

OLIVER SPRINGS
ZONING ORDINANCE

OLIVER SPRINGS, TENNESSEE

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CHAPTER 1

AUTHORITY AND GENERAL PURPOSE

11-101. TITLE AND AUTHORITY

- A. **Title.** This chapter shall be known as the “Oliver Springs Municipal Zoning Regulations,” and the map herein referred to, which is identified by the tile “Zoning Map of Oliver Springs, Tennessee,” and all explanatory matter thereon are hereby adopted and made a part of this chapter.
- B. **Authority.** These regulations are adopted pursuant to the general powers granted municipalities by the Tennessee General Assembly and those, which are specifically granted to the Town of Oliver Springs. These powers are included, but not limited to the following sections of the Tennessee Code Annotated: 6-2-201 and 13-7-201 through 13-7-210.

11-102. PURPOSE

- A. **Purpose.** This chapter is adopted for the purpose of promoting the public health, safety, morals, convenience, order, prosperity and general welfare of the Town of Oliver Springs. It is intended to accomplish the following:
1. The regulation of the locations, height, bulk, number of stories and size of buildings and other structures;
 2. The density of population;
 3. The percentage of a lot which may be occupied, the sizes of yards, courts and other open spaces;
 4. The uses of buildings, structures and land for trade, industry, residence, recreation, public activities and other purposes and;
 5. To provide for special districts or zones deemed necessary for the protection and well being of the citizens of the town and its environs.

11-103. **SCOPE.**

- A. **Scope.** This chapter affects every lot and parcel, building and structure, and use or uses associated therewith, within the corporate jurisdiction of the Town of Oliver Springs.

This title is intended to affect the planning, development, and use of real property within the planning and zoning jurisdiction of the Town of Oliver Springs, Tennessee, including, but not limited to the construction and erection of buildings and other structures, the mining and other excavation of land, its division into two (2) or more lots, parcels or other division, the creation or termination of land and real property rights, and the right to access to land and public ways.

11-104 **ADMINISTRATIVE PROCEDURES.**

- A. **Administrative Procedures.** The provisions of this title are to be coordinated with the application of other municipal codes governing the erection, construction, location, and use of real property. Except upon approval of the board of appeals, the more restrictive rule shall govern.

CHAPTER 2

MUNICIPAL PLANNING COMMISSION

11-201. CREATION AND MEMBERSHIP

- A. **Creation.** Municipal Planning Commission. Pursuant to the provisions of the Tennessee Code Annotated there is hereby created a municipal planning commission, hereinafter referred to as the planning commission.
- B. **Membership.** The planning commission shall consist of ten (10) members. One (1) of these shall be the mayor who will be a member ex-officio. One other member shall be a member of the town council. The other eight (8) members shall be appointed by the mayor. Except for the initial appointments, the terms of office for the appointive members shall be four (4) years each, two (2) members to be appointed in the following manner: (2) members for one (1) year, two (2) members for two (2) years, two (2) members for three (3) years, and two (2) members for four (4) years. The terms of the mayor and councilman shall run concurrently with their terms of office. Any vacancy in an appointive membership shall be filled for the unexpired term by the mayor who shall have authority to remove any appointive member at his pleasure. All members shall serve without compensation.

11-202. ORGANIZATION, POWERS, AND DUTIES

The planning commission shall be organized and shall carry out its powers, functions, and duties in accordance with Title 13 and other appropriate sections of the Tennessee Code Annotated.

CHAPTER 3

DEFINITIONS

11-301. DEFINITIONS.

- A. This chapter contains terms, which are included in the text of this code, as well as terms, which are from time to time used in planning and development communications.
1. **ABUTTING:** Having property or district lines in common; e.g., two lots are abutting if they have property lines in common.
 2. **ACCESS:** A way of approaching or entering a property. In zoning and subdivision regulations, lots of record usually are required to have a direct access to a public street or highway or to a private street meeting public standards.
 3. **ACCESSORY BUILDING OR USE:** A building or use which: (1) is subordinate to and serves a principal building or principal use; (2) is subordinate in area, extent, or purpose to the principal building or principal use served; (3) contributes to the comfort, convenience, or necessity of occupants of the principal building or principal use; and (4) is located on the same zoning lot as the principal building or principal use.
 4. **ADDITION:** Any construction which increases the size of a building such as a porch, attached garage or carport, or a new room or wing.
 5. **ADEQUATE PUBLIC FACILITIES ORDINANCE:** An ordinance requiring that certain public facilities, mainly utilities and roads, must be in place, planned for, or provided as a precondition of development permission.
 6. **AESTHETIC ZONING:** The regulation of building or site design to achieve desirable appearance.
 7. **ALTERATION:** A physical change in a building or an addition to it.

8. **AMENDMENT, ZONING:** An addition or change to the zoning code (see rezoning).
9. **AMENITY:** Aesthetic or other characteristics of a development that increase its desirability to a community or its marketability to the public. It differs from development to development but may include such things as a unified building design, recreational facilities such as swimming pools or tennis courts, security systems, views, landscaping or tree preservation, or attractive site design.
10. **AMORTIZATION:** A term used in zoning to mean the process by which nonconforming uses and structures must be discontinued or made to conform to requirements of the ordinance at the end of a specified period of time.
11. **APPEALS:** A means of obtaining review of a decision, determination, order, or failure to act pursuant to the terms of a regulation.
12. **ARCHITECTURAL CONTROL:** Regulations governing the appearance or architectural style of buildings or structures. Architectural controls are imposed to assure minimally acceptable design of new suburban development and, in developed areas, to preserve neighborhood character or to preserve the character of historic or architecturally distinguished areas.
13. **AS-OF-RIGHT (SELF-EXECUTING) ZONING:** Uses and development standards, which are determined in advance and specifically, authorized by the zoning ordinance.
14. **ASSEMBLY.** The use of a building, structure, land, or any portion thereof, for the gathering together of persons for purposes such as civic, social or religious functions or for recreation or for food or drink consumption or awaiting transportation.
15. **BACK-TO-BACK LOTS:** Lots, which have at least part of their rear, lot lines in common.
16. **BASE MAP:** See map, base.

17. **BASE STONE:** The layer or layers of specified or selected stone of design thickness placed on a sub-base or subgrade to support the pavement of a street.
18. **BLOCK:** A piece of land usually bounded on all sides by streets or other transportation routes such as railroad lines, or by physical barriers such as water bodies or public open space, and not traversed by a through street.
19. **BOARD OF APPEALS:** A local body, created by ordinance, whose responsibility is to hear appeals from decisions of the local zoning administrative official and to consider requests for variances and exceptions (special use permits, conditional use permits) permissible under terms of the zoning ordinance.
20. **BUFFER ZONE:** A strip of land, identified in the zoning ordinance, established to protect one type of land use from another with which it is incompatible. Buffer zones may either be shown on the zoning map or described in the ordinance with reference to neighboring districts.
21. **BUILDABLE AREA:** The space remaining on a zoning lot after the minimum open space requirements (coverage, yards, and setbacks) have been met.
22. **BUILDING:** A structure, or more or less permanent construction, having a roof and intended to be used for sheltering people, animals, property, or business activity. Temporary structures such as tents are not buildings, but houses, mobile homes, garages, factories, barns, etc., are.
23. **BUILDING COVERAGE AREA:** The amount of land covered or permitted to be covered by a building, usually measured in terms of percentage of a lot.
24. **BUILDING INSPECTOR:** The person responsible for the administration of building, housing, zoning, and other land use and development regulations.
25. **BUILDING LINE:** A line, usually fixed parallel to the lot line, beyond, which a building cannot extend under the terms of the zoning ordinance. It is equivalent to the setback or yard line.

26. **BUILDING PERMIT:** Written authorization granted by the Building Inspector for the initiation of a development activity.
27. **BULK REGULATIONS:** The combination of controls, which establishes the maximum size of a building and its location on the lot. Components of bulk regulations include: size and height of building; location of exterior walls at all levels with respect to lot lines, streets, or other buildings; building coverage; gross floor area of buildings in relation to lot area (floor area ration); open space (yard) requirements; and amount of lot area provided per dwelling unit.
28. **BUSINESS AND MERCANTILE:** Business is the use of a building, structure, land, or portion thereof, for office, professional, commercial residences such as hotels, motels, and other daily commercial residential uses, or service type transactions including normal accessory storage or service type transactions including normal accessory storage; mercantile is the use of a building, structure, land, or portion thereof, for the display and sale of merchandise. (Resolution # 89-06-02, July 7, 1989).
29. **CEMETERIES:** Graveyards, isolated plots, mausoleums, and other places for burying the dead.
30. **CERTIFICATE OF OCCUPANCY:** Official certification that a premise conforms to provisions of the zoning ordinance (and building code) and may be used or occupied. Such a certificate is granted for new construction or for alteration or additions to existing structures. Unless such a certificate is issued, a structure cannot be occupied.
31. **CERTIFICATION:** Signed validation of official documents by appropriate authorized officials.
32. **CLASSIFICATION:** (1) Division of uses or activities into groups or subgroups for regulatory purposes; (2) the process of deciding what uses should be permitted in what zoning districts; and (3) the zone requirements imposed on a particular piece of property. A subsequent change in a classification is called a reclassification.

33. **CLUSTER DEVELOPMENT:** Generally refers to a development pattern-for residential, commercial, industrial, institutional, or combinations of such uses-in which the uses are grouped or "clustered" through a density transfer, rather than spread evenly throughout a parcel as in conventional lot-by-lot development. A zoning ordinance may authorize such development by permitting smaller lot sizes if a specified portion of the land is kept in permanent open space, either through public dedication or through creation of a homeowners association. Cluster zoning is favored by many communities and developers since it allows them to keep in open space land they may have found un-buildable anyway-e.g. steep hillsides, ravines, wetlands-to create less monotonous designs, and to save money by building fewer streets and shorter utility lines, and by planners and public officials for the same reasons. It often is combined with certain administrative procedures into planned unit development provisions.
34. **COMBINATION ZONE:** Zones which are superimposed over other zones and which either add further requirements or replace certain requirements of the underlying zone. They are a form of overlay zone except that they normally are wholly within other zones and may apply to only parts of zones. Buffer zones, where a higher intensity zone abuts one of lower intensity, may be applied as combination zones.
35. **COMMON AREA:** Land area or building space owned and used by more than one owner.
36. **COMPATIBILITY:** The characteristics of different uses or activities that permit them to be located near each other in harmony and without conflict.
37. **COMPREHENSIVE PLAN:** A document or series of documents prepared by a planning commission or department setting forth policies for the future of a community.
38. **CONDITIONAL REZONING:** The attachment of special conditions to a rezoning which are not spelled out in the text of the ordinance. Along with other devices to assure compliance, it may bind the developer to the conditions through filing a covenant.

