

TITLE 11

PLANNING AND ZONING¹

CHAPTER

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CHAPTER 1

MUNICIPAL PLANNING COMMISSION

SECTION

- 11-101. Creation and membership.
- 11-102. Organization, powers, duties, etc.
- 11-103. Additional powers.

11-101. Creation and membership. Pursuant to the provisions of section 13-4-101 of the Tennessee Code Annotated there is hereby created a municipal planning commission, hereinafter referred to as the planning commission. The planning commission shall consist of five (5) members; two (2) of these shall be the mayor and another member of the board of

¹Chapters 2 through 14 of this title constitute the zoning ordinance of the Town of Kenton, Tennessee, which is ordinance no. 1985-2, as amended.

appointed by the mayor shall be for three (3) years each. The three (3) members first appointed shall be appointed for terms of one (1), two (2), and three (3) years respectively so that the term of one (1) member expires each year. The terms of the mayor and the member selected by the board of mayor and aldermen shall run concurrently with their terms of office. Any vacancy in an appointive membership shall be filled for the unexpired term by the mayor. (ord. passed Sept. 9, 1961, sec. 1)

11-102. Organization, powers, duties, etc. The planning commission shall be organized and shall carry out its powers, functions, and duties in accordance with all applicable provisions of Tennessee Code Annotated, title 13. (ord. passed Sept. 9, 1961, sec. 2)

CHAPTER 2

ZONING ORDINANCE: AUTHORITY, TITLE, PURPOSE

SECTION

11-201. Authority

11-202. Title

11-203. Purpose

11-201. Authority. An ordinance, pursuant to the authority granted by Sections 13-7-201 through 13-7-210, Tennessee Code Annotated, authorizing the Town of Kenton, Tennessee to establish districts or zones within its corporate limits; to regulate within such district the location, height, bulk, number of stories and size of buildings and structures, the percentage of lot occupancy, the required open spaces, the density of population and the uses of land, buildings and structures, to provide methods of administration of this ordinance and to prescribe penalties for the violation thereof. (1985 Code, as added by ord. no 1985-2, sec. 1-100)

11-202. Title. Chapters 2 through 14 of this title shall be known as the "Zoning Ordinance of Kenton, Tennessee." The map herein referred to, which is identified by the title "Zoning Map of Kenton, Tennessee" and the signature of the Mayor attested by the City Recorder, and all explanatory matter thereon are hereby adopted and made a part of this ordinance. (1985 Code, as added by ord. no. 1985-2, sec. 1-101)

11-203. Purpose. The zoning regulations and districts as herein set forth have been made in accordance with a comprehensive plan for the purpose of promoting the health, safety, morals and the general welfare of the community. They have been designed to lessen congestion in the streets, to secure safety from fire, panic and other dangers, to provide adequate light and air, to prevent the overcrowding of land, to avoid undue concentration of population to facilitate the adequate provision of transportation, water, sewerage, schools, parks and other public requirements. They have been made with reasonable consideration, among other things, of the character of each district and its peculiar suitability to particular uses and with a view toward conserving the value of buildings and encouraging the most appropriate use of land throughout the city. (1985 Code, as added by ord. no. 1985-2, sec. 1-102)

CHAPTER 3

ZONING ORDINANCE: DEFINITIONS

SECTION

11-301. Definitions.

11-301. Definitions. Unless otherwise stated, the following words shall, for the purpose of this ordinance, have the meaning here indicated. Words used in the present tense include the future. the singular number includes the plural, and the plural the singular. The word "shall" is mandatory, not directory. (1) "Alley." any public or private way set aside for public travel and less than thirty (30) feet in width.

(2) "Automobile Storage or Standing Space." Any area reserved and suitable for automobile storage, standing or parking space. Each space shall be a minimum of two hundred (200) square feet in area. Such area shall be provided with a safe vehicular access to a public street or alley.

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

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

(b) "Accessory Building." A subordinate building, the use of which is incidental to that of a principal building on the same lot.

(4) "Carport." A one-story structure attached to the principal building, open and to remain open on two or three sides except for necessary supporting posts; to be used only for the shelter of an automotive vehicle.

(5) "Day Care Facility." Any place operated by a person, social agency, corporation, institution, or any other group which receives not less than five (5) children under 17 years of age for care outside their own homes less than 24 hours per day without transfer of custody. (A state license is not required for a home providing care for fewer than five (5) children.)

(6) "Dwelling." Any building or portion thereof which is designed for or used for residential purposes.

(7) "Dwelling Unit." One or more rooms designed as a unit for occupancy by one (1) family for cooking, living, and sleeping purposes.

(8) "Essential Service." The erection, construction, alteration or maintenance by public utilities or municipal departments, or commissions, of underground or overhead gas, electrical, steam, or water transmission or distribution systems, collection, communications, supply or disposal systems: including poles, wires, mains, drains, sewers, pipes, conduits, cables, traffic signals, hydrants, and other similar equipment and accessories in connection therewith, but not including buildings or substations reasonably necessary for the furnishing of adequate service by such public utilities or municipal departments or commissions, or for the public health or safety or general welfare.

(9) "Family." One (1) or more persons occupying a premises and living as a single, non-profit housekeeping unit.

(10) "Flood" or "Flooding." A general or temporary condition of partial or complete inundation of normally dry land areas from:

- (a) the overflow of stream and river waters;
- (b) the unusual and rapid accumulation or runoff of surface waters from any source.

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

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

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

(14) "Group Housing." A complex of one or more structures designed to house four or more unrelated individuals and providing communal eating and dining facilities.

(15) "Incidental Home Occupation." An occupation or profession carried on by the members of a family residing on the premises in connection with which there is no sign used; provided, however, that such use shall not noticeably increase traffic to, or significantly alter the outside appearance of

the residence involved and that not over twenty (20) percent of the total actual ground floor area is used for the home occupation or professional service.

(16) "Height of Building." The vertical distance from the established average sidewalk grade or street grade or finished grade at the building line, whichever is the highest, to the highest point of the building.

(17) "Lot." A piece, parcel, or plat of land occupied or to be occupied by one (1) principal building and its accessory buildings and including open spaces required under this ordinance.

(a) "Lot of Record." A lot whose existence, location, and dimensions have been legally recorded or registered in a deed or plat prior to the enactment of this ordinance.

