

ZONING RESOLUTION OF HARDEMAN COUNTY, TENNESSEE

SEPTEMBER 1993

Updated April 2025

Pursuant to Tennessee Code Annotated 13-7-104 the Hardeman County Commission does hereby present for the public a caption and summary of the Hardeman County Zoning Resolution adopted on September 20, 1993, effective upon the publication of this summary.

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Chapter 1

General Provisions Relating to Zoning

The Hardeman County Zoning Resolution is adopted pursuant to Sections 13-7-101 through 13-7-115 of the Tennessee Code Annotated. Chapter 1 contains the official title and purpose for the adoption of the Hardeman County Zoning Resolution.

Chapter 2

Definitions

Chapter 2 contains the official definitions of terms used throughout the resolution to ensure clarity in the Resolution and to define words necessary for the enforcement of the Resolution.

Chapter 3

General Provisions Relating to All Districts

Chapter 3 contains general requirements found throughout all zoning districts in the Hardeman County Zoning Resolution. Specifically, the chapter contains regulations for non-conforming uses and buildings, number of buildings on a lot, accessory structures, temporary structures, signs, off-street parking requirements, access controls, manufactured residential dwellings, and street access. However, this zoning resolution shall not be construed as authorizing the requirement of zoning compliance permits or any regulation of agricultural buildings on lands devoted to agricultural uses.

Chapter 4

Establishment of Districts

Chapter 4 establishes eleven (11) zoning districts in Hardeman County and the mechanism to settle disputes over the zoning boundaries. The districts are:

FAR	(Forestry, Agriculture, Residential)
R	(Residential)
R-MH	(Residential - Mobile Home)
R-1	(Urban Fringe Residential)
RTO	(River Tourism Overlay)
C-1	(Local Commercial)
C-2	(General Commercial)
I-1	(Light Industrial)
I-2	(Restricted Industrial)
I-3	(Rural Industrial)
AHR	(Airport Height and Clear Zone)

Chapter 5

Provisions Governing FAR Districts

Chapter 5 describes the district to be used primarily for agriculture, forestry, and extremely low-density residential development. Single-family dwellings, mobile homes and incidental home

occupations are permitted in this zoning district. The minimum required land area is one (1) acre with front, rear, and side yard setbacks of 35, 30, and 15 feet, respectively.

Chapter 6

Provisions Governing Residential Districts

This district is intended primarily to allow low density single family residential development in areas suitable for such development. The permitted uses are single-family dwellings, manufactured residential dwellings and incidental home occupations. The minimum required building lot is one (1) acre with front, rear, and side yards setbacks of 35, 25, and 15 feet, respectively.

Chapter 7

Provisions Governing Residential-Mobile Home Districts

This district is intended to allow a mixture of single-family residential development with individual mobile homes and mobile home parks and multi-family dwellings (duplexes, apartments, townhouses, and condominiums). The minimum land areas vary according to density with front, rear, and side yards setbacks of 35, 25, and 20 feet, respectively.

Chapter 8

Provisions Governing R-1 Urban Fringe Residential

This district is intended to allow a mixture of single-family residential development and multi-family dwellings (duplexes, apartments, townhouses, and condominiums) in areas served by both public water and public sewers. The minimum land areas vary according to density with front, rear, and side yards setbacks of 20, 20, and 10 feet, respectively.

Chapter 9

Provisions Governing River Tourism Overlay

This district provides flexibility pertaining to public/private access to residential development along the Hatchie River within Hardeman County, Tennessee. The permitted uses are single-family dwellings; Bed and breakfasts; Parks and playgrounds; Outdoor recreational areas; Accessory uses and structures; Hotels, motels, lodges, resort cabins, short term rentals and conference facilities including accessory businesses within the principal buildings, Private riding stables and commercial riding stables. This district will also provide areas to accommodate limited related retail businesses to serve the traveling and recreation-oriented public.

Chapter 10

Provisions Governing C-1 Local Commercial Districts

The purpose of this district is to allow the development of commercial areas to serve neighborhoods in rural areas with a limited variety of commercial goods and services. This chapter denotes a list of permitted uses of retail sales and personal services. The minimum required land area is one (1) acre with minimum front, rear, and side yard requirements of 45, 30, and 20 feet, respectively.

Chapter 11

Provisions Governing C-2 General Commercial Districts

The primary purpose of this district is to allow a wide range of commercial establishments in areas suitable for such development. This chapter denotes a complete list of permitted uses of retail sales,

business services and personal services. The minimum required land area is one (1) acre with minimum front, rear, and side yard requirement of 50, 25, and 10 feet, respectively.

Chapter 12

Provisions Governing I-1 Light Industrial Districts

This district is intended to allow a versatile range of industrial establishments in areas suitable for industrial development. The regulations are designed with a view to promoting industrial growth while retaining the rural characteristics of the district. The Chapter lists permitted wholesale and retail sale trades, business services and manufacturing trades. The minimum required land area is one (1) acre with front, rear, and side yard setbacks of 50, 30 and 20 feet, respectively.

Chapter 13

Provisions Governing I-2 Restricted Industrial Districts

This district shall be utilized to place those industrial uses understood to be of a hazardous or obnoxious nature, but which are deemed necessary or desirable for the economic development of Hardeman County. The chapter denotes a list of permissible wholesale and retail trades, business services and manufacturing services. The minimum required land area is one (1) acre with front, rear, and side yards of 50, 30, and 20 feet, respectively.

Chapter 14

Provisions Governing I-3 Rural Industrial Districts

This district shall be utilized to place those industrial uses understood to generally evolve and seek to locate in rural areas of Hardeman County and are very restricted, generally limited to those industries that might utilize the natural resources found in the County. This chapter denotes a list of permissible agricultural, manufacturing, and permanent loading or unloading yards for various types of wood. The minimum required land is two (2) acres with front, rear, and side yards of 50, 30, and 20 feet, respectively.

Chapter 15

County Flood Damage Prevention Resolution

Chapter 16

Airport Height Regulations and Airport Clear Zone (AHR) District

This Chapter establishes the guidelines for the maximum height of buildings in the vicinity of the airport so as to ensure that buildings and trees do not become a hazard to aviation.

Chapter 17

Procedures and Requirements for Site Plan Review

This Chapter establishes the guidelines for submission of site plans to the Hardeman County Planning Commission and Board of Zoning Appeals. The Chapter also details the necessary information each site plan must delineate.

Chapter 18***Exceptions and Modifications***

This Chapter denotes exceptions allowed for front yard requirements, height regulations, and substandard lots.

Chapter 19***Enforcement***

Chapter 16 contains the provisions for the administration and enforcement of the Zoning Resolution by the Zoning Compliance Officer (ZCO). The ZCO will accept applications for Uses Permitted on Appeal, Zoning Compliance Permits, Temporary Building/Use permits, and Certificates of Occupancy and issue said permits.

Chapter 20***Board of Zoning Appeals***

A Board of Zoning Appeals (BZA) is hereby established in accordance with Tennessee Code Annotated, Section 13-7-106. The chapter explains procedures, powers and how appeals are made to the BZA.

Chapter 21***Amendment***

This Chapter explains the amendment process of this Resolution. It details the necessary Public Hearing, Planning Commission review and the Hardeman County Commission's rights and powers as they pertain to this Zoning Resolution.

Chapter 22***Legal Status Provisions***

Chapter 19 provides for conflicts with other resolutions, validity of the Resolution and the effective date of the Hardeman County Zoning Resolution.

Proposed Hardeman County Zoning Resolution as of 4/19/93/ revisions still needed - revised 4/23/93ss - corrected 5/3/93ss - corrected 6/1/93ss - corrected 7/9/93ss- corrected 9/15/93ss - final corr. 9/27/93

HARDEMAN COUNTY ZONING RESOLUTION

September 20, 1993

CHAPTER 1

GENERAL PROVISIONS RELATING TO ZONING

AUTHORITY

A resolution in pursuance of the authority granted by Section 13-7-101 et seq^l of the Tennessee Code Annotated, to promote the public health, safety, morals, convenience, order, prosperity and general welfare, to provide for the establishment of districts or zones within the Hardeman County Planning Region; to regulate within such districts the location, height, bulk, number of stories and size of buildings and other structures, the percentage of the lot which may be occupied, the sizes of yards, courts and other open spaces, the density of population, the uses of buildings, structures and land for trade, industry, residence, recreation, public activities and other purposes; and to provide methods of administration of this Resolution and to prescribe penalties for the violation thereof.

BE IT ORDAINED BY THE COUNTY COMMISSION OF HARDEMAN COUNTY, TENNESSEE, AS FOLLOWS:

1.01. Title. This Resolution shall be known and may be cited as the Zoning Resolution of Hardeman County, Tennessee, and the map herein referred to which are identified by the title, "Official Zoning Map, Hardeman County, Tennessee" and all explanatory matters thereon are hereby adopted and made a part of this Resolution. The Official Zoning Map shall be located in the Courthouse and shall be identified by the signature of the County Executive attested by the County Court Clerk. The Official Zoning Map may be amended under the procedures set forth in Chapter 19 of this Resolution provided, however, that no amendment of the Official Zoning Map shall become effective until after such change and entry has been made on said map and signed by the County Executive attested by the County Court Clerk.

1.02. 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 Hardeman County Planning Region. 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, other public requirements. They have been made with reasonable consideration among other things, as 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 Hardeman County Planning Region.

CHAPTER 2

DEFINITIONS

Except as specifically defined herein all words used in this Resolution have their customary dictionary definitions where not inconsistent with the context of the resolution. The term "shall" is mandatory. Words used in the present shall include the future; the singular number shall include the plural and the plural the singular number; the word "building" shall include the word "structure". In case of conflict between building code or dictionary definitions with the definitions contained in this Resolution, the definition herein shall prevail.

Activities of Daily Living - toileting, continence, bathing, eating, dressing.

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, escort agencies, massage parlors and topless/bottomless bars. Adult oriented business also refers to the materials or services that these businesses market including movies, videos, photographs, books, magazines, sexual devices, as well as nude or semi-nude dancing and massages. The following are further definitions of specific adult-oriented businesses and related terms:

A. **Adult Entertainment Establishments**

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

4. Adult Motel - means a motel or similar establishment offering public accommodations for any form of consideration which provides patrons which closed circuit television transmission, films, motion pictures, video cassettes, slides, or other photographic reproductions which are characterized by an emphasis upon the depiction or description of "specified sexual activities" or "specified anatomical areas."
 5. Adult Motion Picture Theater - means an establishment where, for any form of consideration, films, motion pictures, video cassettes, slides or similar photographic reproductions are shown, and in which a substantial portion of the total presentation time is devoted to the showing of material which is characterized by an emphasis upon the depiction or description of "specified sexual activities" or "specified anatomical areas."
 6. Adult Theater - means a theater, concert hall, auditorium, or similar establishment which, for any form of consideration, regularly features live performances which are characterized by the exposure of "specified anatomical areas" or by "specified sexual activities."
 7. Massage parlor - means an establishment where, for any form of consideration, massage, alcohol rub fomentation, electric or magnetic treatment, or similar treatment or manipulation of the human body is administered unless such treatment or manipulation is administered by a medical practitioner, chiropractor, acupuncturist, physical therapist or similar professional person licensed by the state, This definition does not include an athletic club, health club, school, gymnasium, reducing salon, spa or similar establishment where massage or similar manipulation of the human body is offered as an incidental or accessory service.
 8. Sexual encounter establishment - means an establishment, other than a hotel, motel or similar establishment offering public accommodations, which, for any form of consideration, provides a place where two or more persons may congregate, associate or consort in connection with "specified sexual activities" or the exposure of "specified anatomical areas." This definition does not include an establishment where a medical practitioner, psychologist, psychiatrist, or similar professional person licensed by the state engages in sexual therapy.
- B. Specified Anatomical Areas - means any of the following:
1. Less than completely and opaquely covered human genitals, pubic region, buttocks, anus, or female breasts below a point immediately above the top of the aureole; or,
 2. Human male genitals in a discernibly turgid state, even if completely and opaquely covered.
- C. Specified Sexual Activities - means any of the following:
1. Human genitals in a state of sexual stimulation or arousal;
 2. Acts of human masturbation, sexual intercourse, or sodomy;

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

The categories established herein to define the permitted uses are derived from the Standard Land Use Coding Manual and adapted to the particular needs of Hardeman County. The Standard Land Use Coding Manual provided as a supplement to this Resolution is intended to serve as a guide in the determination of what uses are permitted in all districts.

Agriculture: Land devoted to the production of crops and/or livestock for sale (see Code 81 of the Standard Land Use Coding Manual).

Airport: William L. Whitehurst Airfield.

- (a) Airport Elevation: The highest point of the airport's usable landing area measured in feet from mean sea level, which is Bolivar Hardeman County Airport - 499 feet.
- (b) Airport Hazard: Any structure or tree, or use of land which obstructs the air space required for the flight of aircraft in landing or taking off at an airport; or is otherwise hazardous to such landing or taking off of aircraft.
- (c) Airport Hazard Zone: Any land or water upon which an airport hazard might be established if not prevented by this Resolution.
- (d) Approach Zone: An area adjacent to the runways of an airport which must remain clear of obstructions due to incoming and out-going airplanes. The area must remain free of antennas, spires, and any other obstruction (see Illustration 1).
- (1) Height: For the purpose of determining the height limit in all zones set forth in this Chapter and shown on the airport hazard zoning map, the datum shall be mean sea level elevation unless otherwise specified.
- (2) Instrument Runway: A runway equipped or designated to be equipped by an approved airport plan, with electronic air navigation aids adequate to permit the landing and takeoff of aircraft under restricted visibility conditions.
- (3) Obstruction: Any tangible inanimate physical object, natural or artificial, protruding above the surface of the ground.
- (4) Structure: Any object constructed or installed by man, including but without limitation, buildings, towers, smokestacks and overhead transmission lines and poles or other structures supporting the same.

Airport Reference Point: Means the point established as the approximate geographic center of the airport landing area and so designated.

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

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

Animal Unit (AU) mature dairy cow or cattle (71 animals equals 100 AUs), swine over 55 lbs. (250 equals 100 AUs), swine under 55 lbs. (2000 animals equals 100 AUs), sheep (1000 animals equals 100 AUs), turkeys (10000 animals equals 100 AUs), chicken (10000 animals equals 100 AUs).

Automobile Salvage Yard: See salvage yard.

Automobile Storage Yard: Any land use for the parking and/or storage of one or more abandoned or impounded operable vehicles for which compensation is received.

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

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

Building, Accessory: A subordinate building, the use of which is incidental to that of a principle building on the same lot.

Building, Coverage (Bulk): The portion of the lot area, expressed as a percent that is covered by the maximum horizontal cross section of all buildings and accessory structures.
Exception: The calculated percentage shall be considered the density of land coverage of all commercial and industrial uses (See Density-Commercial/Industrial). Structures which are below the finished lot grade shall not be included in "building coverage" in residential districts. "Building coverage" shall not include any required yard space. "Building coverage" shall include all required fenced areas specified in this Resolution.ⁱⁱ

Building, Height of: The vertical distance as measured from the finished grade at the front line of the building to the highest point of the structure.

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

Building, Principal: A building in which is conducted the primary use of the lot on which it is situated. In R, R-MH, or FAR district any dwelling shall be deemed to be the principle building on the lot on which the same is situated.

Building, Coverage: The portion of the lot area, expressed as a percent that is covered by the maximum horizontal cross section of a building or buildings. Structures which are

below the finished lot grade shall not be included in building coverage. Building coverage shall not include any required yard space.

Business Service: Establishment which provide aid or merchandise to retail trade establishments including advertising firms; consumer and mercantile credit reporting and collection firms; duplicating, mailing and stenographic services; dwelling and building cleaning services; photo finishing; and trading stamp service (see Code 63 in the Standard Land Use Coding Manual).

Clinic: Any establishment housing facilities for medical or dental diagnosis and treatment exclusive of major surgical procedures for patients who are not kept overnight on the premises (see codes 6511, 6512 and 6517 in the Standard Land Use Coding Manual).

Communication: Radio, telegraph, and television broadcast receiving and relay facilities (See Code 47 in the Standard Land Use Coding Manual).

Condominium-Residential: A multi-family or townhouse development where the individual units are owned separately with common ownership of the land surrounding the development.

Consolidated Animal Feedlot Operations: A lot or building or combination of lots or buildings intended for the confined feeding, breeding, raising or holding of 100 AUs and specifically designed as a confinement area in which manure may accumulate, or where the concentration of animals is such that a vegetative cover cannot be maintained within the enclosure. Pastures and Fish Farms will not be regulated.

County Environmentalist: Environmentalist for Hardeman County and shall include any authorized representative of Tennessee Department of Environment and Conservation (TDEC).ⁱⁱⁱ

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

Custom Slaughter Operations: An operation or facility utilized for the for-profit slaughtering of animals that are either raised or transported to the building and the processing and storage of animal products and waste that results from a slaughtering process.^{iv}

Density: Maximum number of units per acre allowed by this Resolution for “residential” uses; Maximum bulk percentage of acreage covered by buildings, accessory structures and enclosed required fenced area allowed by this Resolution for “commercial” or “industrial” uses.^v

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

Driveway: A paved or gravel way, on private property, providing access from a public way, street or alley to the main buildings, carport, garage, parking space or other portion of the premises.

Dwelling: A building or portion thereof which is designed for or used for human residential habitation. For the purpose of this Resolution, the term "dwelling" shall not include boarding or rooming houses, motels, hotels, or other structures designed for transient residence.

Dwelling, Manufactured Residential: A structure, transportable in one or more sections, which may be built on a permanent chassis and designed to be used as a single-family dwelling with 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.

Dwelling, 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 ready for occupancy, except for minor and incidental unpacking assembly operations, location on jacks or permanent foundations, and connections to utilities. The character of a mobile home as a nonpermanent dwelling shall not be changed by removal of the wheels and/or carriage or placement on a permanent foundation.

Dwelling, Multiple-Family: A building or portion thereof, designed to be occupied by three (3) or more families living independently of each other. (Also see condominiums, residential and dwelling, Townhouse).

Dwelling, Single-Family - Detached: A building designed for or occupied exclusively by one (1) family which has no connection by a common wall to another building or structure similarly designed. This term shall not include mobile homes, but shall include dwelling, manufactured residential.

Dwelling, Two-Family: A building designed to be occupied by two (2) families, living independently of each other, and having one wall common to both dwelling units.

Dwelling, Townhouse: An attached residential dwelling unit for occupancy by one (1) family constructed in a row with each unit occupying at least (2) stories. Each dwelling unit is separated from the adjoining unit in each story by an adjoining fire-resistant wall which has no openings in it and extends from the lowest floor through the roof with each dwelling unit having independent access to the exterior on the ground floor, (also see condominium, residential).

Dwelling Unit: One or more rooms designed as a unit for occupancy by one (1) family for cooking, living, and sleeping purposes, which is part of a two-family, or multi-family structure.

Education Services: Established schools including primary, secondary, universities, colleges, junior colleges, and various private facilities such as correspondence schools and art, dance, and music schools (see Code 68 in the Standard Land Use Coding Manual).

Elderly Congregate Living Facility - a group 8 or fewer individuals (not including the homeowner or guardian who reside in said principle structure) who live together that are generally over 65 years of age, which are not related, that are not immobile, and that are not dependent upon medical care or assistance to perform the activities of daily living. A unit shall be defined as a room that shall be occupied by one (1) person located in the elderly congregate living facility.

Essential Services: The erection, construction, alteration, or maintenance by public utilities or county departments, or commissions, of underground or overhead gas, electrical, steam, or water transmission or distribution system, collection, communications supply or disposal systems, including poles, wire, mains, drains, sewers, pipes, conduits, cables, traffic signals, in connection therewith, but not including buildings or substations reasonably necessary for the furnishing of adequate services by such public utilities or county departments or commissions, or for the public health or safety or general welfare.

Exterior Yard: A yard adjacent to the side or exterior boundaries of a mobile home park or a multi-family development which is clear of any structures.

Factory Built Housing: A factory-built structure designed for long term residential use. For the purposes of these regulations, factory-built housing consists of three (3) types: modular homes, mobile homes, and manufactured homes.

Family: One or more people occupying a separate independent nonprofit housekeeping unit.

Finance, Insurance and Real Estate Services: Those establishments which provide banking or bank related functions and insurance and real estate brokers. (See Code 61 in the Standard Land Use Coding Manual).

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

Governmental Agency: An agency of the Federal, State, or the Local Government or any combination thereof.

Governmental Services: Fire, police, judicial and other services provided by the government (See Code 67 of the Standard Land Use Coding Manual).

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

Gross Floor Area: The total floor area within the walls of a structure.

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

Hearing or Public Hearing: Shall mean an opportunity for which any person shall be allowed to comment or submit material evidence prior to any action, cause or item before a board, commission or any other public body in matters governed by this Resolution and in accordance with requirements of State law. All hearings shall take place in public and after publishing the required public notice of date, time, and location in a newspaper of general circulation within the County that is generally known to be a source of legal public notices.^{vi}

Height of Building: The vertical distance from the finished grade at the building line to the highest point of the building.

Home Occupation, Incidental: A venture for profit which is incidentally conducted in a dwelling unit as an accessory to the residential use provided that: the venture is conducted in the principal building; all persons engaged in the venture are residents of the dwelling unit; no more than fifteen (15) percent of the total ground floor area is used for the venture and no evidence of the venture is visible from any public way. The incidental home occupations shall include but not be limited to arts and crafts; dressmaking and sewing; individual instruction of music or art; individual tutoring; professional services where clients are served one at a time and distributor type sales of merchandise such as Amway or Avon in which clients generally do not come to the residence.

Home Occupation, Non-incidental: A venture for profit which is conducted in a structure or building accessory to a primary residential use (principal structure) provided that: all persons engaged in the venture shall be residents of the residential structure, the total floor area of the accessory structure shall not exceed fifty (50) percent of the ground floor area of the residential structure, and no evidence of the venture is visible from any public way. Non-Incidental Home Occupations shall include but not be limited to: home offices (finance, tax preparation, insurance, real estate) computer repair, small appliance repair, sewing shops, bake shops., catering services, beauty and barber shops, dress shop/or rentals, sandwich shops (where public water is not required by TDEC), Neighborhood thrift shops or stores (where no sale of gasoline is allowed), weekend yard sales (items to be displayed will only be visible from public ways 24 hours before sale period and 24 hours after sale period); non-incidental home occupations shall not include automobile sales, service, repair, or disassembly for used parts.

Institution: A building occupied or operated by a non-profit society, corporation, individual foundation, or governmental agency for the purpose of providing charitable, social, educational, or similar services of a charitable character to the public.

Junk Yard: See salvage yard.

Kindergartens: See Nursery.

Landing Area: Means the area of the Airport used for landing, take-off or taxiing of aircraft.

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

Lot: A piece, parcel, or plot of land in one ownership, which may include one or more lots of record, occupied or to be occupied by one principle building and its accessory buildings, such a lot shall be at least sufficient size to meet minimum zoning requirements for use, coverage, and area, and to provide such yards and other space as required. All lots shall front on and have access to a public street.

Lot Area: The total horizontal area included within lot lines.

Lot, Corner: A lot abutting at the intersection of two or more streets. A lot abutting on a curved street or streets shall be considered a corner lot if straight lines drawn from the foremost points of the side lot lines to the foremost point of the lot meet at an interior angle of less than one hundred and thirty-five (135) degrees.

Lot, Double Frontage: A lot having frontage on two (2) non-intersecting streets as distinguished from a corner lot.

Lot Line: The boundary dividing a given lot from adjacent lots or the right-of-way of a street or alley.

Lot of Record: A parcel legally recorded in the Office of the Hardeman County Register of Deeds prior to the date of the adoption of this Resolution.

Lot Width: The width of a lot shall be determined by measurement across the rear of the required front yard, provided however, that the width between side lot lines at the points where they intersect the street shall not be less than eighty (80) percent of the required minimum lot width, except in the case of lots on the turning circle of cul-de-sac turnarounds; a minimum street abutment distance of twenty-five (25) feet shall apply to cul-de-sac turnarounds.

Medical Services: Those establishments which provide aid or merchandise relating to or concerned with the practice of medicine; excluding sanitariums, convalescent, and rest home services. (See Code 651 in the Standard Land Use Coding Manual)

Mobile Home Park: Any plot or ground two acres or more in size upon which three (3) or more mobile homes, occupied for dwelling or sleeping purposes, are located, regardless of whether or not a charge is made for such accommodations. This definition shall only apply to the R-MH (Residential-Mobile Home) Districts.

Modular Home: A dwelling unit which is built or erected from one or more three dimensional, cubical, or box shaped units which are completely factory finished and require only to be connected together on a permanent foundation at the building site. Modular housing units may include single and multifamily units and are limited to only those dwelling units which can be designed and fabricated to meet local building, housing, plumbing, and electrical codes, and other pertinent regulations.

Motor Vehicle Transportation: Transportation services including bus, taxi, and motor freight transportation. (See code 42 of the Standard Land Use Coding Manual)

Non-Conforming: A building, use of land, or combination of the two which was lawful when established, the new establishment of which would be prohibited by current zoning regulations.

Non-Conforming Sign: A sign which lawfully existed prior to the adoption of the Hardeman County Zoning Resolution and subsequent amendments but which no longer conforms to the regulations.

Non-Precision Instrument Runway: Means a runway equipped or to be equipped with electronic or visual air navigation aids adequate to permit the landing of aircraft under restricted visibility conditions.

Noxious Matter: Material (in gaseous, liquid, solid, particulate, or any other form) which is capable of causing injury to living organisms by chemical reaction or is capable of causing detrimental effects upon the social, economic, or psychological well-being of individuals (also see toxic materials).

Nursery: Refers to the various arrangements made by parents for the care outside their home of children under seventeen (17) years of age, for less than 24-hour periods as provided in Tennessee Code Annotated, Section 14-10-101 through 14-10-105 as well as all pertinent rules, regulations, and standards of the Tennessee Department of Human Services. Such a facility normally includes one of the following types:

- (a) Family Day Care Home: A home operated by any person who receives pay for providing less than 24-hour supervision and care, without transfer of custody, for 5, 6, or 7 children under 17 years of age, who are not residents of the household. A license is not required for a house providing care for fewer than 5 children.
- (b) Group Day Care Home: Any place operated by a person, social agency, corporation, institution, or other group which receives 8 or more children under 17 years of age, for less than 24 hours per day, for care outside their home, without transfer of custody. A group day care home may care for no more than 12 children.
- (c) Day Care Center: A place operated by a person, social 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.

Overburden: All earth and other materials which are removed to gain access to the mineral in the process of surface mining.

