are conducted.
48. Shopping Center. A grouping of retail business and service uses on a single site with common parking facilities.
49. Sign. A structure or device designed or intended to convey information to the public in written or pictorial form.
 - A. Sign, Awning (Canopy or Marquee). A sign painted, stamped, perforated, or stitched, or otherwise applied on the valance of an awning.
 - B. Sign, Billboard. A sign or structure directing attention to a business, product, service, message, or entertainment which is not conducted, sold, or offered on the premises where the sign is located, or is a minor and incidental activity upon the premises where the sign is located. A billboard is deemed to constitute a principal structure or use.
 - C. Sign, Business. A sign which advertises the name, logo, slogan, prices, products, or services offered by the business or activity on the premises.
 - D. Sign, Free-Standing. A sign supported by one or more upright poles, columns or graces places in or on the ground and not attached to any building or structure.
 - E. Sign, Government. Any temporary or permanent sign erected and maintained by the city, county, state, or federal government for traffic direction, or for designation of, direction to, or announcement of activities at any public property or facility.
 - F. Sign, Illuminated. A sign illuminated in any manner by an artificial light source.
 - G. Sign, Off-Premise. (See Sign, Billboard).
 - H. Sign, Portable. A sign that is not permanently affixed to a building, other unmovable structure, or to the ground.
 - I. Sign, Roof. Any sign erected upon, against, or directly above a roof or roof eave, or on top of or above the parapet, or on a functional architectural appendage above the roof or roof eave.
 - J. Sign, Temporary. A sign intended for use for only a limited period of time.

- K. Sign, Wall. A sign painted on the outside of a building, or attached to, and erected parallel to the face of a building and supported throughout its length by such building.
 - L. Sign, Window. A sign painted, stenciled, or affixed on a window, which is visible from a right-of-way.
50. Sign Area. The area of a sign shall be the area of the smallest rectangle that encloses the sign and its frame, if any. For a two-sided sign, only the area of a single side shall be considered, or if the two sides are of different size, the area of the larger shall be considered.
 51. Site Plan. A plan, prepared to scale, showing accurately and with complete dimensioning, the boundaries of a site and the location of all buildings, structures, uses, and principal site development features proposed for a specific parcel of land.
 52. Street. A public or private thoroughfare used, or intended to be used, for vehicular traffic.
 - A. Street, Arterial. A street that provides for traffic movement between areas and across portions of the city and, secondarily, for direct access to abutting properties, as indicated on the Zoning Map of the City of Church Hill.
 - B. Street, Collector. A street that provides for traffic movement within areas of the city and between the arterial streets and the local streets for direct access to abutting properties, as indicated on the Zoning Map of the City of Church Hill.
 - C. Street, Local. A street that has the sole purpose of providing frontage for service and access to private lots in the city.
 53. Structure. Anything constructed or erected, the use of which requires location on the ground, or attachment to something having location on the ground.
 54. Total Floor Area. The sum of the areas of all floors of a building including finished attic, finished basement, and covered porches.
 55. Tower. Any structure that is designed and constructed primarily for the purpose of supporting one or more antennas for communication purposes. The term includes radio and television transmission towers, microwave towers, common-carrier towers, cellular telephone towers, and the like.
 56. Townhouse. A single-family dwelling unit attached by fire resistant common walls to other similar type units, each unit having open space for light, air, and access in the front and rear.
 57. Use. The purpose for which land or a building or other structure is designed, arranged, or intended, or for which it is occupied or maintained.
 58. Variance. A relaxation of the terms of the zoning ordinance which will not be contrary to the public interest and where, owing to conditions peculiar to the property

and not the result of actions of the applicant, a literal enforcement of the ordinance would result in unnecessary and/or undue hardship.

59. Yard. An open space on the same lot with a principal building, open, unoccupied, and unobstructed by buildings from the ground to the sky except as otherwise provided in this ordinance.
- A. Yard, Front. The yard extending across the entire width of the lot between the front lot line and the nearest part of the principal building, including covered porches.
 - B. Yard, Rear. The yard extending across the entire width of the lot between the rear lot line and the nearest part of the principal building, including covered porches.
 - C. Yard, Side. A yard extending along the side lot line from the front yard to the rear yard, and lying between the side lot line and the nearest part of the principal building, including covered porches.

11-404. Classification of Districts.

Section A. Classification of Districts. For the purpose of this chapter Church Hill, Tennessee is hereby divided into eleven (11) districts, designated as follows:

- R-1 - Low density residential district
- R-2 - Medium density residential district
- R-3 - Medium density residential district
- R-4 - High density residential district
- R-5 - Mobile home park district
- B-1 - Neighborhood business district
- B-2 - Central business district
- B-3 - Arterial business district
- B-4 - Shopping center district (Amended by Ord. No. 274, 04/06/1995)
- M-1 -Industrial district
- F-1 - Flood plain district (Amended by Ord. No. 257, 02/15/1994).

Section B. Boundaries of Districts.

- A. The boundaries of districts in Section A of this Section are hereby established, as shown on the map entitled "Zoning Map of Church Hill, Tennessee," dated April 1980, as amended, which is part of this chapter and which is on file in the office of the City Recorder.*

*Zoning Map amended by Ord. No. 278, 06-20-95.

Zoning Map amended by Ord. No. 283, 08-15-95.

Zoning Map amended by Ord. No. 286, 09-19-95.
Zoning Map amended by Ord. No. 291, 03-14-96.
Zoning Map amended by Ord. No. 294, 06-18-96.
Zoning Map amended by Ord. No. 296, 08-01-96.
Zoning Map amended by Ord. No. 297, 09-17-96.
Zoning Map amended by Ord. No. 305, 08-01-96.
Zoning Map amended by Ord. No. 306, 08-01-96.
Zoning Map amended by Ord. No. 310, 08-01-96.
Zoning Map amended by Ord. No. 311, 09-17-96.
Zoning Map amended by Ord. No. 312, 08-01-96.
Zoning Map amended by Ord. No. 313, 06-18-96.
Zoning Map amended by Ord. No. 314, 08-01-96.
Zoning Map amended by Ord. No. 315, 08-01-96.
Zoning Map amended by Ord. No. 319, 06-16-98.
Zoning Map amended by Ord. No. 320, 11-07-98.
Zoning Map amended by Ord. No. 326, 01-08-99.
Zoning Map amended by Ord. No. 331, 08-17-99.
Zoning Map amended by Ord. No. 332, 08-17-99.
Zoning Map amended by Ord. No. 334, 09-21-99.
Zoning Map amended by Ord. No. 335, 09-21-99.
Zoning Map amended by Ord. No. 336, 10-19-99.
Zoning Map amended by Ord. No. 339, 02-15-00.
Zoning Map Amended by Ord. No. 361, 03-22-02.
Zoning Map Amended by Ord. No. 373, 01-21-03.
Zoning Map Amended by Ord, No. 376, 02-18-03.
Zoning Map Amended by Ord, No. 387, 07-15-03.
Zoning Map Amended by Ord, No. 391, 01-20-04.
Zoning Map Amended by Ord, No. 398, 07-20-04.
Zoning Map Amended by Ord, No. 404, 09-21-04.
Zoning Map Amended by Ord, No. 405, 12-21-04.
Zoning Map Amended by Ord, No. 412, 07-19-05.

- B. Unless otherwise indicated on the zoning map, the boundaries are lot lines, the center lines of streets or alleys or a specified distance therefrom, railroad rights-of-way, or the corporate limit lines as they existed at the time of the enactment of this chapter.

