

TOWN OF HALLS

OFFICIAL

ZONING

ORDINANCE

(REVISED)

AUTHORITY

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

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

ARTICLE I

TITLE

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

ARTICLE II

PURPOSE

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

ARTICLE III

GENERAL PROVISIONS

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

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

Section B. Non-Conformation.

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

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

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

2. Any non-conforming structure may not be:

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

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

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

4. Any non-conforming use of structure may not be:

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

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

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

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

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

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

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

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

Section J. Off-Street Automobile Storage. There shall be provided, at the time of the erection of any building or structure, or at the time any main building or structure is enlarged or increased in capacity by adding dwelling units, guest rooms, seats or floor area or before conversion from one zoning use of occupancy to another, permanent off-street parking space in the amount

specified by this section. Such space shall be provided with vehicular access to a street or alley. The provisions of this article shall not apply to the B-2 (Central Business District).

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

b. Residential and Related Uses:

Single family and
Multi-family residences

2 spaces for each
dwelling units

Rooming or Boarding
house

1 space for each two (2)
rooms to be rented

Tourist rooms and
tourist courts

1 space for each unit to
be rented

Hotels

1 space for each four
(4) rooms

Motels

1 space for each unit

Doctor's or dentist's
office in his or her
residence

3 spaces per doctor or
dentist in addition to
residence requirements

Professional office (other
than doctor or dentist)
or customary home
occupation in operator's
residence

1 space per professional
office or home occupation
in addition to residence
requirements

Elderly Assisted Care Facilities

**1.5 spaces for each 2 dwelling
units plus 1 for each employee**

c. Public and Semi-Public Uses

Hospital

1 space for each three
beds intended for patient
use, exclusive of
bassinets

Clinic

3 spaces for each doctor
plus 1 space for every
two (2) employees

Elementary School and
Junior High School

1 space for each class-
room and administrative
office.

Senior High School

1 space for each class-
room and administrative
office plus one space for
each twenty (20) students
for which the building
was designed

Stadium	1 space for each ten (10) spectator seats
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Any theater, auditorium, church, or other place of public assembly; at least one space for each five (5) seats provided in such places of assembly. In places where seating is not a measure of capacity, such as funeral parlors, club houses, etc., at least one space for each one hundred (100) square feet of floor space devoted to the particular use.

Public or private clubs	1 space for each one hundred fifty (150) square feet of total floor area
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Public utility building	1 space for each employee
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d. Offices and Retail Uses

Banks and office buildings	1 space for each one hundred fifty (150) square feet of total floor area
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Bus terminals	1 space for each employee, plus 1 space for each two hundred (200) square feet in waiting room
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Filling stations	6 spaces for each grease rack with rack or similar facility plus 1 space for each gasoline pump
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Retail business uses not listed	1 space for each 200 square feet of store sales area.
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e. Wholesale Uses and Warehouses

1 space for each employee

f. Industrial Uses

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

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

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

1. A point of access, i.e., a drive or other opening for vehicles onto a street, shall not exceed thirty (30) feet in width, except that driveways serving gasoline service stations or other auto service facilities shall not exceed fifty (50) feet in width.
2. Lots more than one hundred (100) feet in width shall be permitted two (2) access points to any one (1) public street, provided, however, there shall be a minimum of one hundred fifty (150) feet between access points. Lots more than one hundred (100) feet in width which are not sufficiently wide to meet the above provisions shall provide the maximum possible distance between access points. Lots less than one hundred (100) feet in width shall have no more than one (1) point of access to any one (1) public street.
3. No point of access shall be allowed within ten (10) feet of the right-of-way of any public street intersection.
4. The area between the street and an off-street parking space or driveway parallel to the street shall have a curb at least six (6) inches in height and six (6) inches in width separating the parking area from the sidewalk, to prevent encroachment of vehicles onto the sidewalk area.
5. No curbs on Town streets or rights-of-way shall be cut or altered without written approval of the building Inspector.
6. Cases requiring variances relative to this action, and hardships not caused by the property owner, shall be heard and acted upon by the Board of Zoning Appeals, provided, however, that no curb cuts for off-street automobile storage or parking space shall be permitted where the arrangement would require that vehicles back directly into a public street.
7. Access control on property abutting state or federal highways shall be governed by official regulations of the Tennessee Department of Highways or the provisions of this Ordinance, whichever is higher.

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

1. The manufactured residential dwelling shall have the same general appearance as required for site-built homes.
2. The unit must be installed on a permanent foundation system in compliance with all applicable requirements of the Southern Standard Building Code.
3. The home must be covered with an exterior material customarily used on conventional dwelling. The exterior covering material shall extend to the ground except that, when a solid concrete or masonry perimeter foundation is used, the exterior covering material need not exceed below the top of the foundation. Suitable exterior materials include but shall not be limited to clapboards, simulated clapboards, such as conventional or metal material, but excluding smooth, ribbed or corrugated metal or plastic panels.
4. The hitches or towing apparatus, axles and wheels must be removed.
5. The roof must be pitched so there is at least a two-inch vertical rise for each twelve (12) inches of horizontal run. The roof must consist of material that is customarily used for

conventional dwellings including but not limited to approved wood, asphalt composition shingles or fiberglass, but excluding corrugated aluminium, corrugated fiberglass or metal roof.

6. All such units shall be required to connect to a public utility system which includes, gas, electric, water and sewer in compliance with the Southern Standard Building Code and National Electrical Code.
7. These provisions shall not apply to manufactured homes in an approved mobile home park.

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

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

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

1. Regulation of Mobile Homes

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

2. Regulation of Mobile Homes Parks

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

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

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

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

Each mobile home space shall be adequate for the type of facility occupying the same. Mobile homes shall be parked on each space so that there will be at least fifteen (15) feet of open space between mobile homes or any attachment such as a garage or porch, *and at least fifteen (15) feet end-to-end spacing between trailers and any building or structure, twenty (20) feet between any trailer and property line and thirty-five (35) feet from the right-of-way of any public street or highway. In addition, each mobile home space shall contain:

- (1) A minimum lot area of three thousand (3,000) square feet;
- (2) A minimum depth with end parking of an automobile equal to the width of the mobile home plus thirty (30) feet;
- (3) A minimum depth with side or street parking equal to the length of the mobile home plus fifteen (15) feet; and

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

- (4) A minimum width of at least forty (40) feet and a minimum depth of at least seventy-five (75) feet.
- i. Water. The mobile home park shall hook to the municipal water system. Water lines shall be a minimum six (6) inch water main looped for adequate water pressure for fire protection with fire hydrants every 500 feet and shall be approved by the utility department.
- j. Sewer. The mobile home park will be required to hook-up to the municipal sewerage system if it is within 1500 feet of a municipal sewer line. In the absence of a sewer connection to the municipal sewerage system a private system may be developed in accordance with Tennessee State Health Department Standards. In addition, the sewerage disposal system shall meet the following requirements:
 - (1) The private sewerage disposal system shall be approved in writing by the Tennessee State Health Department/County Health Officer subject to maintenance inspections.
 - (2) Sewer lines shall be a minimum of eight (8) inches sewer pipe, with four (4) inch force mains where applicable, designed according to the Standards required in the Subdivision Regulations and shall be approved by the utility department.
 - (3) In lieu of municipal sewer or septic tank system, an officially approved package treatment plan may be used.
- k. Refuse. The storage, collection and disposal of refuse in the mobile home park shall be managed as to create no health hazard. The municipal refuse collection service shall be utilized exclusively for solid waste disposal. All refuse shall be stored in fly proof, water tight and rodent proof containers. Satisfactory container racks or holders shall be provided.
- l. Electrical. An electrical outlet supply at least two hundred twenty (220) volts and sufficient amperage capacity shall be provided for each mobile home space and shall be weather proof and accessible to the parked mobile home. All electrical installations shall be in compliance with the National Electrical Code and Tennessee Department of Insurance and Banking Regulation No. 15, entitled, "Regulations Relating to Electrical Installations in the State of Tennessee" and shall satisfy all requirements of the local electric service organization.
- m. Illumination. The park shall be furnished with 400 watt mercury lamps at intervals of 100 feet approximately 30 feet from the ground. Adequate lighting recommended by the Halls Power and Light Company and approved by the Halls Municipal-Regional Planning Commission may be used in lieu of the above requirements.
- n. Streets. Minimum pavement widths of various streets within mobile home parks shall be:

All streets except minor streets 24 feet

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

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

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

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

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

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

3. Regulation of Travel Trailers and Travel Trailer Parks

- a. It shall be unlawful for any travel trailer to be occupied or serviced outside of any properly designated travel trailer park. This provision shall not apply to the storage of travel trailers provided said trailer unit is not permanently occupied as a dwelling unit while within the Town limits.
- b. Permit for Travel Trailer Park. No place or site within Halls shall be established or maintained by any person, group of persons, or corporation as a travel trailer park unless he holds a valid permit issued by the Town Building Inspector in the name of such person or persons for the specific travel trailer park. The Town Building Inspector is authorized to issue, suspend, or revoke permits in accordance with the provisions of this Ordinance.
- c. Inspection by Town Building Inspector or County Health Officer. The Town Building Inspector or County Health Officer is hereby authorized and directed to make inspections to determine the condition of travel trailer parks, in order that he may perform his duty of safeguarding the health and safety of the occupants of travel trailer parks and of the general public. The Building Inspector or County Health Officer shall have the power to enter at reasonable times upon any private or public property for the purpose of inspecting and investigating conditions relating to the enforcement of this Ordinance.
- d. Length of Occupancy. Travel trailer spaces shall be rented by the day or week only, and the occupant of such space shall remain in the same travel trailer park not more than fourteen (14) days.

- e. Location. Travel trailer parks shall be located in districts as specified in the Zoning Ordinance of the Town of Halls.
- f. Minimum Size of Travel Trailer Space. Each travel trailer space shall have a minimum width of twenty (20) feet and a minimum length of thirty (30) feet.
- g. Site planning improvement shall conform to the standards established in Regulations VI XX of the State Regulations Governing the Construction, Operation and Maintenance of Organized Camps in Tennessee, as provided in Chapter 64, Public Acts of 1965.

4. Permit Fees

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

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

5. Application for Permit

- a. Mobile Home Parks. Application for a mobile home park shall be filed with and issued by the Town Building Inspector subject to the Planning Commission's approval of the mobile home park plan. Applications shall be in writing and signed by the applicant and shall be accompanied with an approved plan of the proposed mobile home park. The plan shall contain the following information and conform to the following requirements:
 - (1) the plan shall be clearly and legibly drawn at a scale not smaller than twenty-five (25) feet to one (1) inch;
 - (2) name and address of owner of record;
 - (3) proposed name of park;
 - (4) vicinity map showing location and acreage of mobile home park;
 - (5) north point and graphic scale and date;
 - (6) exact boundary lines of the tract by bearing and distance;
 - (7) names of owners of record of adjoining land;
 - (8) existing streets, utilities, easements and water courses on and adjacent to the tract;
 - (9) proposed design including streets, proposed street names, lot lines with approximate dimensions, easements, land to be reserved or dedicated for purposes other than mobile home parks;

- (10) provisions for water supply, sewerage and drainage;
- (11) such information as may be required by said Town to enable it to determine if the proposed park will comply with legal requirements; and
- (12) the applications and all accompanying plans and specifications shall be filed in triplicate.

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

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

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

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

6. Enforcement

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

7. Appeals

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

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

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

8. Violation and Penalty

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

9. Conflicts with Other Ordinance or Regulations

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

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

10. No site plan for a mobile home park or travel trailer park shall be approved by the Planning Commission until one of the following conditions has been met.