(18) "Mobile Home." Any portable structure or vehicle so constructed and designed as to permit occupancy thereof for dwelling or sleeping purposes.

(19) "Mobile Home Park." Any plot of ground upon which two (2) or more trailers, occupied for dwelling or sleeping purposes, are located, regardless of whether or not a charge is made for each accommodation.

(20) "Multi-family Dwelling." A building or portion thereof used or designed as a residence for three or more families living independently of each other.

(21) "Nonconforming Use." A use of a building or land lawful at the time of the enactment of this ordinance that does not conform with the provisions of this ordinance for the district in which it is located.

(22) "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.

(a) "Half Story." A story under a sloping roof, the finished floor area of 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 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.

(23) "Street." Any public or private way set aside for public travel. The word "street" shall include the words "road, highway, and thoroughfare."

(a) "Street Line." The property line which bounds the right-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 traveled street shall be considered as the street line.

(b) "Center Line of a Street". The center of the surfaced roadway or the surveyed center line of the street.

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

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

(26) "Yard." An open space on the same lot with a principal building, open, unoccupied and unobstructed by buildings from the ground to the sky except as otherwise provided in this ordinance. The measurement of a yard shall be construed as the minimum horizontal distance between the lot lines and any part of the building, such as roof overhang or yards adjacent to streets or roads shall be measured from the street right-of-way.

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

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

(c) "Side Yard." A yard extending along the side lot line from the front yard to the rear yard, and lying between the side yard lot line and the nearest part of the principal building, including covered porches and carports. (1985 Code, as added by ord. no. 1985-2, Chap. 2)

CHAPTER 4

ZONING ORDINANCE: GENERAL PROVISIONS

SECTION

- 11-401. Zoning effects every building and use.
- 11-402. Continuance of nonconforming uses and structures
- 11-403. Only one principal building on any lot.
- 11-404. Reduction in lot area prohibited.
- 11-405. Rear yard abuts a public street.
- 11-406. Off street parking requirements.
- 11-407. Obstruction to vision at street intersections prohibited.
- 11-408. Access control

11-401. Zoning Affects Every Building and Use. No building or land shall hereafter be used and no building or part thereof shall be erected, moved or altered unless for a use expressly permitted by and in conformity with the regulations herein specified for the district in which it is located, except as hereinafter provided. (1985 Code, as added by ord. no. 1985-2, sec. 3-100)

11-402. Continuance of Nonconforming Uses and Structures. It is the intent of this ordinance to recognize that the elimination, as expeditiously as is reasonable, of the existing buildings and structures or uses that are not in conformity with the provisions of this ordinance is as much a subject of health, safety and welfare, as is the prevention of the establishment of new uses that would violate the provisions of this ordinance. It is also the intent of this ordinance to administer the elimination of nonconforming uses, buildings, and structures, so as to avoid an unreasonable invasion of established private property rights. Lawful nonconforming uses, buildings and structures existing at the time of the passage of this ordinance or any amendment thereto, shall be allowed to remain subject to the following provisions:

(1) An existing nonconforming use of a building may be changed to a conforming use or to another nonconforming use of the same classification provided, however, that establishment of another nonconforming use of the same classification shall be subject to the written approval of the Board of Zoning Appeals and subject to such conditions as the Board of Zoning Appeals may require in order to protect the area.

(2) No existing nonconforming use or structure shall be enlarged, extended, constructed, reconstructed, moved, or structurally altered, except as herein provided. Nonconforming commercial, business, or industrial uses created after the passage of Tennessee Acts of 1973, Chapter 279.1 shall be allowed to expand operations and reconstruct facilities which involve an actual continuance and expansion of activities of the business which were permitted and being conducted prior to the change in zoning, provided that there is a reasonable amount of space for such expansion on the property owned by such a business and that any construction improvements or reconstruction shall be in conformance with the district requirements in which it is located.

(3) Except as provided by Chapter 279.1 of the 1973 Tennessee Acts:

(a) A nonconforming use of land shall be restricted to the area occupied by such use on the effective date of this ordinance. A nonconforming use of a building or buildings shall not be enlarged to either additional land or buildings after the effective date of this ordinance.

(b) When nonconforming use of any building or land has ceased for a period of months, it shall not be re-established or changed to any other nonconforming use.

(c) Any nonconforming building or nonconforming use, which is damaged by fire, flood, wind or other act of God or man, may be reconstructed and used as before, if it is done within twelve months of such damage, unless damaged to the extent of more than fifty (50) percent of its fair sales value immediately prior to damage, in which case any repair or reconstruction shall be in conformity with the provisions of this ordinance.

(d) A nonconforming building or building housing a nonconforming use shall not be structurally altered except in conformance with the provisions of this ordinance. This provision shall not be construed to prevent normal maintenance and repairs or alterations required for structural safety. (1985 Code, as added by ord. no. 1985-2, sec. 3-101)

11-403. Only One Principal Building on Any Lot. (1) Only one principal building and its customary accessory building hereafter be erected on any lot. This provision does not prohibit group housing or multi-family developments as permitted in Section 9-102 of this ordinance.

(2) No dwelling shall be erected on a lot which does not abut at least one public street for at least fifty (50) feet and contain a minimum width of eighty-five (85) feet at the building setback line. (1985 Code, as added by ord. no. 1985-2, sec. 3-102)

11-404. Reduction in Lot Area Prohibited. No lot, even though it may consist of one or more adjacent lots of records, shall be reduced in area so that yards, lot area per family, lot width, building area, or other requirements of this ordinance are not maintained. This section shall not apply when a portion of a lot is required for a public purpose. (1985 Code, as added by ord. no. 1985-2, sec. 3-103)

11-405. Rear Yard Abuts a Public Street. when a rear yard of a lot abuts a public street, all structures built in that rear yard shall observe the same setback from the street line, centerline of the street, or property line as required for adjacent properties which front on that street. In addition, any structure located within twenty-five (25) feet of that setback line shall be no closer to any side property line than the distance required for side yards on adjoining properties fronting on that street. (1985 code, as added by ord. no. 1985-2, sec. 3-104)

11-406. Off Street Parking Requirements. (1) General - There shall be provided, at the time of erection of any building, or at the time any principal building is enlarged or increased in capacity by or before conversion from one zone, use, or occupancy to another, permanent off-street parking as specified in this resolution. Parking space maintained in connection with an existing and continuing principal building on the effective date of this resolution shall not be counted as serving a new building or addition; nor shall any parking space be substituted for a loading space, or vice versa.