Questions concerning the exact locations of district boundaries shall be determined by the Board of Zoning Appeals. (Ord. No. 134, 05/03/1982).

- C. Where a district boundary divides a lot, as existing at the time this chapter takes effect, and the major portion of said lot is in the less restricted district, the regulations relative to that district may extend as well to such portion of said lot as is not more than twenty-five (25) feet within the more restricted district. (Ord. No. 134, 05/03/1982).

11-405. Application of regulations.

Section A. 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.

Section B. Street Frontage. No dwelling shall be erected on a lot which does not abut an existing city street for at least fifty (50) feet, except that lots fronting on cul-de-sacs may have a minimum road frontage of forty (40) feet if the lot is at least fifty (50) feet in width at the building line.

Section C. Corner Lots. The minimum width of a side yard along an intersecting street shall be 50 percent greater than the minimum side yard requirements of the district in which the lot is located.

Section D. One Principal Building on a Lot. Only one principal building and its customary accessory buildings may hereafter be erected on any lot.

Section E. Reduction of Lot Size. No lot shall be reduced in area so that yards, lot area per family, lot width, building area or other provisions of this chapter shall not be maintained.

Section F. Yard and Other Spaces. No part of a yard or other open space required about any building for the purpose of complying with the provisions of this chapter shall be included as a part of a yard or other open space required under this chapter for another building.

Section G. Conformity to Subdivision Regulations. No building permit shall be issued for nor shall any building be erected on any lot within the municipality, unless the street giving access to the lot upon which said building is proposed to be placed shall have been accepted or opened as a public street prior to that time or unless such street corresponds in its location and lines with a street shown on a subdivision plat approved by the Church Hill Regional Planning Commission.

Section H. Height and Density. No building or structure shall hereafter be erected or altered so as to exceed the height limit, to accommodate or house a greater number of families, to have narrower or smaller front yards or side yards than are required or specified in the regulations herein for the district in which it is located.

Section I. Annexations. All territory which may hereafter be annexed to the City of Church Hill, Tennessee shall be considered to be in the R-1 Low Density Residential District until otherwise classified.

Section J. Private Subdivision Restrictions. No municipal regulation or provision of this zoning ordinance is intended to abrogate or supersede any more stringent conditions which may be contained

in any valid deeds or contracts pertaining to private subdivision developments or which may be set out in private restrictive covenants regarding the use of property and the size and location of buildings thereon within the municipal limits. The standards set out in this zoning ordinance are considered minimum standards for the entire municipality. Private individuals are free to contract between themselves for more restrictive conditions on their private property so long as they also comply with the provisions of this chapter and all other applicable municipal ordinances. (Ord. No. 226, 07/19/1992).

11-406. General provisions.

Section A. Continuance of Nonconforming Uses. Any lawful use of any building or land existing at the time of the enactment of this chapter or wherever a district is changed by an amendment thereafter may be continued although such use does not conform with provisions of this chapter with the following limitations:

1. No building or land containing a nonconforming use shall hereafter be extended unless such extensions shall conform with the provisions of this chapter for the district in which it is located, provided, however, that nonconforming use may be extended throughout those parts of a building which were manifestly arranged or designed for such use prior to the time of enactment of this chapter; industrial, commercial, or other business establishments shall conform with provisions established in T.C.A. §13 7-208.
2. Any nonconforming building which has been damaged by fire or other causes, may be reconstructed and used as before unless the Building Inspector determines that the building is damaged to the extent of more than seventy-five (75) percent of its appraised value for tax purposes in which case any repair or reconstruction shall be in conformity with the provisions of this chapter.
3. When a nonconforming use of any building or land has ceased for a period of one year, it shall not be re-established or changed to any use not in conformity with the provisions of this chapter.
4. All nonconforming outdoor advertising signs, junk yards, commercial animal yards, and lumber yards not on the same lot with a plant or factory shall be required to conform to the provisions of this chapter upon official notification by the Building Inspector. (Ord. No. 134, 05/03/1982).

Section B. Off Street Automobile Parking. Off-street automobile parking space shall be provided on every lot on which any of the following uses are hereafter established. The number of automobile parking spaces provided shall be at least as great as the number specified below for various uses. Each space shall have at least two hundred (200) square feet in area (10' x 20') and shall have vehicular access to a public street. Turning space shall be provided so that no vehicle will be required to back into any collection or arterial street. Back out parking may be permitted on residential streets. (Ord. No. 252, 08/17/1993, Ord. No. 390, 10/21/2003).

1. Automobile repair garages: One space for each regular employee plus one space for each 250 square feet of floor space used for repair work.
2. Churches: One space for each three (3) seats.

3. Clubs and lodges: One space for each two hundred square feet of floor space.
4. Dwellings
 - a. Single and duplex - two spaces for each unit.
 - b. Multi-family - three spaces for each unit.
5. Funeral Parlors: One space for each three seats in the chapel.
6. Gasoline service stations and similar establishments: Four (4) spaces for each bay or similar facility plus one space for each employee.
7. Hospitals and nursing homes: One space for each two staff or visiting doctors plus one space for each two employees and one space for each four beds, computed on the largest number of employees on duty at any period of time.
8. Hotel: One space for each three (3) employees plus one space for each guest room.
9. Industry: One space for each two (2) employees, computed on the largest number of persons employed at any period during day or night.
10. Motels: One space for each three (3) employees plus one space for each accommodation.
11. Offices:
 - a. Medical - one space for each two hundred (200) square feet of floor space.
 - b. Other professional - one space for each three hundred (300) square feet of floor space.
 - c. General - one space for each three hundred (300) square feet of floor space
12. Places of public assembly: One space for each three (3) seats in the principal assembly room or area.
13. Recreation and amusement areas without seating capacity: One space for each four (4) customers, computed on maximum service capacity.
14. Restaurants: One space for each three (3) employees, plus one space for each fifty (50) square feet of floor space devoted to patron use.
15. Retail business and similar uses: One space for each two hundred (200) square feet of gross floor space.

16. Schools: High schools require one space for each faculty member, plus one space for each four (4) pupils. Elementary and junior high schools require four (4) spaces for each classroom.
17. Mobile home parks: Two spaces for each mobile home.
18. Wholesale business: One space for each two (2) employees based on maximum seasonal employment.
19. If off-street parking space required above cannot be reasonably provided on the same lot on which the principal use is conducted the Board of Zoning Appeals may permit such space to be provided on other off street property provided such space lies within four hundred (400) feet of the main entrance to such principal use. Such vehicle parking space shall be deemed to be required open space associated with the permitted use and shall not thereafter be reduced or encroached upon in any matter.
20. Extension of parking space into a residential district: Required parking space may extend up to 120 feet into a residential zoning district, provided that: (1) the parking space adjoins a commercial or industrial district (2) has its only exit to or from upon the same street as the property in the commercial or industrial district from which it provides the required parking space; and (3) is separated from abutting properties in the residential district by a plant or fence buffer strip as determined by the Building Inspector.

Section C. Off-Street Loading and Unloading Space. On every lot on which business, trade, or industry use is hereafter established, space with access to a public street or alley shall be provided as indicated below for the loading and unloading of vehicles off the public street or alley:

1. Retail business: One space of at least 12 X 25 feet for each 3,000 square feet of floor area or part thereof.
2. Wholesale and industrial: One space of at least 12 X 50 feet for each 10,000 square feet of floor area or part thereof.
3. Bus and truck terminals: Sufficient space to accommodate the maximum number of buses or trucks that will be stored and loading and unloading at the terminal at any one time.