1. Installation of Required Improvements: All required improvements have been constructed in a satisfactory manner and approved by the appropriate governmental representative.
2. Security Bond or Other Approved Collateral: The Planning Commission has accepted a security bond, or other approved collateral, in an amount equal to the estimated cost of installation of the required improvements (with consideration given for such factors as inflation and the time of completion), whereby improvements may be made and utilities installed.
3. Release or Reduction of Surety Instrument or Performance Bond: The Planning Commission shall not recommend dedication of required public improvements nor shall the Planning Commission release nor reduce a Surety Instrument or Performance Bond until the appropriate governmental representative states or submits a letter stating that all required improvements have been satisfactorily completed, and until the applicant's engineer or surveyor has certified to the Planning Commission and the appropriate governmental representative that the layout and the line and grade of all public improvements are in accordance with the approved construction plans for the site. Upon such approval and recommendation, the governing body or private entity responsible for maintenance, thereafter, may accept the dedicated improvements in accordance with the procedures set forth in the Zoning Ordinance, municipal standards, or appropriate utility standards, state or federal codes, or after appropriate technical references such as *Local Government Public Works Standards and Specifications*.

Section P. Procedures and Requirements for Site Plan Review/Statement of Purpose and Goals. The following procedures and standards are established for those Sections and Chapters of this Ordinance which require the submission and approval of a site plan prior to the issuance of a building permit or certificate of occupancy. The site plan must be prepared by a licensed Land Surveyor or Civil Engineer and must be based on a certified boundary survey of the site. The Halls Municipal-Regional Planning Commission shall act in the official review of all required site plans and shall have the power to approve or disapprove all required site plans according to the terms specified herein.

All site plans submitted for the review of the location and extent of any Use Permitted on Appeal by the Board of Zoning Appeals shall be reviewed and approved according to its conformance with the terms and conditions specified herein before the issuance of a building permit. Every site plan submitted to the City of Halls shall become the property of the City and shall be maintained in the permanent files of the Building Inspector. Site plan approval, once granted, shall be in effect for a period of one (1) year from the date of the approval.

The review and approval of a site plan by the Town of Halls Building Inspector for any addition under two thousand (2,000) square feet. The building inspector reserves the right to refer any site plan to the appropriate body for additional review. This power of review may include, but not be limited to setbacks, screening, lighting, parking location, layouts, access and general landscaping requirements. This power shall not include the authority to specify or alter the architectural style of proposed or existing buildings.

Site Plan Submission and Review

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

Contents of Site Plan

- a. The site plan shall include:
1. Name of development and address.
 2. Name and address of owner of record and the applicant.
 3. Scale of 1" - 100'.

4. Note present zoning classification of the site and all abutting properties. Also, note nature of proposed use.
 5. Date, scale, and north point with reference to source of meridian. Note all related dimensions and bearings of the lot.
 6. Courses and distances of center lines of all streets.
 7. All building restriction lines (yard setbacks and rights-of-way) right-of-way and highway setback lines, easements, covenants, reservations and rights-of-way.
 8. The acreage or square footage of the lot.
 9. Sufficient grade and elevation information to demonstrate that the property will properly drain and can be connected to the public sewer system to provide gravity discharge of waste from the building.
- b. The site plan shall show the location, dimensions, site and height of the following when existing and/or when proposed:
1. Sidewalks, streets, alleys, easements and utilities.
 2. Buildings and structures including the front (street) elevation of proposed building.
 3. Public sewer systems.
 4. Slopes, terraces, and retaining walls.
 5. Driveways, entrances (all access points), exits, parking areas, sidewalks and garbage collection site.
 6. Water mains and fire hydrants.
 7. The following when applicable:
 - a. Number and size of parking stalls and type of proposed pavement (either portland concrete or asphalt).
 - b. Number of loading spaces and type of proposed pavement (either portland concrete or asphalt).

- c. Number of Commercial or Industrial tenants and employees.
- 8. Plans for the collection and discharge of storm water and methods for landscaping. The delineation of the limits of floodplains, if any. Also the site plan must denote the minimum 100-year, base flood elevation level if any portion of the site lies within the FEMA-designated special flood hazard area.
- 9. Proposed grading plan. Topography to be shown by dashed lines illustrating existing contours and continuous lines for finished grade contours. Spot elevations may be required by the Planning Commission.
- 10. Required Public and Private Improvements and Surety for these Improvements
 - (a.) Necessary action shall be taken by the developer to extend a water supply system capable of providing water use and fire protection. The applicant shall install adequate water facilities, including fire hydrants, subject to construction and material specifications, approval of the Planning Commission, the Tennessee Department of Environment and Conservation and these regulations. Water mains shall not be less than six (6) inches in diameter. Fire hydrants shall be required to be located no more than five hundred (500) feet apart. However, the Planning Commission may require closer spacing where physical conditions or types of structures so warrant. All underground utilities for fire hydrants, together with the fire hydrants themselves, and all other water supply improvements shall be installed before any final paving of parking areas.
 - (b.) The minimum size of a public sewer line shall be eight (8) inches in diameter for gravity lines and six (6) inches in diameter for forced lines unless approved by the Town of Halls in accordance with Town policies. Existing utility needs and facilities may require additional upgrades.
 - (c.) Parking areas, loading areas, screening, buffering, and landscaping shall be designed in accordance with the provisions of Article III, Section J, Section K and other provisions of this Zoning Ordinance or other municipal ordinances.

(d.) Turn-lanes, Public street, Private Street, Public/Private Access easement improvements shall be required along such adjacent facilities. The Planning Commission may require the dedication of such facilities to an appropriate governmental authority. Such dedication shall not be deemed acceptance. The Major Road Plan adopted by the Planning Commission, pursuant to Sections 13-3-402 and 13-4-302, Tennessee Code Annotated, showing, among other things, the general location, character and extent of public ways... (and) the removal, relocation, extension, widening, narrowing, vacating, abandonment or change of use of existing public ways. Turn lanes of ample width, length, and design shall be implemented along any designated Arterial and Collector Streets as guided by the appropriate Major Road Plan or other component of a Plan as described in Tennessee Code Annotated Title 13. Access control along any designated Arterials may be stipulated. Turn lanes may be required along other streets as warranted by site or other existing conditions. Drains, medians, and street signage improvements or installation may be required in existing rights-of-way.

(e.) Curbs and gutters may be required adjacent to public or private streets or along proposed driveways either permanent integral type six inch (6") concrete curbs with twenty-four inch (24") gutters when there is an existing curb and gutter system in place; standard rolled type concrete curbs and gutters; or other construction approved by the Planning Commission. Only the standard eight inch (8") curbs and twenty-four inch (24") gutters shall be permitted on major streets.

(f.)Side walks will not ordinarily be required, when constructed these shall be located in the street right-of-way with the outside edge coinciding with the right-of-way line. All sidewalks shall have a main slab of not less than four (4) inches in thickness. For proper drainage all sidewalks shall have one-fourth an inch (1/4) per foot slope towards the adjacent street. Sidewalks shall have a minimum width of five (5) feet. Alignment with existing public or private facilities may be required.

(g.) Handicap ramps shall be installed at all crosswalks so as to make the transition from street or parking area to sidewalk easily negotiable for physically handicapped persons in wheelchairs and for others who may have difficulty in making the step up or down from curb level to street level. All sidewalks, curbs, gutters, handicap ramps and driveway aprons shall be constructed of high quality durable Portland cement concrete. The concrete shall be ready-mixed, air entrained, 4000 lb. concrete. All concrete shall be Class A and shall be placed, cured, and tested in accordance with the *Local Government Public Works Standards and Specifications*.

(h.) Stormwater drainage for a proposed development, except in rare occurrences, has the effect of increasing net and peak run-offs. Adequate drainage should provide for these increases. All catch basin grates shall be installed at binder surface grade until surface mix to be installed. At time of surface mix installation, all grates must be reset to avoid water flooding of downstream drainage systems. The developer shall be prepared to substantiate the basis for any method of drainage prepared by the appropriate licensed professional. The drainage network shall consist of a wide variety of drainage appurtenances ranging from inlets, manholes, street gutters, existing roadside ditches, and swales to small channels or pipes and stormwater detention/retention facilities, improvements. This system serves to collect the initial stormwater runoff and convey this run-off to properly and professionally-designed facilities. Retention and detention ponds shall be designed to limit the rate of runoff from the site and temporarily store the excess volume. The maximum allowable rate of discharge from the developed site shall be no more than would have occurred from a storm of specified frequency prior to site development. Runoff from the discharge design storm shall be computed for pre-development conditions at the site. The volume of any required or necessary stormwater detention facility shall be sufficient to safely store the difference between the allowable discharge rates produced by the actual runoff from the developed site. The actual runoff under post-development conditions shall be computed based on a design frequency for a 24-hour duration storm, which varies in accordance with the drainage area above the point of discharge. Detention facilities must be designed to safely pass the runoff

produced by the 100-year--24-hour storm under post-development conditions.

(i.) No site plan shall be approved by the Planning Commission until one of the following conditions has been met.

1. Installation of Required Improvements: All required improvements have been constructed in a satisfactory manner and approved by the appropriate governmental representative.

2. Security Bond or Other Approved Collateral: The Planning Commission has accepted a security bond, or other approved collateral, in an amount equal to the estimated cost of installation of the required improvements (with consideration given for such factors as inflation and the time of completion), whereby improvements may be made and utilities installed.

3. Release or Reduction of Surety Instrument or Performance Bond: The Planning Commission shall not recommend dedication of required public improvements nor shall the Planning Commission release nor reduce a Surety Instrument or Performance Bond until the appropriate governmental representative states or submits a letter stating that all required improvements have been satisfactorily completed, and until the applicant's engineer or surveyor has certified to the Planning Commission and the appropriate governmental representative that the layout and the line and grade of all public improvements are in accordance with the approved construction plans for the site. Upon such approval and recommendation, the governing body or private entity responsible for maintenance, thereafter, may accept the dedicated improvements in accordance with the procedures set forth in the Zoning Ordinance, municipal standards, or appropriate utility standards, state or federal codes, or after appropriate technical references such as *Local Government Public Works Standards and Specifications*.

- A. The Planning Commission shall have the power to require such changes in the required site plan as may be necessary to minimize the impact of the required use. This may include, but not be limited to, setbacks, screening, lighting, parking location and layouts, access and general landscaping requirements. This power for review shall not include the authority to specify or alter the architectural style of proposed or existing buildings, the authority to specify building materials, colors, or similar considerations.

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

- B. The Board of Zoning Appeals shall have the power to require such changes in the required site plan as may be necessary to minimize the impact of the use permitted on appeal. This may include, but not be limited to, setbacks, screening, lighting, parking location and layout, access and general landscaping requirements. This power of review shall not include the authority to specify or alter the architectural style of proposed or existing buildings, the authority to specify building materials, colors, or similar considerations.

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

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

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

Section S. Telecommunications Tower Requirements.

1. Purpose - The purpose of this section is to protect the health and enhance the safety of the residents of the Town of Halls by providing provisions relative to controlling the height, number and light emission of telecommunication towers in the Town.
2. Applicability - All new telecommunication towers which are defined as any system of wires, poles, rods, reflecting discs, or similar devices that exceed a height of 20 feet, are not constructed upon a residential structure and are used for

the transmission or reception of electromagnetic waves shall be required to submit a site plan for approval.