39. **CONVERSION:** Changing the original purpose of a building to a different use.
40. **CORNER LOT:** A lot located at the intersection of two or more streets having an angle of intersection of not more than 135 degrees.
41. **COVENANT:** A private legal restriction on the use of land contained in the deed to the property or otherwise formally recorded.
42. **COVERAGE:** See building coverage.
43. **CUMULATIVE (PYRAMIDAL) ZONING:** A zoning scheme that begins with the most protected land use, usually the single family home, and permits in each "lower" district all the uses above plus new ones, in a sort of pyramid fashion.
44. **DEDICATION:** Under subdivision regulations, the transfer of property from private to public ownership. Subdivision regulations require developers to build streets and utility lines to specifications and then dedicate them to the public.
45. **DEDICATION, FEE IN LIEU OF:** Payments in cash which are authorized in subdivision regulations when requirements for mandatory dedication of land cannot be met because physical conditions of the site or other reasons.
46. **DEED RESTRICTION:** See covenant.
47. **DEEP LOT:** A lot whose depth is excessive in relation to its frontage (sometimes-called "stringbean" lots).
48. **DENSITY:** The average number of families, persons, housing units per unit of land; usually density is expressed per acre.
49. **DENSITY, CONTROL OF:** A limitation on the occupancy of land.
50. **DENSITY TRANSFER:** Permitting unused allowable density in one area to be used in another area.

51. **DENSITY ZONING:** A device for averaging residential density over an entire parcel and placing no restrictions on lot sizes or on dwelling types.
52. **DESIGN REVIEW:** See aesthetic zoning; architectural control; site plan review.
53. **DESIGN STANDARDS:** See standards.
54. **DEVELOPMENT IMPACT FEES:** This is a fee or tax imposed on developers to pay for the costs to the community of providing services to a new development.
55. **DEVELOPMENT ORDINANCE:** The combining of zoning and subdivision regulations into a single, integrated code.
56. **DEVELOPMENT RIGHTS:** A broad range of less than fee simple ownership interests, mainly referring to easements. Thus, an owner can retain complete or absolute (fee simple) rights to his land and sell the development rights to another.
57. **DEVELOPMENT RIGHTS TRANSFER:** See transfer of development rights.
58. **DEVELOPMENT TIMING:** See phased development control.
59. **DISCARDED VEHICLE YARDS:** See **JUNK YARDS AND WRECKED OR DISCARDED VEHICLE YARDS.**
60. **DISCRETION:** The exercise of judgment on the part of local officials in deciding whether to approve or not a developer's application for a permit.
61. **DISTRICT:** See zoning district.
62. **DOWNZONING:** A change in the zoning classification of land to a classification permitting development that is less intensive or dense, such as from multi-family to single family or from commercial or industrial to residential. A change in the opposite direction is called upzoning. (See also cumulative zoning; highest and best use.)

63. **DUE PROCESS OF LAW:** Generally, a requirement that legal proceedings be carried out in accordance with established rules and principles. Commonly, it takes two forms: procedural and substantive. Procedural due process means an assurance that all parties to a proceeding are treated fairly and equally, that citizens have a right to have their views heard, that necessary information is available for informed opinions to be developed, that conflicts of interest are avoided, and that, generally, the appearance of, as well as the fact of, corruption does not exist. The means of substantive due process is less precise, but it usually refers to the payment by government of “just compensation” to property owners when their property is condemned by government or is severely diminished in value because of government action.
64. **EASEMENT:** A right given by the owner of land to another party for specific limited use of that land.
65. **EMINENT DOMAIN:** The legal right of government to acquire or “take” private property for public use or public purpose upon paying just compensation to the owner.
66. **ENERGY STRUCTURES:** Attached and detached structures used as on-site energy conservation measures.
67. **ERECT:** To assemble, build construct, and install, place, raise, suspend, affix, paint, or in any way bring into being.
68. **EUCLIDEAN ZONING:** A convenient nickname for traditional as-of-right or self-executing zoning in which district regulations are explicit; residential, commercial, and industrial uses are segregated; districts are cumulative; and bulk and height controls are imposed.
69. **EXCAVATION:** Digging, scraping, grading or other acts, which remove or uncover, earth surfaces.
70. **EXCLUSIONARY ZONING:** Zoning has the effect of keeping out community racial minorities, poor people, or in some cases, additional population of any kind.
71. **EXCLUSIVE USE (EXCLUSIVE USE ZONING):** The establishment of zoning district, which tends to allow only one use or a fairly limited range of uses in each district.

72. **EXTERNALITIES (SECONDARY IMPACTS; SIDE EFFECTS; SPILLOVERS; REPERCUSSION EFFECTS):** The consequences of an action on other than the direct targets or beneficiaries. Externalities may be desirable, undesirable, or some of both; they may be intended or unintended; they may be political, social, environmental, physical, or fiscal.
73. **EXTRATERRITORIAL ZONING:** Authority granted to a locality to exercise zoning powers for a specified distance outside its boundaries. It is intended to protect activities on the edge of communities from being encroached on by incompatible adjacent activities. It is found that in the zoning enabling legislation of many states that its exercise usually is limited to unincorporated areas adjacent to incorporated places. Similarly, many communities also exercise extraterritorial subdivision control.
74. **FACTORY-INDUSTRIAL AND STORAGE:** Factory-Industrial is the principal use of a building, structure, land, or any portion thereof, for assembling, repairing, fabricating, finishing, manufacturing, packaging, or processing operations that are not classified as hazardous. Storage is the principal use of a building, structure, or land, or any portion thereof, for storage that is not classed as a hazardous occupancy or use.
75. **FAMILY:** A typical zoning ordinance definition, in the case from the text of a model zoning ordinance, would read something like: "One or more persons occupying a single dwelling unit, provided that unless all members are related by blood or marriage, no such family shall contain over five persons, but further provided that domestic servants employed on the premises may be housed on the premises without being counted as a family or families.
76. **FEE IN LIEU OF DEDICATION:** See dedication, fee in lieu of.
77. **FILL (FILLING):** The depositing on land, whether submerged or not, of sand, gravel, earth, or other material.
78. **FINDING:** A determination or conclusion based on the evidence presented and prepared by a hearing body in support of its decision.

79. **FISCAL ZONING:** Designing zoning regulations for the purpose of attracting uses which will bring in more in local tax revenue than they will cost in public services.
80. **FLEXIBLE REGULATIONS:** Regulations, which apply general standards to property with final decisions, made shortly before development occurs.
81. **FLOATING (UNMAPPED) ZONE:** A zoning district whose requirements are fully described in the text of the ordinance but which is unmapped. It is "anchored" to the land in response to an applicant's petition for a rezoning, almost invariably through legislative action. The new zoning designation then replaces the previous designation.
82. **FLOOD:** An overflow of lands not normally covered by water that results in significant adverse effects in the vicinity.
83. **FLOODPLAIN:** A land area adjoining a river, stream, watercourse, ocean, bay or lake, which is likely to be flooded.
84. **FLOOD HAZARD AREA, SPECIAL:** The maximum area of the floodplain that, on the average, is likely to be flooded once every 100 years (i. e., that has a one percent chance of being flooded every year).
85. **FLOODWAY:** The natural channel and the portion of the floodplain along the channel that must be retained solely for the passage of floodwaters to prevent an undue increase in flood heights upstream.
86. **FLOODWAY FRINGE:** Areas adjacent to a floodway.
87. **FLOOD, 100 YEAR:** A flood having an average frequency of occurrence of one in 100 years, although the flood may occur every year.
88. **FLOOD, REGIONAL:** A hypothetical flood level derived from consideration of the largest known floods occurring in streams of similar physical characteristics. A classification used primarily by the Tennessee Valley Authority and is comparable to the 500-year flood.

89. **FLOOR AREA, GROSS:** The total area of all floors of a building as measured to the outside surfaces of exterior walls and including halls, stairways, elevator shafts, attached garages, porches, and balconies.
90. **FLOOR AREA RATION:** The ratio of floor area permitted on a zoning lot to the size of the lot.
91. **FRONT LOT LINE:** The line separating a lot from the street.
92. **FRONTAGE:** The frontage, or front, of a lot is usually defined as the side nearest the street.
93. **GRADE:** Ground level around a building or structure and the degrees of rise or descent of the ground's contours.
94. **GRADING:** The act of altering the earth's contours.
95. **GROUND COVERAGE:** See Building Coverage.
96. **GROWTH MANAGEMENT (GROWTH CONTROL; LAND-USE DEVELOPMENT MANAGEMENT):** The use by a community of a wide range of techniques in combination to permit it to determine its own amount, type, and rate of growth and to channel it into designated areas.
97. **HAZARDOUS:** The principal use of a building, structure, land or portion thereof, that involves highly combustible materials or flammable materials or explosive materials or materials that have inherent characteristics that constitute a hazard to life and property.
98. **HEIGHT, STRUCTURE:** The vertical distance from average ground level or finished grade at the building line, whichever is highest, to the highest point of the building or structure.
99. **HIGHEST AND BEST USE:** The use of a property that will bring to its owner the greatest profit if offered for sale.
100. **HOLDING ZONE:** A zone established in the zoning ordinance on a temporary basis awaiting applications for rezoning to desired uses.

101. **HOME OCCUPATION:** A business, profession, occupation, or trade conducted for gain or support and located entirely within a residential structure, incidental and secondary to the use of the structure for dwelling purposes.
102. **IMPACT ANALYSIS:** The process of evaluating a proposal's expected impact on its surrounding or on a community.
103. **IMPACT ZONING:** This relatively new, still-developing technique usually applies to an ordinance which identifies fiscal and environmental standards to be met by new development; i.e., an applicant must demonstrate that the proposed development will not adversely affect governmental financial conditions nor the community's man made or natural environment.
104. **IN ACCORDANCE WITH A COMPREHENSIVE PLAN:** A term from the Standard State Zoning Enabling Act, which requires that the zoning ordinance be "in accordance with a comprehensive plan." This requirement usually has been interpreted by the courts to mean that the zoning ordinance should be applied uniformly, include all private land within the jurisdiction, and be internally consistent; more recently, it has returned to the meaning intended by the Act's drafters, that zoning should be consistent with public policies arrived at through detailed study and analysis, i.e., a real comprehensive plan.
105. **INCENTIVE (BONUS) ZONING:** A system under which developers are given bonuses in exchange for providing amenities the community feels are desirable.
106. **INCLUSIONARY ZONING:** A positive and active policy and program of a community to attract racial minorities or low and moderate income residents.
107. **INDUSTRIAL PERFORMANCE STANDARDS:** See performance standards.
108. **INSTITUTIONAL:** Institutional is the use of a building, structure, land, or any portion thereof for the purpose of providing medical treatment or care and sleeping facilities for persons who are mostly incapable of self-preservation because of security measures not under the control of the occupants.