(2) 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 three hundred (300) feet of the main entrance to such principal use.

(3) Size and Maneuvering Room - Off-street parking 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 square feet per parking space shall be used when computing parking area to include maneuvering space. Except for structures 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.

(4) Access - Each parking space shall be directly accessible from a street or alley or from an adequate access aisle or driveway leading to or from a street or alley.

(5) May Serve as Yard Space - Parking space may be included as part of the required yard space associated with the permitted use.

- (6) Number of Spaces for Specific Uses. (a) Dwelling units - two (2) spaces for each unit.
- (b) Hotel, rooming or boarding house - one space for each two (2) rooms or units to be rented.
- (c) Motel, tourist room, or tourist courts - One (1) space for each unit to be rented.
- (d) Elementary school or junior high school - One space for each classroom, plus one space for each staff member and employee other than teachers, plus (10) additional spaces. This provision is not applicable where parking space required for an auditorium is provided.
- (e) Senior high school - One space for each classroom, plus one space for each staff member and employee other than teachers, plus one space for each fifteen (15) students based on the capacity for which the building is designed. This provision is not applicable where parking space for an auditorium is provided.
- (f) Stadium - one space for each five (5) spectator seats.
- (g) Hospital - one space for each three (3) beds intended for patient use, exclusive of bassinets.
- (h) Any theater, auditorium, church, or other place of public assembly at least one 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 space for each 100 square feet of floor space devoted to the particular use shall be required.
- (i) Public utility buildings - one space for each employee.
- (j) Banks and office buildings - one space for each one hundred fifty (150) square feet of total floor space.
- (k) Bus and railroad terminals - one space for each employee plus one space for each two hundred (200) square feet in the waiting room.
- (l) Clinic - three (3) spaces for each doctor, plus one space for every two (2) employees.
- (m) Automobile Service Station - four (4) spaces for each grease rack or similar facility, plus one space for each pump. (1985 Code, as added by ord. no. 1985-2, sec. 3-105)

11-407. Obstruction to Vision at Street Intersections Prohibited. In all districts, except C (General Commercial) on a corner lot, within the area formed by the centerlines of streets or street and railroad at a distance of one hundred (100) feet from their intersections, there shall be no obstruction to vision between a height of two and one-half (2½) feet and height of ten (10) feet above the average grade of each street railroad at the center line thereof. The requirements of this section shall not be deemed to prohibit any necessary retaining wall.

(1) The Board of Appeals may reduce this requirement where safety conditions will not be impaired. (1985 Code, as added by ord. no. 1985-2, sec. 3-106)

11-408. Access Control. In order to promote the safety of the motorist and pedestrian and to minimize traffic congestion and conflict by reducing the points of contact, the following regulations shall apply:

(1) A point of access, i.e., a drive or other opening for vehicles onto a street shall not exceed thirty (30) feet in width.

(2) There shall be no more than two (2) points of access to any one (1) public street in each one hundred (100) feet of frontage in any lot.

(3) No point of access shall be allowed within ten (10) feet of the right-of-way of any public street intersection or within thirty (30) feet of another access point on the same lot.

(4) Cases requiring variances relative to the above provisions shall be heard and acted upon by the Board of Zoning Appeals, provided, further, that no curb cuts for off-street automobile storage or parking space shall be permitted where the arrangement would require that vehicles back directly into a public street. (ord. no. 1985-2, sec. 3-107)

CHAPTER 5

ZONING ORDINANCE: ESTABLISHMENT OF DISTRICTS

SECTION

11-501. Classification of districts.

11-502. Boundaries of Districts.

11-501. Classification of districts. (1) For the purpose of this ordinance, the Town of Kenton, Tennessee, be hereby divided into four (4) classes of districts, designated as follows:

- R-1 (Low density Residential)
- R-2 (Medium Density Residential)
- C-1 (General Commercial)
- C-2 (Central Business)
- I (Industrial)
- F (Flood Plain)

11-502. Boundaries of Districts. (1) The boundaries of districts are hereby established as shown on the map entitled, "Zoning Map of Kenton, Tennessee" which is a part of this ordinance and which is on file in the City Hall of the Town of Kenton.

(2) Unless otherwise indicated on the zoning map, the boundaries are lot lines, the center lines of streets or alleys, railroad rights-of-way, or the corporate limit lines as they existed at the time of enactment of this ordinance. Questions concerning the exact location of district boundary lines shall be determined by the Board of Zoning Appeals.

(3) Where a district boundary divides a lot, as existing at the time this ordinance takes effect and the major portion of said lot is in the less restrictive district, the regulations relative to that district may extend as well to such portion of said lot which is not more than twenty (20) feet within the more restricted district.

(4) The Flood Plain District is an overlay district where boundaries overlap other district boundaries for special flood control. (1985 Code, as added by ord. no. 1985-2, sec. 4-101)

CHAPTER 6

ZONING ORDINANCE: PROVISIONS GOVERNING R-1
(LOW DENSITY) RESIDENTIAL DISTRICTS

SECTION

11-601. Residential Districts.

11-601. Residential Districts. Within the R-1 (Low Density Residential) Districts shown on the Zoning Map of Kenton, Tennessee, the following regulations shall apply:

(1) Uses Permitted. (a) Single family dwellings.

(b) Accessory buildings or uses customarily incidental to the aforementioned permitted uses.

(c) Real estate signs advertising the sale, rental, or lease of only the premises on which they are maintained, provided that they are not over four (4) square feet in area, and at least six (6) feet from all lines and the street rights-of-way.

(2) Uses Permitted on Appeal. Churches and other places of worship, day care facilities, schools offering general education courses, public parks and public recreational facilities, railroad rights-of-way, essential services, cemeteries, nursing homes, public uses; provided, however, that such uses shall not be permitted except with the written approval of the Board of Zoning Appeals and subject to such conditions as the Board of zoning Appeals may require in order to preserve and protect the character of the district in which the proposed use is located.

