

TITLE 11

PLANNING AND ZONING

CHAPTER

1. MUNICIPAL PLANNING COMMISSION.
2. ZONING ORDINANCE.
3. MOBILE HOMES AND MOBILE HOME PARKS.

CHAPTER 1

MUNICIPAL PLANNING COMMISSION

SECTION

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

11-101. Creation and membership. Pursuant to the provisions of Tennessee Code Annotated, section 13-4-101 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 mayor and aldermen selected by the board of mayor and aldermen; the other three (3) members shall be appointed by the mayor. All members of the planning commission shall serve as such without compensation. Except for the initial appointments, the terms of the three (3) members 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.

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.

CHAPTER 2

ZONING ORDINANCE

SECTION

11-201. Building construction and land use shall conform to zoning ordinance and subsequent amendments.

11-201. Building construction and land use shall conform to zoning ordinance and subsequent amendments.¹ Building construction and land use within the corporate limits of Henning, Tennessee shall conform to the zoning ordinance of said town and any subsequent amendments thereto.

¹The current zoning ordinance of the town of Henning, Tennessee was passed in November, 1983. The Zoning Ordinance and any amendments thereto are of record in the office of the town recorder.

CHAPTER 3

MOBILE HOMES AND MOBILE HOME PARKS

SECTION

- 11-301. Definitions.
- 11-302. Regulations governing preexisting mobile homes; display of state license required.
- 11-303. Regulations governing mobile home parks.
- 11-304. Regulations governing travel trailers and travel trailer parks.
- 11-305. Permits.
- 11-306. Fees for permits.
- 11-307. Application for permits.
- 11-308. Enforcement.
- 11-309. Appeals.
- 11-310. Violation and penalty.

11-301. Definitions. Except as specifically defined herein, all words used in this chapter have their customary dictionary definitions where not inconsistent with the context. For the purpose of this chapter certain words or terms are defined as follows:

The term "shall" is mandatory.

When not inconsistent with the context, words used in the singular number include the plural and those used in the plural number include the singular.

Words used in the present tense include the future.

(1) Mobile home (trailer). A detached single-family dwelling unit with any or all of the following characteristics:

(a) Designed for long-term occupancy, and containing sleeping accommodations, a flush toilet, a tub or shower bath and kitchen facilities, with plumbing and electrical connections provided for attachment to outside systems.

(b) Designed to be transported after fabrication on its own wheels, or on a flatbed or other trailer or detachable wheels.

(c) Arriving at a site where it is to be occupied as a complete dwelling including major appliances and furniture, and ready for occupancy except for minor and incidental unpacking and assembly operations, location of foundation supports, connection to utilities and the like.

(2) Mobile home park. The term mobile home park shall mean any plot of ground within the Town of Henning on which three (3) or more mobile homes, occupied for dwelling or sleeping purposes, are located.

(3) Mobile home space. The term mobile home space shall mean a plot of ground within a mobile home park designated for the accommodation of one (1) mobile home.

(4) Travel trailer. A travel trailer, pick-up camper, converted bus, tent-trailer, tent, or similar device used for temporary portable housing or a unit which:

(a) Can operate independent of connections to external sewer, water and electrical systems;

(b) contains water storage facilities and may contain a lavatory, kitchen sink and/or bath facilities; and/or

(c) is identified by the manufacturer as a travel trailer.

(5) Travel trailer park. The term travel trailer park shall mean any plot of ground within the Town of Henning on which two (2) or more travel trailers, occupied for camping or periods of short stay, are located.

(6) Health officer. The director of a city, county, or district health department having jurisdiction over the community health in a specific area, or his duly authorized representative.¹

(7) Permit (license). A permit is required for mobile home parks and travel trailer parks. Fees charged under the permit requirement are for inspection and the administration of this chapter.

(8) Modular home. A factory fabricated transportable building designed to be used by itself or to be incorporated with similar units at a building to apply to major assemblies and does not include prefabricated panels, trusses, plumbing trees, and other prefabricated supplements which are to be incorporated into a structure at the site. The unit is not built on a chassis, has never had wheels, is placed on a permanent foundation and is required to meet local building codes. (ord. passed Nov. 7, 1983, art. I)

11-302. Regulations governing preexisting mobile homes; display of state license required. (1) Any mobile home already placed on a lot on or before the date of passage of this chapter will be permitted to remain at its present location. Any mobile home site at any location with utility connections and other facilities constructed specifically for utilization as a permanent mobile home parking site, in existence prior to the date of passage of this chapter, shall be permitted to be utilized for parking and servicing mobile homes hereafter. If said present mobile home shall remain vacant for a period of one year, said mobile home owner shall be given at the end of the year, a period not to exceed sixty (60) days in which to remove said mobile home and to comply with all provisions of this chapter.