Section D. Vision Clearance. In all districts except the B-2 Central Business District, there shall be no plants or structures placed in or on any yard portion of a lot that would obstruct the vision of auto or pedestrian traffic using the intersecting public streets.

Section E. Mobile Home. The use of a trailer or mobile home as a principal building in other than an approved mobile home park is prohibited.

Section F. Ingress and Egress. A plan for adequate and safe ingress and egress for all land uses shall be required.

Section G. Apartments and Condominiums. An apartment project is defined as any group of two or more buildings to be constructed on one parcel of land. A condominium (condo) is one defined as a comprehensive residential or commercial development where project design does not

include standard street, lot and subdivision arrangement, and where shares, property, or units are to be sold. Apartments or Condo projects may be allowed upon review and approval by the Church Hill Planning Commission provided that the following are met:

1. Basic Requirements

- a. A site plan showing the location of proposed buildings, roads, drives, parking utilities, drainage, and any other information necessary for review must be presented to the Planning Commission.
- b. The Planning Commission should not approve a use prohibited, or a smaller lot area per family than the minimum required, or a graded height, or a larger lot coverage than permitted in the district where the project is located without good cause shown.
- c. When property is subdivided for the purpose of selling either proposed or existing townhouses, duplexes or similar housing units, the following requirements apply; side yard setbacks will not be required where housing units connect at property lines and road frontage requirements may be reduced.

2. Development Standards

- a. All common driveways and parking areas for apartments and condo's must be paved with hot asphalt or concrete. A compacted base course four inches deep shall be installed as specified in Section 303 Standard Specifications for Roads and Bridge Construction, Tennessee Department of Highways latest version. A two inch surface course of asphalt as specified under Section 411, Asphaltic Concrete Surface (hot mix) Grade E, mixed with sand Standards Specifications for Road or Bridge Construction, Tennessee Department of Highways latest version is required. A four inch surface coarse of concrete may be used as an alternative to two inches of asphalt.
- b. A planted buffer strip shall be provided along side and rear lot lines. The Planning Commission may waive this requirement if the adjoining property is vacant, has a natural buffer, etc.
- c. Apartments and PUD's must be final graded and seeded.

3. Approval Requirements

- a. A plat for the conversion of rental units to condos must be approved by the Church Hill Planning Commission. A copy of the condo agreement providing for the maintenance of common areas drafted by an attorney must be submitted.

- b. Design approval and final approval by the Planning Commission shall be required before any condo units can be sold. Also, apartment units shall have all improvements completed before any units are occupied. Projects may be developed in stages, but a design plan must be approved for the whole project. Each stage will be given final approval once all improvements have been made. A partial sale of some condo units or partial rental of some apartment units may be allowed by the Planning Commission with the reason documented in the minutes. Letters of credit or bonds may be approved by the Planning Commission to cover the cost of improvements not completed for condos or apartments by the Planning Commission with the reason documented in the minutes. (Ord. No. 252, 08/17/1993).

Section H. Communication Facilities.(Ord. No. 330, 08/19/1999).

- (I) Communication towers for mobile telephone services and other radio and television services which provide for the needs of the citizens of the municipality will use the following standards, to minimize adverse visual and operational effects of towers through careful design, siting, and screening; to avoid potential damage to adjacent properties from tower failure and falling ice, through engineering and careful siting of towers; and to maximize use of any new communication tower and/or existing structures to reduce the number of towers needed.
- (ii) Application for a building permit for such communication facility shall include:
 - 1. A report prepared by a professional engineer licensed by the State of Tennessee describing the height and design of the tower, which demonstrates the tower's compliance with applicable structural standards, building codes, electrical codes, and fire codes; and describes the tower's capacity, including the number and type of antennas it can accommodate. In case of an antenna mounted on an existing structure, the report shall indicate the existing structure's suitability to accept the antenna and the proposed method of affixing the antenna to the structure. Complete details of all fixtures, couplings and the precise point of attachment shall be indicated.
 - 2. An adequate report inventorying existing towers and antenna sites within a reasonable distance from the proposed site, outlining the opportunities for shared use as an alternative to the proposed use. The applicant must demonstrate that the proposed tower or antenna cannot be accommodated on an existing approved tower or facility due to one or more of the following reasons:
 - (a) Unwillingness of the owner to entertain a cellular telephone facility proposal;

- (b) The equipment would exceed the structural capacity of the existing approved tower and facilities;
 - (c) The planned equipment would cause radio frequency interference with other existing or planned equipment, which cannot be reasonably prevented;
 - (d) Existing or approved towers or facilities do not have space on which proposed equipment can be placed so it can function effectively and reasonably;
 - (e) Other reasons make it impractical to place the equipment proposed by the applicant on existing and approved towers or facilities.
3. A site plan shall be approved by the Church Hill Regional Planning Commission prior to the Building Inspector issuing a permit.

Section I. The following standards shall be used in design of the facilities:

- (a) Setback - Minimum setback shall be 20% of tower height or equal to the existing zoning district, whichever is greater. Setback shall be measured from the base of the tower, or guy-wire supports for lattice towers, to the property line. Ground structures shall not be located within required setbacks;
- (b) Landscaping and Screening - The visual impact of a telecommunication facility shall be mitigated from nearby views by an evergreen screen located outside the fence. This screen may consist of evergreen trees having a minimum height of 6' at planting and a minimum height of 15' at maturity, or a continuous hedge with 3' height at planting and 6' height at maturity. Sites may be exempted from the landscaping requirement provided the Building Inspector finds the vegetation or the topography of the site provides a natural buffer.
- (c) Fencing - A chain-link fence or solid wall not less than 8' in height from finished grade shall be provided around each communication facility. Access to the facility shall be through a locked gate.
- (d) Lighting - The facility shall not be artificially lighted except to assure human safety or as required by the Federal Aviation Administration. All lighting shall be oriented inward so as not to project into surrounding property.
- (e) Radiation Standards - All proposed communications facilities shall comply with current standards of the Federal Communications Commission or American National Standards Institute for non-ionizing electromagnetic radiation (NEIR) and electromagnetic fields (EMF). Each request for a building permit shall be accompanied by certified documentation or statement from a registered engineer or other professional indicating compliance with these standards.
- (f) Aircraft Hazard - Communication facilities shall not encroach into or through any established public or private airport approach path as established by the Federal Aviation Administration.

- (g) Equipment Storage - Mobile or immobile equipment not used in direct support of a tower facility shall not be stored or parked on the site unless repairs are being made.
- (h) Removal of Obsolete or Unused Facilities - All obsolete or unused communications facilities shall be removed by the property owner within 12 months of cessation of use. The applicant shall submit an executed Removal Agreement to ensure compliance with this requirement.
- (i) Signs and Advertising - The use of any portion of a tower for signs or advertising purposes, including banners, streamers, etc. is prohibited. Warning signs or identification signs will be permitted.
- (j) Maintenance - Adequate inspection and maintenance shall be performed to insure the structural integrity of the facility and prevent dangerous conditions occurring on the site.
- (k) Access and Parking - All access roads and parking areas for facilities adjacent to platted subdivisions, or developed areas shall be paved as required by the Zoning Ordinance and Subdivision Regulations. The requirements may be waived by the Building Inspector for rural or undeveloped areas.
- (l) Changes to Communication Facilities - Any changes to antennae, reception, or transmitting devices shall require review in the same manner as the existing facility was originally approved.