109. INSTITUTIONAL OCCUPANCY:

- a. **RESTRAINED:** Buildings in which more than six (6) people are detained for penal or correctional purposes, or in which the liberty of the inmates is restricted, or places of involuntary detention.
- b. **UNRESTRAINED:** Buildings in which more than ten (10) people are harbored for medical, charitable, or other care or treatment.

108. INTENT STATEMENT: See Statement of Intent.

109. INTENSITY: The degree to which land is used.

110. INTERIM ZONING OR DEVELOPMENT CONTROLS: A development for a short period, during which a comprehensive plan for an area or a new set of zoning regulations is prepared.

111. INTERIOR LOT: A lot bounded by a street on only one side; any lot other than a corner lot.

112. INVERSE CONDEMNATION: The effective taking or reduction in value of a property as a result of public action, in contrast to a direct taking through eminent domain.

113. JUNK YARDS AND WRECKED OR DISCARDED VEHICLE YARDS: Active or inactive places where inoperative vehicles, appliances, equipment, furniture or other materials are collected, deposited, disassembled, refurbished, stored, or otherwise handled for distribution, redistribution, sale or collection. (Also see City Code 8-109).

114. LAND IMPROVED: Raw land which has been provided with basic utilities such as water and sewerage, streets, and, if required, sidewalks; such improvements normally precede residential or other construction. The term occasionally is used more broadly to include land with buildings and utilities, although the preferred term for such land is "developed."

115. LAND RAW: Vacant land, unsubdivided and unimproved with utilities.

116. **LANDSCAPING:** Changing, rearranging, or adding to the original vegetation or scenery of a piece of land to produce an aesthetic effect appropriate for the use to which the land is put. It may include reshaping the land by moving the earth, as well as preserving the original vegetation or adding vegetation.
117. **LAND USE CONTROLS:** A term generally referring to the use of police power techniques to control and guide land use and development.
118. **LAND USE INTENSITY SYSTEM (LUI):** An organized and comprehensive system for determining or controlling the intensity with which land is developed, replacing conventional fixed yard, height, spacing, etc., and density (lot area per dwelling unit) controls with more sensitive regulatory devices.
119. **LARGE-LOT ZONING:** Zoning regulations requiring minimum one acre sites.
120. **LEAPFROG DEVELOPMENT:** The development of relatively cheap land on the urban fringe by jumping over the more expensive land located immediately adjacent to existing development.
121. **LIVABILITY SPACE:** Open space used for people, planting, and visual appeal, which do not include car or parking areas.
122. **LOT:** The basic development unit-an area with fixed boundaries, used or intended to be used by one building and its accessory building(s) and not divided by any public highway or alley.
123. **LOT-BY-LOT DEVELOPMENT:** The conventional approach to development in which each lot is treated as a separate development unit conforming to all land-use, density, and bulk requirements.
124. **LOT COVERAGE:** See Building Coverage.
125. **LOT DEPTH:** The mean horizontal distance between the front lot line and the rear lot line, or the distance between the midpoint of the front lot line and the midpoint of the rear lot line.

126. **LOT FRONTAGE:** See Frontage.
127. **LOT LINES (BOUNDARIES):** There are three types, front lot line, rear lot lines and side lot lines.
128. **LOT OF RECORD:** A lot which is part of a recorded subdivision or a parcel of land which has been recorded, usually at a county recorder's office containing property tax records. (See also Substandard Lot of Record).
129. **LOT WIDTH:** The mean horizontal distance between the side lot lines of a lot measured at right angles to the depth; or the same distance measured at a point midway between the front lot line and the rear lot line; or at the rear line of the required front yard (building line), especially on irregularly shaped lots.
130. **MAJOR DEVELOPMENT:** Any development project other than a single-family residence proposed for development on a site of one acre or more.
131. **MALL:** Mall, shopping center, Planned Unit Development, arcade, or any multi-tenant building on a single parcel of property which is internally separated or segregated into individual shops or similar subdivisions, each of which is, or appears to be, a separate and distinct business or function.
132. **MANDATORY DEDICATION:** See Dedication.
133. **MANDATORY REFERRAL:** The process of referring specified proposals to the planning commission (and sometimes to other departments or agencies) for review.
134. **MAP, BASE:** A map showing the important natural and man-made features of an area.
135. **MERCANTILE:** See Business and Mercantile.
136. **METES AND BOUNDS:** A system of describing and identifying land by measures (metes) and direction (bounds) from an identifiable point of reference such as a monument or other marker, the corner of intersecting streets, or, in rural areas, a tree or other permanent feature. It is the most precise of the three most common forms of

urban land description (the others are by street number of house and by blocks and lots in tract subdivision).

137. **MINIMUM RESIDENTIAL FLOOR AREA (HOUSE SIZE) REQUIREMENT:** A requirement that the total floor area of a dwelling unit be of a minimum number of square feet.
138. **MINIMUM LINEAR DIMENSION:** The minimum straight-line distance along any lot line.
139. **MINING:** The act or process of removing minerals and ores from the earth.
140. **MIXED OCCUPANCY:** Buildings and lots which contain more than one (1) use which can be reasonably identified as principal uses.
141. **MIXED USE ZONING:** Zoning which permits a combination of usually separated uses within a single development.
142. **MOBILE HOME:** Any of a variety of structures, transportable in one or more sections, which is built on a permanent chassis, designed to be used with or without a permanent foundation when connected to required utilities.
143. **MODULAR UNIT:** A structure whose construction and materials are standardized and produced enmasse: prefabricated in a factory and assembled on site.
144. **MORATORIUM:** A temporary halting or severe restriction on specified development activities. Moratoriums on the issuance of building permits or on sewer hookups, for example, may be imposed to allow the community to build the necessary utilities to accommodate the new development.
145. **MULTI-FAMILY DWELLING:** Structures intended to house more than three families or other household units.
146. **MULTI-TENANT BUILDING.** Two or more retail stores, rental living units and/or service establishments or any combination thereof, sharing common customer entries and areas, regardless of whether said stores, rental living units and/or establishments occupy separate structures or

are under separate ownership. In the event two or more businesses occupy the same area, they shall be considered as a single tenant or business with regards to the total allowable signage.

147. **MUNICIPAL CODE:** A compilation of the laws, ordinances, and regulations adopted by the municipal legislature.
148. **NEGOTIATION:** A process in which a developer submits a proposal to public officials, and, in the ensuing discussion, they arrive at an agreement on the premise nature of the development and what the developer and the community will provide and pay for.
149. **NEIGHBORHOOD ZONING:** Official and formal participation in the zoning process through some device at a less than city side level. This participation may cover a wide range, from notification of neighborhood grounds or proposed zoning changes to a formal review and comment by an officially constituted neighborhood body.
150. **NONCONFORMING LOT:** A lot, the area, width, or other characteristic of which fails to meet requirements of the zoning district in which it is located and which was conforming (of record) prior to enactment of the zoning ordinance. Special provisions usually are included in the ordinance to permit the reasonable use of individual nonconforming lots or to require them to be combined or to be replatted for use where several in the same ownership are adjoining. Such lots are also sometimes called substandard lots of record.
151. **NONCONFORMITIES:** Lots, structures, uses of land and structures, and characteristics of uses, which are prohibited under the terms of the zoning ordinance but were lawful at the date of the ordinances' enactment. They are permitted to continue, or they are given time to become conforming. The continuation of such non-conformities is based on the principal that laws cannot be applied retroactively unless there is a compelling reason such as imminent danger to health to do so.
152. **NUISANCE:** Anything that interferes with the use or enjoyment of property, endangers personal health or safety, or is offensive to the senses.

153. **OCCUPANCY REGULATIONS:** Regulations limiting the number of people who are allowed to live in a housing unit or the kinds of activity on other premises.
154. **OFFICIAL MAP:** A legal document, adopted by the government body of a community, which pinpoints the location of future streets and sites for other anticipated public facilities. It allows land to be reserved for a limited time and to be protected from unauthorized encroachment, giving the community a chance to acquire the land before it becomes developed.
155. **OPEN SPACE:** An area, which is saved from developed construction.
156. **OVERLAY ZONES:** A set of zoning requirements that is described in the ordinance text, is mapped, and is imposed in addition to those of the underlying district. Developments within the overlay zone must conform to the requirements of both zones or the more restrictive of the two.
157. **OVER-ZONING:** Zoning more land area than can reasonably be expected to be developed for a particular use or zoning for an excessive population.
158. **PARCEL:** A lot, or contiguous group of lots in single ownership or under single control, and usually considered a unit for purposes of development. (See also plot; site).
159. **PAYMENT IN LIEU:** See Dedication, Fees-In-Lieu Of.
160. **PERMISSIBLE USE:** A use by right, which is specifically authorized in a particular zoning district.
161. **PERFORMANCE STANDARDS:** A minimum requirement or maximum allowable limit on the effects or characteristics of a use usually written in the form of regulatory language.
162. **PHASED DEVELOPMENT CONTROL (PHASED ZONING):** A term referring to programs or techniques to guide the timing and sequence of development. Under one form of phased zoning, land designated for residential use but presently undeveloped could receive permission to

subdivide only if the developer could show the availability of adequate public services such as sewers, drainage, park sites, and roads.

163. **PIECEMEAL ZONING:** See Rezoning, Piecemeal.
164. **PLANNED UNIT DEVELOPMENT (PUD):** A form of development usually characterized by a unified site design for a number of housing units, clustering buildings and providing common open space, density increases, and a mix of building types and land uses.
165. **PLANNING COMMISSION:** The public agency in a community usually empowered to prepare a comprehensive plan and to evaluate proposed changes in land use, either by public or private developers, for conformance with the plan.
166. **PLAT:** A map, generally of a subdivision showing the location, boundaries, and ownership of individual properties.
167. **PLATTING JURISDICTION:** The geographical and legal scope of a government's authority to regulate the platting and recording of a subdivision.
168. **PLOT:** An indefinite term usually referring to a piece of usable property, often used synonymously with parcel or site, and mistakenly, to mean plat.
169. **PLOT PLAN:** A contrived term occasionally used instead of site plan.
170. **POLICE POWER:** A statement or document of a public body that forms the basis for enacting legislation or making decisions.
171. **POLICY:** A statement or document of a public body that forms the basis for enacting legislation or making decisions.
172. **PRE-APPLICATION CONFERENCE:** Discussions held between developers and public officials, usually members of the planning staff, before formal submission of an application for a permit or for subdivision plat approval.