¹See section 8-101 of this code.

(2) No mobile home shall be used, placed, stored or serviced by utilities within the Town of Henning, or within any mobile home park in said town unless there is posted near the door of said mobile home a valid Tennessee State license. (ord. passed Nov. 7, 1983, art. II)

11-303. Regulations governing mobile home parks. (1) Permits for mobile home parks. No place or site within said town shall be established or maintained by any person, group of persons, or corporation as a mobile home park unless he holds a valid permit issued by the Henning board of mayor and aldermen in the name of such person or persons for the specific mobile home park. The Henning board of mayor and aldermen is authorized to issue, suspend, or revoke permits in accordance with the provisions of this chapter. (see sections 11-305 and 11-307)

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

Said pre-existing mobile home parks shall comply with all State regulations applicable thereto which were in force prior to the establishment of said mobile home parks.

(2) Inspections by the Henning board of mayor and aldermen. The Henning board of mayor and aldermen is hereby authorized and directed to make inspections to determine the condition of mobile home parks, in order that they may perform their duty of safeguarding the health and safety of occupants of mobile home parks and of the general public. The Henning board of mayor and aldermen shall have the power to enter at reasonable times upon any private or public property for the purpose of inspecting and investigating conditions relating to the enforcement of this chapter.

(3) Length of occupancy. No mobile home space shall be rented in any mobile home park except for periods of thirty (30) days.

(4) Code compliance. No mobile home shall be admitted to any park unless it can be demonstrated that it meets the requirements of the American Standards Association Code Provision A-119.1 - 1963; American Standard for Installation in Mobile Home of Electrical, Heating and Plumbing Systems, or Mobile Homes Manufacturers Association Mobile Home Standards for Plumbing, Heating and Electrical Systems or any state administered code insuring equal or better plumbing, heating or electrical installations.

(5) Location and planning. The mobile home park shall be located on a well-drained site and shall be so located that its drainage will not endanger any water supply and shall be in conformity with a plan approved by the Town Planning Commission.

(6) Minimum size of mobile home park. The tract of land for the mobile home park shall comprise an area of not less than two (2) acres. The tract of land shall consist of a single plot so dimensioned and related as to facilitate efficient design and management.

(7) Minimum number of spaces. Minimum number of spaces completed and ready for occupancy before first occupancy is five (5).

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

- (a) A minimum lot area of three thousand (3,000) square feet;
- (b) A minimum depth with end parking of an automobile equal to the length of the mobile home plus thirty (30) feet;
- (c) A minimum depth with side or street parking equal to the length of the mobile home plus fifteen (15) feet; and
- (d) A minimum width of at least forty (40) feet and a minimum depth of at least seventy-five (75) feet.

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

(9) Water supply. Where a public water supply is available, it shall be used exclusively. The development of an independent water supply to serve the mobile home park shall be made only after written approval of plans and specifications has been granted by the County Health Officer. In those instances where an independent system is approved, the water shall be from a supply properly located, protected, operated and shall be adequate in quantity and approved in quality. Samples of water for bacteriological examination shall be taken before initial approval of the physical structure and thereafter at least twice every month and when any repair or alteration of the water supply system has been made. If a positive sample is obtained, it will be the responsibility of

the mobile home park operator to provide such treatment as is deemed necessary by the health officer to maintain a safe, potable water supply. Water shall be furnished at the minimum capacity of two hundred and fifty (250) gallons per day per mobile home space. An individual water service connection shall be provided for each mobile home space.

(10) Sewage disposal. An adequate sewage disposal system must be provided and must be approved in writing by the health officer. Each mobile home space shall be equipped with at least a four (4) inch sewer connection, trapped below the frost line and reaching at least four (4) inches above the surface of the ground. The sewer connection shall be protected by a concrete collar, at least three (3) inches deep and extending twelve (12) inches from the connection in all directions. All sewer lines shall be laid in trenches separated at least ten (10) feet horizontally from any drinking water supply line.