Section J. Site Plan Review.(Ord. No. 385, 06/23/2003) In order to maintain the aesthetic characteristics of the community and protect the safety and welfare of its citizens, site plans shall be required for all proposed developments, excepting single-family and two-family structures on individual lots that are not part of a planned unit development. Prior to being issued a building permit, final site plan approval by the Planning Commission shall be required, except that site plans for additions to existing structures may be approved by the Building Inspector provided that access points for the development do not change, or no more than ten (10) parking spaces are required to be added to the site.

1. In order to provide flexibility for the developer while protecting existing property, the City of Church Hill provides for three classifications of site plans, with varying requirements. The three are:
 - (30) Concept Plan. Concept site plans shall contain the following information: location map including sufficient information to identify the property; boundaries of the property with dimensions; scale of the plan (1" to 40' or larger); existing and proposed zoning classification; zoning and land use of adjoining properties; north arrow; proposed driveways with dimensions; names and locations of public streets abutting the property; sizes and locations of proposed structures; locations of proposed landscape areas; name of the property owner; acreage of the property; tax map identification number or address of the property; date of the plan; proposed use; number of stories; total square footage of the proposed structures; locations of existing structures (identified by dashed lines if intended for removal); location and dimensions of parking and loading areas; table listing the numbers of parking and loading spaces required and the numbers proposed.

- (31) Preliminary Plan. Preliminary site plans shall contain the information as described for concept plans, as well as the following information: required setbacks; revision dates of plans (if applicable); sizes and locations of existing utilities; general sizes and locations of proposed utilities; dumpster/garbage collection area; paving material; and extent of proposed paving.
 - (32) Final Plan. Final site plans shall be drawn and stamped by an architect, engineer, surveyor licensed in the State of Tennessee and shall contain the information as described for preliminary plans, as well as the following information: property lines with accurate bearings and dimensions; drainage plans sufficient to meet the requirements of Chapter 3, Stormwater Management, Erosion and Sedimentation Control, of the Church Hill Municipal Code, (detailed on a separate sheet); locations of free-standing signs; accurate locations of proposed utilities and utility easements; note stating that exterior lights will be positioned or shielded in such a way that the minimum amount of light practicable spills onto adjacent properties and rights-of-way, or into the sky.
- b. Only the Church Hill Regional Planning Commission may amend a site plan which it has approved, except that amendments which fully meet the requirements of the Zoning Ordinance may be approved by the City Building Inspector and/or planning staff representative without further action by the Commission. If any question arises as to compliance, however, the plan shall be referred to the Planning Commission for action. Such amendments shall be of minor significance and shall generally relate to adjustments of previously approved plan features. Such amendments must meet the provisions of the Zoning Ordinance. Such amended plans shall also have written on them the exact changes made. Any plans that are amended through approval by the Building Inspector and/or the planning staff representative shall be presented to the Planning Commission at its next scheduled meeting and properly entered into the minutes.
3. Approval of a preliminary site plan shall be effective for a period of twenty-four (24) months, during which time a final plan shall be filed and approved. Approval of a final plan shall be effective for a period of twenty-four (24) months, after which time the Planning Commission may require submission of a new final site plan.

11-407. Provisions governing use districts

Section A. Low-Density Residential Districts (R-1). The intent of the Low Density Residential District (R-1) is to establish low density residential areas along with open areas which appear likely to develop in a similar manner. The requirements for the district are designed to protect essential characteristics of the district, to promote and encourage an environment for family life and to accommodate individual and family private living needs. In order to achieve this intent, the following principal, accessory, special exception and prohibited uses are established:

- (1) Principal uses:
 - (a) Single family detached dwellings;

- (b) Customary general farming ordinarily engaged in within eastern Hawkins County;
- (2) Accessory uses:
- (a) One customary accessory building provided that it is located in the rear yard and not closer than five (5) feet to any property line. No principal or accessory structure, or combination thereof, shall cover more than thirty-five (35%) percent of any lot. If more restrictive conditions are contained in any deed or are imposed by any contractual arrangement in any subdivision, those more restrictive conditions shall take precedence.
- (3) Special exceptions, upon a finding by the Board of Zoning Appeals that the manner of use will be in harmony with the character of the district, will be substantially the same character of occupancy, and the intensity of land use is no higher and a standard of open space no lower than that permitted in the district generally:
- (a) Customary home occupations accessory to a single-family residential dwelling provided that there is no external evidence of the occupation except an announcement sign not more than two (2) square feet in area; that only one person, not a resident of the dwelling is employed; and not more than 30 percent of the total floor area of the principal structure is so used;
 - (b) Commercial green houses, permanent commercial produce stands or similar agricultural uses of any kind accessory to customary general farming ordinarily engaged in within eastern Hawkins County;
 - (c) Publicly owned buildings and uses, schools offering general education, and churches and other semi-public uses provided that:
 - (i) The location of these uses shall first be reviewed and approved after having held a public hearing;
 - (ii) The buildings are placed not less than thirty (30) feet from the side and rear property lines;
 - (iii) There are buffer strips along side and rear property lines;
- (4) Prohibited uses:
- (a) Residential other than single-family detached dwellings;
 - (b) Retail sales and services, wholesaling, offices, industrial and all other business uses than customary home occupations;
 - (c) Concentrated commercial farming activities not ordinarily engaged in within eastern Hawkins County. (Ord. No. 270, 01/17/1995)
 - (d) Communication facilities

Section B. Medium Density Residential District R-2. It is the intent of this district to provide areas for single and condominium, to encourage development and continued use of the land for residential purposes, to prohibit business and industrial uses; and other uses which would interfere with development or continuation of single or condominium. In order to achieve the intent of the Medium Density Residential District (R-2), as shown on the Zoning Map of the City of Church Hill, Tennessee, the following uses are permitted:(Ord. No. 407, 05/17/05).

- (1) Any use permitted in the R-1 Residential District;
- (2) Duplexes
- (3) Condominium dwelling units per Article VI, Section G, Condominiums. (Amended by Ord. No. 257, 02/15/1994, Ord. No. 407, 05/17/05).
- (4) Funeral homes, fraternal organizations and clubs not operated for profit, offices for doctors, lawyers, dentists, architects, real estate agencies, and insurance agencies provided that:
 - (a) They shall be located on designated arterial or collector streets;
 - (b) The building shall be placed not less than fifty (50) feet from all property lines;
 - (c) There is a planted buffer strip erected on the side and rear property lines. (Ord. No. 252, 08/17/1993).

Section C. Medium Density Residential District (R-3). It is the intent of this district to provide areas for single and multi-family dwellings, to encourage development and continued use of the land for residential purposes, to prohibit business and industrial uses; and other uses which would interfere with development or continuation of single or multi-family dwellings. In order to achieve the intent of the Medium Density Residential District (R-3) as shown on the Zoning Map of the City of Church Hill, Tennessee, the following uses are permitted:

- (1) Any use permitted in the R-2 residential district.
- (2) Multi-family dwelling units per Article VI, Section G, Apartments and Condominiums
- (3) Day care centers. (Amended by Ord. No. 257, 02/15/1994).

Section D. Planned Unit Development District (R-4).