173. **PREMISES:** The “premises” is the entire, single parcel of property occupied. In the case of malls, shopping centers, and multi-tenant buildings, the “premises” for each of the various businesses or functions is limited to the space occupied or directly connected to and associated with that particular business or function, exclusive of common areas.
174. **PRIME COAT:** The application of bituminous material, and cover material, consisting of RT-2 or RT-3 Grade Tar, RC-70 or RC-250 Grade Cut-Back Asphalt, Grade AE-P Emulsified Asphalt and Size 7, 8, or 78 Aggregate Cover material or other bituminous material approved for use by the local municipality on a designated base during the construction of streets.
175. **PRINCIPAL USE:** The main use of land or structures as distinguished from a secondary or accessory use. A house is a principal use in a residential area; a garage or pool is an accessory use. Zoning ordinances will often establish a general rule that only one principal structure or use will be permitted on each lot.
176. **PROTEST:** In general, this refers to the right of residents or property owners to appear at a hearing on a zoning change and state their objections.
177. **PUBLIC HEARING:** An advertised public meeting intended to provide opportunities for citizen input and comment on proposed public action.
178. **PUD:** See Planned Unit Development.
179. **PYRAMIDAL ZONING:** See Cumulative Zoning.
180. **REAR LOT LINES:** Ordinarily that line of a lot which is opposite and farthest from the front lot line. In triangular or other odd-shaped lots, the rear lot lines may need to be defined by the planning commission or other public body with jurisdiction.
181. **RECLASSIFICATION:** A form of rezoning in which the zone designation of an area or particular property is changed by changing the zoning map. (See also Classification).

182. **RECREATIONAL VEHICLE:** Any of a variety of vehicles, which may be self-propelled or towed, designed specifically for recreational activities including temporary dwellings.
183. **RESIDENTIAL:** Residential is the use of a building, structure, or land or portions thereof, for living and sleeping accommodations and is not classed an Institutional use.
184. **REVERSED CORNER LOT:** A corner lot, the rear of which abuts the side of another lot.
185. **REZONING PIECEMEAL:** The reclassification of individual lots over a period of time. Such rezoning often occurs in response to a developer's application when the community is uncertain about what it wants to happen in a certain area, i.e., its plans are uncertain or nonexistent.
186. **RIGHT-OF-WAY:** A right in the form of an easement; to pass over or use as a roadway the land of another; publicly held lands used as roadways.
187. **SCHEDULE OF DISTRICT REGULATIONS:** A chart, incorporated in the zoning ordinance, on which is arrayed the major requirements of the various zoning districts.
188. **SELF-EXECUTING ZONING:** An alternative expression for as-of-right zoning.
189. **SETBACK:** The area or distance required between a structure or other improvement or use of land and the property lines of the lot.
190. **SHARED USE:** See Mixed Occupancy.
191. **SIDE LOT LINE:** Any lot line which meets the end of a front lot line, normally at an angle equal to or greater than 30 degrees.
192. **SIGN:** Any display, graphic, image, device, structure, or structure extension, to include banners and other attractions created by electronics, lasers, construction, sculpturing, painting, or other means, that has as its primary function and intent, purpose, or effect, the identification of an activity, event, product, or person, and the attraction or

public attention to, or the promotion of, such service, facility, place, product, person, or business, whether for profit or not.

193. **SINGLE-FAMILY DWELLING:** A dwelling structure designed for use by one family or other household unit.
194. **SITE:** A plot of land intended or suitable for development; also the ground or area on which a building or town has been built. (See also Parcel, Plot; Site Plan).
195. **SITE PLAN:** A plan, to scale, showing uses and structures proposed for a parcel of land as required by the regulations involved. It includes lot lines, streets, building site, reserved open space, buildings, major landscape features, both natural and man-made, and depending on requirements, the locations of proposed utility lines.
196. **SITE PLAN REVIEW:** The process whereby local officials, usually the planning commission and staff, review the site plans and maps of a developer to assure that they meet the stated purposes and standards of the zone, provide for the necessary public facilities such as roads and schools, and protect and preserve topographical features and adjacent properties through appropriate siting of structures and landscaping.
197. **SKETCH (CONCEPT; OUTLINE) PLAN OR PLAT:** A generalized map that is prepared by a developer, usually before the pre-application conference, to let the developer/subdivider save time and expense in reaching agreement with the planning commission as to the form of the plat and the purposes of the regulations. Its purpose is simply to serve as a basis for discussion without either side making commitments.
198. **SOLAR STRUCTURES:** See ENERGY STRUCTURES.
199. **SPECIAL DISTRICT:** A district established to accommodate a narrow or special set of uses or for special purposes. The term can signify any district beyond the conventional residential, commercial, industrial, and agricultural districts.
200. **SPECIAL EVENT:** An activity or circumstance of a business or organization which is not part of its normal

daily activities and occurs uninterrupted for a specified period of time not to exceed 10 days.

201. **SPECIAL EXCEPTION:** A use which is specified or can be reasonably interpreted to be included as a permitted use upon approval of the board of zoning appeals; the board may specify specific conditions and/or criteria before determining that the use is permitted.
202. **STANDARD CITY PLANNING ENABLING ACT (SPEA):** A model planning act prepared under the auspices of the U.S. Department of Commerce, originally in 1928. It serves as the basis for the planning enabling legislation of many states.
203. **STANDARD STATE ZONING ENABLING ACT (SZE A):** A model act prepared under the auspices of the U.S. Department of Commerce, originally in 1922. It serves as the model for the zoning enabling legislation of many states.
204. **STREET STANDARDS:** While often used loosely to refer to all requirements in a zoning ordinance, the term usually is used to mean site design regulations such as lot area, height limits, frontage, landscaping, yards, and floor area ration; as distinguished from use restrictions.
205. **STATEMENT OF INTENT (STATEMENT OF PURPOSE):** A statement of policy or objectives, often incorporated in a zoning ordinance, which outlines the broad purpose of the ordinance and its relationship to the comprehensive plan; frequently, a statement preceding regulations for individual districts, which helps to characterize the districts, and their legislative purpose.
206. **STREET:** A publicly accepted improved roadway.
207. **STRIP ZONING:** A zone normally consisting of a ribbon of uses fronting both sides of an arterial roadway and extending inward for half a block. Strip commercial development is the most common form and occurs naturally everywhere.
208. **STRUCTURAL ALTERATION:** See Alteration.

209. **STRUCTURE:** Anything constructed or erected on the ground or which is attached to something located on the ground. Structures include buildings, radio and TV towers, sheds, and permanent signs. It excludes vehicles, sidewalks, and paving, although for zoning purposes mobile homes usually are considered structures.
210. **SUBDIVISION:** The process (and the result) of dividing a parcel of raw land into smaller buildable sites, blocks, streets, open space, and public areas, and the designation of the location of utilities and other improvements.
211. **SUBDIVISION, ABORTIVE OR PREMATURE:** A subdivision that is not built on and is unlikely to be built on for an indefinite time.
212. **SUBDIVISION REGULATIONS:** Local ordinances that regulate the conversion of raw land into building lots for residential or other purposes. The regulations establish requirements for streets, utilities, site design, and procedures for dedicating land for open space or other public purposes to the local government or for fees in lieu of dedication, and prescribe procedures for plan review and payment of fees.
213. **SUBSTANDARD LOT OF RECORD:** See Nonconforming Lot.
214. **TACK COAT:** The application of bituminous material, consisting of Grade RTCD-5 or RTCB-6 Tar, Grade RC-70 or RC-250 Cut-Back Asphalt, SS-1, RS-2, or AE-3 Emulsified Asphalt, Asphalt Cement AC-20, and appropriate chemical additives, to a previously prepared street base or surface, to provide a bond for a superimposed course.
215. **TALBOT'S FORMULA:** A standardized method for determining the size of drains for channeling surface runoff. $A = C^4 M^3$
 A = Area of conductor in square feet
 M = Acres to be drained
 C = Runoff Index
 Mountainous Terrain = 1.0
 Hill Terrain = .60 - .80
 Rolling Terrain = .40 - .50
 Flat Terrain = .20 - .30

212. **TAKING:** The appropriation by government of private land for which compensation must be paid.
213. **TEMPORARY USES AND STRUCTURES:** Uses and structures which are to be maintained for a period of time not to exceed six (6) months.
214. **THROUGH (OR DOUBLE FRONTAGE) LOT:** A lot abutting on two parallel or approximately parallel streets.
215. **TRACT:** A continuous, large, open area, or unbroken land surface.
216. **TRAILER, TRAVEL:** A vehicular, portable structure designed as a temporary dwelling for travel, recreational, and vacation uses.
217. **TRANSFER OF DEVELOPMENT RIGHTS (TDR):** A relatively new concept, enacted in only a few locations; in which the development rights are separated from the land in an area in which a community (or state) wishes to limit development, and permits them to be sold for use in an area desirable for high-density development.
218. **TRANSITIONAL USES AND STRUCTURES:** Uses or structures, permitted under the zoning ordinance, which by their nature or level and scale of activity, act as a transition or buffer between two or more incompatible uses, e.g., where commercial uses are back to back against residences.
219. **UNIFORMITY:** A basic premise of zoning that all properties in the same zoning district are subject to the same regulations.
220. **UPZONING:** Changing the zoning designation of an area to allow so-called less restrictive uses, e.g., from residential to commercial, or allowing higher densities.
221. **URBAN LIMIT LINE (URBAN SERVICE AREA):** An area, identified through official public policy, within which urban development will be allowed during a specified time period.

222. **USE:** The purpose or activity for which a piece of land or its buildings is designed, arranged, or intended, or for which it is occupied or maintained.
223. **USE, ASSEMBLY:** See Assembly.
224. **USE, BUSINESS AND MERCANTILE:** See Business and Mercantile.
225. **USE, CONDITIONAL OR SPECIAL:** See Special Exception.
226. **USE, FACTORY-INDUSTRIAL AND STORAGE:** See Factory-Industrial and Storage.
227. **USE, HAZARDOUS:** See Hazardous
228. **USE, HIGHEST AND BEST:** See Highest and Best Use.
229. **USE, INSTITUTIONAL:** See Institutional.
230. **USE, RESIDENTIAL:** See Residential.
231. **USE, TEMPORARY:** See Temporary Uses and Structures.
232. **VARIANCE, ZONING:** A device which grants a property owner relief from certain provisions of a zoning ordinance which, because of the particular physical surroundings, shape, or topographical condition of the property, compliance would result in a particular hardship upon the owner, as distinguished from a mere inconvenience or a desire to make more money.
233. **VARIANCE, SUBDIVISION:** The granting of permission to a subdivision developer, by the planning commission to develop a subdivision which does not comply fully with the specifications of adopted subdivision requirements.
234. **VERTICAL (STRATIFIED) ZONING:** Zoning which allows different uses to be located at different elevations in the same building. In some commercial districts, mainly central business districts, the ground is restricted to retail business with offices or residences permitted above the ground floor.