3. Plan Requirement - Prior to the issuance of a building permit for the construction of a tower or the utilization of an existing utility structure for telecommunications purposes, a site plan shall be submitted and reviewed in accordance with the provisions of the Site Plan review requirements in Article III, Section P of this ordinance and the following provisions;
 - a. All new telecommunications towers not on an existing utility structure shall show the location of the tower and accessory structure and the location of two (2) future antenna arrays and accessory structures.
 - b. A letter of intent from the owner allowing for the shared use of the tower.
 - c. A letter from a professional engineer certifying that the tower's height and design complies with these regulations and all applicable structural standards and, also, describes the tower's capacity which includes the number and type of antennas that can be accommodated.
 - d. A letter indicating why all existing towers within 1 mile radius of the proposed tower cannot be utilized.
4. Permitted Uses on Appeal - All telecommunications towers are only allowed in R-3 (Residential High Density) and M-1 (Industrial) districts as uses permitted on appeal.
5. Prohibited Uses - All telecommunication towers that exceed a height of 20 feet constructed in a lattice type manner or any tower that is not specifically permitted as a use permitted on appeal shall be prohibited in the Town of Halls.
6. Type - All new telecommunications towers that exceed a height of 25 feet shall be of a monopole type structure. No lattice type telecommunication towers or antennas shall be permitted in the Town of Halls.
7. Accessory Uses and Structures
 - a. A telecommunications tower, as defined in this section, shall not be considered as an accessory use to any permitted use or use permitted on appeal in any district in the Town of Halls. For the purpose of this section, transmission, switching and receiving buildings that provide for the operation of the tower, shall be considered as accessory uses. Any building that allows for the conduct of business or requires partial occupation by a person or persons for any part of a day shall not be considered as an accessory structure to a tower.
 - b. A utility structure shall be limited to no more than 2 accessory buildings or structures at the base of the power line structure or water tower.
8. Structural Requirements
 - a. All new telecommunications towers not on an existing utility structure within the Town of Halls shall be designed to accommodate a minimum of 3 antennae arrays.

- b. All telecommunications towers on an existing utility structure shall be designed to accommodate a minimum of 2 antenna arrays.
- c. All new telecommunications towers, whether freestanding or on an existing utility structure shall be designed to withstand winds of a minimum of 70 miles per hour with half an inch radial ice.

9. Setback

- a. All telecommunications towers and accessory structures that are not constructed on an existing utility structure shall be setback from the property lines a distance equal to 70 percent of the tower height of the district yard requirements, whichever is greater. The setback shall be measured from the security fence to any surrounding property lines.
- b. In instances when a telecommunications tower and accessory structures are constructed adjacent to a residential district, either immediately adjacent to such property or across a public way, the minimum setback from a residential lot line or a residential district, measured from the security fence, shall be 100 percent of the tower height.

10. Co-use of Utility Structures

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

11. Height

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

12. Shared Use

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

- a. The planned antenna array equipment would exceed the structural capacity of all existing or approved towers and existing utility structures and said towers and structures cannot be upgraded at a reasonable cost.
- b. The planned equipment would cause radio frequency (RF) interference with other existing or planned equipment.
- c. The planned equipment would not function effectively and reasonably on an existing tower or utility structure.

- d. Geographic service requirements would percent the co-use of an existing tower or utility structure.
- 13. Security - All telecommunications towers, whether freestanding or on an existing utility structure, shall be fully secured through the installation of a security fence/wall system of a minimum height of 8 feet or the height of the accessory structures, whichever is greater.
- 14. Landscaping - All freestanding towers and utility structures shall have a 4 foot wide landscaping strip around the perimeter of the security fence. The landscaping strip shall be installed for the permanent year round protection of adjacent property owners by visually shielding the contents at the base of the tower from adjoining property owners. The landscaping strip shall consist of a combination of trees, shrubs, vines and other ground covers that are expected to grow to a height of 8 feet. The landscaping provisions of this section may be varied or reduced if the proposed plan provides for unique and innovative landscaping treatment or there are existing physical features that meet the intent and purpose of this section.
- 15. Vehicle Access/Parking
 - a. The location and design of driveways and/or access easements to the facility from a public street shall be depicted on the site plan and shall be approved by the Planning Commission in accordance with access control regulations within this ordinance.
 - b. No parking spaces shall be required for the site since the site shall not have workers that remain at the site on a full or part-time basis.
- 16. Lighting
 - a. Towers: No artificially lighted tower shall be permitted in the Town of Halls. If a proposed tower is required to be lighted by the FAA (Federal Aviation Administration), then the applicant shall be required to reduce the height of the tower or move the tower to eliminate the requirement for lighting.
 - b. Structures: Outside lighting of structures, if required for safety and security purposes, shall be of a sensory fashion in which illumination offers only when the site is approached. The lighting shall be arranged to minimize glare and reflection on adjacent properties and public streets.
- 17. Removal of Obsolete Towers - Any telecommunications tower that is no longer in use for its original purpose shall be removed at the owner's expense. The owner shall provide the Town with a copy of the notice of intent to cease operations that must be submitted to the FCC and shall be given ninety (90) days from the date of ceasing operations to remove the obsolete tower and any accessory structure(s). In the case of multiple operators sharing a single tower, this provision shall not become effective until all users cease operations.

Section T. Required Handicapped Parking Spaces

- (1) In all developments, handicapped parking spaces shall be provided which have a minimum width of sixteen (16) feet [or one van accessible space as required below with a 96 inch space and adjacent 96 inch access aisle] unless a 60 inch (5 feet) middle aisle is used in conjunction with two adjacent eleven (11) feet wide parking spaces designed as a van and non-van accessible space (referred to as the universal design standard).

One in every eight accessible parking spaces shall be van accessible with an acceptable overhead clearance of a minimum of 108 inches (9 feet). Two adjacent van accessible spaces shall have a minimum of two 96 inch (8 feet) spaces separated by a 96 inch (8 feet) aisle.

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

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

- (2.) Ramp slopes for wheelchair accessibility shall be between 1:12 and 1:20.

- (3.) The travel distance along accessible routes from accessible parking spaces to accessible entrances shall not exceed 200 feet.
- (4.) The number and location of handicapped parking spaces shall be dictated the North Carolina Handicapped Code, the Americans with Disabilities Act, or other applicable code. If there is a conflict, the strictest standard shall apply.

ARTICLE IV

ESTABLISHMENT OF DISTRICTS

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

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

Section B. Boundaries of Districts.

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

ARTICLE V.

PROVISIONS GOVERNING RESIDENTIAL DISTRICTS

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

1. Uses Permitted

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

2. Uses Permissible on Appeal.

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

3. not more than fifteen (15) percent of the total floor area in dwelling unit shall be devoted to proposed use;
 4. proposed use shall not constitute primary or incidental storage facilities for a business, industrial, or agricultural activity conducted elsewhere;
 5. No activity, materials, goods or equipment indicative of the proposed use shall be visible from any public way;
 6. the proposed use shall not be advertised by the display of goods or signs on the lot on which the proposed use is located;
 7. the proposed use shall not generate noise, odor, fumes, smoke, vehicular or pedestrian traffic, nor nuisance of any kind which would tend to depreciate the residential character of the neighborhood in which the proposed use is located.
- d. Family Day Care Homes and Group Day Care Homes subject to the following conditions:
1. All dimensional regulations of the district shall apply.
 2. A fenced play area of not less than fifty (50) square feet of open space per child shall be provided.
 3. Along the site boundary of the facility, buffering, screening, and landscaping must be provided to adequately protect any abutting residential property.
 4. All outdoor play activities shall be conducted within the fenced play area. The fenced play area shall not be located within any required front yard.
 5. The facilities operation and maintenance shall meet the requirements of the Tennessee Department of Human Services.
 6. Off-street parking shall be provided at the rate of one space for each five children accommodated plus the specific required space(s) for the district in which the facility is located.
 7. In order that the Board of Zoning Appeals may make an accurate determination of the character of the proposed use, the applicant shall submit an accurately and legibly drawn site plan showing existing and proposed buildings, fences, landscaping, parking and access facilities.

3. Uses Prohibited

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

4. Location of Accessory Buildings

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

5. Side Yards on Corner Lots

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

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

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

a. Minimum required lot area:

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

b. Minimum required lot width at the building line.

- | | | |
|----|---------------|--|
| 1. | Single-family | 60 feet |
| 2. | Churches | 100 feet |
| 3. | Other uses | As required by the Board of Zoning Appeals |

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

3. No accessory building shall exceed two (2) stories in height.
 4. Free standing poles, spires, towers, antennae and similar structures not designed for, or suitable for human occupancy may exceed the height provisions of this Ordinance provided they comply with all other codes and Ordinance s, and provided that they are located a distance equal to their own height plus ten (10) feet from the nearest property line.
7. Minimum Off-Street Parking Requirements. (As required in Article III, General Provisions, of this Ordinance.)

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

1. Uses Permitted

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

2. Uses Permissible on Appeal

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

Zoning Appeals may require in order to preserve and protect the character of the neighborhood in which the proposed use is located; and provided further that:

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

7. In order that the Board of Zoning Appeals may make an accurate determination of the character of the proposed use, the applicant shall submit an accurately and legibly drawn site plan showing existing and proposed buildings, fences, landscaping, parking and access facilities.

3. Uses Prohibited

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

4. Location of Accessory Buildings

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

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

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

- a. Minimum required lot area.
 1. Single-family dwelling 7500 sq. ft.
 2. Duplex 9500 sq. ft.
 3. Churches 20,000 sq. ft. or 200 sq. ft. of lot area per auditorium seat, whichever is greater.
 4. Schools Eight (8) acres plus one (1) acre for each 100 students.
 5. Other uses As required by the Board of Zoning Appeals.
- b. Minimum required lot width at the building line.
 1. Single-family dwellings, duplexes 50 feet
 2. Churches 70 feet
 3. Other uses As required by the Board of Zoning Appeals.
- c. Minimum required front yard
 1. Single-family dwelling, duplexes 25 feet
 2. Churches 30 feet
 3. Other uses 30 feet or more as required by the BZA.
- d. Minimum required rear yard.
 1. Single-family dwelling duplexes 15 feet
 2. Churches 20 feet
 3. Other uses 15 feet or more as required by the BZA.
- e. Minimum required side yard on each side of lot.
 1. Single-family dwelling, duplexes:

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

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

1. Uses Permitted
 - a. Single-family dwellings
 - b. Duplexes
 - c. Townhouses, multi-family dwellings, Elderly Assisted Care, and Elderly Congregate Living shall be permitted as a matter of right, provided, however, that the provisions of this Ordinance are observed and subject to approval of the site plans by the Planning Commission. The Planning Commission may attach such conditions to the permit as are necessary to minimize vehicular and pedestrian congestion, to preserve and protect the character of the district in which the proposed use is located. This power shall include: the power to require greater setbacks and yard spaces than required by other provisions of this Ordinance, the

power to require provision of well-designed and supplied play spaces, the power to specify access points and driveways and parking locations, and similar site design matters. This power shall not include the power to specify or alter the architectural style of the proposed buildings, the power to specify building materials or colors, or other similar powers.