Planning Commission: Shall mean the Hardeman County Regional Planning Commission as defined in Tennessee Code Annotated, TCA 13-3-101 et seq, its bylaws, rules of procedure and this Resolution.^{vii}

Power Plant: A facility that converts one or more energy sources, including but not limited to waterpower, fossil fuels, nuclear power, or solar power, into electrical energy or steam. A power generation plant may also perform either or both of the following: (a) operation of a transmission system that conveys the energy or steam from generation facility to a power distribution system; (b) operation of a distribution system that conveys energy or steam from the generation facility or the transmission system to final consumers.^{viii}

Power Plant, Geothermal: An electrical power generating plant with a nominal electric generating capacity of less than 25 megawatts; a pipeline that is less than 16 inches in diameter and less than five miles in length used to carry geothermal resources; related or supporting equipment and facilities.^{ix}

Power Plant, Hydroelectric: All aspects of any project or development necessary for or related to the generation of hydroelectric energy, including but not limited to conduits, dams, diversions, fish ladders and screens, generators, impoundments, penstocks, turbines, transmission facilities and related buildings, structures, storage areas, access roads, parking areas, and surrounding and adjacent lands which are necessary for or related to the facility.^x

Power Plant, Peaker: An electrical power generation facility permanently installed on a foundation and whose main function is the provision of supplemental power to the electrical distribution system or transmission grid during periods of peak demand. The maximum number of annual hours of operation of a stationary peaking power plant is restricted by air quality management district permit and typically does not exceed 1,500 hours. The typical useful life of a stationary peaking power plant is up to 30 years.^{xi}

Power Plant, Private: An electrical power generation facility that, regardless of fuel or energy source, is operated by a private property owner or lessee, and whose primary function is the provision of electricity to the permitted use(s) on the site the facility is located.^{xii}

Power Plant, Backup: An electrical power generation facility that is operated only during interruptions of electrical service from the distribution system or transmission grid due to circumstances beyond the operator's control. Electrical generation facilities operating where an interruptible service contract has been executed are not considered stand-by or backup electrical power generation facilities.^{xiii}

Power Plant, Transportable Peaker: A transportable electrical power generation facility brought on-site on flatbed trailers and left on the trailer or placed on steel skids for a temporary period, which can be for a particular peak season or from season to season. A transportable peaking power plant is not permanently installed, and its main function is the provision of supplemental power to electrical distribution system or transmission grid during periods of peak demand. The maximum number of annual hours of operation of transportable peaking power plant is restricted by air quality management district permit and typically does not exceed 500 hours. A

transportable peaking power plant is typically on-site for up to three years, but one or more such power plants can be installed on-site for a given peak period, then removed.^{xiv}

Public Utility: Any person, firm, corporation, municipal or county department or board duly authorized to furnish under state or federal regulations to the public; electricity, gas, steam, communications, telegraph, transportation, water, sewer, or landfill.^{xv}

Quarry: All or any part of the process followed in the production of minerals from a natural mineral deposit by the open pit or open cut method, auger method, highwall mining method which requires a new cut or removal of overburden, or any other mining process in which the strata or overburden is removed or displaced in order to recover the mineral; or in which the surface soil is disturbed or removed for the purpose of determining the location, quality or quantity of a natural mineral deposit.

Right-of-way (ROW): A dedication of land to be used generally for streets, alleys, or other public uses wherein; the owner gives up all rights to the property, as long as it is being used for the dedicated purpose. Also, a land measurement term meaning the distance between lot property lines which generally contain not only the street pavement, but also, sidewalks, grass areas, and utilities.^{xvi}

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

Salvage Yards, Wrecking Yards, or Junk Yards (Including Automobiles): Any establishment or place of business maintained, used, or operated for storage, keeping, buying, or selling, of wrecked, scrapped, ruined, or dismantled objects, articles, and products. An automobile salvage operation shall be any place of business where three (3) or more unlicensed vehicles are maintained and used for the above purposes.

Setback – means the distance between a building, structure, or other specified physical feature, and any property lot line. Furthermore, it shall also include the distance between building(s) and structure(s) within fall zones in addition to any lot line when determining setbacks for tower structures as defined within this chapter.^{xvii}

Signs: Any structure or part thereof attached thereto or painted or represented thereon which shall display or include any letter, words, model, banner, flag, pennant, insignia, or representation used as, or which is in the nature of an announcement, direction, or advertisement. The word "sign" includes the word "billboard" or any other type of advertising device, but does not include the flag, pennant, or insignia of any nation, state, city, or other political unit.

Sign-Abandoned: A sign which directs attention to a business or product which is no longer in existence or available at the site to which the sign directs attention or which advertises a product no longer available.

Sign, Bulletin Board: A ground sign with changeable text normally allowed for churches and schools.

Sign, Ground: A sign mounted at ground level.

Sign, Illegal: A sign which did not conform to the provisions of the Hardeman County Code and Zoning Resolution at the time of its installation.

Sign, Pole: A free-standing sign supported from the ground by a pole or similar support structure of narrow width which by reason of height does not qualify as a ground sign.

Sign, Portable: A sign which is not attached by way of a rigid, non-flexible connection to a building or the ground.

Sign, Real Estate: A sign indicating that a parcel is for sale or rent. This shall include sold signs and signs that indicate that a parcel or structure has been sold through words such as "future home of company b".

Sign, Off-Premise, Off Site: Signs advertising products or services for sale on a site other than the site where the sign is located.

Sign, On-Premise, On Site: Signs advertising products or services for sale on the same site as the sign is located.

Sign, Temporary: Any sign which is by reason of construction or purpose to be allowed for a short period of time, with the exception of real estate signs. Temporary signs shall include any sign, banner, pennant, valence, or advertising display constructed of wood, metal, cloth, canvas, light fabric, cardboard, wallboard, or other light material, with or without frames, where either by reason of construction or purpose the sign is intended to be displayed for a short period of time only (31 days or less). Temporary signs shall include but not be limited to street banners, posters, construction signs, real estate signs, model signs, special event signs and the permanent attachment of portable signs to a site shall not change the signs to a permanent sign.

Site Plan: A plan delineating the overall scheme of the development of a lot or parcel including all items as specified in Chapter 18-Site Plan Requirements of this Resolution.^{xviii}

Sketch or Scale Plan: A plan delineating the overall scheme of the development of a tract, lot or parcel and utilized to show the shape, size, height, and location on the lot of all buildings to be erected, altered, or moved and of any existing building on a lot or parcel.^{xix}

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

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

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

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

- (a) Arterial Street: A major street used primarily for heavy through traffic which will be so designated on the Hardeman County Major Road Plan.
- (b) Collector Street: A street designed to carry traffic from minor streets to the major road system including the principal entrance streets to a residential development and the streets for major circulation within such a development. Collector streets are usually designated as such on the Hardeman County Major Road Plan.
- (c) Cul-de-sac or Dead-end Street: A local street with only one outlet for which there are no plans for extension and no need for extension.
- (d) Marginal Access Street: A minor street which is constructed parallel to and adjacent to an arterial street for the purpose of providing access to abutting properties and protection from through traffic.
- (e) Minor Residential or Local Streets: A neighborhood or commercial area street used primarily for access to the abutting properties.

Street Line: The property line which bounds the rights-of-way set aside for use as a street. Where sidewalks exist and the location of the property line is questioned, the side of the sidewalk farthest from the travelled street shall be considered as the street line.

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

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

Temporary Structure: A movable structure (anything constructed or erected) which either is not permanently attached to a permanent foundation, concrete slab, or footing, or which is equipped with a permanent steel chassis.

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

Transient Lodging: Temporary lodging as set forth in Code 15 of the Standard Land Use Coding Manual.

Transport Runway: Means a runway that is construed for and intended to be used by propeller-driven aircraft of greater than 12,500 pounds maximum gross weight and turbojet powered aircraft.

Travel Trailer: A travel trailer, pickup, converted bus, tent-trailer, tent, or similar device used for temporary portable housing or a unit which can operate independently of connections to external sewer, water, and electrical systems; contains water storage facilities and may contain a lavatory kitchen sink and/or bath facilities; and/or is identified by the manufacturer as a travel trailer.

Travel Trailer Park: Any plot of ground ten acres or more in size upon which two (2) or more travel trailers, occupied for temporary living purposes, are located, regardless of whether or not a charge is made for such accommodations.

Usable Floor Area: Measurement of usable floor area shall be the sum of gross horizontal areas of the several floors of the building, measured from the interior faces of the exterior walls. The floor area which is used or intended to be used principally for the storage or processing of merchandise or for utilities shall be excluded from this computation.

- (a) For the purposes of computing parking, usable floor area shall be that area used or intended to be used for the sale of merchandise or services, or for use to serve patrons, clients, or customers.
- (b) Where detailed floor plans are not available, the following shall apply:
 - (1) Commercial Building - usable floor area shall equal 75% of the gross floor area.
 - (2) Office buildings other than medical office - usable floor area shall equal 80% of the gross floor area.
 - (3) Medical Office Buildings - usable floor area shall equal 85% of the gross floor area.

Use: The special purpose for which land or a building is designed, arranged, intended, or for which it is or may be occupied, utilized, or maintained. The term "permitted use", "uses permitted on appeal" or its equivalent shall not be deemed to include any non-conforming use. "Uses" not specifically permitted or permissible on appeal by the terms of this Resolution are strictly prohibited.^{xx}

Use Permitted on Appeal: A conditional use that is permitted subject to compliance with a set of conditions or requirements set forth in the zoning ordinance and approved by the legislative body which allows, and permits uses that might otherwise not be allowed in certain zoning districts and must be met in addition to all other applicable provisions of the zoning ordinance and the district of the proposed use.^{xxi}

Usable Floor Area: Measurement of usable floor area shall be the sum of gross horizontal areas of the several floors of the building, measured from the interior faces of the exterior walls.^{xxii}

Utilities: Gas, water, electricity, sewer, and telephone services provided by government agencies or private companies (see code 48 in the Standard Land Use Coding Manual).

Utility: Any land use activity, structure or function classified in Category 48 (Utilities) of the Standard Land Use Coding Manual.^{xxiii}

Utility Runway: Means a runway that is construed for and intended to be used by propeller-driven aircraft of 12,500 pounds maximum gross weight and less.

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

Variance: A modification of the strict application of the area (lot, yard, and open space) regulations and development standards of this Resolution due to exceptionally irregular, narrow, shallow, or steep lots, whereby such strict application would result in practical difficulty or unnecessary hardship which would deprive an owner of reasonable use of the property. The salient points of a variance are:

- (1) undue hardship caused by exceptional physical irregularities of the property; and
- (2) unique circumstances due to the exceptional physical irregularities; and
- (3) strict application of the area regulations and development standards which would deprive an owner of reasonable use of the property.^{xxiv}

Veterinary Hospital or Clinic: Any establishment maintained and operated by a licensed veterinarian for the surgery, diagnosis and treatment of diseases or injuries of animals. Such an establishment may include accessory boarding facilities provided they are located within the building. (see Code 8221 and 8222 Standard Land Use Coding Manual).

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

Wholesale Trade: Establishments or places of business primarily engaged in selling merchandise to retailers, to industrial, commercial, farm, or professional business users, or to other wholesalers, or acting as agents or brokers in buying merchandise for or selling merchandise to such persons or companies. (See Code 51 in the Standard Land Use Coding Manual).

Yard: A required open space other than a court occupied and unobstructed by any structure or part of a structure from thirty (30) inches above the general ground level of the graded lot upward, provided, however, that fences, walls poles, posts, and other customary yard accessories, ornaments, and furniture may be permitted in any yard subject to height limitations and requirements limiting obstruction of visibility. Swimming pools shall be allowed in yards provided that such pools are not closer than ten (10) feet to a principle building or any lot line.

Yard, Front: A yard extending between side lot lines across the front of a lot adjoining a street. The depth of required front yards shall be measured at right angles to a straight line joining the foremost point of the side lot, in the case of rounded property corners at street intersections, shall be assumed to be the point at which the front and side lot

lines would have met without rounding parcel boundaries. Front and rear yard lines shall be parallel.

- A. Double Frontage Lots: Front yards shall be provided on all frontages in accordance with the general regulations of the district concerning the minimum depth of front yards.
- B. Corner Lots Abutting Two Streets: Front yards shall be provided on both streets in accordance with the general regulations of the district concerning minimum depth of front yards.
- C. Corner Lots Abutting Three Streets: Front yards shall be provided on all streets in accordance with the general regulations of the district concerning minimum depth of front yards.

Yard, Rear: A yard extending across the rear of the lot between inner side yards. In the case of double frontage lots and corner lots, there will be no rear yards. The depth of a required rear yard shall be measured in such a width required by district regulations with its inner edge parallel with the rear lot line.

Yard, Side: A yard extending from the rear line of the required front yard to the rear lot line, or in absence of any clearly defined rear lot line to the point on the lot furthest from the intersection of the lot line involved with the street. In the case of corner lots, those yards which are not front yards shall be side yards. The width of a required side yard shall be measured in such a manner that the yard established is a strip of the minimum width required by district regulations with its inner edge parallel with the side lot line.

Yard, Special: A yard behind any required yard adjacent to a street, required to perform the same function as a side or rear yard, but adjacent to the lot line so placed or oriented that neither the term "side yard" nor the term "rear yard" clearly applied. In such cases, the Zoning Compliance Officer shall require a yard with minimum dimensions as generally required for a side yard or a rear yard of the district, determining which shall apply by the relation of the portion of the lot on which the yard is to be located to the adjoining lot or lots, with due regard to the orientation and location of structures and buildable areas thereon.

Zoning Compliance Officer: Shall mean personnel appointed by the mayor and approved by the Hardeman County Commission to serve and act to administer and enforce the provisions of the Zoning Resolution. The Zoning Compliance Officer shall serve in the capacity of staff to the Planning Commission and Board of Zoning Appeals and shall be utilized as specified in the bylaws and rules of procedure of each prospective board.^{xxv}

Zoning Districts: Any section of the county for which the zoning regulations governing the use of buildings and premises, the height of buildings, the size of the yards and the intensity of use are uniform.

CHAPTER 3

GENERAL PROVISIONS

For the purpose of this Resolution, there shall be certain general provisions which shall apply to all of the Hardeman County Planning Region.

- 3.01. 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. However, this shall not be construed as authorizing the requirement of Zoning Compliance Permits or any regulation of any building, other than setback requirement from the right-of-way of a street or alley, on lands devoted to agricultural uses. Nor shall it be construed as limiting or affecting in any way or controlling the agricultural uses of land.
- 3.02. Nonconforming Uses and Buildings^{xxvi}
- (A) Any nonconforming use, structure or building may not be:
 - i. Extend except in conformity with this Resolution.
 - ii. Changed to another Nonconforming use.
 - iii. Rebuilt or repaired after damage exceeding seventy-five (75%) percent of replacement cost except in conformity with the provisions of this Resolution, unless it is replaced or repaired within a period of two (2) years after the damage, unless it is replaced with the same use and the same foundation location.
 - (B) Nonconforming mobile homes and mobile home parks shall not be expanded through the addition of mobile home pads and mobile homes.
 - i. Nonconforming mobile home parks shall not be expanded through the addition of mobile home pads and mobile homes.
 - ii. When a nonconforming mobile home, in a mobile home park, has been removed, the mobile home may be replaced, provided that no more than one (1) year's time has passed since the removal of the mobile home.
 - iii. When a nonconforming mobile home has been removed, the mobile home may be replaced, if less than one year's time has passed since the removal of the mobile home.
 - (C) Non-conforming residential uses, buildings, and structures on "lots of record" shall be exempt from provisions of this Resolution as stated herein:
 - i. Non-conforming residential uses, buildings and structure located on "lots of record" located within any platted subdivision and developed on private roadways and served by public water or subdivided land that was recorded in the Hardeman County Record of Deeds office prior to the adoption of this Resolutions and are bound by deed to a restrictive covenant and subject to an

active property owner association since the date of the plat recording, shall be exempt from all setback, lot size requirements, yard requirements and lot coverage requirements of this Resolution provided all other requirements of the district, Resolution and State and Federal requirements are adhered to. ^{xxxiii}

- ii. Non-conforming residential uses. Buildings and structures located on “lots of record”, located within any platted subdivision and developed on private roadways and served by public water or subdivided land that was recorded in the Hardeman County Record of Deeds office prior to the adoption of this resolutions and were not bound by deed to a restrictive covenant or has been released from a restrictive covenant or property owner association since the date of the plat recording, shall be exempt from lot size requirement and lot width requirements of this Resolution provided all other requirements of the district, Resolution and State and Federal requirements are adhered to. ^{xxxiii}

(D) All non-conforming residential buildings, structures and land uses as of January 1, 2024, shall be exempt from provisions of this Resolution and shall include structures consistent with Section 3.02(A)(3). ^{xxxiii}

3.03. Only One Principal Building on Any Lot. Only one principal building and its customary accessory building may hereafter be erected on any lot in the FAR and R zones. This provision shall not apply to the R-MH, C-1, C-2, I-1, and I-2 Zones provided that all bulk, area, yard, and other requirements of the zone are met.

(A) More than one principal building shall be allowed on the tract in a FAR district provided all of the specifications in the Zoning Resolution are complied with and the conditions below are complied with.

- i. Each building will be located in a section of land at least one acre in size, conforming with the building setbacks and minimum lot width at the building line according to the provisions in the Zoning Resolution.
- ii. The section of land will not be infringed upon by any other principal structure.
- iii. All of the sections of land shall have either frontage on a street or an approved access easement which will provide access to a street.
- iv. It will be within the powers of the Zoning Compliance Officer to require a survey to the requirements of the zoning resolution.

3.04. Accessory Buildings: No accessory building shall be erected in any required front yard and no separate accessory buildings shall be erected within five (5) feet of any principal building or be located nearer to the front lot line than the principal building. Accessory buildings or structures for principal residential uses may be located in the front yard on tracts greater than 1 acre but such accessory buildings or structures cannot encroach into the required front yard. Accessory buildings or structures shall not be located within 5 feet of any other building or property line. Such accessory buildings or structures shall not encroach into required septic fields or easements. ^{xxxiv}

- 3.05. Temporary Building Permitted: A temporary building for construction materials and/or equipment and a temporary office for the sale or rental of real property, if in connection with the incidental and necessary to a real estate development, shall be permitted in any district providing that any Zoning Compliance Permit issued for such a building shall be valid for not more than six (6) months and may not be extended more than three (3) consecutive times.
- 3.06. Required Yard Cannot be Used by Another Building. No part of a yard or other open space required for any building for the purpose of complying with the provisions of this Resolution shall be included as a part of a yard or other open space required in this Resolution for another building.
- 3.07. Obstruction to Vision at Street Intersection Prohibited. On a corner lot within the area formed by the center line of the intersecting or intercepting streets and a line joining points on such center lines at a distance of one hundred (100) feet from their intersection, there shall be no obstruction to vision from two and one half (2 1/2) feet and a height of ten (10) feet above the average grade of each street at the center line thereof. The requirements shall not be construed to prohibit any necessary retaining wall.
- 3.08. Signs.
- A. Signs Hindering Traffic Prohibited: No sign shall be erected or maintained at any location whereby reason of its position, working illumination, size, shape, or color it may obstruct, impair, obscure, or interfere with the view of, or be confused with, any authorized traffic control sign, signal, or device. No sign shall contain or make use of any word, phrase, symbol, shape, form, or character in such a manner as to interfere with or confuse traffic.
 - B. Privately Owned Signs Prohibited in Public right-of-way: No sign shall be placed in any public right-of-way, except publicly owned signs.
 - C. Publicly Owned Signs: Publicly owned signs, such as traffic control signs and directional signs are allowed in all districts.
 - D. Certain Electrical Signs: No signs having flashing, intermittent, or animated illumination shall be erected or permitted within three hundred (300) feet of property in districts permitting residential uses unless such sign is not visible from such property. No illuminated sign shall be permitted within fifty (50) feet of property in all residential districts unless the illumination of such sign is so designated that it does not shine or reflect light on such property.
 - E. Rotating Sign: No rotating signs whether powered by electricity or some other source of energy will be allowed in any district where they are visible from a public street.
 - F. Ground Signs and Pole Signs: No ground sign or pole signs shall be located closer than ten (10) feet to a street right-of-way unless such sign is at least ten (10) feet above the ground and vision under the sign is only incidentally obstructed by supporting members.

3.09. Off Street Parking Requirements.

- A. General: There shall be provided, at the time of the erection of any building, or at the time any principal building is enlarged or increased in capacity by or before conversion from one zoning use or occupancy to another, permanent off-street parking as specified in this Resolution. Parking space maintained in connection with an existing and continuing principle building on the effective date of this resolution shall not be counted as serving a new building or addition.
- B. Location: Off-street parking shall be located on the same lot which it serves. If the parking cannot be reasonably provided on the same lot, the Board of Zoning Appeals may permit parking spaces to be provided on other off-street property provided such space lies within four hundred (400) feet of the main entrance of such principal use.
- C. Size and Maneuvering Room: Each parking space shall be equal to an area of two hundred (200) square feet. The width shall not be less than eight (8) feet and the length shall not be less than eighteen (18) feet. A minimum of four hundred (400) square feet per parking space shall be used when computing parking area to include maneuvering space. Except for dwellings with one or two dwelling units, all off-street parking facilities shall be so arranged that no automobile shall have to back into any street.
- D. Access: Each parking space may be directly accessible from a street or alley or from an adequate access aisle or driveway leading to or from a street or alley.
- E. May Serve as Yard Space: Parking spaces may be included as part of the required yard space associated with the permitted use.
- F. Number of Spaces for Specific Uses:
 - 1. Dwelling units Two (2) spaces for each unit.
 - 2. Hotel, rooming, or boarding house One (1) space for each two (2) rooms or units to be rented.
 - 3. Motel, tourist rooms, or tourist courts One (1) space for each unit to be rented.
 - 4. Elementary school or junior high school One (1) space for each classroom, plus one (1) space for each staff member and employee other than teachers, plus ten (10) additional spaces. This provision is not applicable where parking space required for an auditorium is provided.
 - 5. Senior High School One (1) space for each classroom plus one (1) space for each staff member and

- employee other than teachers, plus one (1) space for each fifteen (15) students based on the capacity for which the building was designed. This provision is not applicable where parking space required for an auditorium is provided.
6. Stadium One (1) space for each ten (10) spectator seats.
7. Hospital One (1) space for each three (3) beds intended for patient use, exclusive of bassinets.
8. Any theater, auditorium, church, or other place of public assembly At least one (1) space for each five (5) seats provided in such place of assembly. In places where seating is not a measure of capacity, such as funeral parlors and club houses, at least one (1) space for each one hundred (100) square feet of floor space devoted to the particular use.
9. Public utility building One (1) space for each employee.
10. Banks and office buildings One (1) space for each one hundred and fifty (150) square feet of total floor space.
11. Bus and railroad terminals One (1) space for each employee, plus one (1) space for each two hundred (200) square feet in waiting room.
12. Clinic Three (3) spaces for each doctor, plus one (1) space for every two (2) employees.
13. Automobile service station Eight (8) spaces for each grease rack or similar facility, plus one (1) space for each gasoline pump.

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| 14. | Outdoor or indoor retail business use not previously listed | One (1) space for each one hundred fifty (150) square feet of total sales area, plus one (1) space for each two (2) employees. |
| 15. | Wholesale and distribution uses | One (1) space for each employee. |
| 16. | Industrial and manufacturing uses | One (1) space for each company operated vehicle plus one (1) space for each two employees computed on the average of the two largest consecutive shifts. |
- 3.10. Off Street Loading and Unloading Space. Every building used for business or trade shall provide adequate space for the loading or unloading of vehicles off the street or alley. Such space shall have access to an alley, or if there is no alley, to a street.
- 3.11. Access Control. In order to promote the safety of the motorist and pedestrian and to minimize traffic congestion and conflict by reducing contact, the following regulations shall apply:
- A. Plan Submission: In order to obtain access to a street a workable plan relative to openings for ingress and egress, maneuvering, parking, and loading spaces shall be submitted to the Zoning Compliance Officer. Such a plan shall include a scale drawing with not less than one (1) inch equaling twenty (20) feet.
 - B. Number of Access Points: There shall be no more than two (2) points of access to any one (1) public street on a lot less than three hundred (300) feet but more than one hundred (100) feet in width. Lots in excess of three hundred (300) feet may have two points of access to any one public street for each three hundred (300) feet of frontage. 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.
 - C. Distance of Intersections: All vehicular access points shall be located at least thirty (30) feet from the intersection of any right-of-way lines of streets or a street and a railroad.
 - D. Width: A point of access, i.e., a driveway or other opening for vehicles onto a public street shall not exceed twenty-five (25) feet in width for one-way, one lane ingress or egress and shall not exceed thirty-five (35) feet in width for two-way ingress and/or egress. The Superintendent of Highways may issue permits for a point of access up to fifty (50) feet in width for businesses engaged primarily in the servicing of automobile vehicles.
 - E. Effect on Curbs, Drainage Ditches, and Sidewalks: No curbs shall be cut or altered, or drainage ditches covered for the purpose of access without written approval by the

Superintendent of Highways. Where sidewalks exist, the area existing between the street and an interior parking space or driveway parallel to the street shall have an effective barrier to prevent harm to pedestrians or sidewalk by encroachment of vehicles on to the sidewalk area.

- F. Relation to State Highway Regulations: Access control on property abutting state or federal highways shall be governed by official regulations of the Tennessee Department of Transportation.
- G. Variances: Causes 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.

3.12. Manufactured Residential Dwellings. Manufactured residential dwellings, as defined in Chapter 2 of this Resolution, and as further defined in Tennessee Code Annotated, Section 13-24-201, where allowed as a permitted use by this Resolution shall meet the following conditions:

- A. The manufactured residential dwelling shall have the same general appearance as required for site-built homes.
- B. The unit must be installed on a permanent foundation system in compliance with all applicable requirements of the Southern Standard Building Code.
- C. The home must be covered with an exterior material customarily used in conventional dwellings. The exterior covering material shall extend to the ground except that, when a solid concrete or masonry perimeter foundation is used, the exterior covering material need not extend below the top of the foundation. Suitable exterior materials include, but shall not be limited to clapboards, simulated clapboards, such as conventional or metal materials, but excluding smooth, ribbed, or corrugated metal or plastic panels.
- D. The hitches or towing apparatus, axles and wheels must be removed.
- E. 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 aluminum, corrugated fiberglass, or metal roof.
- F. All such units shall be required to connect to a public utility system which includes gas, electricity, water, and sewer in compliance with the Southern Standard Building Code and National Electrical Code.
- G. These provisions shall not apply to manufactured homes in an approved mobile home park.

3.13. Street Access. A Zoning Compliance Permit may not be issued for a building on a lot which does not abut a public street or permanent easement, as defined in the Hardeman County

Subdivisions Regulations for at least fifty (50) feet except, in the case of cul-de-sac turnarounds, in which case it would be 25 feet measured around the turnaround arc.

3.14 Adult Oriented Businesses. For the purposes of this resolution, Adult Oriented Businesses as defined in Chapter 2 of this resolution shall be permitted only in the districts and under such conditions where specifically permitted by the district provisions contained herein.