235. **VESTED RIGHT:** A right is vested when it has become absolute and fixed and cannot be defeated or denied by subsequent conditions or change in regulations, unless it is taken and paid for.
236. **VIEW PROTECTION REGULATIONS:** Regulations, which protect the view of or from particular points, usually via height limitations.
237. **VISIBILITY CLEARANCE AT INTERSECTIONS:** A space, approximately triangular in shape, on a corner lot, in which nothing is permitted to be built, placed, or grown in a way that would impede visibility. Its purpose is to assure that vehicles and pedestrians have adequate and safe visibility.
238. **VISUAL OBSTRUCTION:** Any fence, wall, tree, hedge, or shrub, or a combination of them which limits visibility. Such obstructions are usually prohibited at corners to assure good visibility for motorists, under the heading of visibility clearance at intersections.
239. **WAIT AND SEE ZONING:** A euphemism for discretionary zoning techniques in which only general development regulations are established in advance in the ordinance, and final development permission is narrowly construed following a developer's application.
240. **WIND ENERGY STRUCTURES:** See ENERGY STRUCTURES.
241. **WINDFALLS AND WIPEOUTS:** The conferring of great financial benefits (windfalls) or losses (wipeouts) on a property owner as a result of public action.
242. **WRECKED OR DISCARDED VEHICLE YARDS:** See JUNK YARDS AND WRECKED OR DISCARDED VEHICLE YARDS.
243. **YARD:** An open space on the same lot with a building or building group lying between the front, rear, or side wall of a building and the nearest lot line, unoccupied except for projections and the specific minor uses or structures allowed in such open space under the provisions of the zoning ordinance.

244. **YARD, CORNER SIDE:** A side yard, which faces a public street.
245. **YARD, FRONT:** A yard extending the full width of the lot on which a building is located and situated between the front lot line and line parallel thereto and passing through the nearest point of the building.
246. **YARD, INTERIOR SIDE:** A side yard located immediately adjacent to another zoning lot or to an alley separating such side yard from another zoning lot.
247. **YARD, REAR:** A yard extending the full width of the lot on which a building is located and situated between the rear lot line and a line parallel thereto and passing through the nearest point of the building.
248. **YARD, SIDE:** A yard on the lot as a building situated between the side lot line and a line parallel thereto and passing through the nearest point of a building, and extending from the front yard to the rear.
249. **ZERO LOT LINE:** A development approach in which a building is sited on one or more lot lines and no yard.
250. **ZONING:** A police power measure, enacted primarily by general purpose units of local government, in which the community is divided into districts or zones within which permitted and special uses are established as are regulations governing lot size, building bulk, placement, and other development standards.
251. **ZONING ADMINISTRATOR:** Generally, the local official responsible for granting permits and, following a determination by the zoning board of appeals, for special permits and variances.
252. **ZONING AMENDMENT:** See Amendment.
253. **ZONING DISTRICT:** A section of a city or county designated in the zoning ordinance text and (usually) delineated on the zoning map, in which requirements for the use of land and building and development standards are prescribed. Within each district, all requirements must be uniform.

254. **ZONING MAP:** The map delineating the boundaries of districts, which, along with the zoning text, comprises the zoning ordinance.

CHAPTER 4

GENERAL PROVISIONS

11-401. NONCONFORMING USES, STRUCTURES AND LOTS

The provisions of this section shall generally apply to all districts and uses unless otherwise specified.

- A. Nonconforming Uses, Structures and Lots. Uses, structures, and recorded lots or parcels existing on December 24, 1970, and which were recognized by the zoning code as legitimate nonconforming uses, structures, and lots or parcels which were in compliance with zoning regulations, but which cannot comply with the requirements of this chapter, are hereby recognized as legitimate non-conformances.
1. Nonconforming uses and structures may be expanded or altered to another nonconformance only as permitted in Tennessee Code Annotated 13-7-208 and this chapter.
 2. Normal maintenance and repairs shall be permitted; however, the building inspector may require approval of the Board of Zoning Appeals and/or review by the planning commission.
 3. Nonconformances, which are vacated or discontinued for 365 calendar days, shall not be rebuilt or re-established; intermittent use and/or activities, which are not sustained for at least ninety (90) days, shall not preclude discontinuance.
 4. Nonconforming structures damaged less than fifty (50) percent or appraised tax value, as determined by the building inspector may be repaired or rebuilt, but every reasonable effort shall be made to comply with this chapter.
 5. The owners, users, occupants, or agents responsible for nonconformances may register such nonconformances within ninety (90) days of the effective date of this chapter. Registered nonconformances shall be privileged to appeal to the Board of Zoning Appeals and restrictions of this section.

6. No action by the planning commission, Board of Zoning Appeals, or other official shall be intended to create or allow the establishment of uses and/or structures which do not comply with the intent of the requirements of this chapter.

11-402. **OFF STREET AUTOMOBILE PARKING**

- A. **General Requirements.** Every use of land shall have provided, by its tenant, parking, loading and unloading areas as required for the proposed use.
- B. **Location and Setbacks.** In every district except the downtown C-1, General Business District, such areas shall be located on the same or an adjacent lot or on a lot approved by the Board of Zoning Appeals and located within four-hundred (400) feet of the lot where the principal use is located. In the C-1 District, every effort shall be made to minimize on-street parking if tenants cannot meet the requirement.
- C. **Number of Parking Spaces Required**
 1. Assembly
 - a. One (1) space per fifty (50) square feet of structure area.
 2. Business and Mercantile
 - a. Retail sales: at least ten (10) spaces per 2,000 square feet of gross floor area plus one (1) space per four (4) employees.
 - b. Offices: one (1) space per three (3) employees plus one (1) space per 200 square feet of client/patron waiting area.
 - c. Automotive services: five (5) spaces per service bay plus one (1) space per three (3) employees.
 3. Hazardous
 - a. At least one (1) space per five (5) employees.

4. Factory-Industrial and Storage
 - a. At least one (1) space per five (5) employees plus one (1) space per 2,000 square feet of gross floor area.
5. Institutional
 - a. One (1) space per every four (4) sleeping beds provided plus one (1) space for every three (3) employees.
6. Residential
 - a. Residential District: at least two (2) spaces per dwelling unit.
 - b. Other Districts: at least one (1) space for every two (2) beds provided.

11-403.

OFF STREET LOADING AND UNLOADING SPACE

- A. **Business and Mercantile.** Loading and unloading areas shall be provided so that such activities will not take place in the public right-of-way or customer parking areas.
- B. **Hazardous.** Loading and unloading areas shall be provided so that such activities will not take place in a public right-of-way or employee parking areas.
- C. **Factory, Industrial and Storage.** Loading and unloading areas shall be provided so that such activities will not take place in a public right-of-way or employee parking areas.

SITE PLAN REGULATIONS

- A. **Site Development Plans Required.** A site development plan, prepared by a licenses and/or registered engineer or surveyor, is required before a building permit can be issued for any development other than a single family dwelling and its accessory uses. A site plan may be required for any structure (included single family dwellings and accessory structures), if in the opinion of the building inspector, such a plan will facilitate the approval process.

Regardless of the site plan requirement or noted exclusions, the issuance of a permit requires that the site be staked to clearly identify property boundaries and the location of proposed structures. Iron pins located or placed by a qualified surveyor shall designate the location of all corners. Where property deeds and/or plats reference the centerline of a street as a property boundary, setback measurements shall include one-half of the street right-of-way required by these regulations plus the required setback.

In determining setbacks from street curves, it shall be acceptable to assume that the vertex and bottom of arcs and curves will equal the distance between corner pins and the centerline of the street.

1. Site plans for developments other than single family dwellings and accessory structures shall be reviewed and approved by the planning commission.
2. Site plans requiring a variance from the requirements of this Title or other municipal codes or regulations shall be reviewed and approved by the Board of Zoning Appeals.
3. Site plans are also required for special exceptions and amendments to the zoning map. Special exceptions shall be acted upon by the Board of Zoning Appeals, after review by the planning commission; amendments to the zoning map shall be acted upon by the city council after review and recommendation by the planning commission.
4. Site plans shall be prepared in accordance with the provisions of this chapter and as may be required by reviewing authorities.

B. Review Procedures. Site plans and other documents requiring planning commission and/or board of zoning appeals review and/or approval shall be submitted in triplicate to the building inspector at least twenty (20) days before the regularly scheduled meeting date of the appropriate reviewing authority. The building inspector may, however, with the concurrence of the chairman and secretary of the reviewing authority, schedule a called meeting, provided prior notice can be given.

1. The applicant shall be responsible for supplying any information believed to be pertinent to the review and/or may be required by the building inspector and the reviewing authority.
2. Copies of the information will be forwarded by the building inspector to the chairman and secretary of the reviewing authority and the planning staff.
3. The applicant should be present or represented during the review and the reviewing authority may refuse to act if the applicant is not present and has not provided written request that the application/request be considered in the absence of representation.
4. The reviewing authority shall give written notice to the applicant of its disposition of the status of the application/request within fifteen (15) days after the date of the scheduled meeting.

C. Site Plan Requirements. Site Plans prepared for review and approval of municipal officials shall include a one to two (1-2) page Narrative Statement, a location map, and a map of the affected property and shall be submitted to the building inspector, in triplicate at least twenty (20) days prior to the meeting of the reviewing authority (planning commission).

1. Narrative Statement. The Narrative Statement shall give the names, addresses, and telephone numbers of the owner, user, and designer of the proposed development; the street address of the affected property, the zoning and use classification as defined in the zoning regulations; a listing of any variances or special exceptions required for implementation; a listing, with present status, of all required federal, state and local certifications, and any additional material requested by the building inspector and/or the reviewing authority.