(a) Customary incidental home occupations provided that no building permit or certificate of occupancy for such use shall be issued without the written approval of the Board of Zoning Appeals and subject to such conditions as the Board of zoning Appeals may require in order to preserve and protect the character of the neighborhood in which the proposed use is located; and provided further that: (1) the proposed use shall be located and conducted in the principal building only;

(2) the persons engaged in any such use shall be residents of the dwelling unit in which the proposed use is located;

(3) not more than twenty (20) percent of the total floor area in the dwelling unit shall be devoted to such proposed use;

(4) the proposed use shall not constitute primary or incidental storage facilities for a business, industrial, or agricultural activity conducted elsewhere;

(5) no activity, materials, goods, or equipment indicative of the proposed use shall be visible from any public way.

(6) the proposed use shall not be advertised by the display of goods or signs on the lot on which the proposed use is located.

(3) Uses Prohibited. (a) Any other use not specifically permitted on appeal in this Chapter.

(b) Advertising signs and billboards except those specifically permitted under this Chapter.

(4) Side yards on Corner Lots. The minimum width of side yards for dwellings along an intersecting street shall be twenty-five (25) feet on the side street.

(5) Height. No building shall exceed three (3) stories or thirty-five (35) feet in height except that free standing poles, towers, spires and structures not designed for or suitable for human occupancy may exceed this height provided that they comply with the provisions of all other pertinent codes and ordinances, and provided that they are located no closer to the nearest property line than the distance equal to their own height plus five (5) feet. No accessory buildings shall exceed two (2) stories or twenty-five (25) feet in height.

(6) Building Area. On any lot the area occupied by all buildings including accessory buildings shall not exceed thirty (30) percent of the total area of the lot.

(7) Location of Accessory Buildings. (a) No accessory building shall be erected in any required front or side yard. Accessory buildings shall not cover more than thirty (30) percent of any required rear yard and shall be at least five (5) feet from all lot lines and from any other building on the same lot.

(b) Accessory buildings on corner lots shall conform with front yard setbacks for both intersecting streets.

(8) Required Lot Area, Lot Width and Yards.

Minimum required lot area for single family dwelling	12,000 sq. ft
Minimum required lot width at the building line	100 ft.
Minimum required front yard	25 ft.
Minimum required rear yard	25 ft.
Minimum required side yard	
1 or 2 stories	10 ft.
3 stories	15 ft.

(1985 Code, as added by ord. no. 1985-2, chap. V)

CHAPTER 7

ZONING ORDINANCE: PROVISIONS GOVERNING R-2
(MEDIUM DENSITY) RESIDENTIAL DISTRICTS

SECTION

11-701. Residential districts.

11-701. Residential Districts. Within the R-2 (Medium Density Residential) Districts shown on the Zoning Map of Kenton, Tennessee, the following regulations shall apply:

(1) Uses Permitted. (a) Single family duplexes, and mobile homes on individual lots.

(b) Accessory buildings or uses customarily incidental to the aforementioned permitted uses.

(c) Real estate signs advertising the sale, rental, or lease of only the premises on which they are maintained, provided that they are not over four (4) square feet in area, and at least six (6) feet from all lines and the street rights-of-way.

(2) Uses Permitted on Appeal. Churches and other places of worship, day care facilities, schools offering general education courses, public parks and public recreational facilities, railroad rights-of-way, essential services, cemeteries, nursing homes, public uses; provided, however, that such uses shall not be permitted except with the written approval of the Board of Zoning Appeals and subject to such conditions as the Board of Zoning Appeals may require in order to preserve and protect the character of the district in which the proposed use is located.

(a) Customary incidental home occupations provided that no building permit or certificate of occupancy for such use shall be issued without the written approval of the Board of Zoning Appeals and subject to such conditions as the Board of Zoning Appeals may require in order to preserve and protect the character of the neighborhood in which the proposed use is located and provided further that:

(1) the proposed use shall be located and conducted in the principal building only;

(2) the persons engaged in any such use shall be residents of the dwelling unit in which the proposed unit is located;

(3) not more than twenty (20) percent of the total floor area in the dwelling unit shall be devoted to such proposed use;

(4) the proposed use shall not constitute primary or incidental storage facilities for a business, industrial, or agricultural activity conducted elsewhere;

(5) no activity, materials, goods, or equipment indicative of the proposed use shall be visible from any public way;

(6) the proposed use shall not be advertised by the display of goods or signs on the lot on which the proposed use is located.

(b) Multiple family dwellings and group housing projects as set forth in Section 11-1103.

(c) Mobile home parks.

(3) Uses Prohibited. (a) Any other use not specifically permitted on appeal in this Chapter.

(b) Advertising signs and billboards except those specifically permitted under this Chapter.

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

(5) Height. No building shall exceed three (3) stories or thirty-five (35) feet in height except that free standing poles, towers, spires and structures not designed for or suitable for human occupancy may exceed this height provided that they comply with the provisions of all other pertinent codes and ordinances and provided that they are located no closer to the nearest property line than the distance equal to their own height plus five (5) feet. No accessory building shall exceed two (2) stories or twenty-five (25) feet in height.

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

(7) Location of Accessory Buildings. (a) No accessory building shall be erected in any required front or side yard. Accessory buildings shall not cover more than thirty (30) percent of any required rear yard and shall be at least five (5) feet from all lot lines and from any other building on the same lot.

(b) Accessory buildings on corner lots shall conform with front yard setbacks for both intersecting streets.

(8) Required Lot Area, Lot Width and Yards.

Minimum required lot area for single family dwelling	10,000 sq. ft.
Minimum required lot area for each additional dwelling unit	2,000 sq. ft.
Minimum required lot width at the building line	70 ft.

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Minimum required front yard	20 ft.
Minimum required rear yard	20 ft.
Minimum required side yard	
1 or 2 stories	10 ft.
3 stories	15 ft.

(1985 Code, as added by ord. no. 1985-2, sec. 5-200)

CHAPTER 8

ZONING ORDINANCE: PROVISIONS GOVERNING
BUSINESS DISTRICTS

SECTION

11-801. C-1 (general business) districts.