3.15 Standards for Cemeteries.

- A. The site proposed for the cemetery shall be in compliance with the Hardeman County Major Road Plan.
- B. Any proposed cemetery shall be located on a site containing not less than one-half acre.
- C. All structures, including but not limited to mausoleums, permanent monuments, or maintenance buildings, shall be set back not less than fifteen (15) feet from any property or street right-of-way.
- D. All graves or burial lots shall be set back not less than 15 feet from any property line or street right of way line.
- E. All proposed cemeteries will have a permanent access easement or will front on a public road.
- F. Proposed cemeteries shall not be located in flood hazard areas as identified by the FIRM maps provided by FEMA.

3.16 Tower Structures

A. Purpose

The purpose of this regulation is to control the siting and distribution of all wireless communication towers throughout Hardeman County, Tennessee. The provisions of the regulation provide for the placement of wireless towers while protecting property from tower or antennae structure failure and visual impact. For the purposes of this regulation, wireless communication towers include lattice style towers, monopoles, microwave dishes, antennas and similar devices and structures for the purpose of transmitting or receiving any portion of the radio spectrum, regardless of whether for private or public use.

The goals of this regulation are:

- To encourage the placement of towers or antennas in non-residential areas;
- To minimize the number of towers or antennas within the community necessary to provide adequate personal wireless services to residents of Hardeman County;

- To encourage the joint use of new and existing tower and antenna sites among service providers;
- To locate telecommunications towers and antennas in areas where adverse visual and operational impacts on the community are minimized;
- To avoid potential damage to adjacent properties;
- To encourage the design and construction of towers and antennas to minimize adverse visual impacts; and
- To enhance the ability of the providers of telecommunications services to deliver such services to the community effectively and efficiently.

B. Exceptions

All new towers or antennas as defined by this regulation within Hardeman County, Tennessee shall be subject to these regulations, except as follows:

1. Preexisting towers and preexisting antennas shall not be required to meet this regulation.
2. Antennas or towers located on property owned, leased, or otherwise controlled by Hardeman County shall be exempt from the requirements of this regulation, provided a license or lease authorizing such antenna or tower has been reviewed and approved by Hardeman County.

C. Application Requirements

An application must be submitted to erect a new wireless communication tower, or to increase the height of an existing tower. All applications shall comply with the following:

1. Prior to scheduling a conference with the Hardeman County Zoning Compliance Officer, the applicant shall mail written notice of the proposed erection of a wireless tower to all property owners of record within 1,320 feet distance from a tower up to 100 feet in height, and within 2,640 feet from a tower over 100 feet in height. The notice shall include the following:
 - i. A vicinity map showing the proposed tower location and all tax lots within the notification area circle centered on the proposed location;
 - ii. A drawing showing the appearance of the proposed tower; and
 - iii. A statement requesting that the property owners provide the Hardeman County Zoning Compliance Office with any written comments regarding the proposed wireless communication tower within 15 days from the date the notice is mailed.

2. The applicant shall schedule and attend a pre-application conference with the Hardeman County Zoning Compliance Office after mailing the notice required in subsection (1) and prior to the submittal of an application. Any application for a wireless communication tower shall be designated as incomplete, unless the required pre-application conference with the Hardeman County Zoning Compliance Office has been completed and documented in writing.
3. Each application for an antenna and / or tower permit provided to the Hardeman County Zoning Compliance Office the following:
 - i. Authorization. Written authorization from the owner of the property where the tower will be located, and a copy of any lease agreement.
 - ii. Service Area Map. A map that shows the effective service area circle, including the locations of existing telecommunication towers or monopoles.
 - iii. Property Owner List. A list of the property owners who were mailed the notice required by Subsection (1), a copy of the notice, and a signed affidavit that the notice was mailed.
 - iv. Engineering Report. A report prepared by a professional engineer licensed by the State of Tennessee describing the height and design of the tower, demonstrating the tower is in compliance with applicable structural standards; and describing the tower's capacity, including the number and type of antennas it can accommodate.

When an antenna is proposed to be mounted on an existing structure, the report shall indicate the existing structure's suitability and capability to accept the antenna and the proposed method for affixing the antenna to the structure. Complete details of all fixtures and couplings and the precise point of attachment shall be indicated.
 - v. Written Report. That adequately reports on the inventory of existing towers and antenna sites within a one-mile (1-mile) radius from the proposed site, outlining the opportunities for shared use as an alternative to the proposed use. The applicant must illustrate that the proposed tower or antenna cannot be accommodated on an existing approved tower or facility due to one or more of the following reasons:
 - Unwillingness of the owner to share the facility.

- The equipment would exceed the structural capacity of the existing approved tower and facilities.
 - The planned equipment would cause frequency interference with other existing or planned equipment, which cannot be reasonably prevented.
 - Existing or approved towers or facilities do not have space on which proposed equipment can be placed so it can function effectively.
 - Other reasons make it impractical to place the proposed equipment by the applicant on existing towers or facilities.
- vi. Site Plan. A preliminary site plan must first be submitted to and reviewed by the Hardeman County Zoning Compliance Office. Subsequently, the preliminary site plan will be forwarded to the Hardeman County Board of Zoning Appeals to review it along with the petition for use permitted on appeal. After the review of the Hardeman County Board of Zoning Appeals, a final site plan must be submitted to the Hardeman County Regional Planning Commission for review and approval purposes. The following standards shall be used in the design of the facilities within FAR (Forestry Agricultural Districts):
- a. Setbacks. The minimum setbacks on all sides shall be equal to the height of the tower plus an additional twenty (20) feet, including any antennas or appurtenances, as measured from ground level. This setback shall be considered a fall zone. The fall zone setback requirement may be reduced or waived provided it can be demonstrated in a report prepared by a professional engineer licensed in the State of Tennessee that the communication tower will collapse if it falls and it is determined by administrative review that the tower does not posed a safety threat to adjacent property owners in the event of collapse. In such cases, the setback shall be equal to the distance specified in the engineer report or a minimum of fifty (50) feet, whichever is greater. In addition, no communication tower shall be located closer than two-hundred (200) feet from an existing residential structure. Setbacks shall be measured from the base of the tower, or guy-wire supports for lattice towers, to the property line. For ground structure associated with the tower and located

at the same site the minimum setback on all sides shall be fifty (50) feet.

- b. Landscaping and Screening. The applicant shall make a good faith effort to site the facility in such a manner or location to minimize the impact on scenic views utilizing trees, vegetation or topography to the maximum extent possible.
- c. Perimeter Fencing. A chain-link fence or solid wall not less than eight (8) feet in height consisting of at least six (6) feet of material plus two (2) feet of barbed wire on the top of fence measured from finished ground for site shall be provided around the facility. Access to the facility shall be limited to a locked gate.
- d. Lighting. All artificial lighting deemed necessary or required by federal regulations shall be shielded and oriented inward within the facility so as not to project on the surrounding properties.
- e. Visual Effects. All towers shall either maintain galvanized steel finish or, subject to any applicable standards of the Federal Aviation Administration, painted a neutral color, so as to reduce visual obtrusiveness.
- f. Standards. All towers must meet or exceed current standards and regulations of the Federal Aviation Administration, the Federal Communication Commission, and any other agency of the state or federal government with the authority to regulate towers or antenna arrays. If such standards and / or regulations are changed, the owners of the towers and / or antennas shall bring towers and/or antennas into compliance with revised standards within six (6) months of the effective date of such standards and/ or regulations unless a different compliance schedule is mandated by the controlling state or federal agency. Failure to bring towers and antennas into compliance shall constitute grounds for removal of the tower or antenna at the owner's expense. Each request for a permit must be accompanied by certified documentation or statement from a registered engineer

or other professional indicating compliance with these standards.

- g. Aircraft Hazard. Communication facilities shall not encroach into or through any established public or private airport approach path as established by the Federal Aviation Administration.
- h. Removal of Obsolete or Unused Facilities. All obsolete or unused telecommunication facilities shall be removed by the property owner within six (6) months of cessation of use. The applicant shall submit an executed Removal Agreement to ensure compliance with this requirement.
- i. Removal Agreement. Must provide, at a minimum, that the grantee shall upon or prior to the expiration or termination of the Telecommunication Removal Agreement, safely remove or cause the removal of all components of the Telecommunication Tower located on the premises. Except for any electrical or communications lines buried more than three (3) feet below the surface grade of the land, and restore the land compromising the premises to, as near as reasonably possible, its condition as the date of the commencement of construction of the telecommunication tower structure; and must either contain or provide that the grantee's plan for performing or causing the performance of the obligations. The telecommunication tower removal agreement must require the grantee to obtain and deliver to the landowner financial assurance in the following amounts to secure the performance of the grantee's removal and restoration obligations:
 - No less than five percent (5%) of the decommissioning cost of the date of the telecommunication tower structure commences commercial operation;
 - No less than fifty percent (50%) of the removal cost on the tenth anniversary of the date of the telecommunication tower structure commences commercial operation; and
 - No less than the removal cost on the fifteenth anniversary of the date the telecommunication

- tower structure commences commercial operation.
- Acceptable forms of financial assurances must be set forth in the telecommunication tower structure removal agreement and must include one (1) or more the following in the amount required:
 - i. A surety bond;
 - ii. A collateral bond;
 - iii. An irrevocable letter of credit;
 - iv. A parent guaranty;
 - v. Cash;
 - vi. A cashier's check;
 - vii. A certificate of deposit;
 - viii. A bank joint custody receipt;
 - ix. An approval negotiated instrument;
 - x. A combination of the forms of security described.
 - Copies of the telecommunications tower structure removal agreement must also be submitted to the Hardeman County Regional Planning Commission, Hardeman County Board of Commissioners, and Hardeman County Zoning Compliance Office.
- j. Facility Changes. Any changes to antenna, reception, or transmitting devices shall require review in the same as the existing facility was originally approved.
- k. Signs and Advertising. The use of any portion of a tower for signs or advertising purposes including banners, streamers, etc. is prohibited except as needed for warning or identification.
- l. Equipment Storage. Mobile or immobile equipment not used in direct support of a tower facility shall not be stored or parked on site unless repairs are being made.

- m. Maintenance. Adequate inspection and maintenance shall be performed to insure the structural integrity of the facility and to prevent dangerous conditions from occurring on the site.
- n. Road Access. All access roads, including necessary drainage facilities, shall be constructed to meet the street construction specifications of the Hardeman County Subdivision Regulations.

CHAPTER 4

ESTABLISHMENT OF DISTRICTS

4.01. Classification of Districts. For the purpose of this Resolution, Hardeman County, Tennessee, is hereby divided into eleven (11) regular districts.

FAR	(Forestry, Agriculture, Residential)
R	(Residential)
R-MH	(Residential-Mobile Home)
R-1	(Urban Fringe Residential)
RTO	(River Tourism Overlay)
C-1	(Local Commercial)
C-2	(General Commercial)
I-1	(Light Industrial)
I-2	(Heavy Industrial)
I-3	(Rural Industrial)
AHR	(Airport Height and Clear Zone)

4.02. Boundaries of Districts.

- A. General: The boundaries of districts in Section 4.01 of this Chapter are hereby established as shown on the Official Zoning Map entitled "Official Zoning Map, Hardeman County, Tennessee", which is a part of this Resolution, and which is on file at the Courthouse.
- B. Exact Determination: Unless otherwise indicated, boundaries as shown on the Official Zoning Maps indicated as following lot lines, the center lines of railroad rights-of-way lines; or regional boundary lines shall be construed to follow such lines. Questions concerning the exact locations of district boundaries shall be determined by the Board of Zoning Appeals.

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CHAPTER 5

PROVISIONS GOVERNING FAR DISTRICTS

General Description - This district is intended to be used primarily for agriculture, forestry, and exceptionally low-density residential development. The basic intent is to permit lands best suited for agriculture and forestry to be used for those purposes and to place necessary restrictions on residential development. As the Hardeman County Regional Planning Commission determines that there is sufficient demand for additional open land suitable for development and that there are adequate provisions for water supply and sewage disposal, selected portions of this district, suitable for the uses to be allowed, may be rezoned for more intensive forms of development. This district is also intended to allow certain uses on appeal which provide non-commercial services to the district or the district and other parts of the county, subject to appropriate conditions and safeguards.

Within the FAR (Forestry-Agriculture-Residential) District the following regulations shall apply.

5.01. Uses Permitted. Forestry and agricultural uses; single-family dwellings and customary accessory buildings; mobile homes on individual lots; communication towers, small roadside stands for sale of farm products raised on the same property; and real estate signs advertising the sale, rental, or leasing of only the premises on which they are maintained provided that they are not over four (4) square feet in area, and at least fifteen (15) feet from all lot lines.

5.02. Uses Permitted on Appeal. Following public notice and hearing and subject to appropriate conditions and safeguards, the Board of Zoning Appeals may permit:

- A. Public and Semi-Public Uses: Churches; schools; public recreation uses; cemeteries; other suitable public and semi-public uses; and customary accessory buildings for these uses.
- B. Incidental Home Occupations: Customary incidental home occupations; provided that no Building 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 provided further that:
 - 1. Location - The proposed use shall be located and conducted in the principal building only.
 - 2. Principals and employees - the principals and employees engaged in the proposed use shall be residents of the dwelling unit in which the proposed use is located.
 - 3. Floor area - not more than twenty-five (25) percent of the total floor area in a dwelling unit in which the proposed use is located shall be used for the home occupation.
 - 4. Storage - the proposed use shall not be the primary or incidental storage facilities for a business, industrial, or agricultural activity

5. Visibility - no materials, goods or equipment indicative of the proposed use shall be visible from any public street or alley.
 6. Advertising - the proposed use shall not be advertised by the use of a sign on the lot which exceed eight square feet in area.
 7. Undesirable effects - the proposed use shall not generate noise, odor, **fumes, smoke, excessive vehicular or pedestrian traffic, nor nuisance of** any kind which would tend to depreciate the character of the neighborhood in which the proposed use is located.
- C. Non-incidental Home Occupations: Non-incidental home occupations as defined in Chapter II of this ordinance, provided that no Building 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 provided further that:
1. Principals and employees - the principals and employees engaged in the proposed use shall be residents of the dwelling.
 2. Floor area — an accessory structure or building of not more than fifty (50) percent of the total door area of the principal structure shall be used for the home occupation.
 3. Storage - the proposal use shall not be the primary or incidental storage facilities for a business, industrial, or agricultural activity conducted elsewhere.
 4. Visibility - no materials, goods or equipment indicative of the proposed use shall be visible from any public street or alley.
 5. Advertising - the proposed use shall not be advertised by the use of a sign on the lot which exceed eight (8) square feet in area.
 6. Undesirable effects - the proposed use shall not generate noise, odor, turns, smoke, vehicular or pedestrian traffic, nor nuisance of any kind which would tend to depreciate the character of the neighborhood in which the proposed use is located.
 7. Location — the accessory structure or building shall not be located in front of the building line of the principal structure.
 8. Buffering — the proposed use shall be subject to any additional landscaping, screening, or buffering as may be determined by the Board of Zoning Appeals.
- D. Day Care Centers, Group Day Care Homes, and Family Day Care Homes: may be permitted by the Board of Zoning Appeals upon approval of a site plan drawn to scale that addresses all the criteria with which the Board of Zoning Appeals may be concerned 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. In addition, the following conditions shall be met:

- i. In the instance of Day Care Centers, Group Day Care Homes and Family Day Care Homes, a fenced play area of not less than a minimum of fifty (50) square feet for each child shall be provided.
 - ii. No portion of the fenced play area shall be closer than ten (10) feet to any residential lot line, nor shall the fenced play area be located within any required front yard.
 - iii. In the cases of Day Care Centers, Group Day Care Homes, and Family Day Care Homes, a densely planted vegetative screen consisting of evergreen shrubs or trees which can be expected to reach at least six (6) feet in height within three (3) years thereafter, shall be provided and maintained between fenced play areas and residential lot lines in such locations as the Board of Zoning Appeals may direct.
 - iv. All outdoor play activities shall be conducted within the fenced play area.
 - v. The facilities, operation and maintenance shall meet the requirements of the Tennessee Department of Human Services.
 - vi. There is an adequate sewage system as approved by the Tennessee Department of Environment and Conservation.
- E. Quarries: Quarries; 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 provided further that:
- vii. The applicant shall be required to take such measures as the County Road Supervisor may deem necessary and proper to adequately improve and maintain county roads proposed for use by the applicant to insure the safety and good conditions of these roads. A bond, in an amount adequate to correct damages occurring, as a result of use of these roads by the applicant shall be required. The County Road Supervisor shall establish the amount of the bond.
 - viii. The following maps and drawings shall be required as a minimum:
 - 1. A general location map taken from a USGS 7 1/2 minutes quadrangle sheet, with the mining locations and haul roads clearly marked thereon.
 - 2. A detailed topographic map of a scale of four hundred (400) feet to the inch, with the site boundaries indicated thereon and prepared by a registered professional engineer, a professional geologist, or a registered land surveyor. The following information shall be shown:

- a. Name of the operator.
- b. Owner(s) of the mineral rights.
- c. Owner(s) of the surface rights.
- d. Total number of acres to be disturbed.
- e. The date the map was prepared, together with a certification as to its accuracy by the person responsible for its preparation.
- f. The boundaries of the area to be permitted.
- g. The location of the stream or streams or any standing body of water into which the area drains, the location of drainage ways, and the planned siltation traps and other impoundments.
- h. The location of all haul or other access roads to be used by the mining operator.
- i. The location of any existing structures, publicly owned lands, or utility facilities within the affected area or one thousand (1,000) feet thereof.
- j. The approximate location of the cuts or excavation to be made in the surface, the estimated location of fill areas and the location of areas designated where no mining can take place.
- k. The applicant should submit a detailed reclamation plan.
- l. Overburden shall be retained on a suitable portion of the site of the sand or gravel or other extraction operations and shall be used for back fill.
- m. Adequate supports shall be provided to prevent caving and backsliding into an excavated area.
- n. No excavation shall be made within 75 feet of the perimeter of the site of the sand, gravel, or other extraction operation; within 100 feet of any street right-of-way or within 250 feet of any building used for residential purposes provided, however, that if the owner of the property adjoining, abutting or adjacent to the property which is the site of the sand, gravel, or other extraction and processing operations agrees, in writing, such excavation may be closer to such property owner's lot line than provided in this subsection, provided that in no case shall an excavation be made within 30 feet of the lot line of any other property. Such notarized written

agreement shall be submitted with the application for Use Permitted on Appeal.

- o. All excavations shall be filled and the land restored, re-graded and re-sloped as nearly as practicable to its original condition and grade within 9 months (270 days) after the date sand, gravel, or other extraction operations cease provided, however, that any excavation made closer than 250 feet to a lot line of the property which is the site of the sand, gravel, or other extraction operations shall be filled, and the land restored, re-graded, and re-sloped within 90 days from the date the excavation within 250 feet of such lot line is completed.
- p. Land shall be restored, re-graded, and re-sloped as nearly as practicable to its original condition and grade provided, however, that after such reclamation activities, no slope on such land shall be steeper than 3 feet horizontal to one (1) foot vertical and no greater quantities of drainage water shall flow onto adjoining properties or shall flow at a faster rate onto adjoining properties than such drainage water flowed prior to the commencement of sand, gravel, or other extraction or processing activities on the land reclaimed.
- q. Prior to the commencement of sand, gravel, or other extraction operations, the applicant for the conditional use shall submit to the Zoning Compliance Officer a performance bond in the minimum amount of \$3,500 per acre, increasing \$100 per acre per year from the date of adoption of this Section or as determined by the county engineer, for each acre proposed to be used for sand, gravel, or other extraction operations to insure that the land shall be restored, re-graded, and re-sloped as provided in subsections f. and g. of this Section when such mining or extraction operations cease. Such performance bond shall be released after reclamation activities are complete and the condition, grade, and drainage of the land are approved in writing by the Zoning Compliance Officer and County Engineer provided, however, that a proportionate release of such bond may be authorized by the Zoning Compliance Officer and County Engineer for phased or partial reclamation.
- r. Equipment used in sand, gravel, or other extraction or processing operations shall be operated in such a manner that noise and vibration are prevented, to the extent possible,

from emanating beyond the boundaries of the site of the mining, extraction, or processing operations.

- s. A statement setting forth the type, location, and conditions of such processing operations shall be submitted for the review and approval of the Board of Zoning Appeals. The Board of Zoning Appeals may require a written assessment of the environmental impact of the proposed sand, gravel, or extractive operation and processing.
- t. The location and surfacing of driveways providing access to and egress from the site are subject to the review and approval of the Board of Zoning Appeals.

F. Dog Kennels and Canine Training Facilities: Dog kennels and canine training facilities; 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:

- ix. All canine species accepted at such facility shall be contained either indoors or in a fenced outdoor area.
- x. A fenced outdoor area of not less than a minimum of twenty (20) square feet for each dog accepted at such facility shall be maintained on an area of the premises excluding required front and side yards.
- xi. No portion of the fenced outdoor area shall be closer than twenty (20) feet of a property boundary.

G. Standards for Elderly Congregate Living Facilities in FAR Districts

- xii. The proposed site cannot exceed a density of more than one unit per acre of available space.
- xiii. The proposed site must have and maintain a Tennessee Department of Environment and Conservation approved drinking water system.
- xiv. The proposed site must have a septic system approved by the Tennessee Department of Environment and Conservation.
- xv. The proposed site must possess adequate road frontage for ingress and egress,
- xvi. The proposed site cannot exceed a total of 8 single living units.
- xvii. The proposed site cannot provide the intensive medical services that would normally be restricted to medical professionals (Physicians, Physicians Assistants, or Registered Nurses) assigned to skilled nursing facilities, assisted living facilities, convalescence and nursing homes, or hospitals.

- H. Handgun Training Facility and Firing Range: Handgun Training Facilities and Firing Ranges; 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 safety and character of the neighborhood in which the proposed use is located; and further provided that:

- xviii. Such a facility shall be located on property consisting of no less than 20 acres.
- xix. The firing line established at such facility shall be situated no closer than 300 feet from any property line.
- xx. Fencing shall be required down range to fully enclose and limit access to the down range area. Such fencing shall be 8 feet high with warning signs informing persons outside the fenced area that firearms are being discharged. Additional fencing shall be required to control access to the firing line.
- xxi. A site plan shall be prepared and submitted in accordance with Chapter 16 of this resolution reflecting the property layout, all buildings, the firing and target line, all fencing and on-site circulation and parking as well as features identified under Section 1`9.04, B. (105).
- xxii. Such a facility and training staff shall meet all the requirements of the Ordinance Division of the Tennessee Department of Safety.

- I. Religious Quarters Limited to Monasteries (1252): Religious Quarters, limited to Monasteries; 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 safety and character of the neighborhood in which the proposed use is located; and further provided that:

- xxiii. A permit from the Hardeman County Environmentalist certifying that an adequate wastewater (septic) system will be engineered and placed on site.

J. Consolidated Animal Feedlot Operations (CAFO)

Agriculture is an important part of the history and future of Hardeman County. Livestock such as beef, pork and chicken provide a daily source of meat, milk, eggs, and fiber to our diet. If left unabated, feedlots can have a detrimental impact on surrounding residential and agricultural uses. Therefore, the intent of this regulation is to protect agricultural uses, human health and welfare and the natural environment. CAFOs are prohibited in all areas designated as flood plain and the following requirements are established in FAR Districts:

- 1. Minimum Lot Size 200 Acres
- 2. Setbacks:
 - a. Front yard setback1,500 feet

- b. Side yard setback200 feet
- c. Rear yard setback.....200 feet

3. Minimum distance from a:

- a. Residential Structure1,000 feet
- b. Commercial Structure1,000 feet
- c. Church or School1,000 feet
- d. Municipal City Limit ½ mile
- e. Existing Feedlot 2 Mile Radius
- f. Lake1,000 feet
- g. Stream / River1,000 feet
- h. Water well.....100 feet

- 4. All Applicable Federal and State of Tennessee Licenses and Permits must be presented when appearing before the BZA.
- 5. The storage or transportation of manure and animal carcasses must be in accordance with Federal and State of Tennessee laws.
- 6. All expansions of feedlots must be approved by the BZA.
- 7. Permit Fees will be determined in accordance with building permit charges as set forth by Hardeman County.
- 8. Prior to construction of a feedlot a site plan, prepared by a registered land surveyor, showing the following information must be submitted to and approved by the Board of Zoning Appeals:
 - a. The location of proposed feedlot and all other existing or proposed structures.
 - b. Type of feedlot facility.
 - c. A surveyor's note stating that all necessary setback requirements are being met.
 - d. Location of all bodies of water and wells.
 - e. Total acreage of property.

K. Small Scale Custom Slaughter Operations (SSCSO)^{xxvii}

- xxiv. Agriculture is an important part of the history and future of Hardeman County. Livestock such as beef, pork and chicken provide a daily source of meat, milk, eggs, and fiber to our diet. Due to local demand for the slaughtering of such, the following requirements are established in FAR Districts:

1. Minimum Lot Size 20 Acres
2. Setbacks:
 - a. Front yard setback500 feet
 - b. Side yard setback200 feet
 - c. Rear yard setback.....200 feet
3. Minimum distance from a:
 - a. Residential Structure 2,000 feet
 - b. Commercial Structure 1,000 feet
 - c. Church or School 1,000 feet
 - d. Municipal City Limit ½ mile
 - e. Existing Slaughterhouse..... 5 Mile Radius
 - f. Lake 1,000 feet
 - g. Stream / River 1,000 feet
 - h. Water well.....100 feet
4. All Applicable Federal and State of Tennessee Licenses and Permits must be presented when appearing before the BZA.
5. The storage or transportation of animal carcasses must be in accordance with Federal and State of Tennessee laws.
6. All expansions of customary slaughter operations must be approved by the BZA.
7. Permit Fees will be determined in accordance with building permit charges as set forth by Hardeman County.
8. Prior to construction of a customary slaughter operation facility a site plan, prepared by a registered land surveyor, showing the following information must be submitted to and approved by the Board of Zoning Appeals and subsequently submitted to and approved by the Planning Commission:
 - a. The location of proposed customary slaughter operation facility and all other existing or proposed structures.
 - b. A surveyor's note stating that all necessary setback requirements are being met.

- c. Location of all bodies of water and wells.
 - d. Total acreage of property.
- L. Private landing strips for fixed wing and rotary wing single engine aircraft provided the following minimum requirements are met:
 - xxv. A site plan of the proposed landing strip shall be presented at the time of the proposal.
 - xxvi. The landing strip shall be appropriate for the size and type of aircraft involved and shall be constructed according to the Federal Aviation Administration's and the manufacturer's specifications for the type of aircraft involved.
 - xxvii. No landing strip shall be located closer than five hundred (500) feet from any residence (other than the owner's residence), school, church or other place of public assembly.
 - xxviii. All landing strips shall be situated in such a manner that under no circumstances shall an approach or departure be over a residence, provided that the residence be located a minimum of five hundred (500) feet beyond the end of the required landing strip length.
 - xxix. The site plan shall show all roads bordering the subject property, and the location and type of all adjacent utility lines.
 - xxx. Any other requirements which in the opinion of the Planning Commission or Board of Zoning Appeals would be required to protect the safety and welfare of the surrounding area.
- M. Telecommunications' structures and equipment subject to the provisions of Chapter III, Section 3.16, as well as any additional safeguards recommended by the Board of Zoning Appeals.