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

2. Uses Permissible on Appeal

- a. Churches and other places of worship, parish houses, public libraries, schools offering general education courses, public parks and public recreational facilities, railroad rights-of-way, municipal, county, state, or federal uses, public utilities facilities, cemeteries, hospitals for human care except primarily for mental cases, philanthropic institutions and clubs, except a club the chief activity of which is customarily carried on as a business, customary general farming uses, and buildings incidental thereto, but not including commercial animals or poultry farms or kennels; provided, however, that no permit shall be issued except with the written approval of the Board of Zoning Appeals and subject to such conditions as the Board of Zoning Appeals may require in order to preserve and protect the character of the district in which the proposed use is located.
- b. Customary general farming uses, gardens and buildings incidental thereto; provided, however, that no permit shall be issued for animal feed lots, stock yards (auction yards), commercial poultry farms or kennels of which six (6) or more dogs over four (4) months of age are kept, except within the written approval of the Board of Zoning Appeals and subject to such conditions as the BZA may require in order to preserve and protect the character of the district.
- c. Customary incidental home occupations, provided that no building permit or certificate of occupancy for such use shall be issued without the written approval of the Board of Zoning Appeals and subject to such conditions as the Board of Zoning Appeals may require in order to preserve and protect the character of the neighborhood in which the proposed use is located and provided further that:
 - 1. the proposed use shall be located and conducted in the principal building;
 - 2. not more than one (1) person shall be employed who is not a resident of the dwelling unit in which the proposed use is located;
 - 3. not more than twenty-five (25) percent of the total floor area in dwelling unit shall be devoted to proposed use, except that up to fifty (50) percent of the total floor area may be devoted to the taking of boarders, tourists, or the leasing of rooms;
 - 4. proposed use shall not constitute primary or incidental storage facilities for a business, industrial, or agricultural activity conducted elsewhere;
 - 5. no activity, materials, goods, or equipment indicative of the proposed use shall be visible from any public way;

6. for the purpose of advertising the proposed use, one (1) sign not over two (2) square feet in area may be used;
 7. the proposed use shall not generate noise, odor, fumes, smoke, vehicular or pedestrian traffic, nor nuisance of any kind which would tend to depreciate the residential character of the neighborhood in which the proposed use is located.
- d. Family Day Care Homes and Group Day Care Homes subject to the following conditions:
1. All dimensional regulations of the district shall apply.
 2. A fenced play area of not less than fifty (50) square feet of open space per child shall be provided.
 3. Along the site boundary of the facility, buffering, screening, and landscaping must be provided to adequately protect any abutting residential property.
 4. All outdoor play activities shall be conducted within the fenced play area. The fenced play area shall not be located within any required front yard.
 5. The facilities operation and maintenance shall meet the requirements of the Tennessee Department of Human Services.
 6. Off-street parking shall be provided at the rate of one space for each five children accommodated plus the specific required space(s) for the district in which the facility is located.
 7. In order that the Board of Zoning Appeals may make an accurate determination of the character of the proposed use, the applicant shall submit an accurately and legibly drawn site plan showing existing and proposed buildings, fences, landscaping, parking and access facilities.
3. Uses Prohibited
- a. Mobile homes on individual lots.
 - b. Advertising signs and billboards except those specifically permitted under Section C-1 (e) of this Article.
 - c. Any other use not specifically permitted or permissible on appeal in this Article.
4. Location of Accessory Building
- a. No accessory building shall be erected in any required front or side yard. Accessory buildings shall not cover more than thirty (30) percent of any required rear yard, and shall be at least five (5) feet from all lot lines and from any other building on the same lot.
 - b. Accessory buildings on corner lots shall conform with front and yard setbacks for both intersecting streets.

5. Side Yards on Corner Lots. The minimum widths of side yards for dwellings along an intersecting street shall be twenty (20) feet and the structure must lie parallel to the street.
6. Regulations Controlling Lot Area, Lot Width, Yards, Building Coverage and Building Height. The principal building shall be located so as to comply with the following requirements:
 - a. Minimum required lot area.
 1. Single-family dwelling 7,500 sq. ft.
 2. Duplex 9,500 sq. ft.
 3. Townhouse 6,000 sq. ft. per unit
 4. Multi-family Elderly Assisted Care, and Elderly Congregate Living
6,000 sq. ft. for the first dwelling unit plus 2000 sq. ft. for each additional dwelling unit.
 5. Churches 20,000 sq. ft. or 200 sq. ft. of lot area per auditorium seat, whichever is greater.
 6. Schools Eight (8) acres plus one (1) acre for each 100 students.
 7. Other uses As required by the Board of Zoning Appeals.
 - b. Minimum required lot widths at the building line.
 1. Single-family dwelling, duplexes, townhouses, multi-family dwelling Elderly Assisted Care, and Elderly Congregate Living 50 feet
 2. Churches 70 feet
 3. Other uses As required by the BZA.
 - c. Minimum required front yard.
 1. Single-family dwellings, duplexes, townhouses, multi-

- | | | |
|--|---|---------|
| | family dwelling Elderly Assisted Care,
and Elderly Congregate Living | 25 feet |
|--|---|---------|
2. Churches 30 feet
 3. Other uses 30 feet or more as
required by the BZA.
- d. Minimum required rear yard.
1. Single-family
dwellings, duplexes,
townhouses, multi-
family dwelling Elderly Assisted Care,
and Elderly Congregate Living 15 feet
 2. Churches 20 feet
 3. Other uses 15 feet or more as
required by the BZA.
- e. Minimum required side yard on each side of lot.
1. Single-family
dwellings, duplexes,
multi-family dwellings Elderly Assisted Care,
and Elderly Congregate Living:

One or two story buildings	10 feet
Three (3) story buildings	15 feet
 2. Townhouses None on side of townhouse with
common wall - in all other cases the
side yard will be 10 feet for one and
two story buildings and 15 feet for
three story buildings.
 3. Churches 15 feet
 4. Other uses 10 feet or more as
required by BZA.
- f. Maximum lot coverage by all buildings.
1. Single-family dwelling,
duplexes, multi-family
dwellings and
accessories Elderly Assisted Care,
and Elderly Congregate Living 50%
 2. Townhouses and

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

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

1. Uses Permitted
 - a. Single-family dwellings
 - b. Duplexes
 - c. Townhouses multiple family dwellings Elderly Assisted Care, and Elderly Congregate Living shall be permitted as a matter of right, provided, however, that the provisions of this Ordinance are observed and subject to approval of the site plans by the Planning Commission. The Planning Commission may attach such conditions to the permit as are necessary to minimize vehicular and pedestrian congestion and to preserve and protect the character of the district in which the proposed use is located. This power shall include: the power to require greater setbacks and yard spaces than required by other provisions of this Ordinance, the power to require provision of well designed and supplied play spaces, the power to specify access points and driveways and parking locations, and similar site design matters. This power shall not include the power to specify or alter the architectural style of the proposed buildings, the power to specify building materials or colors, or other similar powers.
 - d. Mobile Home Parks subject to the Provisions of Article III. Section P. of this Ordinance.

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

2. Uses Permissible on Appeal

- a. Churches and other places of worship, parish houses, public libraries, schools offering general education courses, public parks and public recreational facilities, railroad rights-of-way, municipal, county, state, or federal uses, public utilities facilities, cemeteries, hospitals for human care except primarily for mental cases, philanthropic institutions and clubs, except a club the chief activity of which is customarily carried on as a business, customary general farming uses, and buildings incidental thereto, but not including commercial animals or poultry farms or kennels; provided, however, that no permit shall be issued except with the written approval of the Board of Zoning Appeals and subject to such conditions as the Board of Zoning Appeals may require in order to preserve and protect the character of the district in which the proposed use is located.
- b. Customary general farming uses, gardens and buildings incidental thereto; provided, however, that no permit shall be issued for animal feed lots, stock yards (auction yards), commercial poultry farms or kennels of which six (6) or more dogs over four (4) months of age are kept, except with the written approval of the Board of Zoning Appeals and subject to such conditions as the Board of Zoning Appeals may require in order to preserve and protect the character of the district.
- c. Customary incidental home occupations, provided that no building permit or certificate of occupancy for such use shall be issued without the written approval of the Board of Zoning Appeals and subject to such conditions as the Board of Zoning Appeals may require in order to preserve and protect the character of the neighborhood in which the proposed use is located and provided further that:
 - 1. the proposed use shall be located and conducted in the principal building;
 - 2. not more than one (1) person shall be employed who is not a resident of the dwelling unit in which the proposed use is located;
 - 3. not more than twenty-five (25) percent of the total floor area in dwelling unit shall be devoted to proposed use, except that up to fifty (50) percent of the total floor area may be devoted to the taking of boarders, tourists, or the leasing of rooms;
 - 4. proposed use shall not constitute primary or incidental storage facilities for a business, industrial, or agricultural activity conducted elsewhere;

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

3. Uses Prohibited

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

4. Location of Accessory Building

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

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

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

a. Minimum required lot area.

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

b. Minimum required lot widths at the building line.

1. Single-family dwelling, duplexes, townhouses, multi-family dwelling, Elderly Assisted Care, and Elderly Congregate Living 50 feet
 2. Churches 70 feet
 3. Other uses As required by the BZA.
- c. Minimum required front yard.
1. Single-family dwellings, duplexes, townhouses, multi-family dwelling, Elderly Assisted Care, and Elderly Congregate Living 25 feet
 2. Churches 30 feet
 3. Other uses 30 feet or more as required by the BZA.
- d. Minimum required rear yard.
1. Single-family dwellings, duplexes, townhouses, multi-family dwelling Elderly Assisted Care, and Elderly Congregate Living 15 feet
 2. Churches 20 feet
 3. Other uses 15 feet or more as required by the BZA.
- e. Minimum required side yard on each side of lot.
1. Single-family dwellings, duplexes, multi-family dwellings Elderly Assisted Care, and Elderly Congregate Living:

One or two story buildings	10 feet
Three (3) story buildings	15 feet
 2. Townhouses

None on side of townhouse with common wall - in all other cases the side yard will be 10 feet for one and two story buildings and 15 feet for three story buildings.

- | | | |
|----|------------|-------------------------------------|
| 3. | Churches | 15 feet |
| 4. | Other uses | 10 feet or more as required by BZA. |
- f. Maximum lot coverage by all buildings.
- | | | |
|----|---|-------------------------------------|
| 1. | Dwelling Elderly Assisted Care, and Elderly Congregate Living and accessories | 50% |
| 2. | Townhouses and accessories | 60% |
| 3. | Churches | 35% |
| 4. | Other uses | 50% or less as required by the BZA. |
- g. Maximum permitted height of structures.
- | | |
|----|--|
| 1. | No building shall exceed three (3) stories or thirty-five (35) feet in height. |
| 2. | On a lot less than fifty (50) feet in width at the building line no building shall exceed one and one-half (1 1/2) stories or twenty-five (25) feet in height. |
| 3. | No accessory building shall exceed two (2) stories in height. |
| 4. | Free standing poles, spires, towers, antennae, and similar structures not designed for, or suitable to human occupancy may exceed the height provisions of this Ordinance provided they comply with all other codes and ordinances, and provided that they are located a distance equal to their own height plus ten (10) feet from the nearest property line. |
7. Minimum Off-Street Parking Requirements. (As required in Article III, General Provisions, of this Ordinance).

Section E. R-2SF (Medium Density) Single Family Residential. Within the R-2SF (Medium Density) Single Family Residential Districts as shown on the Zoning Map of Halls, Tennessee, the following regulations shall apply:

1. Uses Permitted
 - a. Single-family dwellings
 - b. Manufactured residential dwellings as defined in Article X and subject to the provisions of Article III, Section N of this Ordinance.
 - c. Accessory building customarily incidental to any aforementioned permitted use.