11-801. C-1 (General Business) Districts. Within the C-1 (General Business) Districts as shown on the Zoning Map of Kenton, Tennessee, the following regulations shall apply:

(1) Uses Permitted. (a) Retail sales: Automobile sales; automobile parts; bakery and dairy products; drugs and pharmaceuticals; clinics; florist shops, gift shops; book store, newspaper stand; groceries, hardware; boats and boating equipment; sporting goods; mobile home sales; paint and wallpaper; agricultural implements and related sales; household appliances; floor coverings and draperies; and nursery and greenhouse.

(b) Services: automobile repair; animal hospital or veterinarian clinic; commercial recreation; banks; savings and loan associations; barber and beauty shops; funeral homes; automobile service station; laundry and dry cleaning establishments; business and professional offices; radio and television sales and service; shoe repair, motels and hotels; restaurants; trucking terminals; moving company.

(c) Manufacturing, processing or fabrication in which the process is incidental to retail business or service where products are sold on the premises by producers and where not more than 10 operatives are employed in such processing; grain elevators.

(d) Churches; and federal, state and municipal uses.

(e) Advertising signs and advertising structures or lights for illuminating signs or buildings, provided that they shall not be placed within the street right-of-way, nor shall they be lighted by flashing or rotating lights.

(f) Any accessory use of building customarily incidental to the above permitted uses.

(2) Uses Permitted on Appeal. (a) Any other use which in the opinion of the Board of Zoning Appeals is similar in character and not detrimental to the neighborhood.

(3) Uses Prohibited. Any use not specifically permitted or permissible on appeal in this section.

(4) Regulations Controlling Lot Area, Lot Widths, Yards and Building Height.

- (a) Minimum required lot area.
- | | |
|----------------|---------------------------------------------------------------------------------------------|
| (1) Churches | 15,000 sq. ft. or 200 sq ft. of lot area per auditorium seating space whichever is greater. |
| (2) Other Uses | No minimum requirement. |
- (b) Other required lot width at building line.
- | | |
|------------------------------|-------------------------|
| (1) Gasoline service station | 120 feet |
| (2) Churches | 100 feet |
| (3) Other Uses | No minimum requirement. |
- (c) Minimum required front yard.
- | | |
|--------------|---------|
| (1) All Uses | 25 feet |
|--------------|---------|
- (d) Minimum required rear yard
- | | |
|--------------|---------|
| (1) All Uses | 20 feet |
|--------------|---------|
- (e) Minimum required side yard on each side of lot
- | | |
|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|----------------------------------------------------------------------------------------------------------------------------------|
| (1) All Uses | 25 feet |
| (2) Other Uses | None required, however, if buildings do not have common or adjoining walls there shall be a side yard of at least five (5) feet. |
| (3) On lots adjacent to a residential district, all buildings shall be located so as to comply with the side yard requirement of the adjacent residential district on the side adjacent to the residential district. | |
- (f) Minimum required side yard for side facing street of corner lots - 25 feet.
- (g) Installations essential to the business operation may be required to set back a greater distance from the street or alley so that any service

rendered by the business will not obstruct any public way. This determination is to be made by the building inspector.

- (h) Maximum permitted height of structures.
 - (1) No building shall exceed three (3) stories or thirty-five (35) feet in height.
 - (2) Free standing poles, spires, towers, antennae and similar structures not designed for, or suitable to human occupancy may exceed the height provisions of this ordinance provided they comply with all other codes and ordinances, and provided that they are located a distance equal to their own height plus five (5) feet from the nearest property line.

(1985 Code, as amended by ord. no. 85-2, sec. 6-100)

CHAPTER 9

ZONING ORDINANCE: PROVISIONS GOVERNING INDUSTRIAL DISTRICTS

SECTION

11-901. Industrial districts.

11-901. (Industrial Districts). Within the I (Industrial) Districts, as shown on the Zoning Map of Kenton, Tennessee, the following regulations shall apply:

(1) Uses Permitted. (a) Agricultural implement sales and service; cotton gins; automobile and truck sales; repair garages; filling stations; laundry and dry cleaning plants; building materials and lumber yards; general manufacturing, processing or fabrication including clothing, paper box factories, pencils, printing, and grain elevators; contractors office and storage yard; saw mills and lumber storage and central mixing plant for cement mortar.

(b) Gasoline and oil storage above ground provided no storage tank or building shall be closer than 100 feet to any property line other than a property line abutting a railroad right-of-way.

(c) Any necessary use or building customarily incidental to the above permitted use.

(d) Municipal, state and federal uses.

(2) Uses Permissible on Appeal. Other manufacturing, fabricating, or assembly plants; warehousing or wholesaling; sand and gravel storage; auto wrecking yards; junk yards; slaughter house and stockyard; or any similar use, provided, however, that no permit shall be issued except with the written approval of the Board of Zoning Appeals and subject to such conditions as the Board of Zoning Appeals shall require in order to prevent smoke, odor, noise, or other detrimental effects.

(3) Uses Prohibited. Single and multi-family dwellings, mobile homes, any commercial use not permitted in Section 11-901(1) and semi-public uses.

(4) Required Lot Area, Lot Width, Yards. (a) All buildings and structures shall be located so as to comply with the following minimum requirements.

Minimum required front yard	20 ft.
Minimum required rear yard	20 ft.
Minimum required side yard on each side	15 ft.

(b) No yard shall be required for that part of a lot which fronts on a railroad siding.

(c) Gasoline pumps and pump islands shall be set back a minimum of fifteen (15) feet from the street rights-of-way. (1985 Code, as added by ord. no. 1985-2, sec. 7-100)

CHAPTER 10

ZONING ORDINANCE: PROVISIONS GOVERNING
FLOOD HAZARD DISTRICTS.

SECTION

- 11-1001. F (flood plain) districts.
- 11-1002. F (Flood plain) provisions.
- 11-1003. General flood damage prevention requirements for flood hazard districts.
- 11-1004. FW (flooding) provisions.
- 11-1005. Flooding fringe (FW) provisions.
- 11-1006. Application for building permit.
- 11-1007. Additional duties and responsibilities of the building inspector.