5.03. Uses Prohibited. All uses not specifically permitted herein or permitted as uses permitted on appeal are prohibited.

5.04. Minimum Lot Sizes.

- A. Uses Permitted 1 acre or greater as required by county environmentalist based on soil characteristics.
- B. Uses Permitted on Appeal:

- | | | |
|----|------------|--------------------------------------------------------------------------------------------------|
| 1. | Churches | One acre or two hundred (200) square feet of lot area per auditorium seat, whichever is greater. |
| 2. | Schools | Five (5) acres plus one (1) acre for each one hundred (100) students. |
| 3. | Other Uses | One (1) acre or greater as required by the Board of Zoning Appeals. |

5.05. Minimum Lot Width at the Building Line.

- | | | |
|----|---------------------------|-------------------------------------------------------------------------------|
| A. | Uses Permitted | One hundred (100) feet |
| B. | Uses Permitted on Appeal: | |
| 1. | Churches and schools | Two hundred (200) feet or more as required by the Board of Zoning Appeals. |
| 2. | Other Uses | One hundred (100) feet or greater as required by the Board of Zoning Appeals. |

5.06. Minimum Front Yard Depth.

- | | | |
|----|---------------------------------------|---------------------------------------------------------------------------|
| A. | Uses Permitted: | |
| 1. | All lots fronting on arterial streets | Sixty (60) feet. |
| 2. | All other lots | Thirty-five (35) feet |
| B. | Uses Permitted on Appeal: | |
| 1. | All lots front on arterial streets | Sixty (60) feet or more as required by the Board of Zoning Appeals. |
| 2. | All other lots | Thirty-five (35) feet or more as required by the Board of Zoning Appeals. |

5.07. Minimum Side Yard Width.

- | | | |
|----|---------------------------|-----------------------------------------------------------------------|
| A. | Uses Permitted: | Fifteen (15) feet on each side. |
| B. | Uses Permitted on Appeal: | |
| 1. | Churches and schools | Thirty (30) feet or more as required by the Board of Zoning Appeals. |
| 2. | All Other Uses | Fifteen (15) feet or more as required by the Board of Zoning Appeals. |

5.08. Minimum Rear Yard Depth.

- | | | |
|----|-----------------|-------------------|
| A. | Uses Permitted: | Thirty (30) feet. |
|----|-----------------|-------------------|

- B. Uses Permitted on Appeal: All Uses - Thirty (30) feet or more as required by the Board of Zoning Appeals.
- 5.09. Maximum Building Coverage (total for all buildings).
- A. Uses Permitted: Twenty-five (25%) percent of the area of such lots.
- B. Uses Permitted on Appeal: Fifty (50%) percent or less as required by the Board of Zoning Appeals.
- 5.10. Maximum Height of Buildings. For all buildings, the maximum height is thirty-five (35) feet, except that this provision shall not apply to: belfries, chimneys, church spires, flagpoles, radio or television antennas, water tanks, of stand pipes, barns, silos, grain storage bins or sheds for the storage of farm or forestry products provided they comply with all pertinent codes and resolutions and provided that they are located a distance equal to their height plus ten (10) feet from the nearest property line.

CHAPTER 6

PROVISIONS GOVERNING (R) RESIDENTIAL DISTRICTS

General Description - This district is intended primarily to allow low density single-family residential development in areas suitable for such development. These areas tend to have access to a public water system but not a public sewerage system. This situation is reflected in the district regulations. The district is also intended to allow on appeal uses other than single-family and certain uses which provide various services to the district or the district and other parts of the county, provided that appropriate conditions and safeguards are satisfied.

Within the R (Residential) District, the following regulations shall apply.

- 6.01. Uses Permitted. Single-family dwellings and customary accessory buildings; communication towers; real estate signs advertising the sale, rental, or leasing of only the premises on which they are maintained provided that they are not over four (4) square feet in area, and at least fifteen (15) feet from all lot lines.
- 6.02. Uses Permitted on Appeal. Following public notice and hearing and subject to appropriate conditions and safeguards, the Board of Zoning Appeals may permit:
- A. Public and Semi-Public Uses: Churches; schools; golf courses; other suitable public and semi-public uses; and customary accessory buildings for these uses.
 - B. Incidental Home Occupations: Customary incidental home occupations; 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 provided further that:
 - 1. Location - The proposed use shall be located and conducted in the principal building only.
 - 2. Principals and employees - the principals and employees engaged in the proposed use shall be residents of the dwelling unit in which the proposed use is located.
 - 3. Floor area - not more than fifteen (15%) percent of the total floor area in a dwelling unit in which the proposed use is located shall be used for the home occupation.
 - 4. Storage - the proposed use shall not be the primary or incidental storage facilities for a business, industrial, or agricultural activity conducted elsewhere.
 - 5. Visibility - no activity, materials, goods, or equipment indicative of the proposed use shall be visible from any public street or alley.
 - 6. Advertising - the proposed use shall not be advertised by the use of signs on the lot which exceeds eight square feet in area.

7. Undesirable effects - 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 character of the neighborhood in which the proposed use is located.
- C. Day Care Centers, Group Day Care Homes, and Family Day Care Homes: may be permitted by the Board of Zoning Appeals upon approval of a site plan drawn to scale that addresses all the criteria with which the Board of Zoning Appeals may be concerned 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. In addition, the following conditions shall be met:
1. In the instance of Day Care Centers, Group Day Care Homes and Family Day Care Homes, a fenced play area of not less than a minimum of fifty ((50)) square feet for each child shall be provided.
 2. No portion of the fenced play area shall be closer than ten (10) feet to any residential lot line, nor shall the fenced play area be located within any required front yard.
 3. In the cases of Day Care Centers, Group Day Care Homes, and Family Day Care Homes, a densely planted vegetative screen consisting of evergreen shrubs or trees which can be expected to reach at least six (6) feet in height within three (3) years thereafter, shall be provided and maintained between fenced play areas and residential lot lines in such locations as the Board of Zoning Appeals may direct.
 4. All outdoor play activities shall be conducted within the fenced play area.
 5. The facilities, operation and maintenance shall meet the requirements of the Tennessee Department of Human Services.
 6. There is an adequate sewage system as approved by the Tennessee Department of Environment and Conservation.

6.03. Uses Prohibited. Mobile homes, mobile home parks, and other uses not specifically permitted or permitted as uses permitted on appeal shall be prohibited.

6.04. Minimum Lot Sizes.

- | | | |
|----|---------------------------|------------------------------------------------------------------------------------------------------|
| A. | Uses Permitted: | One (1) acre or greater as required by the County Environmentalist based on soil characteristics. |
| B. | Uses Permitted on Appeal: | |
| 1. | Churches | One (1) acre or two hundred (200) square feet of lot area per auditorium seat, whichever is greater. |

- | | | |
|----|------------|-----------------------------------------------------------------------|
| 2. | Schools | Five (5) acres plus one (1) acre for each one hundred (100) students. |
| 3. | Other Uses | One (1) acre or more as required by the Board of Zoning Appeals. |

6.05. Minimum Lot Width at the Building Line.

- | | | |
|----|---------------------------|-------------------------------------------------------------------------------|
| A. | Uses Permitted: | One hundred (100) feet |
| B. | Uses Permitted on Appeal: | |
| 1. | Churches and schools | Two hundred (200) feet or more as required by the Board of Zoning Appeals. |
| 2. | Other Uses | One hundred (100) feet or greater as required by the Board of Zoning Appeals. |

6.06. Minimum Front Yard Depth.

- | | | |
|----|---------------------------------------|---------------------------------------------------------------------|
| A. | Uses Permitted: | |
| 1. | All lots fronting on arterial streets | Fifty (50) feet. |
| 2. | All other lots | Thirty-five (35) feet. |
| B. | Uses Permitted on Appeal: | |
| 1. | All lots front on arterial streets | Fifty (50) feet or more as required by the Board of Zoning Appeals. |
| 2. | All other lots | Forty (40) feet or more as required by the Board of Zoning Appeals. |

6.07. Minimum Side Yard Width.

- | | | |
|----|---------------------------|-----------------------------------------------------------------------|
| A. | Uses Permitted: | Fifteen (15) feet. |
| B. | Uses Permitted on Appeal: | |
| 1. | Churches and schools | Thirty (30) feet or more as required by the Board of Zoning Appeals. |
| 2. | All Other Uses | Fifteen (15) feet or more as required by the Board of Zoning Appeals. |

6.08. Minimum Rear Yard Depth.

- | | | |
|----|---------------------------|----------------------------------------------------------------------|
| A. | Uses Permitted: | Twenty-five (25) feet. |
| B. | Uses Permitted on Appeal: | |
| 1. | Churches and schools | Thirty (30) feet or more as required by the Board of Zoning Appeals. |

2. Other Uses

Twenty-five (25) feet or more as required by the Board of Zoning Appeals.

6.09. Maximum Building Coverage (total for all buildings).

- A. Uses Permitted: Thirty (30%) percent of the area of such lots.
- B. Uses Permitted on Appeal: Fifty (50%) percent or less as required by the Board of Zoning Appeals.

6.10. Maximum Height of Buildings.

- A. Buildings in General: No building shall exceed thirty-five (35) feet in height. This limitation shall not apply to belfries, chimneys, church spires, flagpoles, radio and television antennas, and water tanks or standpipes, provided they comply with the provisions of all pertinent codes and resolutions and provided that they are located a distance equal to their height plus ten (10) feet from the nearest property line.
- B. Accessory Buildings: No accessory building shall exceed thirty-five (35) feet in height.

CHAPTER 7

PROVISIONS GOVERNING (R-MH) RESIDENTIAL-MOBILE HOME DISTRICTS

General Description - This district is intended to allow a mixture of single-family residential development with individual mobile homes and mobile home parks and multi-family residential uses. Areas designated as Residential-Mobile Home will be suitable for low to moderate density development in the form of mobile home subdivisions, mobile home parks, as well as duplexes and multi-family residential uses. The designated areas will be served by public water, but not necessarily public sewer, and will provide appropriate safeguards to guarantee a high quality of life to its residents. In addition, certain other uses are allowed on appeal.

Within the R-MH (Residential-Mobile Home) District, the following regulations shall apply.

7.01. Uses Permitted: Single-family dwellings and customary accessory buildings; duplexes, triplexes, and multi-family* residences; mobile homes on individual lots; mobile home parks*; real estate signs advertising the sale, rental, or leasing of only the premises on which they are maintained provided that they are not over four (4) square feet in area, and at least fifteen (15) feet from all lot lines.

7.02. Uses Permitted on Appeal: Following public notice and hearing and subject to appropriate conditions and safeguards, the Board of Zoning Appeals may permit:

- A. Public and Semi-Public Uses: Churches; schools; golf courses; other suitable public and semi-public uses; and customary accessory buildings for these uses.
 - B. Incidental Home Occupations: Customary incidental home occupations; 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 provided further that:
 - 1. Location - The proposed use shall be located and conducted in the principal building only.
 - 2. Principals and employees - the principals and employees engaged in the proposed use shall be residents of the dwelling unit in which the proposed use is located.
 - 3. Storage - the proposed use shall not be the primary or incidental storage facilities for a business, industrial, or agricultural activity conducted elsewhere.
- * Mobile home parks and multi-family developments shall be subject to the site plan reviewed by the Planning Commission.

4. Floor area - not more than fifteen (15%) percent of the total floor area in a dwelling unit in which the proposed use is located shall be used for the home occupation.
 5. Visibility - no activity, materials, goods, or equipment indicative of the proposed use shall be visible from any public street or alley.
 6. Advertising - the proposed use shall not be advertised by the use of signs on the lot on which the proposed use is located.
 7. Undesirable effects - 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 character of the neighborhood in which the proposed use is located.
- C. Day Care Centers, Group Day Care Homes, and Family Day Care Homes: may be permitted by the Board of Zoning Appeals upon approval of a site plan drawn to scale that addresses all the criteria with which the Board of Zoning Appeals may be concerned 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. In addition, the following conditions shall be met:
1. In the instance of Day Care Centers, Group Day Care Homes and Family Day Care Homes, a fenced play area of not less than a minimum of fifty ((50) square feet for each child shall be provided.
 2. No portion of the fenced play area shall be closer than ten (10) feet to any residential lot line, nor shall the fenced play area be located within any required front yard.
 3. In the cases of Day Care Centers, Group Day Care Homes, and Family Day Care Homes, a densely planted vegetative screen consisting of evergreen shrubs or trees which can be expected to reach at least six (6) feet in height within three (3) years thereafter, shall be provided and maintained between fenced play areas and residential lot lines in such locations as the Board of Zoning Appeals may direct.
 4. All outdoor play activities shall be conducted within the fenced play area.
 5. The facilities, operation and maintenance shall meet the requirements of the Tennessee Department of Human Services.
 6. There is an adequate sewage system as approved by the Tennessee Department of Environment and Conservation.

7.03. Uses Prohibited. Any use not specifically permitted or permitted as a use on appeal shall be prohibited.

7.04. Minimum Lot Sizes.

- A. Uses Permitted:

- | | |
|--------------------------------------------------------------------------------|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| 1. Single-family dwellings
(Including mobile homes
on individual lots) – | 1/2 acre or greater as required by the
County Environmentalist based on soil
characteristics. |
| 2. Duplex, triplex, and multi-family* | 1 acre for the first two (2) units in any
structure (1/2 acre per unit) and 10,000
square feet for each additional unit in
the structure or greater as required by
the County Environmentalist based on
soil characteristics. |
| 3. Mobile Home Parks* | Two (2) acres or 10,000 square feet per
mobile home, whichever is greater,
provided that a greater area may be
required by the County
Environmentalist based on soil
characteristics. |

* Subject to site plan approval by Planning Commission.

B. Uses Permitted on Appeal:

- | | |
|---------------|------------------------------------------------------------------------------------------------------------|
| 1. Churches | One (1) acre or two hundred (200)
square feet of lot area per auditorium
seat, whichever is greater. |
| 2. Schools | Five (5) acres plus one (1) acre for each
one hundred (100) students. |
| 3. Other uses | One (1) acre or more as required by the
Board of Zoning Appeals |

7.05. Minimum Lot Width at the Building Line.

- | | |
|--------------------------------------------------------------------------|--------------------------------------------------------------------------------|
| A. Single-family homes, duplexes
and mobile homes on individual lots: | One hundred (100) feet. |
| B. Mobile Home Parks, Triplexes
and Multifamily: | Two hundred (200) feet. |
| C. Uses Permitted on Appeal:
Churches and schools | Two hundred 200 feet or more as
required by the Board of Zoning
Appeals. |

7.06. Minimum Front Yard Depth.

- A. Uses Permitted:

1. All lots fronting on arterial streets Fifty (50) feet.
 2. All other lots Thirty-five (35) feet.
 - B. Uses Permitted on Appeal:
 1. All lots front on arterial streets Fifty (50) feet.
 2. All other lots Forty (40) feet or more as required by the Board of Zoning Appeals.
- 7.07. Minimum Side Yard Width.
- A. Uses Permitted:
 1. Mobile Home Parks, duplexes and multi-family developments Twenty (20) feet.
 2. All other uses Fifteen (15) feet.
 - B. Uses Permitted on Appeal:
 1. Churches and schools Thirty (30) feet or more as required by the Board of Zoning Appeals.
 2. All Other Uses Fifteen (15) feet or more as required by the Board of Zoning Appeals.
- 7.08. Minimum Rear Yard Depth.
- A. Uses Permitted:
 1. Mobile Home Parks Twenty (20) feet.
 2. All other uses Twenty-five (25) feet.
 - B. Uses Permitted on Appeal:
 1. Churches and schools Thirty (30) feet or more as required by the Board of Zoning Appeals.
 2. Other Uses Twenty-five (25) feet or more as required by the Board of Zoning Appeals.
- 7.09. Maximum Building Coverage (total for all buildings).
- A. Uses Permitted:
 1. Mobile Home Parks Fifty (50%) percent.
 2. All other uses Thirty (30) percent.
 - B. Uses Permitted on Appeal:

All uses

Fifty (50%) percent or less as required by the Board of Zoning Appeals.

7.10. Maximum Height of Buildings.

- A. Building in general: No building shall exceed thirty-five (35) feet in height. This limitation shall not apply to belfries, chimneys, church spires, flagpoles, radio and television antennas, and water tanks or standpipes provided they comply with the provisions of all pertinent codes and resolution and provided that they are located at distance equal to their height plus ten (10) feet from a near property line.
- B. Accessory Buildings: No accessory building shall exceed thirty-five (35) feet in height.

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CHAPTER 8

PROVISIONS GOVERNING (R-1) URBAN FRINGE RESIDENTIAL DISTRICTS

General Description - This district is intended to provide areas of high density for residential development adjacent to existing municipalities of the County in only those areas where both public water and public sewer is available.

Within the R-1 (Urban Fringe Residential) District, as shown on the Zoning Map of the Hardeman County, Tennessee, the following regulations shall apply:

8.01. Uses Permitted: Single-family dwellings; two-family dwellings; townhouse dwellings; multiple-family dwellings; accessory buildings or uses customarily incidental to any aforementioned permitted use; and real estate signs advertising the sale, rental or leasing of only the premises on which they are maintained provided that they are not over four (4) square feet in area, and at least 15 feet from all lot lines.

8.02. Uses Permitted on Appeal: Following public notice and hearing and subject to appropriate conditions and safeguards, the Board of Zoning Appeals may permit:

- A. Public and Semi-Public Uses: Churches; schools; libraries; public recreation uses; cemeteries; philanthropic institutions; clubs, except a club where the chief activity is customarily carried on as a business; country clubs; other suitable public and semi-public uses; and customary accessory buildings for these uses.
- B. Incidental Home Occupations: Customary incidental home occupations; 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 provided further that:
 - 1. Location - The proposed use shall be located and conducted in the principal building only.
 - 2. Principals and employees - the principals engaged in the proposed use shall be residents of the dwelling unit in which the proposed use is located.
 - 3. Floor area - not more than twenty-five (25) percent of the total floor area in a dwelling unit in which the proposed use is located shall be used for the home occupation.
 - 4. Storage - the proposed use shall not be the primary or incidental storage facilities for a business, industrial, or agricultural activity conducted elsewhere.
 - 5. Visibility - no activity, materials, goods, or equipment indicative of the proposed use shall be visible from any public street or alley.
 - 6. Advertising - the proposed use shall not be advertised by the use of signs on the lot which exceeds eight square feet in area.

- C. Non-incidental Home Occupations: Non-incidental home occupations as defined in Chapter II of this ordinance, provided that no Building 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 provided further that:
1. Principals and employees- the principals and employees engaged in the proposed use shall be residents of the dwelling.
 2. Floor area - an accessory structure or building or not more than fifty (50) percent of the total floor area of the principal structure shall be used for the home occupation.
 3. Storage - the proposed use shall not be the primary or incidental storage facilities for a business, industrial, or agricultural activity conducted elsewhere.
 4. Visibility - no materials, goods or equipment indicative of the proposed use shall be visible from any public street or alley.
 5. Advertising- the proposed use shall not be advertised by the use of a sign on the lot which exceeds eight (8) square feet in area.
 6. Undesirable effects - 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 character of the neighborhood in which the proposed use is located.
 7. Location - the accessory structure or building shall not be located in front of the building line of the principal structure.
 8. Buffering - the proposed use shall be subject to any additional landscaping, screening, or buffering as may be determined by the Board of Zoning Appeals.
- D. Day Care Centers, Group Day Care Homes, and Family Day Care Homes: may be permitted by the Board of Zoning Appeals upon approval of a site plan drawn to scale that addresses all the criteria with which the Board of Zoning Appeals may be concerned 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. In addition, the following conditions shall be met:
1. In the cases of Day Care Centers, Group Day Care Homes and Family Day Care Homes, a fenced play area of not less than a minimum of fifty (50) square feet for each child shall be provided.
 2. No portion of the fenced play area shall be closer than ten (10) feet to any residential lot line, nor shall the fenced play area be located within any required front yard.

3. In the cases of Day Care Centers, Group Day Care Homes and Family Day Care Homes, a densely planted vegetative screen consisting of evergreen shrubs or trees which can be expected to reach at least six (6) feet in height within three (3) years thereafter, shall be provided and maintained between fenced play areas and residential lot lines in such locations as the Board of Zoning Appeals may direct.
4. All outdoor play activities shall be conducted within the fenced play area.
5. The facilities, operation and maintenance shall meet the requirements of the Tennessee Department of Human Services.

8.03. Uses Prohibited. Any other use or structure not specifically permitted or permissible on appeal in this section are prohibited.

8.04. Regulations Controlling Accessory Uses. Accessory buildings including a private garage, storage building, satellite antennas, swimming pools and other similar accessory uses customarily incidental to the above permitted uses shall be regulated as follows:

- A. No accessory uses mentioned above shall be erected in any front yard.
- B. Accessory buildings shall not be located closer than five (5) feet from any rear or side lot line.
- C. Accessory buildings shall be located at least five (5) feet from any other building on the same lot.

8.05. Minimum Lot Sizes

A. Uses Permitted:

1. Except Townhouse

Six thousand (6,000) sq. ft. for the first dwelling unit plus two thousand five hundred (2500) sq. feet for each additional unit.

2. Townhouses

2,500 square feet for each unit.

B. Uses Permitted on Appeal:

1. Churches and Country Clubs
2. Schools

One (1) acre

Five (5) acres plus one (1) acre for each one hundred (100) or fraction of one hundred students over one hundred.

3. Libraries

20,000 square feet

4. Day Care Center

30,000 square feet

5. Group Day Care Home

12,000 square feet

6. Family Day Care Home

10,000 square feet

- | | | |
|----|------------|---------------------------------------------|
| 7. | Other Uses | As required by the Board of Zoning Appeals. |
|----|------------|---------------------------------------------|

8.06. Minimum Lot Width at the Building Line.

- | | | |
|-----------------------------|-------------------------------|---------------------------------------------|
| A. Permitted Uses | | |
| 1. | One- and two-family Dwellings | Fifty (50) feet |
| 2. | Multi-family Dwellings | One hundred (100) feet |
| 3. | Townhouse Developments | One hundred (100) feet |
| B. Uses Permitted on Appeal | | |
| 1. | Churches | Two hundred (200) feet |
| 2. | Schools | Two hundred (200) feet |
| 3. | Libraries | Fifty (50) feet |
| 4. | Other Uses | As required by the Board of Zoning Appeals. |

8.07. Minimum Front Yard

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

8.08. Minimum Side Yard

- | | |
|----------|---------------|
| All uses | Ten (10) feet |
|----------|---------------|

8.09. Minimum Rear Yard Depth

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

8.10. Maximum Lot Coverage by all Buildings. On any lot the area occupied by all buildings except townhouses shall not exceed thirty (30) percent of the total area of such lot.

8.11. Maximum Building Height

- | | |
|----|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| A. | Buildings in General: No building shall exceed 35 feet in height. This limitation shall not apply to belfries, chimneys church spires, flagpoles, radio and television antennas, and water tanks or standpipes provided they comply with the provisions of all pertinent codes and resolutions and provided that they are located a distance equal to their height plus ten (10) feet from the nearest property line. |
| B. | Accessory Buildings- No accessory building shall exceed two (2) stories in height. |

8.12. Site Plan Review Prerequisite for Multi-family and Townhouse Developments in R-1 Districts. Before the building permit is issued for the construction of any townhouse or multi-family development, a site plan of the proposed development shall be reviewed and approved by the Planning Commission. The Planning Commission shall meet and act upon any site plan within sixty (60) days from the date of the first meeting at which properly prepared site plans are presented. Failure to act shall constitute approval. When a site plan is denied, the Planning Commission shall

state the reason for such action in writing and they shall be entered in the official records of the Planning Commission. The site plan shall be drawn to a scale of 1" = 100' and shall include the following:

- A. Existing zoning;
- B. Existing and proposed roads and drainage;
- C. Curb cuts, drives, and parking area;
- D. Lot lines;
- E. Building lines;
- F. Open space and recreation areas;
- G. Boundaries, tracts, and names of adjacent property owners;
- H. Proposed and existing utilities;
- I. Contours at vertical intervals of five (5) feet or less;
- J. Exhibit a vicinity map showing the relationship of the proposed development to the adjacent municipality;
- K. Proposed landscaped areas; and
- L. Show the relationship of the proposed development to the street system.

8.13. Special Provisions For R-1 Townhouse Developments. It is the intent of this section to provide regulations for the development of single-family townhouses in a manner which is attractive, efficient, and compatible with surrounding development. It is also the intent of these regulations that the underlying real estate shall be divided into small lots so that each unit can be individually sold and owned on a fee simple basis.

- A. Townhouse General Design Criteria. Prior to the issuance of a building permit, a site plan for townhouse development must be submitted to the Planning Commission for approval (as required in Section 8.12). The following general design criteria shall apply to all townhouse developments:
 - 1. Townhouse development may be intermingled with other types of housing; and,
 - 2. Townhouse development shall not form long, unbroken lines of row housing, but shall be staggered, singly or in pairs at the building line not less than three (3) feet or more than twelve (12) feet; and
 - 3. Townhouse developments shall constitute groupings making efficient economical, comfortable, and convenient use of land and other space and serving the public purposes of zoning by means alternative to convenient arrangement of yards and buildable areas.
- B. Townhouse Detail Design Criteria. The site plan for townhouse development shall incorporate the following detail design criteria:

1. Not more than seven contiguous townhouses, nor fewer than three, shall be built in a row with approximately the same (but staggered) front line.
 2. Minimum width for the lot of which any single townhouse unit is to be constructed shall be 18 feet.
 3. No front, side, rear yard as such is required in connection with any townhouse, but each townhouse shall as a portion of its individual lot have one front or rear yard containing not less than six hundred (600) square feet. This area shall be reasonably secluded from view from streets or neighboring property and shall not be used for off-street parking or for any accessory building.
 4. No portion of a townhouse or accessory structure shall be closer than thirty (30) feet to any portion of a townhouse or accessory structure related to another group.
 5. The townhouse project area or parcel shall front on a public street for at least fifty (50) feet.
- C. Land requirements for the perimeter of the townhouse project area or parcel shall be as follows:
1. Front Yard or Corner Side Yard - The minimum depth of the front yard or corner side yard shall be twenty-five (25) feet.
 2. Side Yard - The minimum depth of the side yard shall be ten (10) feet.
 3. Rear Yard - The minimum depth of the rear yard shall be twenty-five (25) feet.
- D. Open Space. The minimum open space shall be computed at forty (40) percent of the total area to be developed for townhouse purposes.
- E. Parking Facilities. Practical, off-street parking shall be grouped in bays, in the interior of the project area. No off-street parking space shall be more than 100 feet, by the most direct pedestrian route, from a door of the dwelling unit it is intended to serve. Two (2) parking spaces shall be provided for each dwelling unit.
- F. Maintenance of Private Streets and Utilities, Open Spaces and Common Areas. Provision for the maintenance of all private streets, and utilities, and open spaces not platted as individual lots shall be included in the deed restrictions of the properties. Individual utility connections shall be provided to each townhouse dwelling unit.
- G. Relationship to the Subdivision Regulations. At the time an application is made for site plan approval of a townhouse development, the developer must also make an application for preliminary approval of a subdivision plat. This is necessary since land

is to be subdivided and, in some cases, streets are to be dedicated. Both the site plan and the preliminary plat should be considered simultaneously. The site plan should form the sole basis for granting modifications with respect to subdivision regulations. The final subdivision plat may be submitted to the Planning Commission on all or any portion of a development in accordance with final plat requirements of the Subdivision Regulations.