Every effort shall be made to dispose of the sewage through a public sewerage system. In lieu of this, a septic tank and sub-surface soil absorption system may be used provided the soil characteristics are suitable and an adequate disposal area is available. The minimum size of any septic tank so installed under any condition shall not be less than seven hundred fifty (750) gallons working capacity. This size tank can accommodate a maximum of two (2) mobile homes. For each additional mobile home on such a single tank, a minimum additional liquid capacity of one hundred seventy-five (175) gallons shall be provided. The sewage from no more than twelve (12) mobile homes shall be disposed of in any one (1) single tank installation. The size of such tank shall be a minimum of two thousand five hundred (2,500) gallons liquid capacity.

The amount of effective soil absorption area or total bottom area of overflow trenches will depend on local soil conditions and shall be determined only on the basis of the percolation rate of the soil. The percolation rate shall be determined as outlined in Appendix A of the Tennessee Department of Public Health Bulletin, entitled "Recommended Construction of Large Septic Tank Disposal Systems for Schools, Factories and Institutions." This Bulletin is available on request from the Department. No mobile home shall be placed over a soil absorption field.

In lieu of a public sewerage or septic tank system, an officially approved package treatment plant may be used.

(11) Refuse. The storage, collection and disposal of refuse, in the park shall be so managed as to create no health hazard. All refuse shall be stored in fly proof, water tight and rodent proof containers. Satisfactory container racks or holders shall be provided. Garbage shall be collected and disposed of in an approved manner at least once per week.

(12) Electricity. An electrical outlet supplying at least two hundred twenty (220) volts shall be provided for each mobile home space and shall be weatherproof and accessible to the parked mobile home. All electrical installations shall be in compliance with the National Electrical Code and Tennessee Department of insurance and Banking Regulation No. 15, entitled, "Regulations Relating to Electrical Installations in the State of Tennessee," and shall satisfy all requirements of the local electric service organization.

(13) Illumination. The park shall be furnished with 400 watt mercury lamps at intervals of 100 feet approximately 30 feet from the ground. Adequate lighting recommended by the Ripley Light Company and approved by the city planning commission may be used in lieu of the above requirement.

(14) Streets. Minimum pavement widths of various streets within mobile home parks shall be:

- All streets, except minor streets 24 feet
- Minor streets, no parking 18 feet

Streets shall have a gravel base consisting of size (Grade D) stone compacted to six (6) inches and a paved surface of asphaltic concrete (hot mix) -- as specified in the Tennessee Department of Highways Standard Specifications for Road and Bridge Construction, 1968, section 411 - compacted to one (1) inch with not less than an average weight of one hundred (100) pounds per square yard.

(15) Parking spaces. Car parking shall be provided in sufficient number to meet the needs of the occupants of the property and their guests without interference with normal movement of traffic. Such facilities shall be provided at the rate of at least two (2) car spaces for each mobile home lot. Each individual parking space shall have a minimum width of not less than ten (10) feet and length of not less than twenty (20) feet. The parking spaces shall be located so access can be gained only from the internal streets of the mobile home park.

(16) Buffer strip. An evergreen buffer strip consisting of trees, shrub or hedge with a minimum planted height of not less than six (6) feet which will grow to a height of not less than ten (10) feet and be spaced not more than ten (10) feet apart shall be planted along all boundaries of the mobile home park. The above requirement is subject to planning commission approval. (ord. passed Nov. 7, 1893, art. III)

11-304. Regulations governing travel trailers and travel trailer parks.

(1) Occupation and service restricted. It shall be unlawful for any travel trailer to be occupied or serviced outside of any properly designated travel trailer park. This provision shall not apply to the storage of travel trailers provided said trailer unit is neither temporarily or permanently occupied as a dwelling unit while within the city limits.

(2) Permit for travel trailer park. No place or site within said town shall be established or maintained by any person, group of persons, or corporation as a travel trailer park unless he holds a valid permit issued by the Henning board of mayor and aldermen in the name of such person or persons for the specific travel trailer park. The Henning board of mayor and aldermen is authorized to issue, suspend, or revoke permits in accordance with the provisions of this chapter.

(3) Inspections by the Henning board of mayor and aldermen or county health officer. The Henning board of mayor and aldermen or County Health Officer is hereby authorized and directed to make inspections to determine the condition of travel trailer parks, in order that he may perform his duty of safeguarding the health and safety of the occupants of travel trailer parks and of the general public. The Henning board of mayor and aldermen or County Health Officer shall have the power to enter at reasonable times upon any private or public property for the purpose of inspecting and investigating conditions relating to the enforcement of this chapter.

(4) Length of occupancy. Travel trailer spaces shall be rented by the day or week only, and the occupant of such space shall remain in the same travel trailer park not more than fourteen (14) days.

(5) Location. All locations of travel trailer parks must be approved by the Henning board of mayor and aldermen.