11-1001. F (Flood Plain) Districts. The Flood Plain District, as set forth in this Chapter, is meant to regulate the use of lands known to experience periodic flooding so as to minimize flood damages. The Flood Plain District shall serve as an "overlay" district which will not change the original zoning of the affected properties, but rather will add restrictions designed to reduce flood damage in the area. Boundaries have been determined in accordance with Flood Boundary and Floodway Maps and Flood Insurance Rate Maps provided by the Federal Emergency Management Agency. The boundaries of these districts shall be shown on the Zoning Map of Kenton, Tennessee. (1985 Code, as added by ord. no. 1985-2, sec. 8-100)

11-1002. F (Flood Plain) Provisions. (1) Uses Permitted. Any building or use in conformance with the basic zoning of the underlying district will be permitted in the F (Flood Plain) District, except as provided in Section 11-1004 FW (Floodway) Provisions subject to the following general requirements.

(2) General Requirements for F (Flood Plain) Districts.

(a) No residential building or structure shall be erected, and no existing building or structure shall be substantially improved, extended, enlarged, or moved unless the lowest floor (including basement) of said building or structure is elevated to or above the base flood (100-year flood) elevation as demonstrated on the Federal Emergency Management Agency, Federal Insurance Administration.

(b) No commercial, industrial or other non-residential building or structure shall be erected or substantially improved, extended, enlarged or moved unless the lowest floor (including basement) is elevated to or above the base

flood (100-year flood) elevation or, together with attendant utility and sanitary facilities, be flood-proofed so that below the base flood level the structure is water tight with walls substantially impermeable to the passage of water and with structural components having the capacity of resisting hydrostatic and hydrodynamic loads and effects of buoyancy. A registered professional engineer or architect shall certify that the standards of this sub-section are satisfied. (1985 Code, as added by ord. no. 1985-2, sec. 8-101)

11-1003. General Flood Damage Prevention Requirements for the Flood Hazard District. (1) All new construction and substantial improvements shall be anchored to prevent flotation, collapse, or lateral movement of the structure.

(2) All new construction and substantial improvements shall be constructed with materials and utility equipment resistant to flood damage.

(3) All new construction and substantial improvements shall be constructed by methods and practices that minimize flood damage.

(4) Any mobile home proposed to be located in an area subject to flood shall conform to the following specific requirements:

(a) All mobile homes shall be anchored to resist flotation, collapse, or lateral movement, by providing over-the-top and frame ties to ground anchors.

(b) Over-the-top ties shall be provided at each of the four (4) corners of the mobile home, with two (2) additional ties per side at the intermediate locations on mobile homes fifty (50) feet or greater in length (a total of six (6) ties are required).

(c) Frame ties shall be provided at each of the four (4) corners of the mobile home, and with five (5) additional ties per side at intermediate locations on mobile homes fifty (50) feet or greater in length (a total of fourteen (14) ties are required) and four (4) additional ties per side on mobile homes less than fifty (50) feet in length (a total of twelve (12) ties are required).

(d) All components of the anchoring system shall be capable of carrying a force of 4,800 pounds.

(e) Any additions to the mobile home shall be similarly anchored.

(f) Stands or lots are elevated on compacted fill or on pilings so that the lowest floor of the mobile home will be at or above the base flood level.

(g) Adequate surface drainage and access for a hauler are provided.

(h) In the instance of elevation on pilings, lots are large enough to permit steps, piling foundations are placed in stable soil no more than ten (10) feet apart, and reinforcement is provided for piers more than six (6) feet above ground level.

(i) Permits shall be required for all proposed construction and other developments including the placement of mobile homes.

(j) Where applicable, all proposed development shall be reviewed 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. (1985 Code, as added by ord. no. 1985-2, sec. 8-102)

11-1004. FW (Floodway) Provisions. Within areas of the FW (Floodway) district identified on the Kenton Boundary and Floodway Map the following additional requirements shall apply:

(1) There shall be no encroachments, including fill, new construction, substantial improvements and other developments unless certification by a registered professional engineer or architect is provided demonstrating that encroachments shall not result in any increase in flood levels during occurrence of the base flood discharge.

(2) Nothing in this ordinance shall be construed to allow the placement of new mobile homes in any identified floodway. (1985 Code, as added by ord. no. 1985-2, sec 8-107, as amended by ord. no. 1985-4, sec. 1)

11-1005. Floodway Fringe (FF) Provisions. Within areas of the (FF) Floodfringe District identified in the Kenton Flood Boundary and Floodway Map the following additional requirements shall apply: (1) Land may be filled within floodway fringe areas, provided such fill does not extend into the floodway and further provided that such fill extends twenty-five (25) feet beyond the limits of any structures erected thereon. Fill shall consist of soil or rock materials only and shall be thoroughly compacted to prevent excessive settlement and shall be protected from erosion. Fill slopes shall not be steeper than one (1) foot vertical to two (2) feet horizontal unless steeper slopes are justified and approved by the building inspector. Fill shall be used only to the extent that it does not adversely affect adjacent properties, as determined by the Building Inspector. (1985 Code, as added by ord. no. 1985-2, sec. 8-104)

11-1006. Application for Building Permit. Before a building permit is obtained in a known flood hazard boundary area, the building inspector shall consult the latest flood hazard boundary maps to determine if a detailed site plan should

be submitted. If determined by map review or familiarity with the area that the site in question has known flooding problems or has potential for such problems prior to issuance of building permit, the building inspector may require a detailed site plan including, but not limited to the following:

- (1) A survey, certified by a registered land surveyor showing property boundary lines and dimensions and the gross land area of the site;
- (2) The elevations of the lot;
- (3) Location, size, and arrangement of existing and proposed buildings;
- (4) Fill, storage of materials, and drainage facilities;
- (5) Elevation in relation to mean sea level of the lowest floor, including basement, of all structures;
- (6) Elevation in relation to mean sea level to which any non-residential structure has been flood-proofed;
- (7) A certificate from a registered professional engineer or architect that the non-residential flood-proofed structure meets the flood-proofed criteria in Sub-section 11-1001(2)(b) this Section;
- (8) A description of the extent to which any water course will be altered or relocated as a result of the proposed development;
- (9) The building Inspector may make other reasonable requirements for information when necessary; and
- (10) Plans showing the method of elevating the proposed structure, including details of proposed fill, pile structures, retaining walls, foundations, and erosion protection measures. When required by the Building Inspector, these plans shall be prepared by a registered professional engineer or architect. (1985 Code, as added by ord. no. 1985-2, sec. 8-105)

11-1007. Additional Duties and Responsibilities of the Building Inspector. In addition to other duties and responsibilities set forth in this resolution, the Building Inspector shall: (1) Advise the applicant that federal and state permits may be required, and if specific federal or state permits are known require that copies of such permits be provided and maintained on file with the Building Inspector.