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

2. Uses Permissible on Appeal

- a. Churches and other places of worship, parish houses, public libraries, schools offering general education course, public parks and public recreational facilities, railroad rights-of-way, municipal, county, state or federal uses, public utilities facilities, cemeteries, hospitals for human care except primarily for mental cases, philanthropic institutions and clubs, except a club the chief activity of which is customarily carried on as a business, customary general farming uses, and buildings incidental thereto, but not including commercial animals or poultry farms or kennels; provided, however, that no permit shall be issued except with the written approval of the Board of Zoning Appeals and subject to such conditions as the Board of Zoning Appeals may require in order to preserve and protect the character of the district in which the proposed use is located.
- b. Customary general farming uses, gardens and buildings incidental thereto; provided, however, that no permit shall be issued for animal feed lots, stock yards (auction yards), commercial poultry farms or kennels of which six (6) or more dogs over four (4) months of age are kept, except with the written approval of the Board of Zoning Appeals and subject to such conditions as the Board of Zoning Appeals may require in order to preserve and protect the character of the district.
- c. Customary incidental home occupations, provided that no building permit or certificate of occupancy for such use shall be issued without the written approval of the Board of Zoning Appeals and subject to such conditions as the Board of Zoning Appeals may require in order to preserve and protect the character of the neighborhood in which the proposed use is located; and provided further that:
 - 1. the proposed use shall be located and conducted in the principal building only;
 - 2. not more than one (1) person shall be employed who is not a resident of the dwelling unit in which the proposed use is located;
 - 3. not more than twenty-five (25) percent of the total floor area in dwelling unit shall be devoted to proposed use, except that up to fifty (50) percent of the total floor area may be devoted to the taking of boarders, tourists, or the leasing of rooms;
 - 4. proposed use shall not constitute primary or incidental storage facilities for a business, industrial, or agricultural activity conducted elsewhere;
 - 5. no activity, materials, goods, or equipment indicative of the proposed use shall be visible from any public way;
 - 6. for the purpose of advertising the proposed use, one (1) sign not over two (2) square feet in area may be used;
 - 7. the proposed use shall not generate noise, odor, fumes, smoke, vehicular or pedestrian traffic, nor nuisance of any kind which would tend to

depreciate the residential character of the neighborhood in which the proposed use is located.

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

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

3. Uses Prohibited

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

4. Location of Accessory Buildings

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

5. Side Yards on Corner Lots. The minimum widths of side yards for dwellings along an intersecting street shall be twenty (20) feet and the structure must lie parallel to the streets.
6. Regulations Controlling Lot Area, Lot Width, Yards, Building Coverage and Building Height. The principal building shall be located so as to comply with the following requirements:
 - a. Minimum required lot area.
 1. Single-family dwelling 7500 sq. ft.
 2. Churches 20,000 sq. ft. or 200 sq. ft. of lot area per auditorium seat, whichever is greater.
 3. Schools Eight (8) acres plus one (1) acre for each 100 students.
 4. Other uses As required by the Board of Zoning Appeals.
 - b. Minimum required lot width at the building line.
 1. Single-family dwellings 50 feet
 2. Churches 70 feet
 3. Other uses As required by the Board of Zoning Appeals.
 - c. Minimum required front yard
 1. Single-family dwelling 25 feet
 2. Churches 30 feet
 3. Other uses 30 feet or more as required by the BZA.
 - d. Minimum required rear yard.
 1. Single-family dwelling 15 feet
 2. Churches 20 feet
 3. Other uses 15 feet or more as required by the BZA.

- e. Minimum required side yard on each side of lot.
 1. Single-family dwelling,

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

ARTICLE VI

PROVISIONS GOVERNING BUSINESS DISTRICTS

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

A B-1 (NEIGHBORHOOD BUSINESS) DISTRICT - The B-1 district shall be considered a general highway commercial-service oriented district. The purpose of this district is to provide retail and service trades along roadways and thoroughfares capable of supporting heavy traffic.

Within the B-1 (Neighborhood Business) Districts as shown on the Official Zoning Map of Halls, Tennessee, the following regulations shall apply:

1. Uses Permitted

A. Retail Trade limited to:

1. Building Materials, Hardware and Farm Equipment
2. General Merchandise
3. Food
4. Automotive, Marine Craft, Aircraft and Accessories (except Automobile Storage Yard, Junk or Salvage Yards)
5. Apparel and Accessories
6. Furniture, Home Furnishings and Equipment including Radio, Television, and Electronic Stores
7. Eating and Drinking including Liquor Retail (see also Title 8, Chapters 1 and 2 in Halls Municipal Code)

8 Other Retail Trade, Not Elsewhere Coded limited to:

- a. Drug and Proprietary
- b. Antiques
- c. Books and Stationery
- d. Sporting Goods and Bicycles
- e. Farm and Garden Supplies
- f. Jewelry
- g. Fuel and Ice
- h. Florists
- i. Newspaper and Magazines
- j. Cigars and Cigarettes
- k. Cameras and Photographic Supplies
- l. Gifts, Novelties, and Souvenirs

- m. Optical Goods
- n. Architectural supplies-Retail
- o. Art Dealers-Retail
- p. Artificial flowers-Retail
- q. Artists' supplies and material stores-Retail
- r. Auction rooms (general merchandise) -Retail
- s. Autograph and Philatelist supply stores-Retail
- t. Awning Shows-Retail
- u. Baby Carriages-Retail
- v. Banner shops-Retail
- w. Binoculars -Retail
- x. Cake Decorating Supplies -Retail
- y. Candle Shops-Retail
- z. Coin Shops-Retail, except for mail order
- aa. Cosmetic Shops-Retail
- bb. Electric Razor Shops-Retail
- cc. Flag Shops-Retail
- dd. Gems Stones, rough-Retail
- ee. Gravestones, finished-Retail (provided that no outdoor display is permitted)
- ff. Hearing Aids-Retail
- gg. Hot Tubs-Retail (provided that no outdoor display is permitted)
- hh. Ice Dealers-Retail
- ii. Monuments, finished to custom order-Retail (provided that no outdoor display is permitted)
- jj. Orthopedic and artificial limb stores-Retail
- kk. Pet Food Stores-Retail
- ll. Pet Shops-Retail
- mm. Picture Frames, ready made-Retail
- nn. Police Supply Store-Retail
- oo. Religious Goods Stores (other than books) -Retail
- pp. Rock and stone specimens-Retail
- qq. Rubber stamp stores-Retail
- rr. Stamps, philatelist except mail order-Retail
- ss. Stones crystalline, rough-Retail
- tt. Swimming Pools, home: not installed-Retail
- uu. Telephone Stores-Retail
- vv. Telescopes-Retail
- ww. Tent shops-Retail
- xx. Tombstones-Retail (provided that no outdoor display is permitted)
- yy. Trophy Shops-Retail
- zz. Typewriter Stores-Retail
- aaa. Whirlpools baths-Retail (provided that no outdoor display is permitted)

B. Services limited to:

1. Finance, Insurance and Real Estate Services
2. Personal Services limited to
 - a. Laundering, dry cleaning, and dyeing services
 - b. Photographic Services
 - c. Beauty and Barber services
 - d. Funeral chapels including crematory services
 - e. Apparel repair, alteration and cleaning pickup services; shoe repair services
3. Business Services, except warehousing, storage services, and stockyards
4. Repair services limited to:
 - a. Automotive Repair (except Automobile Storage Yard, Junk or Salvage Yards)
 - b. Automobile Wash Services
 - c. Electrical Repair
 - d. Radio and Television Repair Services
 - e. Watch Clock and Jewelry
 - f. Reupholstery and Furniture repair
 - g. Other Repair Services, NEC-limited to
 1. Bicycle Repair
 2. Camera Repair
 3. Locksmith Repair
 4. Musical Instrument Repair
5. Professional Services not to include sanitariums, convalescent and rest home services
6. Contract Construction Services
7. Governmental Services except military bases/reservations
8. Educational Services (including Family, Group, and Daycare operations as defined in Article X)
9. Miscellaneous Services limited to:
 - a. Religious activities including churches, synagogues, and temples
 - b. Welfare and charitable services
 - c. Other miscellaneous services - limited to
 - (a) Business associations
 - (b) Professional membership organizations
 - (c) Labor unions and similar labor organizations
 - (d) Civic, social, and fraternal organizations

- C. Motion Pictures limited to Video Rental
- D. Cultural Activities
- E. Recreational Activities
- F. Transient Lodging
- G. Transportation (except Airports) including Off-street Parking
- H. Communications
- I. Utilities
 - (1) Electric and Water utilities except electric generation plants
- J. Accessory buildings and uses customarily incidental to the permitted use.
- K. Signs
- L. Entertainment Assembly

2. Special Exceptions

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

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3. Uses Prohibited

Any use not specifically permitted or permitted on appeal in this Article. (See also Municipal Code including Title 9, Chapter 7)

4. Uses Prohibited

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

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

- a. Minimum required lot area.

- 1. Churches

15,000 sq. ft. or 200 sq.
feet of lot area per auditorium seat,
which-ever is greater.

2. Other Uses No minimum requirement
- b. Minimum required lot width at building line.
 1. Gasoline Service Station 15 feet
 2. Churches 60 feet
 3. Other Uses No minimum requirement
- c. Minimum required front yard.
 1. Gasoline Service Station 15 feet
 2. Churches 25 feet
 3. Other Uses 25 feet
- d. Minimum required rear yard.
 1. All uses 20 feet
- e. Minimum required side yard on each side of lot.
 1. Churches 15 feet
 2. Other Uses None required, however, if buildings do not have common or adjoining walls. There shall be a side yard of at least five (5) feet.
 3. On lots adjacent to residential districts, all buildings shall be located so as to comply with the side yard requirements of the adjacent residential district. In addition, on any corner lot a side yard of 25 feet shall be provided.
- f. Maximum permitted height of structures.
 1. No building shall exceed three (3) stories or thirty-five (35) feet in height.
 2. On a lot less than fifty (50) feet in width at the building line, no building shall exceed one and one-half (1 1/2) stories or twenty-five (25) feet in height.
 3. No accessory building shall exceed two (2) stories in height.
- g. Free standing poles, spires, towers, antennae and similar structures not designed for, nor suitable to human occupancy may exceed the height provisions of this Ordinance provided they comply with all other codes and ordinances and provided that they are located a distance equal to their own height plus ten (10) feet from the nearest property lines.

5. Regulations Governing Accessory Automobile Dead Storage

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

6. Limitations on Signs and Billboards. None provided the location of signs and billboards is outside the street rights-of-way, alleys, and easements.

7. Site Plan Review

Prior to the issuance of a building permit for permitted uses, all site plan requirements as set forth in Article III, General Provisions, Section P shall be submitted for review by the Planning Commission. Any modifications required by the Planning Commission shall be made prior to the issuance of any building permit. The approved site plan shall have shall be maintained in the permanent files of the Town of Halls.

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

1. Uses Permitted

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

2. Uses Permitted on Appeal

- a. Any other use which in the opinion of the Board of Zoning Appeals is similar in character to above permitted uses and not detrimental to the immediate area.
- b. Theaters and auditoriums provided written approval from the Board of Zoning Appeals is obtained.
- c. Apartments provided the following conditions are met:
 - 1. Apartments shall be an accessory use to a permitted commercial or service use.
 - 2. Apartments shall be located above the ground floor.
 - 3. Provide a floor layout to ensure adequate space and a separate outside entrance.
 - 4. No more than two (2) apartments shall be allowed in any one (1) building.
 - 5. The use must meet the parking requirement of Article III, Section (K) of this ordinance.
 - 6. Any apartment to be developed shall not be less than eight hundred fifty (850) square feet in area.
 - 7. The character of the building as a commercial structure shall not be changed by the addition of the residential use.