It is the intent of this conditional rezoning district to allow, coordinate and regulate large scale or comprehensive group developments which may not follow standard design practices. Planned Unit Developments (PUD's) will allow increased densities, the grouping of housing, open spaces and setbacks that are not traditional. It is the intent that the development will contain a diversity of housing types to enable citizens from a wide range of economic levels and age groups to live within its boundaries.

- (1) Conditions for rezoning:

- (a) Ownership: All of the land contained within a proposed PUD must be owned at the time of application for rezoning by the same individual, corporation or legal entity.
- (b) Preliminary Site Plan: At the time of application for rezoning to R-4 a site plan shall be submitted to the planning commission for preliminary approval. Said PUD design shall:
 - Not be incompatible with existing land use in the area,
 - Not be inconsistent with the goals and policies of the Church Hill comprehensive land use plan,
 - Be located on a major artery as defined in the Church Hill major road plan providing for adequate ingress and egress for traffic that will not create safety or traffic problems and
 - Provide adequate off-street parking and loading space.
- (c) Minimum size: The minimum size that will qualify for PUD zoning will be five (5) acres.
- (d) Permitted Uses: The PUD district is primarily a single-family residential district with small percentages of the total land area within a PUD being available for multifamily as allocated by:
 - A minimum of fifty (50) percent of the land area shall be for single-family residential development if multi-family development is proposed,
 - No more than twenty (20) percent of the land area shall be used for multi-family development and said units shall not be located next to any adjacent pre-existing single-family residential units and
 - At least thirty (30) percent of the land area, not including streets, shall be open space in common ownership of the PUD's homeowners association.
 - In no case shall development exceed seventy (70) percent of the total land area.
- (e) Density: The gross density for a PUD shall not exceed twelve (12) units per acre.
- (f) Streets: All streets within the PUD shall be private and constructed to the specifications of Church Hill as to street widths, street grade, and construction standards.
- (g) Utilities: All utilities shall be publicly owned and maintained and constructed to the specifications of Church Hill. They shall be located in designated utility easements not less than fifteen (15) feet wide.

(h) Buffering/landscaping: The outer boundaries of the PUD will provide for a system of buffering the development from adjacent properties and must be approved by the planning commission.

(2) Preliminary site plan/zoning approval:

The preliminary approval process shall commence with the submission of a request to the planning commission for a zone reclassification to R-4 and a preliminary site plan. Once approved by the planning commission, the city clerk shall submit the planning commission's positive recommendation for R-4 zoning to the Church Hill Board of Mayor and Alderman for a public notice, public hearing and final ordinance action to conditionally amend the official zoning map. Copies of the preliminary site plan shall be available for public review at city hall prior to and during the public hearing.

As a condition of the zoning action, failure of the developer to obtain final site plan approval, necessary permits, and start of construction within one (1) year of final ordinance approval by the Church Hill Board of Mayor and Alderman will:

- (a) Void the planning commission's preliminary site plan approval and
- (b) The zoning of the property will revert back to its original zone prior to the PUD request.

(3) Final site plan approval:

- (a) Final site plan: After the zone reclassification has become effective, the developer shall submit to the planning commission a detailed final site plan containing at a minimum:

Outer property boundaries,

Easements (utility and drainage),

Any flood prone areas,

Open space/common ownership areas,

The location of all streets, their widths and grades,

All utilities and their respective line sizes,

Erosion control and drainage plans,

The location of all structures by type,

Information concerning building heights and set backs,

A detailed buffering and landscape plan and

Any other information required by the planning commission.

- (b) Construction plans: The developer shall submit any construction plans requested by Church Hill prior to the construction of any improvements to assure compliance with construction standards. Upon the completion of utility improvements Church Hill will be provided as built drawings.
- (c) Homeowners association: Together with the final site plan the developer shall submit a copy of the PUD's final homeowner's association documentation and restrictive covenants as part of the final approval process.
- (d) Formal approval: Upon submission of the final site plan the planning commission must take action to formally approve or reject the plans. Failure for action by the planning commission on the site plan within thirty (30) days of the formal review will constitute automatic approval.
- (e) Recordation/records: After approval the developer shall submit the site plan and associated homeowner association and restrictive covenants to the office of the Hawkins County Register for recording. The Church Hill Building Official shall keep and maintain all information necessary to ensure that the PUD complies with the provision of this ordinance and conduct the necessary on-site inspections as warranted.
- (f) Permits: It shall be the responsibility of the developer to obtain all necessary permits and comply with all other, ordinances, regulations and codes applicable to the construction of this project.

(4) Modifications:

After securing final site plan approval from the planning commission, all development shall be in conformity with the approved site plan with no adjustments or alternations. Any modification will require the submission of a new site plan to the planning commission for its approval.

Section E. Mobile Home Park District (R-5). It is the purpose of this district to provide exclusive areas for mobile homes which will be attractive and at a density which will prevent overcrowding, and have open space. In order to achieve the intent of the mobile home park district (R-5), as shown on the Zoning Map of the City of Church Hill, Tennessee, the following uses are permitted:

- (1) Any use permitted in the R-4 residential district.
- (2) Mobile home parks provided that they conform to the requirements of the mobile home park ordinance of the City of Church Hill, Tennessee. (Amended by Ord. No. 257, 02/15/1994).
- (3) Communication facilities are prohibited. (Ord. No. 330,08/19/1999).

Section F. Neighborhood Business Districts (B-1). It is the intent of this district to establish business areas to serve surrounding residential districts. The district regulations are intended to discourage strip business development and encourage grouping of uses in which parking and traffic

congestion is reduced to a minimum. In order to achieve the intent of the districts, as shown on the Zoning Map of the City of Church Hill, Tennessee, the following uses are permitted:

- (1) Any use permitted in the R-3 residential district; (Amended by Ord. No. 257, 02/15/1994, Ord. No. 414, 11/15/2005).
- (2) Shopping centers;
- (3) Grocery stores, drug stores, hardware stores, shoe repair shops, barber and beauty shops, laundromats and laundry pick-up stations, restaurants, and similar uses;
- (4) Business signs provided that all signs, except one detached sign, shall be erected flat against front or side of a building or within eighteen (18) inches thereof. All signs shall not project above buildings nor have flashing intermittent or moving illumination.
- (5) Gasoline service stations provided that all structures, including underground storage tanks, shall be placed not less than thirty (30) feet from all property lines. Points of access and egress shall not less than fifteen (15) feet from intersection of street lines.

Section G. Central Business District (B-2). It is the intent of this district to establish an area for concentrated general business development that the general public requires. The requirements are designed to protect the essential characteristics of the district by promotion of business and public uses which serve the general public and to discourage industrial development which does not lend itself to pedestrian traffic. In order to achieve the intent of the district, as shown on the Zoning Map of the City of Church Hill, Tennessee, the following uses are permitted:(Amended by Ord. No. 377, 02/18/03)

- (1) Stores and shops conducting retail business, and any business permitted in the B-1 zone;
- (2) Personal, business, and professional services;
- (3) Public and semi-public buildings and uses provided that public and semi-public buildings and uses shall first be reviewed by the Church Hill Regional Planning Commission.
- (4) Business signs, parking lots and garages, and advertising signs;
- (5) Lodges and clubs; hotels and motels, restaurants, and similar services;
- (6) Apartments;
- (7) Hospitals, and nursing homes;
- (8) Gasoline service stations provided that all structures, including underground storage tanks, shall be placed not less than thirty (30) feet from all property lines. Points of ingress and egress shall be not less than fifteen (15) feet from intersection of street lines.