8.14 Standards for Cemeteries.

- A. The site proposed for the cemetery shall be in compliance with the Hardeman County Major Road Plan.
- B. Any proposed cemetery shall be located on a site containing not less than one-half acre.
- C. All structures, including but not limited to mausoleums, permanent monuments, or maintenance buildings, shall be set back not less than fifteen (15) feet from any property or street right-of-way.
- D. All graves or burial lots shall be set back not less than 15 feet from any property line or street right of way line.
- E. All proposed cemeteries will have a permanent access easement or will front on a public road.
- F. Proposed cemeteries shall not be located in flood hazard areas as identified by the FIRM maps provided by FEMA.

CHAPTER 9

PROVISIONS GOVERNING RIVER TOURISM OVERLAY (RTO) DISTRICTS^{xxviii}

General Description - This district provides for flexibility pertaining to public / private access to residential development along the Hatchie River within Hardeman County, Tennessee. The intention of this zone is to provide property owners along the Hatchie River the opportunity to develop property without having public access in instances where private roads have been developed previously. This district will also provide areas to accommodate limited related retail businesses to serve the traveling and recreation-oriented public. However, the commercial uses are limited to federal and state highways. This district will cover a distance of 300 feet on each side of the Hatchie River.

9.01. Objectives of this Zone. The objective of this zone is to remove certain barriers to tourism and economic development by providing for flexible techniques of land development and provide relief to the normal zoning and subdivision regulation requirements pertaining to ingress and egress to residential developments along the Hatchie River within Hardeman County Tennessee. In addition, the Planning Commission may establish standards and procedures, including restricting land uses to only those compatible with surrounding development prior to a rezoning if deemed necessary. The objectives of this zone are to:

- a. Promote the efficient use of land to facilitate a more economic arrangement of buildings, circulation systems, and land use.
- b. Preserve to the greatest extent possible the existing rural landscape features and amenities and utilize such features in a harmonious fashion.
- c. Provide more usable and suitably located recreation facilities and other public and common facilities than would otherwise be provided under conventional land development procedures.

9.02. Uses Permitted. Single -family dwellings; Bed and breakfasts (any bed and breakfast, rooming house or boarding house that wishes to have over five (5) total bedrooms must be constructed or modified to meet the requirements of the current International Building Code); Parks and playgrounds; Outdoor recreational areas provided all such uses retain natural environmental conditions, do not involve the storage of equipment outside of a building and are not obnoxious, offensive or objectionable because of excessive noise, odors, dust or vibration; Accessory uses and structures; Hotels, motels, lodges, resort cabins, short term rentals and conference facilities including accessory businesses within the principal buildings; Private riding stables and commercial riding stables provided all such uses are located at least one hundred feet (100') from schools, churches and dwellings on other lots; Commercial uses, limited to antique stores, eating and drinking establishments, and retail and rental sporting goods stores; Reservoirs and dams engineered to contain one hundred (100) acre feet of water or less.

9.03. Uses Permitted on Appeal. Schools, places of worship, camping; reservoirs and dams engineered to contain more than one hundred (100) acre feet of water; public utility facilities, excluding business offices and repair facilities; camps and lodges with over five (5) bedrooms; bed

and breakfasts, rooming and boarding houses, and rest homes with over five (5) bedrooms; commercial outdoor recreational areas and accessory facilities; gasoline stations; and marinas.

9.04. Minimum Lot Sizes.

- | | | |
|------------------------------|----------------|--------------------------------------------------------------------------------------------------|
| A. | Uses Permitted | 1 acre or greater as required by county environmentalist based on soil characteristics. |
| B. Uses Permitted on Appeal: | | |
| 1. | Churches | One acre or two hundred (200) square feet of lot area per auditorium seat, whichever is greater. |
| 2. | Schools | Five (5) acres plus one (1) acre for each one hundred (100) students. |
| 3. | Other Uses | One (1) acre or greater as required by the Board of Zoning Appeals. |

9.05. Minimum Lot Width at the Building Line.

- | | | |
|------------------------------|----------------------|-------------------------------------------------------------------------------|
| A. | Uses Permitted | One hundred (100) feet |
| B. Uses Permitted on Appeal: | | |
| 1. | Churches and schools | Two hundred (200) feet or more as required by the Board of Zoning Appeals. |
| 2. | Other Uses | One hundred (100) feet or greater as required by the Board of Zoning Appeals. |

9.06. Minimum Front Yard Depth.

- | | | |
|------------------------------|---------------------------------------|---------------------------------------------------------------------------|
| A. Uses Permitted: | | |
| 1. | All lots fronting on arterial streets | sixty (60) feet. |
| 2. | All other lots | thirty-five (35) feet. |
| B. Uses Permitted on Appeal: | | |
| 1. | All lots front on arterial streets | Sixty (60) feet or more as required by the Board of Zoning Appeals. |
| 2. | All other lots | thirty-five (35) feet or more as required by the Board of Zoning Appeals. |

9.07. Minimum Side Yard Width.

- | | | |
|------------------------------|-----------------|---------------------------------|
| A. | Uses Permitted: | Fifteen (15) feet on each side. |
| B. Uses Permitted on Appeal: | | |

- | | | |
|----|----------------------|-----------------------------------------------------------------------|
| 1. | Churches and schools | Thirty (30) feet or more as required by the Board of Zoning Appeals. |
| 2. | All Other Uses | Fifteen (15) feet or more as required by the Board of Zoning Appeals. |

9.08. Minimum Rear Yard Depth.

- | | | |
|----|---------------------------|---------------------------------------------------------------------------------|
| A. | Uses Permitted: | Thirty (30) feet. |
| B. | Uses Permitted on Appeal: | All Uses - Thirty (30) feet or more as required by the Board of Zoning Appeals. |

9.09. Minimum Setback from River.

- | | | |
|----|---------------------------|---------------------------------------------------------------------------------|
| 1. | Uses Permitted: | Thirty (30) feet. |
| 2. | Uses Permitted on Appeal: | All Uses – Thirty (30) feet or more as required by the Board of Zoning Appeals. |

9.10. Maximum Building Coverage (total for all buildings).

- | | | |
|----|---------------------------|-------------------------------------------------------------------------|
| A. | Uses Permitted: | Twenty-five (25%) percent of the area of such lots. |
| B. | Uses Permitted on Appeal: | Fifty (50%) percent or less as required by the Board of Zoning Appeals. |

9.11. Maximum Height of Buildings. For all buildings, the maximum height is thirty-five (35) feet, except that this provision shall not apply to: belfries, chimneys, church spires, flagpoles, radio or television antennas, water tanks, of stand pipes, barns, silos, grain storage bins or sheds for the storage of farm or forestry products provided they comply with all pertinent codes and resolutions and provided that they are located a distance equal to their height plus ten (10) feet from the nearest property line.

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CHAPTER 10

PROVISIONS GOVERNING (C-1) LOCAL COMMERCIAL DISTRICTS

General Description - The purpose of this district is to allow the development of commercial areas to serve neighborhoods in rural areas with a limited variety of commercial goods and services. Areas zoned C-1 (Local Commercial) should be located along paved roads and served by public water.

Within the C-1 (Local Commercial) District, the following regulations shall apply.

10.01. Uses Permitted.

- A. Transient lodgings (15) limited to:
 - i. Hotels, tourist courts and motels (1510)
- B. Dwellings and other building services (634)
- C. Retail Trade limited to:
 - i. Building Materials, Hardware, and Farm Equipment (52) limited to Hardware Retail (5251)
 - ii. Retail Trade - General Merchandise (53)
 - iii. Retail Trade - Food (54)
 - iv. Retail trade automotive, marine craft, aircraft and accessories limited to:
- D. Tires, batteries, and accessories - retail (552) except parts used (junk yards)
- E. Gasoline service stations (553)
 - i. Retail trade - eating and drinking (58) limited to eating places (581)
 - ii. Other retail trade Not Else Coded (NEC) (59) excluding
 - 1. Liquor Retail (592)
 - 2. Fuel and ice retail (598)
- F. Services Limited to:
 - i. Finance, insurance, and real estate services (61) limited to:
 - 1. Banking and bank related functions (611)
 - 2. Real Estate and related services (615)
 - ii. Personal Services (62) limited to:
 - 1. Laundry and dry-cleaning (self-service) (6214)
 - 2. Beauty and Barber Services (623)
 - 3. Apparel repair, alteration, and cleaning pickup services; shoe repair services (625)
 - iii. Repair Services (64) limited to:

1. Automobile repair and services (641), except for establishments with outside storage, salvage operations or where parts are dismantled from existing vehicles, is involved.
2. Other repair services (649), NEC. *
- iv. Professional Services (65) excluding: hospitals (6513); medical laboratory services (6514); dental laboratory services (6515) and sanitariums, convalescent, and rest home services (6516).
- v. Governmental Services (67) excluding correctional institutions (674) and military bases (675)
- vi. Educational Services (68) including only nursery, primary and secondary education (681)
- vii. Miscellaneous Services (69)
- G. Cultural activities and nature exhibitions (71) including only:
 - i. Cultural activities (711)
 - ii. Other Cultural activities and nature exhibitions (719) NEC*
- H. Telecommunication's structures and equipment subject to the following provisions:

Site Plan. A preliminary site plan must first be submitted to and reviewed by the Hardeman County Zoning Compliance Office. Subsequently, the preliminary site plan will be forwarded to the Hardeman County Board of Zoning Appeals to review it along with the petition for use permitted on appeal. After the review of the Hardeman County Board of Zoning Appeals, a final site plan must be submitted to the Hardeman County Regional Planning Commission for review and approval purposes. The following standards shall be used in the design of the facilities within C-1 (Local Commercial Districts):

 1. Setbacks. The minimum setbacks on all sides shall be 70 percent (70%) of the height of the tower plus an additional twenty (20) feet, including any antennas or appurtenances, as measured from ground level. This setback shall be considered a fall zone. The fall zone setback requirement may be reduced or waived provided it can be demonstrated in a report prepared by a professional engineer licensed in the State of Tennessee that the communication tower will collapse if it falls and it is determined by administrative review that the tower does not posed a safety threat to adjacent property owners in the event of collapse. In such cases, the setback shall be equal to the distance specified in the engineer report or a minimum of fifty (50) feet, whichever is greater. In addition, no communication tower shall be located closer than two-hundred (200) feet from an existing residential structure. Setbacks shall be measured from the base of the tower,

or guy-wire supports for lattice towers, to the property line. For ground structure associated with the tower and located at the same site the minimum setback on all sides shall be fifty (50) feet.

2. **Perimeter Fencing.** A chain-link fence or solid wall not less than eight (8) feet in height consisting of at least six (6) feet of material plus two (2) feet of barbed wire on the top of fence measured from finished ground for site shall be provided around the facility. Access to the facility shall be limited to a locked gate.
3. **Lighting.** All artificial lighting deemed necessary or required by federal regulations shall be shielded and oriented inward within the facility so as not to project on the surrounding properties.
4. **Visual Effects.** All towers shall either maintain galvanized steel finish or, subject to any applicable standards of the Federal Aviation Administration, painted a neutral color, so as to reduce visual obtrusiveness.
5. **Standards.** All towers must meet or exceed current standards and regulations of the Federal Aviation Administration, the Federal Communication Commission, and any other agency of the state or federal government with the authority to regulate towers or antenna arrays. If such standards and / or regulations are changed, the owners of the towers and / or antennas shall bring towers and/or antennas into compliance with revised standards within six (6) months of the effective date of such standards and/or regulations unless a different compliance schedule is mandated by the controlling state or federal agency. Failure to bring towers and antennas into compliance shall constitute grounds for removal of the tower or antenna at the owner's expense. Each request for a permit must be accompanied by certified documentation or statement from a registered engineer or other professional indicating compliance with these standards.
6. **Aircraft Hazard.** Communication facilities shall not encroach into or through any established public or private airport approach path as established by the Federal Aviation Administration.
7. **Removal of Obsolete or Unused Facilities.** All obsolete or unused telecommunication facilities shall be removed by the property owner within six (6) months of cessation of use. The applicant shall submit an executed Removal Agreement to ensure compliance with this requirement.
8. **Removal Agreement.** Must provide, at a minimum, that the grantee shall upon or prior to the expiration or termination of the Telecommunication Removal Agreement, safely remove or cause the removal of all components of the Telecommunication Tower located on the premises. Except for any

electrical or communications lines buried more than three (3) feet below the surface grade of the land, and restore the land compromising the premises to, as near as reasonably possible, its condition as the date of the commencement of construction of the telecommunication tower structure; and must either contain or provide that the grantee's plan for performing or causing the performance of the obligations. The telecommunication tower removal agreement must require the grantee to obtain and deliver to the landowner financial assurance in the following amounts to secure the performance of the grantee's removal and restoration obligations:

- a. No less than five percent (5%) of the decommissioning cost of the date of the telecommunication tower structure commences commercial operation;
- b. No less than fifty percent (50%) of the removal cost on the tenth anniversary of the date of the telecommunication tower structure commences commercial operation; and
- c. No less than the removal cost on the fifteenth anniversary of the date the telecommunication tower structure commences commercial operation.
- d. Acceptable forms of financial assurances must be set forth in the telecommunication tower structure removal agreement and must include one (1) or more the following in the amount required:
 - i. A surety bond;
 - ii. A collateral bond;
 - iii. An irrevocable letter of credit;
 - iv. A parent guaranty;
 - v. Cash;
 - vi. A cashier's check;
 - vii. A certificate of deposit;
 - viii. A bank joint custody receipt;
 - ix. An approval negotiated instrument;
 - x. A combination of the forms of security described.
- e. Copies of the telecommunications tower structure removal agreement must also be submitted to the Hardeman County Regional Planning Commission, Hardeman County Board of Commissioners, and Hardeman County Zoning Compliance Office.

9. Facility Changes. Any changes to antenna, reception, or transmitting devices shall require review in the same as the existing facility was originally approved.
10. Signs and Advertising. The use of any portion of a tower for signs or advertising purposes including banners, streamers, etc. is prohibited except as needed for warning or identification.
11. Equipment Storage. Mobile or immobile equipment not used in direct support of a tower facility shall not be stored or parked on site unless repairs are being made.
 - a. Maintenance. Adequate inspection and maintenance shall be performed to insure the structural integrity of the facility and to prevent dangerous conditions from occurring on the site.
 - b. Road Access. All access roads, including necessary drainage facilities, shall be constructed to meet the street construction specifications of the Hardeman County Subdivision Regulations.

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

10.03. Minimum Lot Size.

All uses	1 acre or greater if required by the county environmentalist based on soil characteristics
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10.04. Minimum Lot Width at the Building Line.

All uses	100 feet
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10.05. Minimum Front Yard Depth.

A. All lots fronting arterial streets	60 feet
B. All other lots	45 feet

10.06. Minimum Side Yard.

All uses	20 feet
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10.07. Minimum Rear Yard Depth.

All uses	30 feet except when abutting residential property 40 feet
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10.08. Maximum Building Coverage (total all buildings).

All uses	Forty (40%) percent
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10.09. Maximum Building Height.

- A. Buildings in General: No building shall exceed 35 feet in height. This limitation shall not apply to belfries, chimneys church spires, flagpoles, radio and television antennas, and water tanks or standpipes provided they comply with the provisions of all pertinent codes and resolutions and provided that they are located a distance equal to their height plus ten (10) feet from the nearest property line.
- B. Accessory Buildings: No accessory building shall exceed 35 feet in height.

10.10. Off-Street Parking, Loading and Unloading Requirements

These requirements are specified in Chapter 3, Section 3.09, and 3.10.

10.11. Site Plan Reviews

Prior to the issuance of a Zoning Compliance Permit, all site plan requirements as set forth in Chapter 16 shall be submitted for review by the Planning Commission. If approved, any modifications required by the Planning Commission shall be made prior to the issuance of any Zoning Compliance Permit. The site plan shall be maintained in the permanent files of Hardeman County.

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CHAPTER 11

PROVISIONS GOVERNING (C-2) GENERAL COMMERCIAL DISTRICTS

General Description - The primary purpose of this district is to allow a wide range of commercial establishments in areas located on arterial and collector status-streets, served by public water and that are suitable for such development. It provides rural areas the opportunity to have adequate access to a variety of commercial goods and services, in developments that include off-street parking so as to reduce the chance that the development will interfere with through traffic.

Within the C-2 (General Commercial) Districts, the following regulations shall apply.

11.01. Uses Permitted.

- A. Transient lodgings (15) limited to:
 - 1. Hotels, tourist courts and motels (1510)
- B. Retail trade limited to:
 - 1. Building materials, hardware, and farm equipment (52) including only,
 - a. Lumber and other materials, retail (521) excluding lumber yards (5211).
 - b. Heating and plumbing equipment - Retail (522).
 - c. Paint, glass, and wallpaper - retail (523).
 - d. Electrical supplies - retail (524).
 - e. Hardware and farm equipment - retail (525).
 - 2. General Merchandise (53).
 - 3. Food Retail (54)
 - 4. Automotive, Marine Craft, Aircraft and Accessories retail (55) excluding:
 - a. Auto parts used (junk yards).
 - b. Other retail trade - automotive, marine craft, aircraft, and accessories (5599) Not Elsewhere Coded NEC. *
 - 5. Apparel and Accessories (56).
 - 6. Furniture, home furnishings and equipment (57).
 - 7. Eating and drinking establishments (58).
 - 8. Other retail trade, (59) NEC* excluding.
 - a. Fuel and ice - retail (598).
- C. Finance, Insurance and Real Estate Services (61).
- D. Personal Services (62).
- E. Business Services (63) limited to:

1. Advertising services (631).
 2. Consumer and mercantile credit reporting services; adjustment and collection services (632).
 3. Duplicating, mailing and stenographic services (633).
 4. Dwelling and other building services (634), except for disinfecting and exterminating services (6342).
 5. News syndicate services (635).
 6. Employment services (636).
 7. Warehousing and storage services (637), limited to: household goods warehousing and storage (6375) (mini warehousing).
 8. Other business services (639), NEC. *
- F. Repair Services (64) limited to:
1. Automobile repair and services (641), except for establishments with outside storage, salvage operations or where parts are dismantled from existing vehicles is involved.
 2. Other repair services, (649) NEC. *
- G. Professional Services (65).
- H. Contract, Construction Services (66) - offices and inside storage only.
- I. Governmental (67) and Public Institutional uses.
- J. Philanthropic Uses.
- K. Educational Services (68) except for truck driving and heavy equipment schools.
- L. Miscellaneous Services (69).
- M. Cultural Activities and Nature Exhibitions (71).
- N. Public Assembly (72), excluding sports assembly (722).
- O. Amusements (73).
- P. Recreational Activities (74).
- Q. Resorts and Group Camps (75).
- R. Parks (76).
- S. Other cultural, entertainment and recreational activities, (79) NEC. *
- T. Accessory structures and uses customarily incidental to any permitted use.
- U. Signs as specified in Section 3.08.

- I. V. Telecommunication's structures and equipment subject to the following provisions:

Site Plan. A preliminary site plan must first be submitted to and reviewed by the Hardeman County Zoning Compliance Office. Subsequently, the preliminary site plan will be forwarded to the Hardeman County Board of Zoning Appeals to review it along with the petition for use permitted on appeal. After the review of the Hardeman County Board of Zoning Appeals, a final site plan must be submitted to the Hardeman County Regional Planning Commission for review and approval purposes. The following standards shall be used in the design of the facilities within C-2 (General Commercial Districts):

1. Setbacks. The minimum setbacks on all sides shall be 70 percent (70%) of the height of the tower plus an additional twenty (20) feet, including any antennas or appurtenances, as measured from ground level. This setback shall be considered a fall zone. The fall zone setback requirement may be reduced or waived provided it can be demonstrated in a report prepared by a professional engineer licensed in the State of Tennessee that the communication tower will collapse if it falls and it is determined by administrative review that the tower does not pose a safety threat to adjacent property owners in the event of collapse. In such cases, the setback shall be equal to the distance specified in the engineer report or a minimum of fifty (50) feet, whichever is greater. In addition, no communication tower shall be located closer than two-hundred (200) feet from an existing residential structure. Setbacks shall be measured from the base of the tower, or guy-wire supports for lattice towers, to the property line. For ground structure associated with the tower and located at the same site the minimum setback on all sides shall be fifty (50) feet.
2. Perimeter Fencing. A chain-link fence or solid wall not less than eight (8) feet in height consisting of at least six (6) feet of material plus two (2) feet of barbed wire on the top of fence measured from finished ground for site shall be provided around the facility. Access to the facility shall be limited to a locked gate.
3. Lighting. All artificial lighting deemed necessary or required by federal regulations shall be shielded and oriented inward within the facility so as not to project on the surrounding properties.
4. Visual Effects. All towers shall either maintain galvanized steel finish or, subject to any applicable standards of the Federal Aviation Administration, painted a neutral color, so as to reduce visual obtrusiveness.
5. Standards. All towers must meet or exceed current standards and regulations of the Federal Aviation Administration, the Federal

Communication Commission, and any other agency of the state or federal government with the authority to regulate towers or antenna arrays. If such standards and / or regulations are changed, the owners of the towers and / or antennas shall bring towers and/or antennas into compliance with revised standards within six (6) months of the effective date of such standards and/or regulations unless a different compliance schedule is mandated by the controlling state or federal agency. Failure to bring towers and antennas into compliance shall constitute grounds for removal of the tower or antenna at the owner's expense. Each request for a permit must be accompanied by certified documentation or statement from a registered engineer or other professional indicating compliance with these standards.

6. Aircraft Hazard. Communication facilities shall not encroach into or through any established public or private airport approach path as established by the Federal Aviation Administration.
7. Removal of Obsolete or Unused Facilities. All obsolete or unused telecommunication facilities shall be removed by the property owner within six (6) months of cessation of use. The applicant shall submit an executed Removal Agreement to ensure compliance with this requirement.
8. Removal Agreement. Must provide, at a minimum, that the grantee shall upon or prior to the expiration or termination of the Telecommunication Removal Agreement, safely remove or cause the removal of all components of the Telecommunication Tower located on the premises. Except for any electrical or communications lines buried more than three (3) feet below the surface grade of the land, and restore the land compromising the premises to, as near as reasonably possible, its condition as the date of the commencement of construction of the telecommunication tower structure; and must either contain or provide that the grantee's plan for performing or causing the performance of the obligations. The telecommunication tower removal agreement must require the grantee to obtain and deliver to the landowner financial assurance in the following amounts to secure the performance of the grantee's removal and restoration obligations:
 - a. No less than five percent (5%) of the decommissioning cost of the date of the telecommunication tower structure commences commercial operation;
 - b. No less than fifty percent (50%) of the removal cost on the tenth anniversary of the date of the telecommunication tower structure commences commercial operation; and

- c. No less than the removal cost on the fifteenth anniversary of the date the telecommunication tower structure commences commercial operation.
 - d. Acceptable forms of financial assurances must be set forth in the telecommunication tower structure removal agreement and must include one (1) or more the following in the amount required:
 - xi. A surety bond;
 - xii. A collateral bond;
 - xiii. An irrevocable letter of credit;
 - xiv. A parent guaranty;
 - xv. Cash;
 - xvi. A cashier's check;
 - xvii. A certificate of deposit;
 - xviii. A bank joint custody receipt;
 - xix. An approval negotiated instrument;
 - xx. A combination of the forms of security described.
 - e. Copies of the telecommunications tower structure removal agreement must also be submitted to the Hardeman County Regional Planning Commission, Hardeman County Board of Commissioners, and Hardeman County Zoning Compliance Office.
9. Facility Changes. Any changes to antenna, reception, or transmitting devices shall require review in the same as the existing facility was originally approved.
10. Signs and Advertising. The use of any portion of a tower for signs or advertising purposes including banners, streamers, etc. is prohibited except as needed for warning or identification.
11. Equipment Storage. Mobile or immobile equipment not used in direct support of a tower facility shall not be stored or parked on site unless repairs are being made.
- a. Maintenance. Adequate inspection and maintenance shall be performed to insure the structural integrity of the facility and to prevent dangerous conditions from occurring on the site.
 - b. Road Access. All access roads, including necessary drainage facilities, shall be constructed to meet the street construction specifications of the Hardeman County Subdivision Regulations.

11.02. Uses Prohibited: Any use which is not specifically permitted is prohibited.

11.03. Minimum Lot Sizes.

Uses Permitted:	One (1) acre or greater as required by the County Environmentalist based on soil characteristics.
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11.04. Minimum Lot Width at the Building Line.

Uses Permitted:	One hundred (100) feet
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11.05. Minimum Front Yard Depth.

Uses Permitted:	Fifty (50) feet
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11.06. Minimum Side Yard Width.

Uses Permitted: None provided that if the structure does not abut the side lot line the minimum side yard shall be ten (10) feet and provided further that when the commercial lot adjoins a residential district along the side lot line that the minimum width of the side yard shall be twenty (20) feet.

11.07. Minimum Rear Yard Depth.

Uses Permitted: Twenty-five (25) feet provided that when the commercial lot adjoins a residential district along the rear lot line that the minimum width of the rear yard shall be thirty-five (35) feet.

11.08. Maximum Building Coverage (total for all buildings).

Uses Permitted:	Forty (40) percent.
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* Not Elsewhere Coded

11.09. Maximum Height of Buildings.

A. Buildings in General: No buildings shall exceed thirty-five (35) feet in height. This limitation shall not apply to belfries, chimneys, church spires, flagpoles, radio and television antennas, and water tanks, or stand pipes provided they comply with the provisions of all pertinent codes and resolutions and provided that they are located a distance equal to their height plus ten (10) feet from the nearest property line.

B. Accessory Buildings: No accessory building shall exceed thirty-five (35) feet in height.

11.10. Off-Street Parking and Loading and Unloading Requirements.

These Requirements are specified in Chapter 3, Section 3.09 and 3.10

11.11. Site Plan Review.

Prior to the issuance of a Zoning Compliance Permit, all site plan requirements as set forth in Chapter 16 shall be submitted for review by the Planning Commission. If approved, any modifications required by the Planning Commission shall be made prior to the issuance of any Zoning Compliance Permit. The site plan shall be maintained in the permanent files of Hardeman County.