2. Maps and Drawings. Maps and drawings shall be drawn to a scale no smaller than one-to fifty and on sheets no smaller than 8.5 x 11 inches. (This requirement does not apply to location maps, which may be inset onto scale drawings). They shall show the following:
- a. The proposed title of the project and name of the engineer, architect, landscape architect, or surveyor and the name of the developer.
 - b. The north point, scale, and date.
 - c. Existing zoning and zoning district boundaries.
 - d. Compliance _____ noncompliance _____ with existing zoning classification.
 - e. The boundaries of the property involved all existing property lines, existing streets, structures, waterways and floodplains, hillside areas, sinkholes, and other existing physical features in or adjoining the project.
 - f. Topography of the project area with contour intervals of five (5) feet or less before and after grade work where applicable.
 - g. The location and sizes of sanitary and storm sewers, water mains, culvert and other underground structures in or adjacent to the project including existing and proposed facilities.
 - h. The location, dimensions, and character of construction of proposed structures, roads, access ways, drives, walks, parking areas, loading areas, curbs and gutters, curb cuts, light fixtures, fire hydrants, fences, and any additional information required by the planning commission in order to consider all features of the proposed development and to determine whether or not all regulations and requirements would be met by the proposed development.
 - i. Location, character, size and height and orientation of signs as proposed to be erected.

- j. Any buffer or landscaped area showing existing and proposed location of plantings (trees, shrubs, grass, etc.), type of landscaping requested (screening or buffer), and paved surfaces.
- k. Proposed nature and manner of grading of the site including proposed treatment of slopes in excess of ten percent (10%) and ditch lines to prevent soil erosion and excessive runoff.
- l. The building inspector will inspect all construction. For commercial buildings or multi-family complexes, with the exception of duplexes, a signed affidavit is required by either an architect or an engineer, or both where applicable. For industrial buildings, with the exception of warehouses or storage facilities, a signed affidavit is required by both an architect and an engineer. Site plans for these uses shall be accompanied by a state highway permit (if applicable) and a county highway entrance permit (if applicable).

D. Site Plan Approval Process. Before the site plan is submitted to the planning commission for its approval, the following city and county departments must first review it.

1. City Departments Review and Comments

***Fire**

Review proposed plans to determine if the installation and location of water lines and fire hydrants are adequate for fire protection for the proposed and future development if extended into an undeveloped area. Review R-O-W access for vehicular movement of fire trucks and equipment.

***Sanitation**

The review should include comments regarding the proposed construction, location, size, and type of containers for compliance with city standards and compatibility with city equipment.

***Police**

Review proposed plans to determine that no structure, sign, building, and/or landscaping will be placed as a hazard to vehicular movement. New structures, especially commercial structures, be built and lighted in a manner that would be most advantageous to the police during routine patrol and still meet the needs of the owner or developer.

***Water and Sewer**

Review plans to determine if the proposed size and location of water and sewer lines are adequate for the proposed and future development.

If a public sewage disposal method is not proposed, the department should indicate the nearest location and size of such facility to the site.

Determine if the proposed installation can be coordinated with proposed plans of the department.

Determine if the water and sewer line extensions are consistent with department policies.

***Electric**

Capacity for existing and future needs.

***Natural Gas**

Availability and capacity for existing and future needs.

***Building Code**

Review for compliance with the building codes, zoning ordinances, etc.

***Staff Planner**

Review for compliance with planning documents and implementation tools.

*Highway

Approval from state and county highway departments to determine if roadways and access for existing and future developments are adequate.

*Health

When a septic tank sewage disposal system is proposed, a letter from the county health department indicating approval or disapproval of the site(s) for the method must accompany the plans to be submitted to the planning commission.

*Planning Commission Approval

If a public hearing is not anticipated, the site plan, along with the applicable certificates, reviews, and comments, permits, letters, etc. may be submitted to the planning commission at least ten (10) days prior to the meeting date.

*Obtain letters of compliance. The building inspector's office may coordinate plan review with city departments.

- E. **Flood protection.** Any structure or use proposed to be located in a Flood Hazard District or within thirty (30) feet of a drainageway or stream shall be approved by the planning commission.

11-405.

REGULATION OF MOBILE HOME PARKS AND SUBDIVISIONS

- A. **Permit for Mobile Home Parks and Subdivisions.** No place or site within the Town shall be established or maintained by any person, ground of persons, or corporation as a mobile home park or subdivision unless a valid permit is issued by the building inspector in the name of such person or persons for the specific mobile home park or subdivision. The building inspector is authorized to issue, suspend, or revoke permits.
- B. **Existing Mobile Home Parks and Subdivisions.** Mobile home parks and subdivision in existence as of the effective date of this title shall be required to obtain a permit. Pre-existing mobile home parks which cannot comply with the requirements regarding mobile home parks shall be considered nonconformances; provided, however, if at any time the ownership of said park shall change, said new owner shall be given a period not to exceed thirty (30) days in which to comply with current regulations in all

respects. Failure to do so shall render it ineligible for a permit at its then present location.

Pre-existing mobile home parks which do not change ownership have a period, not to exceed six months, in which to comply with all state regulations applicable thereto which were in force prior to the establishment of said mobile home park or subdivision.

- C. **Inspections by Building Inspector.** The building inspector is hereby authorized and directed to make inspections to determine the condition of mobile home parks and subdivisions in order to guard the health and safety of occupants of mobile homes and of the general public.
- D. **Length of Occupancy.** No mobile home space shall be rented in any mobile home park except for periods of sixty (60) days or more, and 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 Regulation in Mobile Homes of Electrical, Health, and Plumbing Systems; or Mobile Homes Manufacturers Association, Mobile Home Standards for Plumbing, Heating, and Electrical Systems or any state or municipal administered codes insuring equal or better plumbing, heating, or electrical installations.
- E. **Length and Planning.** The mobile home park or subdivision 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 municipal planning commission.
- F. **Minimum Lot Size.** The tract of land for the mobile home park or subdivision 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.
- G. **Minimum Number of Spaces.** Minimum number of spaces completed and ready for occupancy before first occupancy is twelve (12).
- H. **Minimum Mobile Home Space and Spacing of Mobile Homes.** Each mobile home space shall be adequate for the type of facility occupying the same. Mobile homes shall be parked on each space so that there will be at least fifteen (15) feet of open space between mobile homes or any attachment such as a garage or porch, (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 and at least fifteen (15) feet end to end spacing between mobile homes and any building or structure, twenty (20) feet between any trailers and any building or structure, twenty (20) feet between any mobile home and property line and thirty-five (35) feet from the right-of-way of any public street or highway. Excluding the buffer strip and parking space, each mobile home space shall contain:

1. A minimum lot area of two thousand, two hundred and fifty (2,250) square feet.
2. A minimum depth with end parking of an automobile equal to the length of the mobile home plus thirty (30) feet;
3. A minimum depth with side or street parking equal to the length of the mobile home plus fifteen (15) feet; and
4. A minimum width of at least thirty (30) feet and a minimum depth of at least seventy-five (75).

J. **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. All sewer lines shall be laid in accordance with the most current health department standards and regulations.

Every effort shall be made to dispose of the sewage through a public sewerage system. In lieu of this, a septic tank and subsurface 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 to be 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 three hundred (300) 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.

K. **Refuse.** The storage, collection, and disposal of refuse shall be so managed as to create no health hazards. All refuse shall be stored in fly proof, watertight, 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.

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

M. **Streets.** Minimum widths of various streets within mobile home parks and subdivision shall be:

One-way, with no on-street parking	12 feet
One-way, with parallel parking one side only	18 feet
One-way, with parallel parking on both sides	26 feet
Two-way, with no on-street parking	20 feet
Two-way, with parallel parking on one side only	28 feet
Two-way, with parallel parking on both sides	36 feet

Streets shall have a gravel base consisting of size 25 (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.

- N. **Parking Spaces.** Car parking spaces shall be provided in sufficient number to meet the needs of the occupants of the property and their guests without interference with normal movement of traffic. Such facilities shall be provided at the rate of at least one (1) car space for each mobile home lot plus an additional car space for each (4) lots to provide for guest parking, for two-car tenants, and for delivery and service vehicles. Car parking spaces shall be located for convenient access to the mobile home spaces. Where practical, one (1) car space shall be located on each lot or located in adjacent parking bays. The size of the individual parking space shall have a minimum width of not less than ten (10) feet and a length of not less than twenty (20) feet. The parking spaces shall be located so access can be gained only from internal streets of the mobile home park.
- O. **Buffer Strip.** An evergreen buffer strip shall be planted along all boundaries of the mobile home park or subdivision.

11-406.

REGULATIONS OF TRAVEL TRAILERS, TRAVEL TRAILER AND RECREATIONAL VEHICLE PARKS

It shall be unlawful for any travel trailer to be occupied or serviced outside any properly designated travel trailer park. This provision shall not apply to the storage of travel trailers provided said trailer unit is not permanently occupied as a dwelling unit while within the city limits.

- A. **Permit for Travel Trailer Park.** No place or site within said city shall be established or maintained by any person, group of person, or corporation as a travel trailer park unless a valid permit is issued by the building inspector in the name of such person or person for the specific travel trailer park. The building inspector is authorized to issue, suspend, or revoke permits in accordance with the provisions of this chapter.
- B. **Inspections by Building Inspector and County Health Officer.** The building inspector and county health officer is hereby authorized and directed to make inspections to determine the condition of travel trailer parks, in order to safeguard the health and safety of the occupants of travel trailer parks and of the general public. The building inspector or county health officer shall have the power to enter at reasonable times upon any private or public property for the purpose of inspecting and investigating conditions relating to the enforcement of this chapter.

- C. **Length of Occupancy.** Travel trailer spaces shall be rented by the day or week only, and the occupancy of such space shall use park facilities as a permanent living place.
- D. **Minimum Size of Travel Trailer Space.** Each travel trailer space shall have minimum width of thirty (30) feet and a minimum length of fifty (50) feet.
- E. **Site Improvements.** Site planning improvements 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. (1965 Code, & 11-204).
- F. **Private Sewerage System.** Each park shall provide its own private sewage collection facility for the purpose of receiving sanitary wastes from vehicles using the park.

11-407.

MOBILE HOMES AND TRAVEL TRAILERS

An approved site plan is required before a permit shall be issued for any mobile home park or subdivision, or before a mobile home shall be located on an individual vehicle parks. Approved site shall be limited to those zoning districts where such use is specifically permitted or permitted as a special exception. Except as provided in B. below, all mobile homes used for residential purposes shall be restricted to approved mobile home parks and subdivisions.