8. A site plan and floor layout shall be presented to the Board of Zoning Appeals to ensure the provisions of 1 through 7 above are met. Detailed construction information shall be required to ensure compliance with all pertinent codes of the Town.

3. Uses Prohibited

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

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

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

5. Regulations Governing Accessory Automobile Dead Storage

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

6. Minimum Off-Street Parking Requirements. None

7. Limitations on Signs and Billboards. None

ARTICLE VII

PROVISIONS GOVERNING INDUSTRIAL DISTRICTS

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

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

1. Uses Permitted

- a. Any use permitted in B-1 (Neighborhood Business) districts except hotels and motels.
- b. Wholesaling and warehousing operations; trucking terminals; food processing industries; manufacturing of clothing and apparel; research laboratories; the manufacture of electrical appliances; public utility operations; bottling plants; machine shops; the manufacture of hand tools and printing and engraving operations; and the manufacture of plastics.
- c. Bakery; bottling works; building materials yard; cabinet making; carpenter's shop; shoe and clothing manufacture; contractor's yard; electric welding; feed or fuel yard; fruit canning or packing; ice plant; laundry; machine shop; milk distribution station; paper boxes and pencil manufacturing; printing; publication or engraving concern; tinsmith shop; automobile body repair shop.
- d. Federal, state and municipal uses.
- e. Accessory use customarily incidental to any aforementioned permitted use.

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

- a. Gasoline, oil or other flammable materials storage above ground in excess of five hundred (500) gallons; ice plant; animal hospitals; any other use which, in the opinion of the Board of Zoning Appeals, is similar in character to above permitted uses and will not be detrimental to the district in which it is located, subject to such conditions and safeguards as may be required by the Board of Zoning Appeals.
- b. Telecommunications towers or structures upon approval by the Board of Zoning Appeals and in compliance with the provisions of Article III, Section R "Telecommunications Tower Requirements."
- c. Adult oriented businesses as defined in Article X of this ordinance and as further defined in Section __ in the Halls Municipal Code, may be permitted provided that no Zoning Compliance Permit or Certificate of Occupancy for such use shall be issued without written approval of the Board of Zoning Appeals and subject to

such conditions as the Board of Zoning Appeals may require in order to preserve and protect the character of the neighborhood in which the proposed use is located; and further provided that the Board of Zoning Appeals may not approve such use unless conditions specified in the Sexually Oriented Business Regulations contained in the Halls Municipal Code are complied with.

3. Uses Prohibited

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

4. Regulations Controlling Yards and Building Height.

a. Minimum required front yard.

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|----|----------|---------|
| 1. | All Uses | 35 feet |
|----|----------|---------|

b. Minimum required rear yard.

- | | | |
|----|----------|---------|
| 1. | All Uses | 25 feet |
|----|----------|---------|

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

- | | | |
|----|----------|---------|
| 1. | All Uses | 25 feet |
|----|----------|---------|

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

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

g. Maximum permitted height of structures.

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

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

6. Limitations on Signs and Billboards. None

ARTICLE VIII

PROVISIONS GOVERNING FLOOD HAZARD DISTRICTS:

11-801. STATUTORY AUTHORIZATION, FINDINGS OF FACT, PURPOSE AND OBJECTIVES

A. Statutory Authorization

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

B. Findings of Fact

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

C. Statement of Purpose

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

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

5. Prevent or regulate the construction of flood barriers which will unnaturally divert flood waters or which may increase flood hazards to other lands.

D. Objectives

The objectives of this Ordinance are:

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

ARTICLE II. DEFINITIONS

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

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

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

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

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

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

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

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

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

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

"Building" see **"Structure"**.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

"Historic Structure" means any structure that is:

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

4. Individually listed on the Town of Halls, Tennessee inventory of historic places and determined as eligible by communities with historic preservation programs that have been certified either:
 - a. By the approved Tennessee program as determined by the Secretary of the Interior or
 - b. Directly by the Secretary of the Interior.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

"Recreational Vehicle" means a vehicle which is:

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

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

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

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

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

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

the first alteration of any wall, ceiling, floor, or other structural part of a building, whether or not that alteration affects the external dimensions of the building.

"State Coordinating Agency" the Tennessee Department of Economic and Community Development's, Local Planning Assistance Office, as designated by the Governor of the State of Tennessee at the request of FEMA to assist in the implementation of the NFIP for the State.

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

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

"Substantial Improvement" means any reconstruction, rehabilitation, addition, alteration or other improvement of a structure in which the cost equals or exceeds fifty percent (50%) of the market value of the structure before the "start of construction" of the initial improvement. This term includes structures which have incurred "substantial damage", regardless of the actual repair work performed. The market value of the structure should be (1) the appraised value of the structure prior to the start of the initial improvement, or (2) in the case of substantial damage, the value of the structure prior to the damage occurring.

The term does not, however, include either: (1) Any project for improvement of a structure to correct existing violations of State or local health, sanitary, or safety code specifications which have been pre-identified by the local code enforcement official and which are the minimum necessary to assure safe living conditions and not solely triggered by an improvement or repair project or; (2) Any alteration of a "historic structure", provided that the alteration will not preclude the structure's continued designation as a "historic structure".

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

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

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

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

11-803. GENERAL PROVISIONS

A. Application

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

B. Basis for Establishing the Areas of Special Flood Hazard

The Areas of Special Flood Hazard identified on the Lauderdale County Flood Insurance Rate Map , Tennessee, Federal Emergency Management Agency, Flood Insurance Study (FIS- #47097CV000A), and Flood Insurance Rate Map (FIRM), Community Panel Number 47097C0095D, 47097C0231D and 47097C0232D dated September 28, 2007, along with all supporting technical data, are adopted by reference and declared to be a part of this Ordinance.

C. Requirement for Development Permit

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

D. Compliance

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

E. Abrogation and Greater Restrictions

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

F. Interpretation

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

G. Warning and Disclaimer of Liability

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

H. Penalties for Violation

Violation of the provisions of this Ordinance or failure to comply with any of its requirements, including violation of conditions and safeguards established in connection with grants of variance shall constitute a misdemeanor punishable as other misdemeanors as provided by law.

Any person who violates this ordinance or fails to comply with any of its requirements shall, upon adjudication therefore, be fined as prescribed by Tennessee statutes, and in addition, shall pay all costs and expenses involved in the case. Each day such violation continues shall be considered a separate offense. Nothing herein contained shall prevent the Town of Halls, Tennessee from taking such other lawful actions to prevent or remedy any violation.

11-804. ADMINISTRATION

A. Designation of Ordinance Administrator

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

B. Permit Procedures

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

1. Application stage

- a. Elevation in relation to mean sea level of the proposed lowest floor, including basement, of all buildings where Base Flood Elevations are available, or to certain height above the highest adjacent grade when applicable under this Ordinance.
- b. Elevation in relation to mean sea level to which any non-residential building will be floodproofed where Base Flood Elevations are available, or to certain height above the highest adjacent grade when applicable under this Ordinance.
- c. A FEMA Floodproofing Certificate from a Tennessee registered professional engineer or architect that the proposed non-residential floodproofed building will meet the floodproofing criteria in 11-805, A and B.
- d. Description of the extent to which any watercourse will be altered or relocated as a result of proposed development.

2. Construction Stage

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

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

For all new construction and substantial improvements, the permit holder shall provide to the Administrator an as-built certification of the lowest floor elevation or floodproofing level upon the completion of the lowest floor or floodproofing.

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

C. Duties and Responsibilities of the Administrator

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

1. Review all development permits to assure that the permit requirements of this Ordinance have been satisfied, and that proposed building sites will be reasonably safe from flooding.
2. Review proposed development to assure that all necessary permits have been received from those governmental agencies from which approval is required by Federal or State law, including Section 404 of the Federal Water Pollution Control Act Amendments of 1972, 33 U.S.C. 1334.
3. Notify adjacent communities and the Tennessee Department of Economic and Community Development, Local Planning Assistance Office, prior to any alteration or relocation of a watercourse and submit evidence of such notification to FEMA.
4. For any altered or relocated watercourse, submit engineering data/analysis within six (6) months to FEMA to ensure accuracy of community FIRM's through the Letter of Map Revision process.
5. Assure that the flood carrying capacity within an altered or relocated portion of any watercourse is maintained.
6. Record the elevation, in relation to mean sea level or the highest adjacent grade, where applicable, of the lowest floor (including basement) of all new and substantially improved buildings, in accordance with 11-804, B.
7. Record the actual elevation, in relation to mean sea level or the highest adjacent grade, where applicable to which the new and substantially improved buildings have been floodproofed, in accordance with 11-804, B.

8. When floodproofing is utilized for a nonresidential structure, obtain certification of design criteria from a Tennessee registered professional engineer or architect, in accordance with 11-804, B.
9. Where interpretation is needed as to the exact location of boundaries of the Areas of Special Flood Hazard (for example, where there appears to be a conflict between a mapped boundary and actual field conditions), make the necessary interpretation. Any person contesting the location of the boundary shall be given a reasonable opportunity to appeal the interpretation as provided in this Ordinance.
10. When Base Flood Elevation data and floodway data have not been provided by FEMA, obtain, review, and reasonably utilize any Base Flood Elevation and floodway data available from a Federal, State, or other sources, including data developed as a result of these regulations, as criteria for requiring that new construction, substantial improvements, or other development in Zone A on the Lauderdale County, Tennessee and Incorporated Areas FIRM meet the requirements of this Ordinance.
11. Maintain all records pertaining to the provisions of this Ordinance in the office of the Administrator and shall be open for public inspection. Permits issued under the provisions of this Ordinance shall be maintained in a separate file or marked for expedited retrieval within combined files.

11-805. PROVISIONS FOR FLOOD HAZARD REDUCTION

A. General Standards

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

1. New construction and substantial improvements shall be anchored to prevent flotation, collapse and lateral movement of the structure;
2. Manufactured homes shall be installed using methods and practices that minimize flood damage. They must be elevated and anchored to prevent flotation, collapse and lateral movement. Methods of anchoring may include, but are not limited to, use of over-the-top or frame ties to ground anchors. This requirement is in addition to applicable State of Tennessee and local anchoring requirements for resisting wind forces.
3. New construction and substantial improvements shall be constructed with materials and utility equipment resistant to flood damage;
4. New construction and substantial improvements shall be constructed by methods and practices that minimize flood damage;
5. All electrical, heating, ventilation, plumbing, air conditioning equipment, and other service facilities shall be designed and/or located so as to prevent water from entering or accumulating within the components during conditions of flooding;

6. New and replacement water supply systems shall be designed to minimize or eliminate infiltration of flood waters into the system;
7. New and replacement sanitary sewage systems shall be designed to minimize or eliminate infiltration of flood waters into the systems and discharges from the systems into flood waters;
8. On-site waste disposal systems shall be located and constructed to avoid impairment to them or contamination from them during flooding;
9. Any alteration, repair, reconstruction or improvements to a building that is in compliance with the provisions of this Ordinance, shall meet the requirements of "new construction" as contained in this Ordinance;
10. Any alteration, repair, reconstruction or improvements to a building that is not in compliance with the provision of this Ordinance, shall be undertaken only if said non-conformity is not further extended or replaced;
11. All new construction and substantial improvement proposals shall provide copies of all necessary Federal and State permits, including Section 404 of the Federal Water Pollution Control Act amendments of 1972, 33 U.S.C. 1334;
12. All subdivision proposals and other proposed new development proposals shall meet the standards of 11-805, B;
13. When proposed new construction and substantial improvements are partially located in an area of special flood hazard, the entire structure shall meet the standards for new construction;
14. When proposed new construction and substantial improvements are located in multiple flood hazard risk zones or in a flood hazard risk zone with multiple Base Flood Elevations, the entire structure shall meet the standards for the most hazardous flood hazard risk zone and the highest Base Flood Elevation.