(6) Minimum size of travel trailer space. Each travel trailer space shall have a minimum width of thirty (30) feet and a minimum length of fifty (50) feet.

NOTE: Travel trailer parks, properly regulated, fit well into general commercial complexes in which a variety of complementary facilities are available. For example, nearby groceries, general stores, filling stations, coin operated laundries, and other services are often in demand by persons looking for travel trailer parks.

(7) Site planning improvement shall conform to the standards established in Regulations VI -- XX of the State Regulations Governing the Construction, Operation and Maintenance of Organized Camps in Tennessee, as provided in Chapter 65, Public Acts of 1965. (ord. Passed Nov. 7, 1983, Art. IV)

11-305. Permits. The following requirements for permits shall apply to any mobile home park and travel trailer park within the corporate limits of Henning.

(1) Mobile home parks. It shall be unlawful for any person or persons to maintain or operate, within the corporate limits of said city any mobile home park unless such person or persons shall first obtain a permit therefor. (ord. passed Nov. 7, 1983, art. V)

11-306. Fees for permits. An annual permit fee shall be required for mobile home parks and travel trailer parks.

(1) Mobile home parks. The annual permit fee for mobile home parks shall be fifty (50) dollars for the first twenty (20) spaces approved and five (5) dollars for each space approved thereafter.

(2) Travel trailer parks. The annual permit fee for each travel trailer park shall be fifty (50) dollars. (ord. passed Nov. 7, 1983, art. VI)

11-307. Application for permit. (1) Mobile home parks. Applications for a mobile home park shall be filed with and discussed by the Henning board of mayor and aldermen subject to the Planning Commission's approval of the mobile home park plan. Applications shall be in writing and signed by the applicant and shall be accompanied with an approved plan of the proposed mobile home park. The plan shall contain the following information and conform to the following requirements:

- (a) The plan shall be clearly and legibly drawn at a scale not smaller than one hundred (100) feet to one (1) inch;
- (b) Name and address of owner of record;
- (c) Proposed name or park;
- (d) North point and graphic scale and date;
- (e) Vicinity map showing location and acreage of mobile home park;
- (f) Exact boundary lines of the tract by bearing and distance;
- (g) Names of owners of record of adjoining land;
- (h) Existing streets, utilities, easements, and water courses on and adjacent to the tract;
- (i) Proposed design including streets, proposed street names, lot lines with approximate dimensions, easements, land to be reserved or dedicated for public uses, and any land to be used for purposes other than mobile home spaces;
- (j) Provisions for water supply, sewerage, and drainage;
- (k) Such information as may be required by said town to enable it to determine if the proposed park will comply with legal requirements; and
- (l) The applications and all accompanying plans and specifications shall be filed in triplicate.

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

(2) Travel trailer parks. Applications for travel trailer parks shall meet the same requirements as contained in Section 11-307(1) above. (ord. passed Nov. 7, 1983, art. VII)

11-308. Enforcement. It shall be the duty of the County Health Officer and the Henning board of mayor and aldermen to enforce provisions of this chapter. (ord. passed Nov. 7, 1983 art. VIII)

11-309. Appeals. (1) Board of appeals. The Henning Board of Zoning Appeals shall serve as the Board of Appeal and shall be guided by procedures and powers compatible with state law.

Any party aggrieved because of an alleged error in any order, requirement, decision or determination made by the Henning board of mayor and aldermen in the enforcement of this chapter, may appeal for and receive a hearing by the Henning Board of Zoning Appeals for an interpretation of the chapter, the Henning Board of Appeals, may, in conformity with the provisions of this chapter, reverse or affirm any order, requirement, decision or determination made by the Henning board of mayor and aldermen. An administrative fee of ten (10) dollars shall be paid prior to appearing before the Henning Board of Appeals.

(2) Appeals from board of appeals. Any person or persons or any board, taxpayer, department, or bureau of the town aggrieved by any decision of the Henning Board of Appeals may seek review by a court of record of such decision in the manner provided by the laws of the State of Tennessee.

11-310. Violation and penalty. Any person or corporation who violates the provisions of this chapter or the rules and regulations adopted pursuant thereto, or fails to perform the reasonable requirements specified by the Henning board of mayor and aldermen or County Health Officer after receipt of thirty-five (35) days written notice of such requirements, shall be fined pursuant to the general penalty provisions of this municipal code of ordinances for each offense, and each day of continued violation shall constitute a separate offense, subsequent to receipt of said thirty-five (35) day notice. (ord. passed Nov. 7, 1983, art. X)