(2) Verify and record the actual elevation of the lowest floor, including basement, of all new or substantially improved structures.

(3) Verify and record the actual elevation to which new or substantially improved structures have been flood-proofed.

(4) When base flood elevation data has not been provided, the Building Inspector shall obtain, review and reasonably utilize any base flood elevation data available from federal, state, or other sources in order to administer the provisions of this section.

(5) Notify adjacent communities and the State Coordinating Officer prior to any alteration or relocation of a water course and submit copies of such notifications to the Administrator.

(6) Assure that the flood carrying capacity within any altered or relocated portion of any water course is maintained. (1985 Code, as added by ord. no. 1985-2, sec. 8-106)

CHAPTER 11

ZONING ORDINANCE: EXCEPTIONS AND MODIFICATIONS

SECTION

- 11-1101. Lot of Record.
- 11-1102. Setback Line.
- 11-1103. Multi-family and group housing development.

11-1101. Lot of Record. Where the owner of a lot of official record at the time of the adoption of this ordinance does not own sufficient land to enable him to conform to the yard or other requirements of this ordinance, an application may be submitted to the Board of Zoning Appeals for a variance from the terms of this ordinance, in accordance with Section 11-1304(3) Permission to use such lot as a building site may be granted, however, providing that the yards and other requirements of the district are complied with as closely as possible in the opinion of the Board of Zoning Appeals. (1985 Code, as added by ord. no. 1985-2, sec. 9-100)

(1) Adjoining Substandard Lots of Record. When two or more substandard lots of record with a continuous frontage are under the same ownership, or where a substandard lot of record has continuous frontage with a larger tract under the same ownership, such lots shall be combined to form one or more building sites meeting the minimum requirements of the district.

11-1102. Setback Line. The setback requirements of this ordinance shall not apply to any lot where the average depth of existing setbacks on the developed lots located within one hundred (100) feet on each side of such lot is less than the minimum required front yard depth. In such cases, the front yard setback may be less than required but not less than the average of the existing depth for front yards developed lots within one hundred feet. (1985 Code, as added by ord. no. 1985-2, sec. 9-101)

11-1103. Multi-family and Group Housing Development. Within the areas designated R-Residential on the Official Zoning Map of the Town of Kenton, Tennessee the following regulations shall apply subject to the conditions of this Section:

(1) Intent. The regulations established in this section are intended to provide optional methods of residential development by which tracts of land may be developed through an overall unified approach rather than the conventional single lot development permitted in existing residential districts in this ordinance. The type of residential development permitted in this Section is characterized by a unified building and site plan which allows the maximum use of open space and maximum provisions for religious, educational, and cultural facilities which may be integrated with the total development.

(2) Minimum Site Area. The minimum area required for the development shall be one (1) acre.

(3) Density Requirements. In no case shall a multi-family or group housing development result in a density in excess of the density otherwise permitted within the zone in which the development is to be constructed.

(4) Procedure for Approval. (a) A development plan shall be prepared and submitted to the Planning Commission and include the following information:

(1) A map showing street systems, lot, or partition lines and other divisions of land for management, use, or allocation purposes.

(2) Areas proposed to be conveyed, dedicated or reserved for public streets, parks, parkways, playgrounds, school sites, public buildings, parking and similar public and semi-public use.

(3) A plot plan for each building site and common open space area, showing the approximate location of buildings, structure, and other improvements, and indicating the open space around buildings and structures.

(4) Elevation and perspective drawings of proposed structures.

(5) Agreements, provisions, or covenants which govern the use, maintenance and continued protection of the development and any of its common open space area.

(6) Enough information on the area surrounding the proposed development to show the relationship of the development to adjacent uses, both existing and proposed.

(b) The Planning Commission shall refer the proposal to the Board of Zoning Appeals with recommendations for approval, disapproval, or approval with modifications as follows: (1) The Planning Commission shall review the conformity of the proposed development with the criteria established for the development plan recognizing principles of civic design, land use planning and landscape architecture.

(2) The Planning Commission may impose conditions regarding layout, circulation and performance of the proposed development and may require that appropriate deed restriction.

(3) The tract or parcel of land involved must be either under one ownership or the subject of an application filed jointly by the owners of all property.

(4) The proposed development must be designed to produce an environment of stable and desirable character not out of harmony with its surrounding neighborhood, and must provide standards of open space and areas of parking adequate for the occupancy proposed and in conformance with this ordinance. It must include provisions for recreation areas to meet the needs of the anticipated population.

(c) The Board of Zoning Appeals in regular session shall hold a public hearing for the purpose of public review and comment on the development plan. After the public hearing, the Board of Appeals will either approve, disapprove, or reapprove with modifications, the multi-family or group housing development; based on the development plan.

(5) No building permit shall be issued until the development plan is approved. If a building permit is not applied for and issued within six (6) months of the approval of the development plan, then approval of the plan shall terminate unless for good cause, the Board of Zoning Appeals extends for three months the period for issuance of a building permit.

(6) No certificates of occupancy shall be issued until the Building Inspector has determined that the development, as constructed, meets all requirements of the approval plan. (1985 Code, as added by ord. no. 1985-2, sec. 9-102)

CHAPTER 12

ZONING ORDINANCE: ENFORCEMENT

SECTION

- 11-1201. Enforcing Officer.
- 11-1202. Building permits and certificates of occupancy.
- 11-1203. Penalties.
- 11-1204. Remedies.

11-1201. Enforcing Officer. The provisions of this ordinance shall be administered and enforced by a building inspector, appointed by the chief legislative body, who shall have the power to make inspection of buildings or premises, necessary to carry out his duties in the enforcement of this ordinance. (1985 Code, as added by ord. no. 1985-2, sec. 10-100)

11-1202. Building Permits and Certificates of Occupancy.