CHAPTER 12

PROVISIONS GOVERNING (I-1) LIGHT INDUSTRIAL DISTRICTS

General Description - This district is intended to allow a versatile range of industrial establishments in areas suitable for industrial development. It provides small towns and rural areas with the opportunity to expand and grow through thoughtful industrial planning. These regulations are designated with consideration given to potential future growth; availability or reasonable ease of access to all public utilities; with a view of encouraging industrial growth and expansion while maintaining an environment safe from public nuisance or harmful exposure; and with a view of promoting industrial growth while retaining the rural characteristics of each district.

Within the Light Industrial (I-1) Districts, the following regulations shall apply:

12.01. Uses Permitted.

A. Wholesale Trade limited to:

- a. Motor vehicles and automotive (511) equipment - wholesale, except auto junk yards.
- b. Drugs, chemicals, and allied products - wholesale. (512) excluding chemicals.
- c. Dry goods and apparel - wholesale. (513)
- d. Groceries and related products - wholesale. (514)
- e. Electrical goods - wholesale. (516)
- f. Machinery, equipment, and supplies - wholesale. (517)
- g. Other wholesale trade, NEC* limited to:
 - i. Tobacco and tobacco products - wholesale. (5194)
 - ii. Beer, wine and distilled alcoholic beverages - wholesale. (5195)
 - iii. Paper and paper products - wholesale. (5196)
 - iv. Furniture and home furnishings - wholesale. (5197)
 - v. Lumber and construction materials - wholesale. (5198)
 - vi. Other wholesale trade, NEC. * (5199)

*Not Elsewhere Coded.

B. Retail Trade limited to:

- a. Building materials, hardware and farm equipment limited to:
 - i. Lumber and building materials, retail (521).
 - ii. Hardware and farm equipment - retail (525)
 - iii. Aircraft and accessories retail (5592)

C. Business Services limited to:

- a. Dwelling and Other Building Services (634)
- b. Warehousing and storage services (637) - excluding: Stockyards (6372)
- c. Other business services - limited to:
 - i. Research, development, and testing (6391)
 - ii. Equipment rental and leasing services (6394)
 - iii. Automobile and truck rental services (6397)

D. Contract, construction services (66)

- E. Governmental and Public Institutional Uses (67)
- F. Philanthropic Uses
- G. Agricultural Activities and Related Activities (81) (82)
- H. Manufacturing limited to:
 - a. Apparel and other finished products made from fabrics, leather, and similar materials - manufacturing (23) - except for: leather tanning and finishing. (2361)
 - b. Lumber and wood products (except furniture) - manufacturing. (24)
 - c. Paper and allied products - manufacturing (26) - limited to:
 - i. Converted paper and paperboard products (except containers and boxes) - manufacturing. (264)
 - ii. Paperboard containers and boxes - manufacturing. (265)
 - d. Chemicals and allied products - manufacturing (28) limited to:
 - i. Drug - manufacturing. (283)
 - ii. Soap and detergents (except specialty cleaners) manufacturing (2841) except for soaps rendering lard to make glycerin
 - e. Professional, scientific, and controlling instruments; photographic and optical goods; watches and clocks - manufacturing. (35)
- I. Miscellaneous manufacturing (39) limited to:
 - a. Musical instruments and parts - manufacturing. (392)
 - b. Pens, pencils and other office and artists materials - manufacturing. (394)
 - c. Tobacco - manufacturing. (396)
 - d. Motion Picture Production. (397)
- J. Other miscellaneous manufacturing, NEC* (399) limited to:
 - a. Brooms and brushes - manufacturing. (3991)
 - b. Lamp shades - manufacturing. (3992)
 - c. Signs and advertising displays - manufacturing. (3997)
 - d. Umbrellas, parasols, and canes - manufacturing. (3998)
 - e. Other miscellaneous - manufacturing, NEC. * (3999)
- K. Aircraft Transportation (43).
- L. Marine Craft Transportation (44).
- J. Telecommunication's structures and equipment subject to the following provisions:

Site Plan. A preliminary site plan must first be submitted to and reviewed by the Hardeman County Zoning Compliance Office. Subsequently, the preliminary site plan will be forwarded to the Hardeman County Board of Zoning Appeals to review it along with the petition for use permitted on appeal. After the review of the Hardeman County Board of Zoning Appeals, a final site plan must be submitted to the Hardeman County Regional Planning Commission for review and approval purposes. The following standards shall be used in the design of the facilities within I-1 (Light Industrial Districts):

1. Setbacks. The minimum setbacks on all sides shall be 70 percent (70%) of the height of the tower plus an additional twenty (20) feet, including any antennas or appurtenances, as measured from ground level. This setback shall be considered a fall zone. The fall zone setback requirement may be reduced or waived provided it can be demonstrated in a report prepared by a professional engineer licensed in the State of Tennessee that the communication tower will collapse if it falls and it is determined by administrative review that the tower does not pose a safety threat to adjacent property owners in the event of collapse. In such cases, the setback shall be equal to the distance specified in the engineer report or a minimum of fifty (50) feet, whichever is greater. In addition, no communication tower shall be located closer than two-hundred (200) feet from an existing residential structure. Setbacks shall be measured from the base of the tower, or guy-wire supports for lattice towers, to the property line. For ground structure associated with the tower and located at the same site the minimum setback on all sides shall be fifty (50) feet.
2. Perimeter Fencing. A chain-link fence or solid wall not less than eight (8) feet in height consisting of at least six (6) feet of material plus two (2) feet of barbed wire on the top of fence measured from finished ground for site shall be provided around the facility. Access to the facility shall be limited to a locked gate.
3. Lighting. All artificial lighting deemed necessary or required by federal regulations shall be shielded and oriented inward within the facility so as not to project on the surrounding properties.
4. Visual Effects. All towers shall either maintain galvanized steel finish or, subject to any applicable standards of the Federal Aviation Administration, painted a neutral color, so as to reduce visual obtrusiveness.
5. Standards. All towers must meet or exceed current standards and regulations of the Federal Aviation Administration, the Federal Communication Commission, and any other agency of the state or federal government with the authority to regulate towers or antenna arrays. If such standards and / or regulations are changed, the owners of the towers and / or antennas shall bring towers and/or antennas into compliance with revised standards within six (6) months of the effective date of such standards and/or regulations unless a different compliance schedule is mandated by the controlling state or federal agency. Failure to bring towers and antennas into compliance shall constitute grounds for removal of the tower or antenna at the owner's expense. Each request for a permit must be accompanied by

certified documentation or statement from a registered engineer or other professional indicating compliance with these standards.

6. Aircraft Hazard. Communication facilities shall not encroach into or through any established public or private airport approach path as established by the Federal Aviation Administration.
7. Removal of Obsolete or Unused Facilities. All obsolete or unused telecommunication facilities shall be removed by the property owner within six (6) months of cessation of use. The applicant shall submit an executed Removal Agreement to ensure compliance with this requirement.
8. Removal Agreement. Must provide, at a minimum, that the grantee shall upon or prior to the expiration or termination of the Telecommunication Removal Agreement, safely remove or cause the removal of all components of the Telecommunication Tower located on the premises. Except for any electrical or communications lines buried more than three (3) feet below the surface grade of the land, and restore the land compromising the premises to, as near as reasonably possible, its condition as the date of the commencement of construction of the telecommunication tower structure; and must either contain or provide that the grantee's plan for performing or causing the performance of the obligations. The telecommunication tower removal agreement must require the grantee to obtain and deliver to the landowner financial assurance in the following amounts to secure the performance of the grantee's removal and restoration obligations:
 - a. No less than five percent (5%) of the decommissioning cost of the date of the telecommunication tower structure commences commercial operation;
 - b. No less than fifty percent (50%) of the removal cost on the tenth anniversary of the date of the telecommunication tower structure commences commercial operation; and
 - c. No less than the removal cost on the fifteenth anniversary of the date the telecommunication tower structure commences commercial operation.
 - d. Acceptable forms of financial assurances must be set forth in the telecommunication tower structure removal agreement and must include one (1) or more the following in the amount required:
 - xxi. A surety bond;
 - xxii. A collateral bond;
 - xxiii. An irrevocable letter of credit;
 - xxiv. A parent guaranty;

- xxv. Cash;
 - xxvi. A cashier's check;
 - xxvii. A certificate of deposit;
 - xxviii. A bank joint custody receipt;
 - xxix. An approval negotiated instrument;
 - xxx. A combination of the forms of security described.
- e. Copies of the telecommunications tower structure removal agreement must also be submitted to the Hardeman County Regional Planning Commission, Hardeman County Board of Commissioners, and Hardeman County Zoning Compliance Office.
9. Facility Changes. Any changes to antenna, reception, or transmitting devices shall require review in the same as the existing facility was originally approved.
10. Signs and Advertising. The use of any portion of a tower for signs or advertising purposes including banners, streamers, etc. is prohibited except as needed for warning or identification.
11. Equipment Storage. Mobile or immobile equipment not used in direct support of a tower facility shall not be stored or parked on site unless repairs are being made.
- a. Maintenance. Adequate inspection and maintenance shall be performed to insure the structural integrity of the facility and to prevent dangerous conditions from occurring on the site.
 - b. Road Access. All access roads, including necessary drainage facilities, shall be constructed to meet the street construction specifications of the Hardeman County Subdivision Regulations.
- N. Other transportation, communication and utilities, NEC* (49).
- O. Government services and public institutional uses, except for solid waste disposal (67).
- P. Signs as permitted in Section 3.08.
- Q. Accessory uses and structures customarily incidental to any aforementioned permitted use.
- 12.02. Uses Permitted on Appeal: No uses are permitted on appeal.
- 12.03. Uses Prohibited. Any use not specifically permitted by the terms of this Chapter is prohibited.

12.04. Off-Street Parking, Loading and Unloading Requirements. These requirements are indicated in Chapter 3, Sections 3.09 and 3.10.

* Not Elsewhere Coded.

12.05. Minimum Lot Sizes.

All Uses -	One (1) acre or greater if required by the County Environmentalist based on soils review.
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12.06. Minimum Lot Width.

All Uses -	One hundred fifty (150) feet
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12.07. Minimum Front Yard Depth.

All Uses -	Fifty (50) feet.
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12.08. Minimum Side Yard Width.

All Uses -	Side yard shall be a minimum of twenty (20) feet. The depth of a side yard which abuts a residential district shall be not less than forty (40) feet.
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12.09. Minimum Rear Yard Depth.

All Uses -	Thirty (30) feet in depth. The depth of a rear yard which abuts a residential district shall be not less than forty-five (45) feet.
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12.10. Maximum Height of Buildings.

A. Buildings in General: No building shall exceed thirty-five (35) feet in height. This provision shall not apply to belfries, chimneys, church spires, flagpoles, radio or television antennae, water tanks or standpipes, provided they comply with all pertinent codes and resolutions and provided that they are located a distance equal to their height plus ten (10) feet from the nearest property line.

B. Accessory Buildings: No accessory building shall exceed thirty-five (35) feet in height.

12.11. Site Plan Review. Prior to the issuance of a Zoning Compliance Permit, all site plan requirements as set forth in Chapter 16 shall be submitted for review by the Planning Commission. If approved, any modifications required by the Planning Commission shall be made prior to the issuance of any Zoning Compliance Permit. The site plans shall be maintained in the permanent files of Hardeman County.

12.12. General Standards for the (I-1) Light Industrial District

A. Access to Public Services: The district should be located in areas where access to public water is possible but not necessarily required. Access to public sewer shall not

be required. However, approval from the County Environmentalist shall be required before the granting of any rezoning request.

- B. Access to Public Streets: The district shall front on collector or higher order streets in order to accommodate industrial type traffic. The district should front along designated state routes throughout the County, or in close proximity to state routes, in order to minimize the effects on rural County roads.
- C. Relationship to Other Land Uses: The district is intended to be located in rural areas of the County, in order to minimize excessive noise, light, and vibration impacts of the uses permitted, and reduce conflicts between the uses permitted and other land uses. As such, where a proposed district abuts other land uses, the Planning Commission may require buffering or greater setbacks from these adjacent land uses.

CHAPTER 13

PROVISIONS GOVERNING (I-2) RESTRICTED INDUSTRIAL DISTRICTS

General Description - This district shall be utilized to place those industrial uses understood to be of a hazardous or obnoxious nature, but which are deemed necessary or desirable for the economic development of Hardeman County. Because of the nature and intent of this district, these regulations shall limit the permitted use categories.

Within areas designated (I-2) Restricted Industrial on the Official Zoning Map of Hardeman County, Tennessee, the following provisions shall apply:

13.01 Uses Permitted

- A. Wholesale Trade (51)
 - B. Retail Trade limited to:
 - a. Building materials, hardware, and farm equipment (52)
 - b. Other retail trade, NEC* (59), limited to:
 - i. Farm and garden supplies (596)
 - ii. Fuel and ice retail (598)
 - C. Business Services - limited to:
 - a. Warehousing and storage services (637)
 - b. Other business services, NEC* (639) limited to: Research, development, and testing services. (6391)
 - D. Contract, construction services (66)
 - E. Governmental Services (67)
 - F. Manufacturing Services - limited to:
 - i. Food and kindred products - manufacturing (21) - except for meat products - manufacturing (211)
 - ii. Textile mill products-manufacturing (22)
 - iii. Apparel and other finished products made from fabrics, leather, and similar materials (23) - limited to: leather tanning and finishing. (2361)
 - iv. Lumber and wood products (except furniture) - manufacturing (24)
 - v. Furniture and fixtures - manufacturing (25)
- * NEC - Not Elsewhere Coded.
- vi. Printing, publishing, and allied industries - manufacturing (26)
 - vii. Paper and allied products - manufacturing (27)
 - viii. Chemicals and allied products - manufacturing (28)

- ix. Petroleum refining and related industries – manufacturing (29)
- x. Rubber and miscellaneous plastic products – manufacturing (31)
- xi. Stone, clay, and glass products, manufacturing (32)
- xii. Primary metal industries – manufacturing (33)
- xiii. Fabricated metal products – manufacturing (34)
- xiv. Professional, scientific, and controlling instruments; photographic and optical goods; watches and clocks – manufacturing (35)
- xv. Miscellaneous manufacturing, NEC. *(39)
- G. Railroad, rapid rail transit, and street railway transportation (41)
- H. Motor vehicle transportation (42)
- I. Aircraft transportation (43)
- J. Other transportation, communication, and utilities, NEC. *(499)
- K. Utilities (48) limited to:
 - a. Electric Utilities (4811)
 - b. Gas Utilities (4821, 4823, 4824, 4829)
 - c. Water utilities and irrigation (483)
- L. Signs as permitted in Section 3.08
- M. Accessory uses and structures customarily incidental to the permitted use.
- K. Telecommunication's structures and equipment subject to the following provisions:

Site Plan. A preliminary site plan must first be submitted to and reviewed by the Hardeman County Zoning Compliance Office. Subsequently, the preliminary site plan will be forwarded to the Hardeman County Board of Zoning Appeals to review it along with the petition for use permitted on appeal. After the review of the Hardeman County Board of Zoning Appeals, a final site plan must be submitted to the Hardeman County Regional Planning Commission for review and approval purposes. The following standards shall be used in the design of the facilities within I-2 (Restricted Industrial Districts):

 - 1. Setbacks. The minimum setbacks on all sides shall be 70 percent (70%) of the height of the tower plus an additional twenty (20) feet, including any antennas or appurtenances, as measured from ground level. This setback shall be considered a fall zone. The fall zone setback requirement may be reduced or waived provided it can be demonstrated in a report prepared by a professional engineer licensed in the State of Tennessee that the communication tower will collapse if it falls and it is determined by administrative review that the tower does not posed a safety threat to

adjacent property owners in the event of collapse. In such cases, the setback shall be equal to the distance specified in the engineer report or a minimum of fifty (50) feet, whichever is greater. In addition, no communication tower shall be located closer than two-hundred (200) feet from an existing residential structure. Setbacks shall be measured from the base of the tower, or guy-wire supports for lattice towers, to the property line. For ground structure associated with the tower and located at the same site the minimum setback on all sides shall be fifty (50) feet.

2. **Perimeter Fencing.** A chain-link fence or solid wall not less than eight (8) feet in height consisting of at least six (6) feet of material plus two (2) feet of barbed wire on the top of fence measured from finished ground for site shall be provided around the facility. Access to the facility shall be limited to a locked gate.
3. **Lighting.** All artificial lighting deemed necessary or required by federal regulations shall be shielded and oriented inward within the facility so as not to project on the surrounding properties.
4. **Visual Effects.** All towers shall either maintain galvanized steel finish or, subject to any applicable standards of the Federal Aviation Administration, painted a neutral color, so as to reduce visual obtrusiveness.
5. **Standards.** All towers must meet or exceed current standards and regulations of the Federal Aviation Administration, the Federal Communication Commission, and any other agency of the state or federal government with the authority to regulate towers or antenna arrays. If such standards and / or regulations are changed, the owners of the towers and / or antennas shall bring towers and/or antennas into compliance with revised standards within six (6) months of the effective date of such standards and/or regulations unless a different compliance schedule is mandated by the controlling state or federal agency. Failure to bring towers and antennas into compliance shall constitute grounds for removal of the tower or antenna at the owner's expense. Each request for a permit must be accompanied by certified documentation or statement from a registered engineer or other professional indicating compliance with these standards.
6. **Aircraft Hazard.** Communication facilities shall not encroach into or through any established public or private airport approach path as established by the Federal Aviation Administration.
7. **Removal of Obsolete or Unused Facilities.** All obsolete or unused telecommunication facilities shall be removed by the property owner within

six (6) months of cessation of use. The applicant shall submit an executed Removal Agreement to ensure compliance with this requirement.

8. Removal Agreement. Must provide, at a minimum, that the grantee shall upon or prior to the expiration or termination of the Telecommunication Removal Agreement, safely remove or cause the removal of all components of the Telecommunication Tower located on the premises. Except for any electrical or communications lines buried more than three (3) feet below the surface grade of the land, and restore the land comprising the premises to, as near as reasonably possible, its condition as the date of the commencement of construction of the telecommunication tower structure; and must either contain or provide that the grantee's plan for performing or causing the performance of the obligations. The telecommunication tower removal agreement must require the grantee to obtain and deliver to the landowner financial assurance in the following amounts to secure the performance of the grantee's removal and restoration obligations:
 - a. No less than five percent (5%) of the decommissioning cost of the date of the telecommunication tower structure commences commercial operation;
 - b. No less than fifty percent (50%) of the removal cost on the tenth anniversary of the date of the telecommunication tower structure commences commercial operation; and
 - c. No less than the removal cost on the fifteenth anniversary of the date the telecommunication tower structure commences commercial operation.
 - d. Acceptable forms of financial assurances must be set forth in the telecommunication tower structure removal agreement and must include one (1) or more the following in the amount required:
 - xxxi. A surety bond;
 - xxxii. A collateral bond;
 - xxxiii. An irrevocable letter of credit;
 - xxxiv. A parent guaranty;
 - xxxv. Cash;
 - xxxvi. A cashier's check;
 - xxxvii. A certificate of deposit;
 - xxxviii. A bank joint custody receipt;
 - xxxix. An approval negotiated instrument;
 - xl. A combination of the forms of security described.

- e. Copies of the telecommunications tower structure removal agreement must also be submitted to the Hardeman County Regional Planning Commission, Hardeman County Board of Commissioners, and Hardeman County Zoning Compliance Office.
- 9. Facility Changes. Any changes to antenna, reception, or transmitting devices shall require review in the same as the existing facility was originally approved.
- 10. Signs and Advertising. The use of any portion of a tower for signs or advertising purposes including banners, streamers, etc. is prohibited except as needed for warning or identification.
- 11. Equipment Storage. Mobile or immobile equipment not used in direct support of a tower facility shall not be stored or parked on site unless repairs are being made.
 - a. Maintenance. Adequate inspection and maintenance shall be performed to insure the structural integrity of the facility and to prevent dangerous conditions from occurring on the site.
 - b. Road Access. All access roads, including necessary drainage facilities, shall be constructed to meet the street construction specifications of the Hardeman County Subdivision Regulations.
- N. Other transportation, communication and utilities, NEC* (49).
- O. Government services and public institutional uses, except for solid waste disposal (67).
- P. Signs as permitted in Section 3.08.
- Q. Accessory uses and structures customarily incidental to any aforementioned permitted use.

13.02. Uses Permitted on Appeal: All applications for a use permitted on appeal in this section shall require a forty-five (45) day public notice of meeting and public hearing to accept public comment and submission of material evidence to the Board of Zoning Appeals and Planning Commission prior to making any determination. The BZA and Planning Commission shall have the authority to hold public hearings as deemed necessary.^{xxix}

Provisions for public water and sewer shall have been made prior to any rezoning of land taken from the FAR (forestry, agriculture and residential) District (See Chapter 5-General Provisions). An insurance or cash bond shall be required prior to issuance of any site approval or building permit for any use permitted on appeal within the I-2 district.

Procedure: Upon receipt of an application by staff and presentation to the BZA at a regular meeting, the Board shall automatically take action to refer the application to the Planning Commission at their next regular meeting. The Planning Commission shall review the application

as required by 21.04(B) of this Resolution. Upon completion of the Planning Commission review, staff shall have published in the newspaper a notice of public hearing and meeting as stated herein. The BZA shall have the authority to extend any hearing or meeting as necessary to accomplish its work. Following the close of any public hearing, the Board shall have up to 60 days to render its decision on any application for uses permitted on appeal and under the provisions of this section. All decisions shall include findings of facts and reasons for actions based upon material evidence and shall become a public record as required in TCA 13-7-107. Due to the nature of "uses" allowed in this Chapter, there shall be no "special called" meetings by any board or commission to address any applications for "uses permitted on appeal" in this section. Public "hearings" may be held during properly advertised public "meetings" if enough time is allowed. The BZA has the authority to schedule a separate "public hearing" provided proper public notice of the same is provided as stated herein.

The process shall be by application and for the purpose of requesting consideration to apply for a future building and/or development permit in the district designated I-2 by this Resolution. Once an application is approved by the BZA, the applicant has eighteen (18) months to make application for a building or development use permit (See Site Plan Review Chapter 18) and shall meet all the other required provisions and reviews. The I-2 district "uses permitted on appeal" is the most restrictive of all zoning district classifications due to the hazardous or obnoxious nature of the uses. These uses pose the greatest concern to the health, safety, morals, and general welfare of the citizens of Hardeman County. The citizens, planning commission and legislative body recognize the economic need for certain uses but desire strict provisional requirements to allow (permit) these uses to move forward in the process to ultimately apply for and obtain proper reviews, obtain a building permit, and ultimately obtain a Use and Occupancy certificate for operation in Hardeman County. The County understands the nature of uses permitted on appeal not only affect the parcel of which the use is located, but also greatly affects the potential development of nearby and surrounding parcels.

Uses Permitted on Appeal in this section is a two (2) step process. (All site plans or architectural plans shall be provided with a stamp of a Tennessee registered architect and/or engineer and within the discipline of the plan submitted).

Step 1- Site evaluation and review to ensure all provisions in 13.02(a-o) have been made. The failure to meet any provision, at any time, during the approval process for a use permitted on appeal shall prohibit approval. Any project failing to comply with required provisions following three (3) reviews shall be deemed "unapproved". Once a project has been unapproved due to failure to comply, the applicant will be eligible to make a new application after one (1) year from the date of the unapproved project. Site approval for uses permitted on appeal shall be valid for eighteen (18) months.

Step 2- Review by the Planning Commission and the Zoning Officer shall be in accordance with all applicable provisions set forth in this Resolution and shall include all special applicable provisions within 13.02(A-D). No building permit shall be issued until all other required permits, reviews, and documents, by other required authorities, have been submitted. All submissions and plans for review by the Planning Commission prior to the issuance of a building permit shall be in its "final form." Any subsequent permit or review

deemed necessary by the industry and not submitted prior to the issuance of a building permit shall automatically void the building permit and warrant a new review by the Planning Commission and zoning office. Any additional fees shall be paid by the applicant if new reviews are required. All work associated with any building permit issued under this section shall be complete and obtain a Use and Occupancy and be operational within 36 months of the date of issue.

13.02 MINIMUM PROVISIONS

13.02(a). This section which shall include 13.02(a-o) and shall be the minimum provisional requirements for all “uses permitted on appeal” and located in the I-2 Restricted Industrial district.

All buildings, uses and their accessory uses shall be limited to a single parcel of land and contained within the lot lines of the designated parcel. Adjacent Lots of Record under one ownership and desired to be utilized for the same use shall first meet the applicable requirements of Chapter 19-Exceptions and Modifications or as required by the Hardeman County Subdivision Regulations regarding “re-subdivision” provisions prior to making any application for a “use permitted on appeal”. A “survey” of all parcels or lots of record is required on a site plan and all other provisions of Chapter 18 for review by the appropriate Boards and Commissions to combine lots or be granted a variance under Chapter 19 of this Resolution and shall be complete before making any application for a use permitted on appeal.

13.02(b). Chapter 2 – Definitions – Applicable definitions in Chapter 2 shall apply. Power Plant (shall also mean Power Generation Plant; (4812) Standard Land Use Coding Manual).

13.02(c) Chapter 3 – General Provisions – General provisions of Chapter 3 shall apply to this section and include all additional applicable provisions of this section.

13.02(d) Chapter 18 – Site Plan Review – All provisions shall apply and include all additional applicable provisions of this section. A survey by a Tennessee registered surveyor of all parcels is required prior to application and payment of fees.

13.02(e). Minimum Lot Size – One hundred (100) acres.

13.02(f) Minimum Setback from all public rights-of-way, roads, street, public ways, railroad, or public easement – Five hundred (500) feet.

13.02(g). Minimum Setbacks from all Lot Lines on each parcel – Five hundred (500) feet.

13.02(h). Maximum Building Coverage (total for all buildings and required associated structures and enclosed area) - Fifty (50%) percent of the area of such parcels.

13.02.(i) Minimum Distance from any existing well – Two hundred (200) feet.

13.02(j) Minimum Distance from lake, pond, creek, river, wetland or any other topographic or hydrologic/drainage conveyance required to be noted by TDEC on any hydrology study – Two hundred (200) feet.

13.02(k) Minimum Distance from any existing home, church, school, business or other habitable structure or dwelling – Five hundred (500) feet.

13.02(l) Public Water shall be required – Public water shall be located along all roads adjacent to the parcel, buildings, uses and their accessory uses. Public water requirements provide the ability for future development in the direction and surrounding areas near the use and provides adequate water supply for life safety and fire protection of the areas being used and surrounding parcels and parcels of residential zoning districts.

Public water supply specifications are as follows: Six (6) inch ductile iron or approved PVC piping, approved fire hydrants at least every one thousand (1000) feet along all roadways and at least one fire hydrant at the center of each adjacent roadway if less than one thousand (1000) feet. The minimum required flow rate of Fifteen hundred (1500) gallons per minute @ a minimum of Forty (40) pounds per square inch (psi) static pressure and a supply capacity to maintain fire protection for 5 hours. Approval by a public water authority must be provided prior to making any application for a “use permitted on appeal” to allow consideration to move forward in the process of obtaining a building permit and a Use and Occupancy certificate from the Zoning Compliance Officer.