- (9) Funeral homes;
- (10) Places of assembly;

Section H. Arterial Business Districts (B-3). It is the intent of this district to establish business areas that encourage the groupings of compatible business activities in which parking and traffic congestion can be reduced to a minimum. In order to achieve the intent of these districts, as shown on the Zoning Map of the City of Church Hill, Tennessee, the following uses are permitted:(Amended by Ord. No. 377, 02/18/03)

- (1) Any use permitted in B-1 Districts, except mobile homes;
- (2) Hotels and motels;
- (3) Auto and mobile homes sales;
- (4) Restaurants;
- (5) Offices;
- (6) Places of amusement and assembly;
- (7) Funeral Homes
- (8) Public and semi-public buildings and uses;
- (9) Travel trailer parks;
- (10) Lodges and clubs.
- (11) Wholesale business, warehouses, storage yards, and buildings;

Section I. Shopping Center Districts (B-4). It is the intent of this district to establish areas for concentrated retail business development. Uses which do not require a central location and create friction in the performance of function will be discouraged from this district. The requirements are designed to protect the essential characteristics of the district by promotion of retail business or businesses which serves the general public, and to discourage industrial and wholesale development.

In order to achieve the intent of the B-4 Shopping Center District, as shown on the Zoning Map of Church Hill, Tennessee, the following uses are permitted:

- (1) Business signs as permitted in the B-1 District.
- (2) Stores and shops conducting retail business, sales and display rooms.
- (3) Motels, restaurants, and places of assembly and amusement.
- (4) Small professional offices and services may be allowed in a shopping center only by specific variance as recommended by the Planning Commission. The size and location of offices and service providers may be restricted if circumstances so warrant. (Amended by Ord. 274, 04/06/1995 and Ord. No. 374, 01/21/2003)

Section J. Industrial Districts (M-1). (Amended by Ord. No. 274, 04/06/1995). It is the intent of this district to establish industrial areas along with open areas which will likely develop in a similar manner. The requirements established in the district regulations are designed to protect the essential characteristics, to promote, and encourage industrial, wholesaling, and business uses. In order to

achieve the intent of the district, as shown on the Zoning Map of the City of Church Hill, Tennessee, the following uses are permitted:

- (1) Any use permitted in business districts except residences and mobile homes; (Amended by Ord. No. 257, 02/15/1994)
- (2) Terminals;
- (3) Wholesale business;
- (4) Warehouses;
- (5) Storage yards and buildings and similar uses;
- (6) Any industry which does not cause injurious or obnoxious noise, fire hazards or other objectionable conditions as determined by the Building Inspector, and the Church Hill Planning Commission.
 - (a) Industry should not contribute to air, water, soil or noise pollution.
 - (b) All industrial site plans shall be submitted to the Church Hill Planning Commission for review and approval.

Section K. F-1 District (Floodway). (Amended by Ord. No. 274, 04/06/1995). To prevent loss of life and excessive damage to property in the area of greatest flood hazard, the following regulations will apply:

- (1) Any structure or use to be located within the flood hazard areas outlined on the Church Hill Zoning Map must meet standards set forth in any flood hazard ordinances adopted by the Board of Mayor and Aldermen for the City of Church Hill. The Church Hill Building Inspector, following flood hazard ordinance guidelines, shall determine whether or not a structure or use can be located within the flood zone. The Building Inspector, in making his decision, can require any measures he feels necessary to insure against flood damages.

11-408. Minimum Lot Sizes for R-1 through R-5. (Amended by Ord. No. 257, 02/15/1994 and Ord. No. 363, 03/2)

District	Minimum Lot Area in sq. ft.	Minimum Area per Additional Housing Unit in sq. ft.	Maximum Number of Housing Units per Acre	Housing Units per Second Acre	Minimum Lot Width in feet at Building Setback Line	Minimum Front Setback in feet	Minimum Side Setback (each side) in feet#	Minimum Rear Setback in feet	Maximum Height of Structures in feet
R-1	12,000	N/A	3.6	3.6	80	30	15	25	35
R-2	10,000	5,990	6.6	7.3	70	30	10	20	35
R-3	10,000	3,900	9.6	11.2	70	30	8 per story	20	35
R-4	10,000	2,890	12.6	15.1	70	30	8 per story	20	35
R-5	10,000	2,890	12.6	15.1	70	30	8 per story	20	35
B-1	10,000*	2,890	12.6	15.1	70	30	10^	25	35
B-2	10,000*	2,890	12.6	15.1	70	30	10^	25	70
B-3	10,000*	2,890	12.6	15.1	70	30	10^	25	70
B-4	N/A	N/A	N/A	N/A		30	10	25	70
M-1	N/A	N/A	N/A	N/A		30	20	25	70

See 11-405, Section C. of the Zoning Ordinance

*Applies only to residential dwelling units

^For residential uses, side setbacks are 8 feet per story in B-1 through B-3 zones

11-409. Exceptions and modifications.

Section A. Lot of Record. Where the owner of a lot consisting of one or more adjacent lots of official record at the time of the adoption of this chapter does not own sufficient land to enable him to conform to the yard or other requirements of this chapter, an application may be submitted to the Board of Zoning Appeals for a variance from the terms of this chapter, in accordance with 11-411 Section (D)(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 close as is possible in the opinion of the Board of Zoning Appeals.

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

Section C. 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 impractical to apply the requirements of this chapter to the individual building units in such housing projects, the application of the terms of this chapter may be varied by the Board of Zoning Appeals in a manner that will be in harmony with the character of the neighborhood, will insure substantially the same character of occupancy and intensity of land use is no higher and a standard of open space no lower than that permitted by this chapter 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 district, or a greater height, or a larger coverage than the requirements of this chapter permit in such district.

Section D. Exception of Height Limits. The height limitations of this chapter shall not apply to church spires, belfries, cupolas and domes not intended for human occupancy, monuments, water towers, observation towers, transmission towers, windmills, chimneys, smokestacks, derricks, conveyers, flag poles, radio towers, mast and aerials.

11-410. Enforcement.

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

Section B. Building Permits and Certificates of Occupancy.

- (1) Building Permit Required. It shall be unlawful to commence excavation for the construction of any building including accessory buildings, or to commence the moving or alteration of any building, including accessory buildings, until the Building Inspector has issued a building permit for such work. No connection to any utility shall be made by any individual or corporation until the issuance of a building permit.
- (2) Issuance of a 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 on the lot of all buildings to be erected, altered or moved and of any building already on the lot. He shall also state the existing and intended use of all such buildings and supply such other information as may be required by the Building Inspector for determining whether proposed excavation or construction as set forth in the application are in conformity with the provisions of this chapter and other ordinances of the City of Church Hill, then in force. The Building Inspector shall issue a building permit for such excavation or construction. If a building permit is refused, the Building Inspector shall state such refusal in writing, with the cause.
 - (a) The issuance of a permit shall in no case be construed as waiving any provision of this chapter.
 - (b) A building permit shall become void twelve (12) 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 chapter. Within five (5) days after notification that a building or premises or part thereof, is ready for occupancy or use, it shall be the duty of the Building Inspector to make a final inspection thereof and to issue a certificate of occupancy if the land, building, or part thereof, and the proposed use thereof are found to conform with the

provisions of this chapter; or, if such certificate is refused, to state such refusal in writing with the cause.

- (4) Records. A complete record of such application, sketches, and plans shall be maintained in the office of the Building Inspector.

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

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

11-411. Board of zoning appeals.