(1) Building Permit Required. It shall be unlawful to commence the excavation or filling of any lot for the construction of any building, including accessory buildings, or to commence the moving or alteration of any building, to increase living area or storage space including accessory buildings, until the building inspector has issued a building permit for such work.

(2) Issuance of a Building Permit. In applying to the building inspector for a building permit, the applicant shall submit a dimensioned sketch or site plan indicating the shape, size and location of the lot to be built upon; the shape, size, height, and location of all buildings to be erected, altered, or moved and of any building already on the lot. He shall also state the existing and intended use of all such buildings and supply such other information as may be required by the building inspector for determining whether the provisions of this ordinance are being observed. If the proposed excavation, filling or construction, as set forth in the application, is in conformity with the provisions of this ordinance and other ordinances of the Town of Kenton then in force, the building inspector shall issue a building permit for such excavation or construction upon payment of the required fee. If a building permit is refused the building inspector shall state such refusal in writing with the cause. Building permits must be used within (6) months after the permit is issued. If no substantial progress on construction has been made six (6) months after the

permit is issued, the permit is expired. No municipal services shall be provided until the Building Permit is issued.

(3) Certificate of Occupancy. Upon the completion of the construction or alteration of a building for which a building permit has been granted, application shall be made to the building inspector for a certificate of occupancy. Within three (3) days of such application, the building inspector shall make a final inspection of the property in question and shall issue a certificate of occupancy if the building or structure is found to conform to the provisions of this ordinance and the state-ments made in the application for the building permit. No municipal services shall be provided except on a temporary basis until the Certificate of Occupancy has been issued. If such certificate is refused, the building inspector shall state such refusal in writing, with the cause. No land or building hereafter erected or altered in its use shall be used until such a certificate of occupancy has been granted. (1985 Code, as added by ord. no. 1985-2, sec. 10-101)

11-1203. Penalties. Any person violating any provision of this ordinance shall be guilty of a misdemeanor, and upon conviction shall be fined not less than two dollars (\$2) nor more than fifty dollars (\$50) for each offense. Each day such violation continues, it constitutes a separate offense. (1985 Code, as added by ord. no. 1985-2, sec. 10-102)

11-1204. Remedies. In case of any building, structure or land used, erected, constructed, reconstructed, repaired, converted, or maintained in violation of this ordinance, the building inspector or any other appropriate authority, or any adjacent or neighboring property owner who would be damaged by such violation in addition to other remedies may institute injunction, mandamus or other appropriate action or proceedings to prevent the occupancy or use of such building. (1985 Code, as added by ord. no. 1985-2, sec. 10-103)

CHAPTER 13

ZONING ORDINANCE: BOARD OF ZONING APPEALS

SECTION

- 11-1301. Creation and Appointment.
- 11-1302. Procedure.
- 11-1303. Appeals.
- 11-1304. Powers.

11-1301. Creation and Appointment. A Board of Zoning Appeals is hereby established in accordance with Section 13-7-205 of the Tennessee Code Annotated. The Board of Zoning Appeals shall consist of five (5) members, not less than one (1) of whom shall be a member of the Kenton Board of Mayor and Alderman. They shall be appointed by the chief executive officer of the city and confirmed by a majority vote of the Board of Mayor and Alderman. The term of membership shall be three (3) years, except that the initial individual appointments to the board shall be terms of one (1), two (2) and three (3) years, respectively. Vacancies shall be filled for an unexpired term by appointment by the chief executive officer and confirmation by the Board of Mayor and Aldermen. (1985 Code, as added by ord. no. 1985-2, sec. 11-100)

11-1302. Procedure. Meetings of the Board of Zoning Appeals shall be held at the call of the chairman and at such other times as the board may determine. All meetings of the board shall be open to the public. The board shall adopt rules of procedure and shall keep records of applications and action thereon, which shall be a public records. (1985 Code, as added by ord. no. 1985-2, sec. 11-101)

11-1303. Appeals. An appeal to the Board of Zoning Appeals may be taken by any person, firm or corporation aggrieved, or by any governmental officer department, board or bureau affected by an decision of the building inspector based in whole or in part upon the provisions of this ordinance. Such appeal shall be taken by filing with the Board of Zoning Appeals a notice of appeal, specifying the grounds thereof. The Building Inspector shall transmit to the Board all papers constituting the record upon which the action appealed was taken. The Board shall fix a reasonable time for the hearing of the appeal, giving public

CHAPTER 14

ZONING ORDINANCE: AMENDMENT

SECTION

- 11-1401. Zoning amendment petition.
- 11-1402. Planning commission review.
- 11-1403. Public hearing on proposed amendment.

11-1401. Zoning Amendment Petition. The Board of Mayor and Aldermen of Kenton, Tennessee, may amend the regulations, restrictions, boundaries, or any provision of this ordinance. Any member of the Board of Mayor and Aldermen may introduce such amendment, or any official, board or any other person may present a petition to the Board of Mayor and Aldermen requesting an amendment or amendments to this ordinance. (1985 Code, as added by ord. no. 1985-2, sec. 12-100)

11-1402. Planning Commission Review. No amendment shall become effective until it is first submitted to and approved or disapproved by the Kenton Planning Commission. If the proposed amendment is disapproved by the Planning Commission it shall require the favorable vote of a majority of the entire membership of the Board of Mayor and Aldermen to make such amendment effective. If the Kenton Planning Commission does not approve or disapprove an amendment which has been submitted for their review within thirty (30) days after such submission, the failure to act on such amendment shall be deemed approval. (1985 Code, as added by ord. no. 1985-2, sec. 12-101)

11-1403. Public Hearing on Proposed Amendment. Upon the introduction of any amendment to this ordinance or upon the receipt of a petition to amend this ordinance, the Board of Mayor and Aldermen shall publish a notice of such request for an amendment, together with the time set for hearing by the said Board of Mayor and Aldermen on the requested change. Said notice shall be published in some newspaper of general circulation in the Town of Kenton, Tennessee. Such hearing by the Board of Mayor and Aldermen shall take place not sooner than fifteen (15) days after the date of publication of such notice. A fee equal to the cost of publication of notice of such hearing shall be collected by the Town of Kenton from any party or parties entering a petition for amendment. (1985 Code, as added by ord. no. 1985-2, sec. 13-102)