Existing water in developed areas shall be allowed provided hydrant locations concur with provision herein. No building permit shall be approved unless a bond for provisions has been met and prior to the issuance of the permit. In no instance shall an Occupancy Certificate be issued without completed public water installation.

13.02(m) Minimum Buffering – Buffering shall be strictly enforced within this section of the Resolution. Buffering shall be located at the boundary of every lot line or at a perimeter required fence location and may only be omitted in areas designated as access points to the buildings or structures at gate locations. No deletion of buffering is to exceed Fifteen (15) feet wider than the access road, gate, or entry point. Buffering is necessary.

to reduce noise, limit undesirable visual effects of buildings and uses, and promote the health, safety, morals, and general welfare of the citizens of Hardeman County.

All Buffering shall be installed and maintained as follows:

- (1) – Natural vegetative buffering – Natural buffers may be utilized to conceal any above-ground structures and uses provided the minimum depth of buffer area is Twenty (20) feet and a minimum average height of Twenty-five (25) feet is maintained. No thinning of underbrush of natural buffer that would diminish the ability of the buffer to conceal the “use” or “buildings.” A single fence line natural buffer must meet the Twenty (20) foot minimum depth requirement. Natural buffers may be located anywhere within the required setback areas.
- (2) – Dense Planted screen and vegetative buffering – Applicant shall submit a plan for a screen buffer for approval with any application for a use permitted on appeal. The screen plan shall incorporate vegetation designed to meet maturity or an average height of 15’ within 5 years of installation

and take into account wildlife habitat. Screen plans shall be designed to maintain a minimum average height of at least 20' and is required of all use allowed in this section. All screen plans shall be submitted by a state licensed landscape engineer.

Option: A "dense screen buffer" shall consist of one row of fast-growing evergreen trees and spaced no more than Eight (8) feet apart and shall be no less than Six (6) feet in height at the time of planting. Trees shall be maintained at a minimum of Twenty (20) feet in height after maturity. Species of trees are strictly limited to the following: Thuja Arborvitae variety or Leyland cypress variety and shall not be trimmed or cut back in a manner that would allow visual exposure of the use intended to be concealed. Dense planted buffers may be located anywhere within the required setback areas.

Due to the possibility of failure of screen buffer of single tree designed caused by insects, disease or extreme weather, the applicant shall agree to remove and replace any dead trees within 30 days written notice by the County. Failure to maintain any buffer shall be deemed a violation of the Resolution.

13.02(n) Minimum Fencing – Fencing requirements shall be strictly enforced by this section of the Resolution and shall apply unless mandated by other governing authorities and are less restrictive.

(1) All uses located and granted on appeal shall be completely enclosed by an 8'-0" high fence and all associated access gates shall be of the same height. Fencing may have additional security wire above the base height of the fence and shall not be used to determine height.

(2) Wildlife friendly fencing shall be used.

(3) Signs shall be installed on fencing to alert and protect the public of the facility and its use within the fenced areas.

13.02(o) If any conflict of terms or provisions in this section exists, the most restrictive provisions of I-2 Section 13.02 et al shall apply.

13.02 USES:

- A. Lots or yards for salvage operations as defined in Chapter 2.
- B. Utilities limited to and provided that any uses allowed under this section shall be limited to the processing of waste generated solely within the geographic boundaries of Hardeman County:
 - a. Sewerage disposal uses (484) and all subcategories in the Standard land use coding manual.
 - b. Solid Waste disposal, treatment, or storage (485) and all subcategories in the Standard land use coding manual.

- C. Food and kindred products - manufacturing (21) limited to; meat products - manufacturing (211) and all subcategories in the Standard land use coding manual.
- D. Utilities limited to and provided that any uses allowed under this section shall be as follows:
 - a. Electric utilities (481); Shall include all power plants, accessory structures, and functions. Exemptions: Any facility or easement solely owned, operated, managed, and maintained by any public or private utility or federal energy authority that provides services to the public and not subject to any state restrictions or requirements for operation or decommissioning.
 - i. All Power Plants (Electric Generation Plants-4812) shall meet all provisions for a “use permitted on appeal” of 13.02(a-o); All power plants generating 1MW of power or more (consistent with TCA 66-9-207 and requiring decommissioning) shall obtain and submit an environmental assessment consistent with all rules, regulations, NEPA boundaries, public participation and requirements as utilized by TVA for environmental assessments. Any 3rd party environmental assessment may be utilized provided the minimum requirements stated above are met. Exemption: solely owned and or operated public or private utilities or federal energy authority. Power Plants shall include:
 - 1. Geothermal, Hydroelectric, Peaker and Backup Power Plants: Includes all associated structures owned or leased, operated, and maintained by a non-public utility, entity, or person.
 - a. Shall meet all state, federal and other governing authority requirements
 - 2. Nuclear Power Plant: Includes all associated structures owned or leased, operated, and maintained by a single entity or person.
 - a. Shall meet all state, federal and other governing authority requirements
 - 3. Private Power Plant-Wind: Includes wind turbines and support structures, accessory structures, wiring/conduit, fencing (includes all area of land within fencing), and other accessories owned or leased, operated, and maintained by a non-public utility, entity, or person.
 - a. General provisions for Power Plants-Wind
 - i. Maximum height of any part of wind plants or accessory or associated supporting structures shall not exceed 250’ at maximum height. Exemption: utility poles or structures are exempt from height requirements.

- ii. All minimum setback requirements in 13.02(f, g, h, m, n) shall be measured from all required fenced facility areas and shall be strictly enforced.
 - iii. Distance required from location of a wind turbine to the fenced protected area shall be at least 10' beyond the height from the center of the mounted structure.
 - iv. Shall meet all requirements of current state adopted National Electric Code, including but not limited to disconnect requirements.
 - v. All buried wiring and conduit shall be a minimum of 36" deep.
 - vi. Shall meet all state, federal and other governing authority requirements, provisions, and certifications.
 - vii. 13.02(D)(1)(a)(iv)(B) et al shall apply to wind plants.
 - viii. 13.02(D)(1)(a)(iv)(C) et al shall apply to wind plants.
4. Power Plant-Solar: (Includes "solar" as defined in Chapter 2) Includes collection panels and support structures, inverters, accessory structures, wiring/conduit, fencing (includes all area of land within fencing), and all other accessories, buildings and structures defined by state law and owned, operated, and maintained by a non-public utility, entity, or person.

State Law Definitions: Solar power facility is defined in TCA 66-9-207; Solar energy system is defined in TCA 66-9-203; both terms shall be synonymous with "solar" and applied as a "utility" use for the purpose of this Resolution and as specified in the Standard land use code manual (48). "Solar" shall be deemed an Electric Generation Plant as stated in the Standard Land Use Code Manual (4812).

Power Plant- Solar shall in no way be construed a utility, commercial enterprise, or facility if power produced has less than a 100KW nameplate rating, is utilized for personal use, to off-set a power costs to a single-family dwelling, to power household devices, rooftop power production or other non-commercial uses. Solar may be utilized for agriculture up to the power output needed to run an agriculture operation on the parcel of which the agriculture operation is located.

A. General provisions for Power Plants-Solar

- 1. Maximum height of any part of an array, accessory, or associated supporting structure shall not exceed 15'-0" at maximum vertical tilt or free-standing height.

Exemption: utility poles or structures are exempt from height requirements.

2. All minimum setback requirements in 13.02(f, g, h, m, n) shall be measured from all required fenced facility areas and shall be strictly enforced.
3. Any design, layout or site plan shall take into account the requirement to provide access to sunlight (TCA 66-9-202) and shall be the responsibility of the applicant to design the system as to not require or request any future variances to meet required state law.
4. Shall use anti-reflective coatings on all panels to mediate glare to prevent public hazard and nuisance.
5. Shall meet all requirements of current state adopted National Electric Code, including but not limited to disconnect requirements.
6. All buried wiring and conduit shall be a minimum of 36" deep.
7. Shall meet all state mandated decommissioning requirements of TCA 66-9-207. Any commercial solar plant with a nameplate output rating between 101KW-10MW shall be decommissioned in accordance with the regulation specifications of TCA 66-9-207, however, no bond or financial assurance is required.
Decommissioning shall be by developer, operator, lease, management, or landowner and removed from the property as in the timeframe stated herein. Any solar plant that has been deemed "inactive" for one (1) year; shall immediately begin decommissioning. Decommissioning shall be complete within eighteen (18) months from date of inactivity. "inactive" shall be defined as: no longer in use or use has been reduced to less than 30% of original nameplate and permitted output rating or by any termination of any power purchase agreement (ppa) with any public utility.
8. Any accessory building utilized as office space, storage, control room or other function and which shall have bathrooms, kitchens or potable water supply shall be required to be constructed to meet the state adopted building code and NEC electrical code. Public water shall be required; an approved septic system or public sewer shall be required; (Section 13.12 – requires

approval from the TDEC personnel for septic prior to any rezoning request or application for use permitted on appeal;).

9. Shall meet all state, federal and other governing authority requirements, provisions, and certifications.

B. General provision Power Plants-Substations

Electric Regulating Substations (4813) shall meet all requirements for a “use permitted on appeal”; Exemption: solely owned and or operated public or private utilities public or private utilities or federal energy authority that solely own, lease, operate, maintain, and manage the substations.

1. Substations owned, leased, maintained, or operated by any non-public utility, entity or person shall be meet all requirements of “use permitted on appeal”
 - i. Substations shall not exceed 40’ in height
 - ii. Shall meet all state, federal and other governing authority requirements, provisions, or certifications.

C. General provisions Power Plants-Other (NEC)

Other (NEC) Electric Utilities (4819) shall meet all requirements for a “use permitted on appeal”; Exemption: solely owned and or operated public or private utilities public or private utilities or federal energy authority that solely own, lease, operate, maintain, and manage the following devices:

1. Battery Storage units and facilities: Includes battery storage units and any other associated electrical utility functions utilized for the storage of generated energy.
 - i. Battery assemblies shall not exceed 15’ in height
 - ii. All battery assemblies and units shall have a chemical fire suppressant system as a first response for explosion or electrical current runaway concerns
2. Inverters: Includes inverter and associated assemblies any other associated devices utilized for the conversion of electrically generated energy.
 - i. Inverter assemblies shall not exceed 15’ in height

- ii. All inverter assemblies and units shall have a chemical fire suppressant system as a first response for explosion or electrical current runaway concerns.
- 3. Any accessory building utilized as office space, storage, control room or other function and which shall have bathrooms, kitchens or potable water supply shall be required to be constructed to meet the state adopted building code and NEC electrical code. Public water shall be required; an approved septic system or public sewer shall be required; (Section 13.12 – requires approval from the TDEC personnel for septic prior to any rezoning request or application for use permitted on appeal;).
- 4. Any other electrical utility or function NEC (not elsewhere code
- 5. Power Plant-Gas: (As defined in Chapter 2) Includes gas fired turbine engines, generator heads and support structures, inverters, accessory structures, wiring/conduit, fencing (includes all area of land within fencing), and all other accessories, buildings and structures defined by state law and owned, operated, and maintained by a single entity or person.
 - A. General provisions for Power Plants-Gas
 - 1. Maximum height of any part of gas plant or accessory or associated supporting structures shall not exceed 20'-0" at maximum height. Exemption: utility poles or structures are exempt from height requirements.
 - 2. All minimum setback requirements in 13.02(f, g, h, m, n) shall be measured from all required fenced facility areas and shall be strictly enforced.
 - 3. Shall meet all requirements of current state adopted National Electric Code, including but not limited to disconnect requirements.
 - 4. All buried wiring and conduit shall be a minimum of 36" deep.
 - 5. Shall meet all state, federal and other governing authority requirements, provisions, and certifications.
 - 6. 13.02(D)(1)(a)(iv)(B) et al shall apply to gas plants.
 - 7. 13.02(D)(1)(a)(iv)(C) et al shall apply to gas plants.

6. Gas Utilities (482); Exemptions: Any facility or easement owned, operated, managed, and maintained exclusively by any solely owned and or operated public or private utilities public or private utility or federal energy authority that provides services to the public and not subject to any state restrictions or requirements for operation.
 1. Gas Production Plants (4822) shall meet all requirements for a “use permitted on appeal”; Exemption: solely owned and or operated public or private utilities public or private utilities or federal energy authority that solely own, lease, operate, maintain, and manage the plant.
 - i. Gas plants: Includes all associated structures owned, leased, operated, or maintained by a non-public utility, entity, or person.
 1. Gas plants shall not exceed 40’ in height
 2. Shall meet all state, federal and other governing authority requirements, provisions, and certifications.

13.02. Uses Permitted on Appeal: The following uses and their accessory uses may be permitted on appeal if, in the finding of the Board of Zoning Appeals, such use will not be detrimental to the district in which it is located, and subject to such conditions and safeguards as may be required by the Board of Zoning Appeals including but not limited to, that the use shall not be located adjacent to a residential district, the use shall be screened so it cannot be seen from the street and the use shall be adjacent to streets capable of carrying the use's traffic:

- A. Lots or yards for salvage operations as defined in Chapter 2.
- B. Utilities limited to and provided that any uses allowed under this category shall be limited to the processing of waste generated solely within the geographic boundaries of Hardeman County:
 - a. Sewerage disposal uses (484)
 - b. Solid Waste disposal, treatment, or storage (485)
- C. Food and kindred products - manufacturing (21) limited to; meat products - manufacturing (211)

13.03. Uses Prohibited. Any use not specifically permitted by the terms of this Chapter or permissible on appeal is prohibited.

13.04. Off-Street Parking, Loading and Unloading Requirements. These requirements are indicated in Chapter 3, Sections 3.09 and 3.10.

13.05. Minimum Lot Sizes.

- A. Uses Permitted: 1 acre or greater upon examination of the soils by the county environmentalist.
- B. Uses Permitted on Appeal: 1 acre or greater as required by the Board of Zoning Appeals.
- 13.06. Minimum Lot Width.
- A. Uses Permitted: One hundred fifty (150) feet.
- B. Uses Permitted on Appeal: One hundred fifty (150) feet or greater as required by the Board of Zoning Appeals.
- 13.07. Minimum Front Yard Depth.
- A. Uses Permitted:
All lots - Fifty (50) feet.
- B. Uses Permitted on Appeal: All lots - Fifty (50) feet or more as required by the Board of Zoning Appeals.
- 13.08. Minimum Side Yard Width.
- A. Uses Permitted: Side yard shall be a minimum of twenty (20) feet. The depth of a side yard which abuts a residential district shall be not less than forty (40) feet.
- B. Uses Permitted on Appeal: Side yard shall be twenty (20) feet or more as required by the Board of Zoning Appeals. The depth of a side yard which abuts a residential district shall be not less than forty (40) feet.
- 13.09. Minimum Rear Yard Depth.
- A. Uses Permitted: Thirty (30) feet in depth. The depth of a rear yard which abuts a residential district shall be not less than forty-five (45) feet.
- B. Uses Permitted on Appeal: Thirty (30) feet in depth. The depth of a rear yard which abuts a residential district shall be not less than forty-five (45) feet or more as required by the Board of Zoning Appeals.
- 13.10. Maximum Height of Buildings.

- A. Buildings in General: No building shall exceed thirty-five (35) feet in height. This provision shall not apply to: belfries, chimneys, church spires, flagpoles, radio or television antennas, water tanks, of stand pipes, barns, silos, grain storage bins or sheds for the storage of farm or forestry products provided they comply with all pertinent codes and resolutions and provided that they are located a distance equal to their height plus ten (10) feet from the nearest property line.
 - B. Accessory Buildings: No accessory building shall exceed thirty-five (35) feet in height.
- 13.11. Site Plan Review. Prior to the issuance of a Zoning Compliance Permit, all site plan requirements as set forth in Chapter 16 shall be submitted for review by the Planning Commission. If approved, any modifications required by the Planning Commission shall be made prior to the issuance of any Zoning Compliance Permit. The site plan shall be maintained in the permanent files of Hardeman County.
- 13.12 General Standards for the (I-2) Restricted Industrial District
- A. Access to Public Services: The district shall be located on parcels or lots where public water is located or where approval and provisions for public water exists. Access to public sewer shall not be required. However, approval from the County Environmentalist or Tennessee Department of Environment and Conservation (TDEC) shall be required before the granting of any rezoning request.^{xxx}
 - B. Access to Public Streets: The district shall front on collector or higher order streets in order to accommodate industrial type traffic. The district should front along designated state routes throughout the County, or in close proximity to state routes, in order to minimize the effects on rural County roads.
 - C. Relationship to Other Land Uses: The district is intended to be located in very rural areas of the County, in order to minimize excessive noise, light, and vibration impacts of the uses permitted, and reduce conflicts between the uses permitted and other land uses. As such, where a proposed district abuts other land uses, the Planning Commission may require buffering or greater setbacks from these adjacent land uses.
 - D. Adult Oriented Businesses: Adult oriented business as defined in Chapter 2 of this resolution may be permitted provided that no Zoning Compliance Permit or Certificate of Occupancy Permit 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:
 - 1. Such use is situated within facilities located no closer than 1,500 feet to pre-existing churches, schools, or residences, and;
 - 2. All signs and exterior displays relative to such use shall be limited to exclude obscenities including depictions, likenesses, or representations of "Specified

Anatomical Areas” and “Specified Sexual Activities” as defined in Chapter 2 of this resolution.

3. The property and the facility housing such use meets all yard standards, parking requirements, site plan review requirements and all other applicable provisions of this resolution.

CHAPTER 14

PROVISIONS GOVERNING (I-3) RURAL INDUSTRIAL DISTRICTS

General Description - This district is intended to allow a select group of industrial establishments in areas suitable for such development. The district is designed to accommodate and provide areas for industrial type developments that generally evolve and seek to locate in rural areas of the County. The industries permitted in this district are very restricted, generally limited to those industries that might utilize the natural resources found in the County. This District promotes these select industries while maintaining an environment safe from public nuisance or harmful exposure; and with a view of promoting industrial growth while retaining the rural characteristics of each district.

Within the rural Industrial (I-3) Districts, the following regulations shall apply:

14.01. Uses Permitted

- A. Agricultural Activities and Related Activities (81) (82)
- B. Manufacturing limited to:
 - a. Lumber and wood products (except furniture) - manufacturing (24)
 - b. Permanent loading or unloading yard(s) for hardwood, veneer, pine, pulp, and sawmill logs where sorting for redistribution or resale occurs. (Not to include loading yards for seasonal logging).
- C. Government services and public institutional uses, except for solid waste disposal (67).
- D. Signs as permitted in Section 3.08.
- E. Accessory uses and structures customarily incidental to any aforementioned permitted use.

14.02. Uses Permitted on Appeal: No uses are permitted on appeal.

14.03. Uses Prohibited. Any use not specifically permitted by the terms of this Chapter is prohibited.

14.04. Off-Street Parking, Loading and Unloading Requirements. These requirements are indicated in Chapter 3, Sections 3.09 and 3.10.

14.05. Minimum Lot Width

All Uses -	two (2) acres or greater if required by the County Environmentalist based on soils review.
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14.06. Minimum Lot Width

All Uses -	One hundred fifty (150) feet
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14.07. Minimum Front Yard Depth

All Uses -	Fifty (50) feet
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14.08 Minimum Side yard Width

All Uses -

Side yard shall be a minimum of twenty (20) feet. The depth of a side yard which abuts a residential district shall be not less than fifty (50) feet.

14.09. Minimum Rear Yard Depth

All Uses -

Thirty (30) feet in depth. The depth of a rear yard which abuts a residential district shall be not less than fifty (50) feet.

14.10 Maximum Height of Buildings

- A. Buildings in General: No building shall exceed thirty-five (35) feet in height. This provision shall not apply to belfries, chimneys, church spires, flagpoles, radio or television antennae, water tanks or standpipes, provided they comply with all pertinent codes and resolutions and provided that they are located a distance equal to their height plus ten (10) feet from the nearest property line.
- B. Accessory Buildings. No accessory building shall exceed thirty-five (35) feet in height.

14.11 General Standards for the (I-3) Rural Industrial District

- A. Access to Public Services: The district should be located in areas where access to public water is possible. Access to public sewer shall not be required. However, approval from the County Environmentalist shall be required before the granting of any rezoning request.
- B. Access to Public Streets: The district shall front on collector or higher order streets in order to accommodate industrial type traffic. The district should front along designated state routes throughout the County, or in close proximity to state routes, in order to minimize the effects on rural County roads.
- C. Relationship to Other Land Uses: The district is intended to be located in very rural areas of the County, in order to minimize excessive noise, light, and vibration impacts of the uses permitted, and reduce conflicts between the uses permitted and other land uses. As such, where a proposed district abuts other land uses, the Planning Commission may require buffering or greater setbacks from these adjacent land uses.

CHAPTER 15

COUNTY FLOOD DAMAGE PREVENTION RESOLUTION

A RESOLUTION ADOPTED FOR THE PURPOSE OF AMENDING THE HARDEMAN COUNTY, TENNESSEE REGIONAL ZONING RESOLUTION REGULATING DEVELOPMENT WITHIN THE JURISDICTION OF HARDEMAN COUNTY, TENNESSEE, TO MINIMIZE DANGER TO LIFE AND PROPERTY DUE TO FLOODING, AND TO MAINTAIN ELIGIBILITY FOR PARTICIPATION IN THE NATIONAL FLOOD INSURANCE PROGRAM BY AMENDING CHAPTER 15.

15.01. STATUTORY AUTHORIZATION, FINDINGS OF FACT, PURPOSE, AND OBJECTIVES

A. Statutory Authorization

The Legislature of the State of Tennessee has in Sections 13-7-101 through 13-7-115, Tennessee Code Annotated delegated the responsibility to the county legislative body to adopt regulations designed to promote the public health, safety, and general welfare of its citizenry. Therefore, the Hardeman County, Tennessee, Mayor, and Board of County Commissioners, do resolve as follows:

B. Findings of Fact

1. The Hardeman County, Tennessee, Mayor, and its Legislative Body wish 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 Hardeman County, 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 Resolution to promote the public health, safety, and general welfare and to minimize public and private losses due to flood conditions in specific areas. This Resolution 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 developments 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

1. The objectives of this Resolution are:
2. To protect human life, health, safety, and property.
3. To minimize expenditure of public funds for costly flood control projects.
4. To minimize the need for rescue and relief efforts associated with flooding and generally undertaken at the expense of the general public.
5. To minimize prolonged business interruptions.
6. 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.
7. To help maintain a stable tax base by providing for the sound use and development of floodprone areas to minimize blight in flood areas.
8. To ensure that potential homebuyers are notified that property is in a floodprone area.
9. To maintain eligibility for participation in the NFIP.

15.02. DEFINITIONS

Unless specifically defined below, words or phrases used in this Resolution shall be interpreted as to give them the meaning they have in common usage and to give this Resolution 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 Resolution, 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 Resolution 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 Resolution which relieves the applicant from the requirements of a rule, regulation, order, or other determination made or issued pursuant to this Resolution.

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

"Existing Manufactured Home Park or Manufactured Home 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 resolution 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 Manufactured Home 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 Hardeman County, 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 Resolution.

"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 Manufactured Home 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 Resolution, 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 Resolution and includes any subsequent improvements to such structure.

"New Manufactured Home Park or New Manufactured Home 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 resolution or the effective date of the initial floodplain management resolution 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 the purposes of this Resolution, 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 Manufactured Home 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 Resolution.

"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 Resolution 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.

15.03. GENERAL PROVISIONS

A. Application

This Resolution shall apply to all areas within the unincorporated area of Hardeman County, Tennessee.

B. Basis for Establishing the Areas of Special Flood Hazard

The Areas of Special Flood Hazard identified on the Hardeman County, Tennessee, as identified by FEMA, and in its Flood Insurance Study (FIS) Number 47069CV000A and Flood Insurance Rate Map (FIRM), Community Panel Numbers 4703600050C, 4703600075C, 4703600100C, 4703600125C, 4703600135C, 4703600140C, 4703600145C, 4703600155C, 4703600161C, 4703600162C, 4703600163C, 4703600164C, 4703600170C, 4703600200C, 4703600225C, 4703600230C, 4703600235C, 4703600245C, 4703600251C, 4703600252C, 4703600253C, 4703600254C, 4703600260C, 4703600265C, 4703600270C, 4703600280C, 4703600285C, 4703600290C, 4703600295C, 4703600350C, 4703600375C, 4703600400C, and 4703600500C; dated September 28, 2007, along with all supporting technical data, are adopted by reference and declared to be a part of this Resolution.

C. Requirement for Floodplain Development Permit

A floodplain development permit shall be required in conformity with this Resolution 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 Resolution and other applicable regulations.

E. Abrogation and Greater Restrictions

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

F. Interpretation

In the interpretation and application of this Resolution, 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 Resolution 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 Resolution 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 damage. This Resolution shall not create liability on the part of Hardeman County, Tennessee or by any officer or employee thereof for any flood damages that result from reliance on this Resolution, or any administrative decision lawfully made hereunder.

H. Penalties for Violation

Violation of the provisions of this Resolution 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 resolution 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 Hardeman County, Tennessee from taking such other lawful actions to prevent or remedy any violation.

15.04. ADMINISTRATION

A. Designation of Resolution Administrator

The Zoning Compliance Officer is hereby appointed as the Administrator to implement the provisions of this Resolution.

B. Permit Procedures

Application for a floodplain development permit shall be made to the Administrator on forms furnished by the community prior to any development activities. The floodplain 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 Resolution.
- 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 Resolution.
- 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 Chapter 15.05, Sections A and B.
- d. Description of the extent to which any watercourse will be altered or relocated as a result of proposed development.

2. Construction Stage

Within AE Zones, where Base Flood Elevation data is available, any lowest floor certification made relative to mean sea level shall be prepared by or under the direct supervision of a Tennessee registered land surveyor and certified by same. The Administrator shall record the elevation of the lowest floor on the floodplain 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 floodplain 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 floodplain development permits to assure that the permit requirements of this Resolution 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 Chapter 15.04, Section B.
7. Record the actual elevation, in relation to mean sea level or the highest adjacent grade, where applicable to which the new and substantially improved buildings have been floodproofed, in accordance with Chapter 15.04, Section B.
8. When floodproofing is utilized for a nonresidential structure, obtain certification of design criteria from a Tennessee registered professional engineer or architect, in accordance with Chapter 15.04, Section B.
9. Where interpretation is needed as to the exact location of boundaries of the Areas of Special Flood Hazard (for example, where there appears to be a conflict between a mapped boundary and actual field conditions), make the necessary interpretation. Any person contesting the location of the boundary shall be given a reasonable opportunity to appeal the interpretation as provided in this Resolution.
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 Hardeman County, Tennessee FIRM meet the requirements of this Resolution.
11. Maintain all records pertaining to the provisions of this Resolution in the office of the Administrator and shall be open for public inspection. Permits issued under the provisions of this Resolution shall be maintained in a separate file or marked for expedited retrieval within combined files.