B. Specific Standards

In all Areas of Special Flood Hazard, the following provisions, in addition to those set forth in 11-805, A, are required:

1. Residential Structures

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

Within approximate A Zones where Base Flood Elevations have not been established and where alternative data is not available, the administrator shall require the lowest floor of a building to be elevated to a level of at least three (3) feet above the highest adjacent grade (as defined in Article II). Should solid

foundation perimeter walls be used to elevate a structure, openings sufficient to facilitate equalization of flood hydrostatic forces on both sides of exterior walls shall be provided in accordance with the standards of this section: “Enclosures”

2. Non-Residential Structures

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

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

Non-Residential buildings located in all A Zones may be floodproofed, in lieu of being elevated, provided that all areas of the building below the required elevation are watertight, with walls substantially impermeable to the passage of water, and are built with structural components having the capability of resisting hydrostatic and hydrodynamic loads and the effects of buoyancy. A Tennessee registered professional engineer or architect shall certify that the design and methods of construction are in accordance with accepted standards of practice for meeting the provisions above, and shall provide such certification to the Administrator as set forth in 11-804, B.

3. Enclosures

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

- a. Designs for complying with this requirement must either be certified by a Tennessee professional engineer or architect or meet or exceed the following minimum criteria.
 - 1) Provide a minimum of two openings having a total net area of not less than one (1) square inch for every square foot of enclosed area subject to flooding;
 - 2) The bottom of all openings shall be no higher than one (1) foot above the finished grade;

- 3) Openings may be equipped with screens, louvers, valves or other coverings or devices provided they permit the automatic flow of floodwaters in both directions.
- b. The enclosed area shall be the minimum necessary to allow for parking of vehicles, storage or building access.
- c. The interior portion of such enclosed area shall not be finished or partitioned into separate rooms in such a way as to impede the movement of floodwaters and all such partitions shall comply with the provisions of 11-805, B.

4. Standards for Manufactured Homes and Recreational Vehicles

- a. All manufactured homes placed, or substantially improved, on: (1) individual lots or parcels, (2) in expansions to existing manufactured home parks or subdivisions, or (3) in new or substantially improved manufactured home parks or subdivisions, must meet all the requirements of new construction.
- b. All manufactured homes placed or substantially improved in an existing manufactured home park or subdivision must be elevated so that either:
 - 1) In AE Zones, with Base Flood Elevations, the lowest floor of the manufactured home is elevated on a permanent foundation to no lower than one (1) foot above the level of the Base Flood Elevation or
 - 2) In approximate A Zones, without Base Flood Elevations, the manufactured home chassis is elevated and supported by reinforced piers (or other foundation elements of at least equivalent strength) that are at least three (3) feet in height above the highest adjacent grade (as defined in Article II).
- c. Any manufactured home, which has incurred “substantial damage” as the result of a flood, must meet the standards of 11-805, A and B.
- d. All manufactured homes must be securely anchored to an adequately anchored foundation system to resist flotation, collapse and lateral movement.
- e. All recreational vehicles placed in an identified Special Flood Hazard Area must either:
 - 1) Be on the site for fewer than 180 consecutive days;
 - 2) Be fully licensed and ready for highway use (a recreational vehicle is ready for highway use if it is licensed, on its wheels or jacking system, attached to the site only by quick disconnect type utilities and security devices, and has no permanently attached structures or additions), or;
 - 3) The recreational vehicle must meet all the requirements for new construction.

5. Standards for Subdivisions and Other Proposed New Development Proposals

Subdivisions and other proposed new developments, including manufactured home parks, shall be reviewed to determine whether such proposals will be reasonably safe from flooding.

- a. All subdivision and other proposed new development proposals shall be consistent with the need to minimize flood damage.
- b. All subdivision and other proposed new development proposals shall have public utilities and facilities such as sewer, gas, electrical and water systems located and constructed to minimize or eliminate flood damage.
- c. All subdivision and other proposed new development proposals shall have adequate drainage provided to reduce exposure to flood hazards.
- d. In all approximate A Zones require that all new subdivision proposals and other proposed developments (including proposals for manufactured home parks and subdivisions) greater than 50 lots or 5 acres, whichever is the lesser, include within such proposals Base Flood Elevation data (See 11-805, E).

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

Located within the Special Flood Hazard Areas established in 11-803, B, are areas designated as floodways. A floodway may be an extremely hazardous area due to the velocity of floodwaters, debris or erosion potential. In addition, the area must remain free of encroachment in order to allow for the discharge of the base flood without increased flood heights and velocities. Therefore, the following provisions shall apply:

1. Encroachments are prohibited, including earthen fill material, new construction, substantial improvements or other development within the regulatory floodway. Development may be permitted however, provided it is demonstrated through hydrologic and hydraulic analyses performed in accordance with standard engineering practices that the cumulative effect of the proposed encroachments or new development shall not result in any increase in the water surface elevation of the Base Flood Elevation, velocities, or floodway widths during the occurrence of a base flood discharge at any point within the community. A Tennessee registered professional engineer must provide supporting technical data, using the same methodologies as in the effective Flood Insurance Study for Lauderdale County, Tennessee and Incorporated Areas, and certification, thereof.
2. New construction and substantial improvements of buildings, where permitted, shall comply with all applicable flood hazard reduction provisions of 11-805, A and B.

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

Located within the Special Flood Hazard Areas established in 11-803, B, where streams exist with base flood data provided but where no floodways have been designated (Zones AE), the following provisions apply:

1. No encroachments, including fill material, new construction and substantial improvements shall be located within areas of special flood hazard, unless certification by a Tennessee registered professional engineer is provided demonstrating that the cumulative effect of the proposed development, when combined with all other existing and anticipated development, will not increase the water surface elevation of the base flood more than one (1) foot at any point within the community. The engineering certification should be supported by technical data that conforms to standard hydraulic engineering principles.
2. New construction and substantial improvements of buildings, where permitted, shall comply with all applicable flood hazard reduction provisions of 11-805, A and B.

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

Located within the Special Flood Hazard Areas established in 11-803, B, where streams exist, but no base flood data has been provided and where a Floodway has not been delineated, the following provisions shall apply:

1. The Administrator shall obtain, review, and reasonably utilize any Base Flood Elevation and floodway data available from any Federal, State, or other sources, including data developed as a result of these regulations (see 2 below), as criteria for requiring that new construction, substantial improvements, or other development in approximate A Zones meet the requirements of 11-805, A and B.
2. Require that all new subdivision proposals and other proposed developments (including proposals for manufactured home parks and subdivisions) greater than 50 lots or 5 acres, whichever is the lesser, include within such proposals Base Flood Elevation data.
3. Within approximate A Zones, where Base Flood Elevations have not been established and where such data is not available from other sources, require the lowest floor of a building to be elevated or floodproofed to a level of at least three (3) feet above the highest adjacent grade (as defined in Article II). All applicable data including elevations or floodproofing certifications shall be recorded as set forth in 11-804, B. Openings sufficient to facilitate automatic equalization of hydrostatic flood forces on exterior walls shall be provided in accordance with the standards of 11-805, B.
4. Within approximate A Zones, where Base Flood Elevations have not been established and where such data is not available from other sources, no encroachments, including structures or fill material, shall be located within an area equal to the width of the stream or twenty feet (20), whichever is greater, measured from the top of the stream bank, unless certification by a Tennessee registered professional engineer is provided demonstrating that the cumulative effect of the proposed development, when combined with all other existing and anticipated development, will not increase the water surface elevation of the base

flood more than one (1) foot at any point within the Town of Halls, Tennessee. The engineering certification should be supported by technical data that conforms to standard hydraulic engineering principles.

5. New construction and substantial improvements of buildings, where permitted, shall comply with all applicable flood hazard reduction provisions of 11-805, A and B. Within approximate A Zones, require that those subsections of 11-805 B dealing with the alteration or relocation of a watercourse, assuring watercourse carrying capacities are maintained and manufactured homes provisions are complied with as required.

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

Located within the Special Flood Hazard Areas established in 11-803, B, are areas designated as shallow flooding areas. These areas have special flood hazards associated with base flood depths of one (1) to three (3) feet where a clearly defined channel does not exist and where the path of flooding is unpredictable and indeterminate; therefore, the following provisions, in addition to those set forth in 11-805, A and B, apply:

1. All new construction and substantial improvements of residential and non-residential buildings shall have the lowest floor, including basement, elevated to at least one (1) foot above as many feet as the depth number specified on the FIRM's, in feet, above the highest adjacent grade. If no flood depth number is specified on the FIRM, the lowest floor, including basement, shall be elevated to at least three (3) feet above the highest adjacent grade. Openings sufficient to facilitate automatic equalization of hydrostatic flood forces on exterior walls shall be provided in accordance with standards of 11-805, B.
2. All new construction and substantial improvements of non-residential buildings may be floodproofed in lieu of elevation. The structure together with attendant utility and sanitary facilities must be floodproofed and designed watertight to be completely floodproofed to at least one (1) foot above the flood depth number specified on the FIRM, with walls substantially impermeable to the passage of water and with structural components having the capability of resisting hydrostatic and hydrodynamic loads and the effects of buoyancy. If no depth number is specified on the FIRM, the structure shall be floodproofed to at least three (3) feet above the highest adjacent grade. A Tennessee registered professional engineer or architect shall certify that the design and methods of construction are in accordance with accepted standards of practice for meeting the provisions of this Ordinance and shall provide such certification to the Administrator as set forth above and as required in accordance with 11-804, B.
3. Adequate drainage paths shall be provided around slopes to guide floodwaters around and away from proposed structures.

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

Located within the Areas of Special Flood Hazard established in 11-803, B, are areas of the 100-year floodplain protected by a flood protection system but where Base Flood Elevations have not

been determined. Within these areas (A-99 Zones) all provisions of 11-804 and 11-805 shall apply.

H. Standards for Unmapped Streams

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

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

11-806. VARIANCE PROCEDURES

A. Municipal Board of Zoning Appeals

1. Authority

The Town of Halls, Tennessee Municipal Board of Zoning Appeals shall hear and decide appeals and requests for variances from the requirements of this Ordinance.

2. Procedure

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

3. Appeals: How Taken

An appeal to the Municipal Board of Zoning Appeals may be taken by any person, firm or corporation aggrieved or by any governmental officer, department, or bureau affected by any decision of the Administrator based in whole or in part upon the provisions of this Ordinance. Such appeal shall be taken by filing with the Municipal Board of Zoning Appeals a notice of appeal, specifying the grounds thereof. In all cases where an appeal is made by a property owner or other interested party, a fee for the cost of publishing a notice of such hearings shall be paid by the appellant. The Administrator shall transmit to the Municipal Board of Zoning Appeals all papers constituting the record upon which the appeal action

was taken. The Municipal Board of Zoning Appeals shall fix a reasonable time for the hearing of the appeal, give public notice thereof, as well as due notice to parties in interest and decide the same within a reasonable time which shall not be more than fifteen (15) days from the date of the hearing. At the hearing, any person or party may appear and be heard in person or by agent or by attorney.