- A. The owner of a mobile home approved for location in the corporate limits shall provide to the building inspector evidence that the unit meets the requirements of the "National Mobile Home Construction and Safety Standards Act," Chapter 48, Tennessee Code Annotated, and subsequent local, state, and federal requirements.
- B. Individually sited mobile homes may be located in the R-2, Medium Density Residential District and the R-3, High Density Residential District in the following situations:
 - 1. The applicant provides evidence (such as letters from local lenders) that he/she cannot obtain mortgage financing for conventional housing;
 - 2. The applicant provides evidence (such as a letter from a physician) that the unit is required for the care of an elderly or infirm family member. Lots upon which such units are

to be located shall be exempt from the single principal building per lot requirement of this code. Such use may be permitted in the R-1, Low Density Residential District.

3. The applicant provides evidence that the unit is required to provide emergency housing and qualifies as a temporary use. The Board of Zoning Appeals shall specify the time period the unit will be used and may approved such use for a period not to exceed eighteen (18) months. Any additional extension shall require a new application. Such use may be permitted in the R-1, Low Density Residential District.

4. The applicant must own the lot or parcel upon which the unit is to be located and mobile homes permitted under the provision of this section shall not be used for rental or lease purposes nor shall the unit be occupied by any person(s) other than those whom application is made.

C. All mobile homes approved under this section except 11-407, B, 1 and 11-407, B, 2 shall be placed or mounted upon a solid masonry foundation and shall be made to resemble conventionally built residences in the neighborhood. Units approved under 11-407, B, 1 and 11-407, B, 2 shall be completely enclosed from the ground to the bottom of the unit. The building inspector shall inspect and approve the material and construction method before issuing a Certificate of Occupancy.

1. Neither a Certificate of Occupancy nor utility services shall be provided for such units until the requirements of this code or other requirements which may be established by the Board of Zoning Appeals have been met.

2. Mobile home units approved under subsections 11-407, B.1. and 11-407, B.2. shall be removed upon termination of the need for which the permit was issued.

D. The owner/occupant of a recognized nonconforming mobile home shall have the right to appeal to the Board of Zoning Appeals for the right to replace a damaged unit or one which fails to meet state or federal construction standards with a unit which qualifies under the terms of the code and the owner/occupant of a unit approved under this section shall have replacement rights upon the issuance of a permit by the building inspector.

- E. The operators of travel trailer and/or recreational vehicle parks and the operators of mobile home parks furnished space, but not furnishing mobile home units, are required to obtain a business privilege license.
- F. All mobile home parks, mobile home subdivision, and trailer and/or recreational vehicle parks shall comply with the design requirements specified in Chapter 3 of this code.
- G. All mobile home parks and subdivisions and travel trailer and/or recreational vehicle parks shall be limited to the R-3, High Density Residential District.

11-408. TEMPORARY USES AND STRUCTURES

- A. **Temporary Uses and Structures.** Uses and structures which are to be maintained for a period of time not to exceed six (6) months. Temporary uses and structures may be permitted in any district upon approval of the Board of Zoning Appeals.
 - 1. The use or structure should be compatible with and similar to permitted uses and structures.
 - 2. Structures shall not be used, as living quarters except as may be required for security purposes.
 - 3. The use of structure shall meet the minimum requirements for the district or such conditions modifying district requirements as may be required by the Board of Zoning Appeals.
 - 4. All applications for temporary use and structure permits shall be reviewed by the planning commission.

11-409. CUSTOMARY HOME OCCUPATIONS

- A. **Customary Home Occupations.** A gainful occupation or profession conducted within a dwelling by a resident member of the household.
 - 1. The activity must occur in one (1) or two (2) family dwellings and shall not require or occupy more than twenty-five percent (25%) of the dwelling's gross floor area.

2. The activity shall be owned and/or operated by a resident of the dwelling and no more than two (2) employees shall be non-residents.
3. All production and services offered must be confined to the principal structure although goods produced may be transported off-site to be sold.
4. The principal structure shall not be altered to change its residential appearance, or shall any equipment or machinery, which may create nuisances, such as noise, dust, or vibrations, be installed or used.
5. No visible signs or manifestations of the activity, or such frequent traffic which is unusual to residential areas and which places excessive demands upon neighborhood parking, shall be permitted.

11-410. High Density and Clustered Developments

- A. Development projects such as shopping centers, mobile home parks and subdivisions, planned unit developments, apartment complexes, condominiums and other clustered high density development projects may be approved by the planning commission after evaluation using criterion which shall be established by the planning commission and made applicable to a particular site or development proposal. Project proposals eligible for consideration shall meet the following minimum requirements:
 1. Be proposed for a site at least one (1) acre in area;
 2. The site must be held in the control of a single individual or entity from the time that it is approved for development until construction is completed and a certificate of occupancy is issued;
 3. The project shall be submitted, approved, and developed as a single development project, although it may be approved for development in phases;
 4. A development plan shall be submitted as prescribed in the Oliver Springs Zoning Ordinance, Site Plan requirements;
 5. Requests for variances from the terms of this title shall be approved by the board of zoning appeals after recommendation from the planning commission;

6. All construction plans shall be approved by the building inspector or other appropriate reviewing agent prior to planning commission recommendation for final approval;
7. Any property to be maintained in joint tenancy, such as common areas and private parks, shall have a maintenance plan approved by the planning commission; and
8. The final development plan is recommended by the planning commission for approval by the town council.

11-411. SIGNS.

Recognizing the importance of signs as a means of conveying information of both a commercial and noncommercial nature and the tendency of some signs to create hazards to the public welfare and the aesthetic quality of the community. These regulations are intended to minimize such negative impacts and to complement the provisions of Chapters 22 and 23 of the Standard Building Code. The Board of Zoning Appeals shall resolve real or perceived conflicts relating to the administration of these regulations.

A. Definitions and General Provisions.

1. **Sign.** Any device, fixture, placard, or structure that uses color, form, graphics, illumination, symbols, or writing to advertise, announce to purpose of, or identify the purpose of a person or entity, or to communicate information of any kind to the public.
 - a. **SIGN AREA.** The area enclosed by one continuous line, connecting the extreme points or edges of a sign. The area is determined by using the largest sign area or silhouette visible at any one time from any one point. This does not include the main supporting sign structure, but all other ornamental attachments, inner connecting links, etc. which are not a part of the main supports of the sign, should be included in determining the sign area. The maximum sign area for signs not defined as a billboard is 120 square.
 - b. The area of a **MULTIFACED SIGN** shall be computed by adding together all sign faces visible from any point at the same time, if the faces of the

signs are identical. MULTIFACED signs include revolving and rotating signs, cubes, prisms, etc.

- c. BANNER, PENNANT, FLAGS. Signs of lightweight fabric intended to convey a message or attract attention.
- d. BENCH. A sign located on a bench or seat placed on or adjacent to the public right-of-way.
- e. BILLBOARD. An advertising sign having a display surface area exceeding 120 square feet and is designed or intended for periodic message rotation and is often sold or leased as advertising space. No off-premise billboard shall be approved for a site less than 7,500 square feet and any approved site shall be zoned for commercial or industrial use.
- f. FREESTANDING. Any sign supported by structures or supports that are placed on or anchored in the ground and that are independent from any building or other structure.
- g. GROUND/POLE. The bottom of ground signs touch or are in close proximity to the ground. Pole signs are supported by a pole(s) and the actuarial sign does not contact the ground.
- h. MARQUEE. A sign that is a part of or attached to a permanent foot-life part of a structure.
- i. CANOPY. A sign that is a part of or attached to an awning, canopy, etc., or structural protective cover over a door, window, or outdoor service area.
- j. PORTABLE. Trailer or rack mounted signs, shall be limited to temporary use.
- k. PROJECTING. A sign attached perpendicular to a building or the wall of a structure.
- l. ROOF. A sign attached to and vertically over a building or structure roof.

- m. SNIPE. Signs attached to trees and utility poles are prohibited.
- n. SUSPENDED. A sign suspended from the underside of a horizontal plane surface and is supported by such surface.
- o. TRAILER, BEACON. A sign mounted on a trailer, for the purpose of mobility. Beacon signs, as used for attracting public attention are included as a trailer sign.
- p. WALL (attached). An outdoor sign attached parallel to, but projecting not more than twelve (12) inches from the wall.
- q. WALL (intrinsic). An outdoor sign, painted, interlocked, or otherwise appearing to be part of the wall and protruding not more than six (6) inches from the wall.

B. Functional Classification of Signs.

For the purposes of regulation, signs are hereby categorized as ON-PREMISE and OFF-PREMISE.

1. On-Premise. Signs related to activities, services, products, etc. occurring or available at the same site as the sign.
2. Off-premise. Signs related to or promoting activities, services, products, etc. not occurring or available at the same site as the sign.
3. On-premise and off-premise signs are further classified as ADVERTISEMENT AND PROMOTIONAL SIGNS and INFORMATIONAL SIGNS based upon their function(s) and use(s). Informational signs convey no commercial or promotional messages while the primary function of the former is marketing products, services, organizations, persons, etc., whether for economic gain or not.

C. **Specific Sign Regulations.** Signs are also defined according to their location, structural design and construction, and other features.

1. Registered Signs. The following signs as described below shall be registered with the zoning official. No permit or fee shall be required except for the review of requests for variances and/or waivers by the Board of Zoning Appeals. Failure to register shall result in removal of the sign at owner/agent expense.
 - a. Home Occupation signs no greater than two (2) square feet and located no closer than 15 feet of the street right-of-way.
 - b. Directional or Informational signs not over 24 square feet, or a public or quasi-public nature erected and maintained by an official or civic body promoting the public good.
 - c. On-Premise Residential Sale and Rental notice signs not exceeding nine (9) square feet.
 - d. On-Premise Construction Notice/Project, Business Sale and Rental notice signs not exceeding 24 square feet.
 - e. On-Premise Address and/or Ownership signs greater than six (6) square feet but less than ten (10) square feet displaying only the name of the property, premises owners, or lessee of the property.
 - f. Political/neighborhood/etc. signs greater than three (3) square feet located on private property or designated public property sites including easements for periods in excess of 45 days.
2. Unregistered Signs. No permit or registration is required of the following signs as described below.
 - a. Off-Premise Message Boards on sign structures at sites approved by the planning commission serving at least four (4) individual advertisers (businesses, churches, civic groups).

- b. On-Premise Construction Notice/Project, Sale and Rental notice signs not exceeding three (3) square feet.
- c. On-Premise Address and/or Ownership signs less than six (6) square feet displaying only the name of the property, premises owner, or lessee of the property.
- d. Political/neighborhoods/etc. signs (notice of community events, garage sales, lost pets, etc.) less than three (3) square feet located on private property or designated public property sites including easements, for periods not to exceed 45 days.
- e. Incidental signs up to one (1) square foot, generic directive signs (no parking, located zone, etc.) located on private property.
- f. Intrinsic Wall signs advertising an on-site business or its products or services.
- g. Window signs advertising an on-site business or its products or services.