Section A. Creation and Appointment. A Board of Zoning Appeals is hereby established in accordance with Title 13, Tennessee Code Annotated. The Church Hill Planning Commission is hereby designated as the Board of Zoning Appeals. It shall be appointed by the Mayor of the City and confirmed by the majority vote of the Board of Mayor and Aldermen. The term of individual membership shall be concurrent with appointment on the Church Hill Planning Commission.

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

Section C. Appeals: How Taken. An appeal to the Board of Zoning Appeals may be taken by any person, firm, or corporation aggrieved, or by any governmental officer, department, board, or bureau affected by any decision of the Building Inspector based in whole or in part upon the provisions of this chapter. Such appeal shall be taken by filing with the Board of Zoning Appeals a notice of appeal, specifying the grounds thereof. The Building Inspector shall transmit to the Board all papers constituting the record upon which the action appealed was taken. The Board shall fix a reasonable time for the hearing of the appeal, give public notice thereof, as well as due notice to the parties in interest, and decide the same within a reasonable time. Upon the hearing any person or party may appear and be heard in person or by agent or by attorney.

Section D. 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, requirements, permit, decision, determination or refusal made by the Building Inspector or other administrative official in the carrying out or enforcement of any provision of this chapter.
- (2) Special Exceptions. To hear and decide applications for special exceptions upon which the Board of Zoning Appeals is specifically authorized to pass. (11-404, Section B-2; 11-406, Section A-2; 11-407, Section C-2; and 11-408).

- (3) Variance. To hear and decide applications for variance from the terms of this chapter, but only where, by reason of exceptional narrowness, shallowness or shape of a specific piece of property at the time of the adoption of this chapter was a lot of record; or where, by reason of exceptional topographic conditions or other extraordinary or exceptional situations or conditions on a piece of property the strict application of the provisions of this chapter 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 substantial detriment to the public good and without substantially impairing the intent and purpose of this ordinance as specifically authorized in 11-409, Section A and C.
- (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 chapter.
- (b) Before any variance is granted, it shall be shown that special circumstances are attached to the property which do not generally apply to other property in the neighborhood.

11-412. Amendment.

Section A. Procedure. The Board of Mayor and Aldermen may amend the regulations, boundaries, or any provision of this chapter. Any member of the city board may introduce such amendment, or any official, board, or any other person may present a petition to the Board of Mayor and Aldermen requesting an amendment or amendments to this chapter.

Section B. Approval by Planning Commission. No such amendment shall become effective unless the same be first submitted for approval, disapproval or suggestions to the Planning Commission. If the Planning Commission within thirty (30) days disapproves after such submission, it shall require the favorable vote of a majority of the entire membership of the city board to become effective. If the Planning Commission neither approves nor disapproves such proposed amendment within forty-five (45) days after such submission, the action of such amendment by said board shall be deemed favorable.

Section C. Introduction of Amendment. Upon the introduction of an amendment to this chapter or upon the receipt of a petition to amend this chapter, the Board of Mayor and Aldermen shall publish a notice of such request for an amendment, together with the notice of time set for hearing by the Board of Mayor and Aldermen on the requested change. Said notice shall be published in some newspaper of general circulation in the City of Church Hill, Tennessee. Said hearing by the Board of Mayor and Aldermen shall take place not sooner than fifteen (15) days after the date of publication of such notice. An appropriate sign shall be erected on the property that would be affected by the proposed change.(Ord. No. 134, 05/03/1982 and Ord. No. 359, 12/12/2001).

Section D. Any request for rezoning property located within city boundaries shall be accompanied by a non-refundable fee in an amount to be set by the Board of Mayor and Aldermen by resolution.(Ord. No. 409, 05/17/05)

11-413. Repealed. (Ord. No. 409, 03/17/05).

CHAPTER 5

MOBILE HOME PARKS

SECTION

11-501. Purpose of regulations; permit required for construction, alteration, etc.

11-502. Definitions.

11-503. Procedures for park approval.

11-504. Minimum design standards.

11-505. Permits and park operation.

11-506. Enforcement. (As amended by Ord. No. 269, 12/15/1994)

11-501. Purpose of regulations; permit required for construction, alteration, etc. The regulations as herein set forth have been made in accordance with a comprehensive planning program for the purpose of promoting the health, safety, morals, and general welfare of the community. The regulations have been designed to lessen congestion, secure safety from fire, panic and other danger, provide adequate light and air, to prevent overcrowding of land, to avoid undue concentration of population, and to facilitate adequate provision for public facilities such as transportation , water, sewerage, parks, schools, and other public requirements.

It shall be unlawful for any person, firm, or corporation to construct, alter, or extend a mobile home park unless it is a permitted use within the zoning district and a valid permit is issued by the building inspector in the name of such person, firm, or corporation for the specific construction, alteration, or extension proposed.

11-502. Definitions.

- (1) Mobile home. A detached, single family unit with all of the following characteristics:
 - (a) Designed for long-term occupancy and containing sleeping accommodations, a flush toilet, a tub or shower bath, and kitchen facilities, with plumbing and electrical connections provided for attachment to outside systems;
 - (b) Designed to be transported after fabrication on its own wheels or on flatbed or other trailers or detachable wheels;
 - (c) Arriving at the site where it is to be occupied as a dwelling complete, including major appliance and furniture, and ready for occupancy except for minor and incidental unpacking and assembly operations, location on foundation supports, connection to utilities, and the like.
- (2) Mobile home park. Shall mean any plot of ground containing a minimum of five (5) acres upon which two or more mobile homes are located or are intended to be located, but does not include sites where unoccupied mobile homes are on display for sale.
- (3) Buffer strip. Shall mean a plant material or other material as may be required by the Church Hill Regional Planning Commission which shall provide an immediate screen

of not less than five (5) feet with the use of plant materials or not less than six (6) feet with the use of other materials.

- (4) Health officer. Shall mean the health officer of Church Hill, Tennessee, or his authorized representatives.
- (5) Building inspector. Shall mean the building inspector of Church Hill, Tennessee, or his authorized representative.
- (6) Plumbing inspector. Shall mean the plumbing inspector of Church Hill, Tennessee, or his authorized representative.
- (7) Electrical inspector. Shall mean the electrical inspector of Church Hill, Tennessee, or his authorized representative.
- (8) Lot area. The total area reserved for exclusive use of the occupants of a mobile home.
- (9) Lot line. A line bounding the lot as shown on the accepted plot plan.
- (10) Permit. A written document issued by the enforcing agent permitting the construction, alteration, or expansion of a mobile home park.
- (11) Accessory structure. Any structural addition to the mobile home which includes awnings, cabanas, carports, Florida rooms, porches, storage cabinets, and similar appurtenant structures.
- (12) Permanent building. A building, except a mobile home, or accessory structure.
- (13) Private drive. A private way which affords principal means or access to abutting individual mobile home lots and auxiliary buildings.
- (14) Public street. A public way which affords the principal means of access to abutting properties.
- (15) Shall. Indicates that which is required.

11-503. Procedures for park approval.

- (1) Early consultation with planners. The owner or lessee of the land parcel proposed to be used as a mobile home park shall consult early and informally with the Church Hill Planning Commission and its technical staff for advice and assistance prior to the preparation of the park plan and its formal application for approval. This procedure will enable the owner or lessee to become thoroughly familiar with park regulations, other zoning regulations, and comprehensive plan elements which might affect the area.
- (2) Submitting of plan. At least ten (10) working days prior to the Planning Commission meeting at which the park is to be considered for approval, the developer shall submit two copies of the proposed park to the commission's technical staff.