4. Powers

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

a. Administrative Review

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

b. Variance Procedures

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

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

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

B. Conditions for Variances

- 1. Variances shall be issued upon a determination that the variance is the minimum relief necessary, considering the flood hazard and the factors listed in 11-806, A.
- 2. Variances shall only be issued upon: a showing of good and sufficient cause, a determination that failure to grant the variance would result in exceptional hardship; or a determination that the granting of a variance will not result in increased flood heights, additional threats to public safety, extraordinary public expense, create nuisance, cause fraud on or victimization of the public, or conflict with existing local laws or Ordinances.
- 3. Any applicant to whom a variance is granted shall be given written notice that the issuance of a variance to construct a structure below the Base Flood Elevation will result in increased premium rates for flood insurance (as high as \$25 for \$100) coverage, and that such construction below the Base Flood Elevation increases risks to life and property.
- 4. The Administrator shall maintain the records of all appeal actions and report any variances to FEMA upon request.

11-807. LEGAL STATUS PROVISIONS

A. Conflict with Other Ordinances

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

B. Severability

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

C. Effective Date

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

ARTICLE IX

PROVISIONS GOVERNING AIRPORT DISTRICTS

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

1. Applicability

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

2. General Requirements

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

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

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

1. Primary Surface Zone: A primary surface zone is established as an imaginary surface 500 feet wide, longitudinally centered on the runway and extends a length 200 feet beyond each end of the runway. The elevation of any point on the longitudinal profile on the primary surface coincides with the elevation of the centerline of the runway.
2. Horizontal Zone: All the airspace which lies directly under an imaginary horizontal surface 15 feet above the established airport elevation, or a height 442 feet above mean sea level. The horizontal zone is hereby established, being the area defined by two semi-circles, each having a radius point located 200 feet beyond the runway ends and on the runway centerline extended, the radius of each semi-circle being 5,000 feet; and lines parallel with the runway centerline connecting the semi-circles. The horizontal zone does not include the approach/departure zone and the transition zone.
3. Conical Zone: All the airspace which lies directly under an imaginary surface extending toward and outward from the periphery of the horizontal surface at a slope of 20:1 for a

horizontal distance of 4,000 feet as measured radially outward from the periphery of the horizontal surface.

4. Approach/Departure Zone: An approach zone is established at each end of the runway which shall have a width of 500 feet at a distance of 200 feet beyond each end of the runway, widening thereafter uniformly to a width of 2,000 feet at a distance of 5,200 feet beyond each end of the runway, its centerline being the continuation of the centerline of the runway.

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

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

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

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

Section D. Land Use Safety Zoning

1. Use Restrictions

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

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

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

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

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

Section F. Site Plan Approval.

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

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

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

ARTICLE X

DEFINITIONS

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

Elderly Assisted Care. A facility or development providing elderly care and housing, containing single rooms or other dwelling units which may consist of bedrooms, dinettes, and bathroom facilities, commonly containing group dining halls, recreational areas, and other communal areas provided that 24-hour medical care, medical staffing, and other services are required or provided.

For the purposes of this Ordinance, these types of facilities shall be classified as multi-family complexes and apartments.

Elderly Congregate Living. A facility or development providing elderly congregate group housing, containing individual dwelling units which may consist one or bedrooms, dining area, bathing and cooking facilities, or a combination thereof, provided that 24-hour medical care and medical staffing is not required or provided. For the purposes of this Ordinance, these types of facilities shall be classified as multi-family complexes and apartments.

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

Fence: A barrier for the purpose of enclosing space or separating lots, composed of: (1) masonry or concrete walls, excluding retaining walls; or (2) wood, metal, or concrete posts connected by boards, rails, panels, or chainlink

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

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

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

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

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

a. "Lot Line." The boundary dividing a given lot from a street, an alley, or adjacent lots.

b. "Lot of Record." A lot, the boundaries to which are filed as a legal record.

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

Mobile Home - A factory-built residential structure constructed as a single, self-contained unit and mounted on a single chassis or undercarriage which includes axles, wheels, and a tongue or hitch. A mobile home is designed for transportation after fabrication on streets and highways on

its own wheels or on a flat bed or other trailer for delivery to a mobile home dealer, or arriving at the site read for occupancy, except for minor and incidental unpacking and assembly operations, location on jacks or permanent foundations, and connections to utilities. The character of a mobile home as a non-permanent dwelling shall not be changed by removal of the wheels and/or carriage or placement on a permanent foundation.

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

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

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

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

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

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

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

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

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

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

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

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

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

Substantial Improvement - any repair, reconstruction, or improvements to a structure, the cost of which equals or exceeds fifty percent (50%) of the market value of the structure either (1) before the repair or improvement or (2) before damage occurred. For the purposes of the Ordinance, "substantial improvement" is considered to occur when the first alteration of any wall, ceiling, floor, or other structural part of the building commences, whether or not that alteration affects the external dimensions of the structure. The term does not however, include any project for improvement of a structure required to comply with existing state or local health, sanitary, or safety code specifications which are solely necessary to assure safe living conditions, or (2) any alteration or restoration of a structure listed on the National Register of Historic Places or a State Inventory of Historic Places.

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

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

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

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

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

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

Tree - means any object of natural growth.

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

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

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

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

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

ARTICLE XI

EXCEPTIONS AND MODIFICATIONS

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

1. Minimum Size - In no case shall the Board of Zoning Appeals permit a residence to be erected on a lot whose width at the building line is less than forty (40) feet and whose total lot area is less than three thousand five hundred (3500) square feet.
2. Adjoining Substandard Lots of Record - Where two or more substandard lots of record with a continuous frontage are under the same ownership, or where a substandard lot of record has continuous frontage with a larger tract under the same ownership, such lots shall be combined to form one or more building sites meeting the minimum requirements of the district in which they are located.

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

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

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

1. Requirements - At least ten (10) days prior to the Board of Zoning Appeals meeting at which it is to be considered, the developer or his agent shall submit a site of the proposed "Group Housing Project" drawn to a scale of not less than one inch equals 100 feet. The site plan, which shall meet the minimum standards of design as set forth later in this section, shall give the following information:

- a. The proposed group housing project's name and location the name(s) and address(es) of the owner(s) and the name of the designer of the site plan;
- b. Date, north point, and scale;
- c. The location of existing and platted property lines, existing streets, buildings, water courses, railroads, sewers, bridges, culverts, drainpipes, water mains and public utility easement lines, the present zoning classification of the land to be developed and the adjoining land;
- d. The proposed street names, if other than drives, and the locations and dimensions of proposed streets, drives, alleys, easements, parks and other open spaces, reservations, lot lines, and building setback lines;
- e. Drainage maps showing drainage of development site and adjacent area;
- f. Location sketch map showing site in relation to area;
- g. Total acreage to the nearest tenth of an acre, building locations and dimensions, number of dwelling units, total floor area of dwelling units, landscape plan showing walls, open areas, fences, walls, and number of parking spaces, access drive plan, location of accessory uses and floor space allocation plan; and
- h. Other information as may be required by the Planning Commission.

2. Standards

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

ARTICLE XII

ENFORCEMENT

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

Section B. Building Permits and Certificates of Occupancy.

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

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

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

ARTICLE XIII

BOARD OF ZONING APPEALS

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

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

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

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

1. Administrative Review. To hear and decide appeals where it is alleged by the appellant that there is error in any order, requirement, permit, decision, determination or refusal made by the Building Inspector or other administrative official in the carrying out or enforcement of any provision of this Ordinance.
2. Special Exceptions. To hear and decide applications for special exceptions upon which the Board of Zoning Appeals is specifically authorized to pass.
3. Variance. To hear and decide applications for variance from the terms of this Ordinance, but only where, by reason of exceptional narrowness, shallowness or shape of a specific piece of property at the time of the adoption of this Ordinance was a lot of record; or where by reason of exceptional topographical conditions or other extraordinary or exceptional situations or conditions of a piece of property where the strict application of the provisions of this Ordinance would result in exceptional practical difficulties to or exceptional and undue hardship upon the owner of such property, provided that such relief may be granted without detriment to the public good and the intent and purpose of this Ordinance. Financial disadvantage to the property owner is no proof of hardship within the purpose of zoning.

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

ARTICLE XIV

AMENDMENT

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

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

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

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

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

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

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

ARTICLE XV

LEGAL STATUS PROVISIONS

Section A. Conflict with Other Ordinances. In case of conflict between this Ordinance or any part thereof, and the whole or part of any existing or future Ordinance of the Town of Halls, the most restrictive shall in all cases apply.

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

Section C. Effective Date. This Ordinance shall take effect and be in force fifteen (15) days from and after its passage, the public welfare demanding it.

Certified by Planning Commission

Secretary

Adopted by Board of Mayor and Aldermen in open meeting.

Mayor

APPENDIX

APPLICATION FOR PROPERTY RECLASSIFICATION OR RELIEF UNDER THE ZONING
ORDINANCE OF THE TOWN OF HALLS, TENNESSEE

GENERAL INFORMATION

NAME OF APPLICANT* _____
(LAST) (FIRST) (MIDDLE)

APPLICANT'S INTEREST IN PROPERTY: OWNER () LESSOR ()

PROSPECTIVE PURCHASER () OPTION HOLDER () OTHER: (STATE)

NATURE AND CHARACTER OF APPLICATION

ACTION REQUESTED: () RECLASSIFICATION () APPEAL ALLEGING
ERROR OF BUILDING
INSPECTOR
() VARIANCE
() SPECIAL EXCEPTION () INTERPRETATION OF
BUILDING INSPECTOR
() INTERPRETATION OF
ORDINANCE

PROPERTY LOCATION - ADDRESS _____

LOT (S) _____ OF BLOCK _____ STREET _____ OF THE TAX MAPS

DATED _____

PRESENT ZONING CLASSIFICATION _____

PROPOSED ZONING CLASSIFICATION _____

DESCRIPTION OF INTENDED USE OF PROPERTY: _____

REASONS FOR REQUEST: _____

*If more than one applicant is filing, attach each applicant's name with other pertinent information to this form.

PROPERTY DESCRIPTION: (Attach map showing dimensions and topographic characteristics**, street right-of-way and street pavement, the location of existing and proposed structures or uses including setbacks, yards and heights, the spatial relationship of the property to adjoining properties showing use, and the distance from the nearest traffic intersections at a scale of not more than one (1) inch equals fifty (50) feet.

I hereby certify that the statements made by me herein and the maps and other accompanying data submitted herewith are true and correct.

Signature of Applicant

REVIEW AND ADMINISTRATION

RECOMMENDATIONS FROM OTHER AGENCIES, BOARDS OR DEPARTMENTS:

APPLICATION REVIEWED BY BUILDING INSPECTOR _____ DATE _____

COMMENTS AND ACTION _____

**Required only in the case of variance.

APPLICATION REVIEWED BY PLANNING STAFF_____

DATE

COMMENTS AND ACTION_____

APPLICATION REVIEWED BY BOARD OF ZONING APPEALS_____

DATE

COMMENTS AND ACTION_____

APPLICATION REVIEWED BY PLANNING COMMISSION_____

DATE

COMMENTS AND ACTION_____

DISPOSITION

PUBLICATION DATE OF PUBLIC HEARING_____ (Attach newspaper notice)

PUBLIC HEARING COMMENTARY_____

ACTION BY BOARD OF MAYOR AND ALDERMEN_____

ZONING ORDINANCE

HALLS, TENNESSEE

REVISED
Through Ordinance 12-05

ZONING ORDINANCE

HALLS, TENNESSEE

As Revised by the
Halls Municipal Regional Planning Commission

As Amended
Through 12-05

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