15.05. 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 Resolution, shall meet the requirements of "new construction" as contained in this Resolution;
10. Any alteration, repair, reconstruction, or improvements to a building that is not in compliance with the provision of this Resolution, 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 Chapter 15.05, Section B;
13. When proposed new construction and substantial improvements are partially located in an area of special flood hazard, the entire structure shall meet the standards for new construction;
14. When proposed new construction and substantial improvements are located in multiple flood hazard risk zones or in a flood hazard risk zone with multiple Base Flood Elevations, the entire structure shall meet the standards for the most hazardous flood hazard risk zone and the highest Base Flood Elevation.

B. Specific Standards

In all Areas of Special Flood Hazard, the following provisions, in addition to those set forth in Chapter 15.05, Section A, are required:

1. Residential Structures

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

Within approximate A Zones where Base Flood Elevations have not been established and where alternative data is not available, the administrator shall require the lowest floor of a building to be elevated to a level of at least three (3) feet above the highest adjacent grade (as defined in Chapter 15.02). 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 Chapter 15.02). 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 Chapter 15.04, Section B.

3. Enclosures

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

- a. Designs for complying with this requirement must either be certified by a Tennessee professional engineer or architect or meet or exceed the following minimum criteria.
 - i. Provide a minimum of two openings having a total net area of not less than one (1) square inch for every square foot of enclosed area subject to flooding;
 - ii. The bottom of all openings shall be no higher than one (1) foot above the finished grade;
 - iii. Openings may be equipped with screens, louvers, valves or other coverings or devices provided they permit the automatic flow of floodwaters in both directions.
- b. 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 Chapter 15.05, Section B.

4. Standards for Manufactured Homes and Recreational Vehicles

- a. All manufactured homes placed, or substantially improved, on: (1) individual lots or parcels, (2) in expansions to existing manufactured home parks or manufactured home subdivisions, or (3) in new or substantially improved manufactured home parks or manufactured home subdivisions, must meet all the requirements of new construction.
- b. All manufactured homes placed or substantially improved in an existing manufactured home park or manufactured home 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 Chapter 15.02).
- c. Any manufactured home, which has incurred “substantial damage” as the result of a flood, must meet the standards of Chapter 15.05, Sections A and B.
- d. All manufactured homes must be securely anchored to an adequately anchored foundation system to resist flotation, collapse, and lateral movement.
- e. All recreational vehicles placed in an identified Special Flood Hazard Area must either:
 1. Be on the site for fewer than 180 consecutive days;
 2. Be fully licensed and ready for highway use (a recreational vehicle is ready for highway use if it is licensed, on its wheels or jacking system, attached to the site only by quick disconnect type utilities and security devices, and has no permanently attached structures or additions), or;
 3. The recreational vehicle must meet all the requirements for new construction.
5. Standards for Subdivisions and Other Proposed New Development Proposals

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

 - a. All subdivision and other proposed new development proposals shall be consistent with the need to minimize flood damage.
 - b. All subdivision and other proposed new development proposals shall have public utilities and facilities such as sewer, gas, electrical and water systems located and constructed to minimize or eliminate flood damage.
 - c. All subdivision and other proposed new development proposals shall have adequate drainage provided to reduce exposure to flood hazards.

- d. In all approximate A Zones require that all new subdivision proposals and other proposed developments (including proposals for manufactured home parks and manufactured home subdivisions) greater than 50 lots or 5 acres, whichever is the lesser, include within such proposals Base Flood Elevation data (See Chapter 15.05, Section E).

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

Located within the Special Flood Hazard Areas established in Chapter 15.03, Section B, are areas designated as floodways. A floodway may be an extremely hazardous area due to the velocity of floodwaters, debris or erosion potential. In addition, the area must remain free of encroachment in order to allow for the discharge of the base flood without increased flood heights and velocities. Therefore, the following provisions shall apply:

- a. 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 Hardeman County, Tennessee, and certification, thereof.
- b. New construction and substantial improvements of buildings, where permitted, shall comply with all applicable flood hazard reduction provisions of Chapter 15.05, Sections A and B.

7. 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 Chapter 15.03, Section B, where streams exist with base flood data provided but where no floodways have been designated (Zones AE), the following provisions apply:

- a. 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.

- b. New construction and substantial improvements of buildings, where permitted, shall comply with all applicable flood hazard reduction provisions of Chapter 15.05, Sections A and B.

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

Located within the Special Flood Hazard Areas established in Chapter 15.03, Section B, where streams exist, but no base flood data has been provided and where a Floodway has not been delineated, the following provisions shall apply:

- a. 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 Chapter 15.05, Sections A and B.
- b. Require that all new subdivision proposals and other proposed developments (including proposals for manufactured home parks and manufactured home subdivisions) greater than 50 lots or 5 acres, whichever is the lesser, include within such proposals Base Flood Elevation data.
- c. 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 Chapter 15.02). All applicable data including elevations or floodproofing certifications shall be recorded as set forth in Chapter 15.04, Section B. Openings sufficient to facilitate automatic equalization of hydrostatic flood forces on exterior walls shall be provided in accordance with the standards of Chapter 15.05, Section B.
- d. 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 Hardeman County, Tennessee. The engineering certification should be supported by technical data that conforms to standard hydraulic engineering principles.

- e. New construction and substantial improvements of buildings, where permitted, shall comply with all applicable flood hazard reduction provisions of Chapter 15.05, Sections A and B. Within approximate A Zones, require that those subsections of Chapter 15.05, Section B dealing with the alteration or relocation of a watercourse, assuring watercourse carrying capacities are maintained and manufactured homes provisions are complied with as required.

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

Located within the Special Flood Hazard Areas established in Chapter 15.03, Section B, are areas designated as shallow flooding areas. These areas have special flood hazards associated with base flood depths of one (1) to three (3) feet where a clearly defined channel does not exist and where the path of flooding is unpredictable and indeterminate; therefore, the following provisions, in addition to those set forth in Chapter 15.05, Sections A and B, apply:

- a. 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 Chapter 15.05, Section B.
- b. 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 Resolution and shall provide such certification to the Administrator as set forth above and as required in accordance with Chapter 15.04, Section B.

- c. Adequate drainage paths shall be provided around slopes to guide floodwaters around and away from proposed structures.

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

Located within the Areas of Special Flood Hazard established in Chapter 15.03, 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 Chapters 15.04 and 15.05 shall apply.

11. Standards for Unmapped Streams

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

- a. 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.
- b. 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 Chapters 15.04 and 15.05.

15.06. VARIANCE PROCEDURES

A. Regional Board of Zoning Appeals

1. Authority

The Hardeman County, Tennessee Regional Board of Zoning Appeals shall hear and decide appeals and requests for variances from the requirements of this Resolution.

2. Procedure

Meetings of the Regional Board of Zoning Appeals shall be held at such times, as the Board shall determine. All meetings of the Regional Board of Zoning Appeals shall be open to the public. The Regional 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 Regional Board of Zoning Appeals shall be set by the Legislative Body.

3. Appeals: How Taken

An appeal to the Regional 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 Resolution. Such appeal shall be taken by filing with the Regional 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, an application fee for the cost of publishing a notice of such hearings shall be paid by the appellant. The Administrator shall transmit to the Regional Board of Zoning Appeals all papers constituting the record upon which the appeal action was taken. The Regional 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 30 days from the date of the hearing. At the hearing, any person or party may appear and be heard in person or by agent or by attorney.

4. Powers

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

a. Administrative Review

- i. 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 Resolution.

b. Variance Procedures

- i. In the case of a request for a variance the following shall apply:
 5. The Hardeman County, Tennessee Regional Board of Zoning Appeals shall hear and decide appeals and requests for variances from the requirements of this Resolution.
 6. 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 Resolution to preserve the historic character and design of the structure.

7. In passing upon such applications, the Regional Board of Zoning Appeals shall consider all technical evaluations, all relevant factors, all standards specified in other sections of this Resolution, and:
 - ii. The danger that materials may be swept onto other property to the injury of others;
 - iii. The danger to life and property due to flooding or erosion;
 - iv. The susceptibility of the proposed facility and its contents to flood damage;
 - v. The importance of the services provided by the proposed facility to the community;
 - vi. The necessity of the facility to a waterfront location, in the case of a functionally dependent use;
 - vii. The availability of alternative locations, not subject to flooding or erosion damage, for the proposed use;
 - viii. The relationship of the proposed use to the comprehensive plan and floodplain management program for that area;
 - ix. The safety of access to the property in times of flood for ordinary and emergency vehicles;
 - x. 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;
 - xi. 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 Resolution, the Regional Board of Zoning Appeals may attach such conditions to the granting of variances, as it deems necessary to effectuate the purposes of this Resolution.

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 Chapter 15.06, Section A.
2. Variances shall only be issued upon: a showing of good and sufficient cause, a determination that failure to grant the variance would result in exceptional hardship; or a determination that the granting of a variance will not result in increased flood heights, additional threats to public safety, extraordinary public expense, create nuisance, cause fraud on or victimization of the public, or conflict with existing local laws or Resolutions.
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.

15.07. LEGAL STATUS PROVISIONS

A. Conflict with Other Resolutions

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

B. Severability

If any section, clause, provision, or portion of this Resolution 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 Resolution which is not of itself invalid or unconstitutional.

C. Effective Date

This Resolution shall become effective immediately after its passage, the public welfare demanding it.

Approved and adopted by the Hardeman County, Tennessee, Mayor, and Legislative Body.

Date: December 21, 2010

Date of Public Hearing: December 21, 2010

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CHAPTER 16

AIRPORT HEIGHT REGULATIONS AND AIRPORT CLEAR ZONE (AHR) DISTRICT

16.01 Purpose. The purpose of this district is to establish regulations which will reduce or eliminate hazards to air navigation to minimize or prevent the loss of life, property damage, health and safety hazards, and government expenditures which result from air traffic accidents.

16.02. Application of Regulations.

- A. This district shall overlay land included within the airport hazard zones as shown on the zoning map. The regulations contained in this Section shall apply to such land in addition to the regulations contained in the underlying zoning district of such land. Where there is a conflict between the provisions of this Section and those of the underlying zoning district, the zone contained 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 airport hazard 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 zone containing the more restrictive regulations shall apply to such structure or tree.

16.03 Airspace Obstruction Zoning. In order to carry out the purposes of this Resolution, the following airspace zones are established, and schematically represented on the Airspace Obstruction Zoning Map. Except as otherwise provided in this Resolution and except as necessary and incidental to airport operations, no structures or objects of nature growth shall be constructed, altered, maintained, or allowed to grow in any land area created in this Section so as to project above any of the imaginary airspace surfaces described in this Section. In those cases where an area is covered by more than one height limitation, the more restrictive limitation applies:

- A. **Primary Surface Area:** The imaginary surface longitudinally centered on a runway extending two hundred (200) feet beyond each end. The elevation of any point on the primary surface is the same as the elevation of the highest point on the runway centerline. The primary surface land area is that land which is directly below the primary surface.

The width of the primary surface, symmetrical about runway centerline, is:
 - 1. 500 feet from Runway 18.
 - 2. 500 feet from Runway 36.
- B. **Horizontal Zone:** All the airspace which lies directly under an imaginary horizontal surface 150 feet above the established airport elevation, or a height 650 feet above mean sea level, the perimeter of which is constructed by swinging arcs of specified

radii from the center of each end of the primary surface of each runway and connecting the adjacent arcs by lines tangent to those arcs. The radius of each arc is:

1. 5,000 feet from Runway 18.
2. 5,000 feet from Runway 36.

The horizontal zone land area is the land which lies directly below the horizontal surface.

- C. Conical Zone: All the airspace which lies directly under an imaginary surface extending upward 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.

The conical zone land area is that land which lies directly beneath the conical surface.

- D. Approach/Departure Zone: All the airspace which lies directly under an imaginary approach/departure surface longitudinally centered on the extended centerline at each end of the runway. The inner edge of the approach surface is at the same width and elevation as, and coincides with, the end of the primary surface.

The approach/departure surface expands uniformly (flares outwardly) with a width of:

1. 2000 feet of a horizontal distance of 5,000 feet from primary surface edge of Runway 36.

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

1. 20:1 for Runway 18.
2. 20:1 for Runway 36.

The approach/departure zone land area is that land which lies directly beneath the approach/departure surface.

- E. 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 sides of the primary surface and from the side of the approach/departure surface until they intersect the horizontal surface of the conical surface.

The transitional zone land area is that land which lies directly beneath the transitional surface.

16.04 Land Use Safety Zoning

- A. Safety Zone Boundaries: In order to carry out the purpose of this Resolution 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 Bolivar-Hardeman County

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 are hereby created and established the following land use safety zones:

1. Safety Zone A: All land in that portion of the approach zones of a runway, as defined in Subsection 13.03 hereof, which extends outward from the end of primary surface a distance equal to:
 - a. 1000 feet for runway 18.
 - b. 1000 feet for runway 36, etc.
2. Safety Zone B: All land in that portion of the approach zones of a runway, as defined in Subsection 13.03 hereof, which extends outward from safety Zone A, a distance equal to:
 - a. 3000 feet for runway 18.
 - b. 3000 feet for runway 36, etc.
3. Safety Zone C: All that land which is enclosed within the perimeter of the horizontal zone as defined in Subsection 13.03 hereof, and which is not included in Zone A or Zone B.

16.05 Marking and Lighting. The owner of any structure or tree which exceeds the height limits established by this Section shall permit the installation, operation, and maintenance thereon of such markers and lights as shall be deemed necessary by the airport manager to indicate to the operators of aircraft in the vicinity of the airport the presence of such airport hazards. Such markers and lights shall be installed, operated, and maintained at the expense of the owner.

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CHAPTER 17

PROCEDURES AND REQUIREMENTS FOR SITE PLAN REVIEW

17.01 Statement of Purpose and Goals. The following procedures and standards are established for those sections and Chapters of this Resolution which require the submission and approval of a site plan prior to the issuance of a Zoning Compliance Permit or certificate of occupancy. The site plan must be prepared and stamped by either a licensed engineer or a licensed surveyor. The Hardeman County 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. In instances where the site plan is required to be approved by only the Zoning Compliance Officer, a clearly drawn set of plans which are verified as being correct by the zoning compliance permit upon approval by the Zoning Compliance Officer. All site plans submitted for the location of any Use Permitted on Appeal shall be reviewed and approved according to its conformance with the terms specified herein by the Hardeman County Board of Zoning Appeals before the issuance of a Zoning Compliance Permit or certificate of occupancy. Every site plan submitted to the Zoning Compliance Office of Hardeman County shall become the property of Hardeman County and shall be maintained in the permanent files of the Zoning Compliance Office of Hardeman County. Site plan approval, once granted, shall be in effect for a period of one (1) year from the date of the approval granted by the Planning Commission or (for Uses Permitted on Appeal) by the Board of Zoning Appeals.

17.02 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) rights-of-way and highway setback lines, easements, covenants, and reservations.
8. The acreage or square footage of the lot.
9. Sufficient grade and elevation information to demonstrate that the property will properly drain and if available can be connected to the public sewer system to provide gravity discharge of waste from the building. Proposals utilizing a subsurface sewage system shall indicate Hardeman County Department of Environment and Conservation approval. Topography to be

shown by dashed lines illustrating contours and/or spot elevation, if required, and as required by the County.

- a. A survey of the lot and shall include all permanent and semi-permanent survey monuments and all existing structures and buildings.^{xxxii}
- 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:
 - i. Number of dwelling units.
 - ii. Number and size of parking stalls and type of proposed pavement (either portland concrete or asphalt).
 - iii. Number of loading spaces and type of proposed pavement (either portland concrete or asphalt).
 - iv. 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.

17.03. Site Plan Review Authority.

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

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

- 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.

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CHAPTER 18

EXCEPTIONS AND MODIFICATIONS

18.01. Lot of Record. Where the owner of a lot consisting of one or more adjacent lots of record at the time of the adoption of this Resolution, does not own sufficient land to enable him to conform to the yard or other requirements of this Resolution, an application may be submitted to the Board of Zoning Appeals for a variance from the terms of this Resolution, in accordance with Section 21.04. C. 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.

18.02. Front Yards. The front yard requirements of this Resolution for residential lots shall not apply to any residential 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 zoning district and fronting on the same street as such lot is less than the minimum required front yard depth on the developed lots. In such instances the average setback of the lots located within 100 feet of each side of the lot shall be utilized to determine the required setback, except that no residence shall have a front yard of less than ten (10) feet in depth.

18.03. Height Regulations. The height limitations contained in the district regulations do not apply to spires, antennas, water tanks, chimneys, or other appurtenances usually required above the roof level and not intended for human occupancy.

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CHAPTER 19

ENFORCEMENT

19.01. Enforcing Officer. The provisions of this Resolution shall be administered and enforced by a Zoning Compliance Officer, appointed by the County Commission, who shall have the power to make inspections of buildings or premises necessary to carry out his duties in the enforcement of this Resolution.

19.02. Zoning Compliance Permits and Certificates of Occupancy.

- A. Zoning Compliance 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 Zoning Compliance Officer has issued a Zoning Compliance Permit for such work.
- B. Issuance of Zoning Compliance Permit: In applying to the Zoning Compliance Officer for a Zoning Compliance Permit, the applicant shall submit a dimensional sketch or a scale plan indicating the shape, size, height, and location on the lot of all buildings to be erected, altered, or moved and of any building already on the lot. The site plan shall include all the information specified in Chapter 16 of the Zoning Resolution. He shall also state the existing and intended use of all such buildings and supply such other information as may be required by the Zoning Compliance Officer to determine whether the provisions of this Resolution are being observed. If the proposed excavation or construction as set forth in the application are in conformity with the provisions of this Resolution and other resolutions of Hardeman County, Tennessee, then in force, the Zoning Compliance Officer shall issue a Zoning Compliance Permit for such excavation or construction. If a Zoning Compliance Permit is refused, the Zoning Compliance Officer shall state such refusal in writing with the cause. The issuance of a permit shall in no case be construed as waiving any provisions of this Resolution. A Zoning Compliance 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. No Zoning Compliance Permit shall be issued until the Zoning Compliance Officer receives written approval of the proposed provisions for water supply and sewage disposal for the proposed use from the Hardeman County Department of Environment and Conservation. The request for a Zoning Compliance Permit shall be accompanied by a processing fee set by the County Commission.
- C. Certificate of Occupancy: No land or building or part thereof hereafter erected or altered in its use or structure shall be used until the Zoning Compliance Officer 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 Resolution. Within five (5) days after notification that a building or premises or part thereof is ready for occupancy or use, it shall be the duty of the Zoning Compliance Officer to make a final inspection thereof and to issue a certification of occupancy if the land, building or part thereof and the proposed use thereof are

found to conform with the provisions of this Resolution; or, if such certification is refused, to state such refusal in writing with the cause.

- D. Records: A complete record of such application, sketches, and plans shall be maintained in the office of the Zoning Compliance Officer.

19.03. Penalties. Any person violating the provisions of this Resolution shall be guilty of a misdemeanor. Each day's continuance of a violation shall be considered a separate offense.

19.04. 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 Resolution, the Zoning Compliance Officer and upon approval of the legislative body by a majority vote^{xxxii}, or any other appropriate authority and upon the approval of the legislative body by a majority vote unless imminent harm to public safety or welfare exists 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 proceeding to prevent the occupancy or use of such building, structure, or land.

CHAPTER 20

BOARD OF ZONING APPEALS

20.01. Creation and Appointment. A Board of Zoning Appeals is hereby established in accordance with Section 13-7-106, Tennessee Code Annotated. The Board of Zoning Appeals shall consist of five (5) members, one of which shall be a member of the Planning Commission. They shall be appointed by the County Commission. The term of membership shall be five (5) years except that the initial individual appointments to the Board of Zoning Appeals shall be terms of one, two, three, four, and five years, respectively. Vacancies shall be filled for any unexpired term by the County Commission.

20.02. Procedure. Meetings of the Board of Zoning Appeals shall be held monthly and at such other times as the Board shall determine. All meetings of the Board of Zoning Appeals shall be open to the public. The Board of Zoning Appeals shall adopt rules of procedure and shall keep records, applications, and actions thereon, which shall be a public record. Compensation of the members of the Board of Zoning Appeals shall be set by the County Commission.

20.03. 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, or bureau affected by any decision of the Zoning Compliance Officer based in whole or in part upon the provisions of this Resolution. Such an appeal shall be taken by filing with the Board of 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 set by the County Commission for the cost of publishing a notice of such hearings shall be paid by the appellant. The Zoning Compliance Officer shall transmit to the Board of Zoning Appeals all papers constituting the record upon which the appeal action was taken. The 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 an agent or by attorney.

20.04. Powers. The Board of Zoning Appeals shall have the following powers:

- A. Administrative Review: To hear and decide appeals where it is alleged by the applicant that there is error in any order, requirement, permit, decision, determination, or refusal made by the Zoning Compliance Officer or other administrative official in the carrying out or enforcement of any provisions of this Resolution.
- B. Uses Permitted on Appeal: To hear and decide applications for uses permitted on appeal. Uses permitted on appeal may be permitted in those zoning districts where designated by this Resolution but only where specifically approved by the Board of Zoning Appeals in accordance with provisions of this Resolution and after review and recommendation by the Hardeman County Regional Planning Commission. Uses permitted on appeal shall meet the requirements concerning them which are specified in the appropriate district regulations and any additional conditions and safeguards required by the Board of Zoning Appeals. Lots to be used for a proposed use permitted on appeal must be suitable for the use by virtue of the location, shape,

size, and topography of the lot and the nature of surrounding land uses. In determining whether or not a use shall be permitted on appeal and what conditions and safeguards shall be required, the Board of Zoning Appeals must make sure that, where appropriate, the conditions below are satisfactory.

1. Means of ingress and egress to the property and proposed structures thereon with particular reference to automotive and pedestrian safety and convenience, traffic flow and control, and access in case of fire or catastrophe.
 2. Off street parking and loading areas where required, with particular attention to the items in "1", above and the economic, noise, glare, or odor effects of the use in question of adjoining properties and the district in general.
 3. Refuse and service areas with particular reference to the items in "1" and "2" above.
 4. Screening and buffering provisions with reference to type, dimensions, and characteristics.
 5. Yards and open spaces.
- C. Variances: To hear and decide applications for variance from the terms of this Resolution, but only where by reason of exceptional narrowness, shallowness, or shape of a specific piece of property which at the time of the adoption of this Resolution was a lot of record; or where by reason of exceptional topographic conditions or other extraordinary or exceptional situations or conditions of a piece of property where the strict application of the provisions of this Resolution 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 Resolution. A financial disadvantage to the property owner is no proof of hardship, within the purpose of zoning. 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 this Resolution. 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.
- D. Map Boundaries: To hear and decide appeals involving the interpretation of the location of district boundaries shown on the Official Zoning Map.

CHAPTER 21

AMENDMENTS

21.01. Zoning Amendment Petition. The County Commission may amend the regulations, restrictions, boundaries, or any provision of this Resolution. Any member of the County Commission may introduce such an amendment, or any official board, or any other person may present a petition to the County Commission requesting an amendment or amendments to this Resolution. In cases where the application for the rezoning is made by a property owner or other interested party, a fee set by the County Commission to cover costs shall be paid by the applicant.

21.02. Planning Commission Review. No such amendment shall become effective unless the same be first submitted for approval, disapproval, or suggestions to the Planning Commission having jurisdiction within Hardeman County. If such Regional Planning Commission disapproves such amendment within thirty (30) days after such submission, such amendment shall require the favorable vote of a majority of the entire membership of the County Commission. If the Regional Planning Commission neither approves nor disapproves such proposed amendment within thirty (30) days after such submission, the absence of action shall be considered as approval of the proposed amendment. ***If the Hardeman County Planning Commission within thirty (30) days after such submission disapproves, it shall require the favorable vote of a majority of the entire membership of the County Commission to become effective. If the Hardeman County Regional Planning Commission neither approves nor disapproves such proposed amendment within thirty (30) days after such submission, the absence of action shall be considered as approval of the proposed amendment.***

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

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CHAPTER 22

LEGAL STATUS PROVISIONS

22.01. Conflict with Other Resolutions. In case of conflict between this Resolution or any part thereof, and the whole or part of any existing or future resolution of Hardeman County, Tennessee, the most restrictive shall in all cases apply.

22.02. Validity. If any section, clause, provision, or portion of this Resolution 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 Resolution which is not of itself invalid or unconstitutional.

22.03. Effective Date. This Resolution shall be enforced immediately after its passage and publication, the public welfare demanding it.

Certified by Planning Commission _____

Public Hearing _____

Adopted by County Commission _____

Attest:

County Clerk

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ENDNOTES

- ⁱ Resolution 02-xx-2024 Added.
- ⁱⁱ Resolution 02-xx-2024 Added
- ⁱⁱⁱ Resolution 02-xx-2024 Added
- ^{iv} Resolution #23-02 Added definition and provisions for Custom Slaughterhouses January 18, 2023.
- ^v Resolution 02-xx-2024 Added
- ^{vi} Resolution 02-xx-2024 Added
- ^{vii} Resolution 02-xx-2024 Added
- ^{viii} Resolution # Deleted Solar Farm definition and regulations passed August 18, 2015.
- ^{ix} Resolution # Deleted Solar Farm definition and regulations passed August 18, 2015.
- ^x Resolution # Deleted Solar Farm definition and regulations passed August 18, 2015.
- ^{xi} Resolution # Deleted Solar Farm definition and regulations passed August 18, 2015.
- ^{xii} Resolution # Deleted Solar Farm definition and regulations passed August 18, 2015.
- ^{xiii} Resolution # Deleted Solar Farm definition and regulations passed August 18, 2015.
- ^{xiv} Resolution # Deleted Solar Farm definition and regulations passed August 18, 2015.
- ^{xv} Resolution 02-xx-2024 Added
- ^{xvi} Resolution 02-xx-2024 Added
- ^{xvii} Resolution #08-15-2013-03 Setback defined on 10/18/2023
- ^{xviii} Resolution 02-xx-2024 Added / Deleted site plan/sketch plan
- ^{xix} Resolution 02-xx-2024 Added / Deleted site plan/sketch plan
- ^{xx} Resolution 02-xx-2024 Replaced Use definition
- ^{xxi} Resolution 02-xx-2024 Added
- ^{xxii} Resolution 02-xx-2024 Added
- ^{xxiii} Resolution 02-xx-2024 Added
- ^{xxiv} Resolution 02-xx-2024 Replaced previous definition
- ^{xxv} Resolution 02-xx-2024 Added
- ^{xxvi} Resolution #04 Amended Non-Conforming Uses on 02/28
- ^{xxvii} Resolution #23-02 Added definition and provisions for Custom Slaughterhouses January 18, 2023
- ^{xxviii} Resolution #08-2016.003 Created RTO District 08/16/2016
- ^{xxix} Resolution # Inserted new Uses Permitted on Appeal Provisions for Power Plants.
- ^{xxx} Resolution 02-2024 Replaced previous description
- ^{xxxi} Resolution 02-2024 Added
- ^{xxxii} Resolution 02-2024 Added
- Resolution 23-10 Telecommunication Towers
- ^{xxxiii} Resolution 2-24-03 Added
- ^{xxxiv} Resolution 4-15-25 01 Added