- (3) The general plan. The plan shall meet the minimum design standards as set forth in section 11-504 and shall give the following information:
- (a) Name and location of the park;
 - (b) Name(s) and address(es) of the developer or developers and the name of the designer of the park who shall be a surveyor or engineer approved by the Planning Commission;
 - (c) Shall be drawn to a scale showing dimensions of the park with a datum, approximate north point, graphic scale, and acreage of land to be developed;
 - (d) Shall denote the location of property lines, existing and planned streets, drives, and walkways, buildings, water courses, culverts, drain pipes, public utility easements, water mains;
 - (e) A plan for storm water drainage;
 - (f) A plan of proposed utilities - water, sanitary sewers, gas, and electricity;
 - (g) A plan for recreation and open space;
 - (h) A plan for refuse disposal;
 - (i) A lighting plan;
 - (j) A certificate of accuracy signed by the surveyor or engineer;
 - (k) Certificates of appropriate approval with signatures of the health officer and the building, plumbing, and electrical inspectors;
 - (l) A certificate for Planning Commission approval;
 - (m) Any other pertinent information as may be required by the Planning Commission;

11-504. Minimum design standards.

- (1) General.
 - (a) A mobile home park shall be located only within the R-5 Mobile Home Park Districts.
 - (b) The condition of soil, drainage, and topography shall not create hazards.
 - (c) The site shall not be exposed to objectionable smoke, noise, odors, insect or rodent harborage, or other adverse influences.
- (2) Recreation and open space. Common areas for recreation and leisure time pursuits shall be provided in a centralized location.

- (a) The amount of open space area shall be a minimum of 500 square feet per mobile home lot.
 - (b) Large parks may, at the discretion of the Planning Commission, decentralize open space areas in order to adequately service all residents.
 - (c) Buffer strips. The Planning Commission may require buffer strips along the boundary lines of the park.
 - (d) Any part of the park area that is not utilized for buildings or other structures, parking, or access ways shall be landscaped with grass, trees, shrubs, and other similar landscaping materials.
- (3) Density.
- (a) The mobile home park shall not contain more than ten (10) mobile home spaces per gross acre, provided, however, all other standards are met.
 - (b) Each mobile home space shall have a minimum depth of seventy-five (75) feet.
 - (c) Each mobile home space shall abut a driveway with unobstructed access to an open, approved, public street.
 - (d) Each mobile home shall be set back a minimum of twenty-five (25) feet from all property lines and street rights-of-way.
 - (e) There shall be a minimum distance of twenty (20) feet between mobile homes.
 - (f) There shall be a minimum distance of ten (10) feet between a mobile home and the abutting park drive.
- (4) Streets, drives, walkways and parking.
- (a) All mobile home parks shall be provided with safe and convenient access from abutting public streets to each mobile home space.
 - (b) All drives, walkways, and parking areas shall have a minimum of a double bituminous surface with an adequate base.
 - (c) Pavement widths shall be twenty-four (24) feet for entrance drives and collector drives and twenty (20) feet for minor drives.
 - (d) Each mobile home park shall provided one and one-half parking spaces for each mobile home space.
 - (e) Parking spaces shall be located for convenient access to mobile home units.
 - (f) Where practicable, a minimum of one parking space shall be located on each mobile home lot with the remainder located in adjacent parking bays.

- (5) Service buildings.
 - (a) Service buildings shall be of permanent construction and meet all codes and ordinances.
 - (b) Service buildings shall be convenient to the mobile home spaces which they solely serve.
 - (c) The service buildings shall be maintained in a clean and sanitary condition.
- (6) Utilities.
 - (a) The mobile home park water distribution system shall be connected to the public water supply system.
 - (b) All water piping, fixtures, and other equipment shall be constructed and maintained in accordance with state and local regulations and requirements and shall be of type and location approved by the state health department.
 - (c) Fire hydrants shall be located within five hundred (500) feet of any mobile home, service building, or other structure in the park.
 - (d) An adequate and safe sewerage system shall be required for conveying and disposing of all sewage. Wherever feasible, a connection shall be made to the public sewerage system.
 - (e) The sewerage system shall be designed and constructed in accordance to state and local laws and approved by the Tennessee Department of Public Health.
 - (f) Each mobile home space shall be provided with a four inch diameter sewer riser pipe. All materials used for sewer connections shall be semi-rigid, corrosive resistant, non-absorbent, and durable with a smooth inner surface. Provisions shall be made for sealing the sewer riser pipe when a mobile home does not occupy the space.
 - (g) Where the sewer lines of the mobile home park are not connected with the public sewerage system, the county health department shall approve all proposed sewage facilities.
 - (h) Solid waste collection stands shall be provided for all waste containers.
 - (i) All electrical installations shall be designed and constructed in accordance with the electrical code

of the City of Church Hill as approved by the Holston Electric Cooperative.
 - (j) All gas equipment and installations within the park shall meet the minimum requirements of the gas code of the City of Church Hill.
- (7) Guarantee in lieu of completed improvements.

- (a) No mobile home park plan shall be approved by the Planning Commission until all required improvements are constructed in a satisfactory manner. However, in lieu of completed construction of all improvements, the Planning Commission may recommend that a cash bond in an amount equal to the estimated cost of installation of required improvements be submitted.
- (b) If a bond is submitted, it must first be approved by the Board of Mayor and Aldermen.
- (c) The bond shall be due within six (6) months from submission.
- (d) The Board of Mayor and Aldermen may instruct the Building Inspector to issue a six (6) month temporary park operating permit when sufficient improvements are installed to allow safe and adequate facilities to mobile home park residents.

11-505. Permits and park operation.

(1) Permits.

- (a) All mobile home park operators shall be required to obtain an annual operating permit. The issuance of the operating permit shall be contingent upon inspection and approval of the park by the health officer or his authorized representative and the building inspector.
- (b) It shall be unlawful for any person to maintain or operate a mobile home park within the corporate limits of Church Hill unless he owns a valid permit issued by the building inspector.
- (c) Building, plumbing, electrical or other such construction permits shall not be issued for the installation of a mobile home park prior to the submission of the park plan and its tentative approval by the Church Hill Planning Commission.
- (d) Following the approval of a mobile home park plan by the Planning Commission, the installation of improvements to the satisfaction of the Planning Commission and a bond guaranteeing the completion of all improvements within a period of six (6) months, the Board of Mayor and Aldermen may direct the building inspector to issue a temporary six (6) month park operating permit. The temporary park permit shall not be extended beyond the six month period.
- (e) The annual operating permit fee shall be one dollar for each mobile home space to a maximum of seventy-five (\$75.00) dollars.

(2) Park operation.

- (a) The park management shall maintain a register containing names, addresses, and automobile license numbers of all park residents. Such register shall be made available to any authorized person inspecting the mobile home park.

- (b) The park management shall notify park residents of all applicable provisions of this chapter and inform them of their duties and responsibilities under the chapter.

11-506. Enforcement.

- (a) The regulations contained in this chapter shall be enforced by the building inspector of the city.
- (b) Any person or organization who shall fail to comply with or violate any of the provisions of this chapter shall be guilty of a misdemeanor and upon conviction shall be fined not less than Fifty Dollars (\$50.00) for each violation thereof. Each day a non-complying condition exists constitutes a separate and distinct violation to the above-noted penalty. (Ord. No. 269, 12/15/1994).