D. Locations and Setbacks.

- 1. Public Lands. No advertising or promotional signs shall be placed within the public right-of-way or other public easements, including utility easements except at designated sites.
- 2. Public Safety. Signs shall be located so as to avoid creating safety hazards. Generally, signs shall not be located in "No Sign" zones. Petitions to locate signs in such zones shall be reviewed for approval by the Board of Zoning Appeals and must be accompanied with an evaluation from the police department and the building official.
 - a. Zone 1. No Signs. Public easements, rights-of-way, and one corner lots, measured at least 10 feet from the corner, to create a minimum 50 square foot sign free area.

- b. Zone 2. No permanent signs. Paralleling public streets, and measured three (3) feet from rear of sidewalk or curb, or eight feet from edge of the pavement or traffic lane where no sidewalk or curb exist.
 - c. Zone 3. Restricted. Paralleling public streets, and measured to extend ten (10) feet from rear sidewalk or curb, or eighteen feet from edge of the pavement or traffic lane where no sidewalk or curb exist. No obstruction shall be erected between four and six feet above the ground.
 - 3. Lighting. Illuminated signs shall not be located so that light either shines or is reflected onto property zoned and used for residential purposes.
 - 4. Visual Maintenance. No ground sign shall be located in the area 3.5 feet above ground level and below eight feet above ground level and within 15 feet of the roadway except by special permit.
 - 5. Maximum Heights. No grained sign shall exceed twenty-five (25) feet in height measured at the base of its support from the ground to the highest point of the message board except by special permit.
 - 6. Maximum Area. No ground sign shall exceed 120 square feet in area except by special permit.
- E. **Permits and Fees.** The City Council shall, as a part of the budget process, determine a base fee to be charged for all signs not exempted from the permitting fee requirements of these regulations.
 - 1. Waiver of Sign Permit Fee. Upon planning commission approval, the initial fee for on-site signs may be waived where four (4) or more applicants share the same sign structure within the location and sign area specifications provided for in these regulations.
 - 2. Minimum Fees. The City Council shall set a minimum application fee to be paid prior to the review of applications for special sign permits (signs exceeding the limits and provisions of these regulations), including request for

waivers and variances, and an additional fee shall be paid upon approval of such permits.

3. Temporary Signs. The zoning officer may issue permits for temporary signs for periods not to exceed thirty (30) days. Permits for temporary signs to exceed thirty (30) days shall be approved by the Board of Zoning Appeals. No temporary permit shall be issued for a period exceeding six months.

CHAPTER 5

APPLICATION OF REGULATIONS

11-501. USE, OCCUPANCY, AND DEVELOPMENT STANDARDS

Use, occupancy, and development activities and proposals shall comply with this section. Use and occupancy classifications for buildings, structures, and land are primarily in accordance with the Standard Building Code. The absence of references to the use of land in the Standard Building Code shall not be construed to limit its application in classifying land uses in this code, nor shall the absence of a specific use or occupancy be grounds for limiting the authority of either the building inspector or the Board of Zoning Appeals to make reasonable determinations of its appropriate classification. The following shall be observed in the use and development of land.

11-502. STREET FRONTAGE

- A. Every land parcel that is proposed as the site of a dwelling, commercial or industrial building shall abut an acceptable public street or road for at least thirty (30) feet. If the point of abutment is to be used as an access point for a mobile home park, condominium, apartment complex, shopping center, industrial park or other major development which is located on a site one (1) acre or more in area, a minimum of fifty (50) foot abutment shall be required.
- B. Every building on lots abutting a state or federal road shall be setback at least fifty (50) feet from such road right-of-way and thirty (30) feet from municipal roads and streets.

11-503. CORNER LOTS

Corner lots shall have a side yard along its side street which is fifty (50) percent wider than that required for internal lots in the same district.

11-504. ONE PRINCIPAL BUILDING ON A LOT

Every lot or parcel shall be the site of no more than one (1) principal building and its accessory buildings.

11-505. REDUCTION OF LOT SIZE

Every land parcel, except those recognized nonconformances shall meet the larger of the minimum required for the zoning district or the use proposed. In no instance shall a lot or parcel be reduced, except by a public act for public purposes, so that yards, lot area per family, lot width, building area or other provisions of this and Chapter 6, shall not be maintained.

11-506. YARD AND OTHER SPACES

No part of a yard or other open space required about any building for the purpose of complying with the provisions of this ordinance shall be included as a part of a yard or other open space required under this ordinance for another building.

11-507. CONFORMITY TO SUBDIVISION REGULATIONS

No building permit shall be issued nor shall a building be erected on any lot of a subdivision developed after this chapter takes effect unless such subdivision has been approved by the planning commission.

11-508. ACCESSORY USES AND STRUCTURES

Uses and structures incidental to permitted uses and structures; permitted in all districts. Accessory uses and structures, which are not clearly acceptable to the building inspector as accessory, shall be referred to the Board of Zoning Appeals for a final determination. Required setbacks for the principal use shall be observed.

11-509. HEIGHT AND DENSITY

No building or structure shall be erected or constructed as to exceed height and density requirements of the district or as may be permitted in Section 11-705.

11-510. ZONING OF ANNEXED LANDS

All territory annexed shall be considered R-1 Low Density Residential until such time it is otherwise classified.

CHAPTER 6

SPECIFIC DISTRICT REGULATIONS

11-601. ZONING DISTRICTS

For the purpose of regulating land and structure occupancies and uses, the Town of Oliver Springs, Tennessee is hereby divided into Zoning Districts. The following districts shall be shown on the Oliver Springs Zoning Map as deemed necessary:

R-1,	Low Density Residential District
R-2,	Medium Density Residential District
R-3,	High Density Residential District
C-1,	General Business District
C-2,	Neighborhood Business District
C-3,	Highway Business District
M-1,	Light Industrial District
M-2,	Medium Industrial District
M-3,	Heavy Industrial District
F-1,	Floodway District
F-2,	Flood Fringe District
F-3,	Flash Flood Hazard District

11-602.

R-1, LOW DENSITY RESIDENTIAL DISTRICT

- A. **General Description.** R-1 Districts are to be created for homogeneous low-density residential neighborhoods. R-1 Districts are to be preserved primarily for one and two family dwellings, including accessory uses and structures, but excluding mobile homes.
- B. **District Determination Criteria.** The following criteria are provided as a guide for determining the appropriate designation of R-1 Districts:
1. The average lot size should be 15,000 square feet.
 2. The district may be without public wastewater services.
 3. Access to the district may be limited because of narrow streets, which were in existence on the effective date of this Title.
 4. The district's dwelling unit density should be approximately 2.9 dwellings per acre.
- C. **Area Regulations**
1. Building setbacks from property line to building.
 - a. Front, thirty (30) feet;
 - b. Side, ten (10) feet;
 - c. Rear, twenty (20) feet
 2. Building area: up to sixty (60) percent of lot.
 3. Open space: at least ten (10) percent of lot required for multi-family dwellings.
 4. Lot Size
 - a. All lots should be at least 10,000 square feet.
- D. **Height Regulations**
1. Structure heights shall not exceed thirty-five (35) feet.

E. Permitted Uses & Structures

1. One and two family structures but not mobile homes.
2. Streets: all public streets except alleys.
3. Parks and churches.
 - a. Minimum lot size: one-half ($\frac{1}{2}$) acre
 - b. Building area: up to fifty percent (50%) of lot
 - c. Building setbacks from property line to building:
 - i. Front: 40 feet
 - ii. Rear: 20 feet
 - iii. Sides: 15 feet
 - d. Open spaces: at least 10 percent (10%) of lot.
 - e. Streets: arterial, collector, and marginal access.
4. Public Schools after planning commission review
5. Business and Mercantile as a “Shared Use”
 - a. Building setbacks from property line to building.
 - i. Front, forty (40) feet;
 - ii. Side, fifteen (15) feet, except to permit qualifying common walls;
 - iii. Rear, twenty-five (25) feet
 - b. Streets: arterial and collector.
6. Accessory uses and structures.

F. Special Exceptions

1. Home occupations.
2. Energy structures: to serve the buildings and facilities located on the site.
 - a. The structure(s) must be located so that the distance between it and the nearest property line is at least ten (10) feet in excess of its height measured from the ground to its highest point.
3. Cemeteries.
 - a. A plan for perpetual maintenance is approved by the planning commission and filed with the City Recorder.
 - b. A plan or plat showing proposed plots is approved by the planning commission.
 - c. Upon approval of the maintenance and plot plans the Board of Zoning Appeals may modify lot size (plots) and access requirements.
 - d. Upon compliance with Title 46, Tennessee Code Annotated, a copy of all state approved documents shall be filed with the City Recorder.
4. Temporary structures and uses. Temporary uses and structures may be permitted in any district upon approval of the Board of Zoning Appeals.
 - a. The use or structure should be compatible with and similar to permitted uses and structures.
 - b. Structures shall not be used as living quarters except as may be required for security purposes.
 - c. The use of structure shall meet the minimum requirements for the district or such conditions modifying district requirements as may be required by the BZA.

- d. All applications for temporary use and structure permits shall be reviewed by the planning commission.

5. Institutional: unrestrained uses.

11-603. **R-2, MEDIUM DENSITY RESIDENTIAL DISTRICT**

A. **General Description.** R-2 Districts are to be created for homogeneous medium density residential neighborhoods. R-2 Districts are to be preserved primarily for one to four family dwellings with generally accepted accessory and supportive structures and land uses.

B. **District Determination Criteria** The following criteria are provided as a guide for determining the appropriate designation of the R-2 Districts:

- 1. At least fifty percent (50%) of the district's developed lots should be served with approved public water and wastewater.
- 2. At least one (1) street providing access to the district should have a fifty (50) foot right-of-way and have a minimum classification as a collector street.
- 3. The district's dwelling unit density should not exceed 5.5 dwellings per acre.

C. **Area Regulations**

- 1. Building setbacks from property line to building.
 - a. Front, thirty (30) feet;
 - b. Side, ten (10) feet;
 - c. Rear, twenty (20) feet

D. Lot Size and Structure Heights

1. The average lot size of the district shall be at least 9,000 square feet.
2. Dwelling units shall not be permitted on lots, which do not contain at least 7,500 square feet.
3. Structures shall not exceed thirty-five (35) feet in height.

E. Permitted Uses & Structures Uses and structures which, are generally accepted as being required or complementary to the following use classifications:

1. Residential: one to four family dwellings.
 - a. Streets: all public streets except alleys.
2. All uses and structures permitted in the R-1 District.
3. Public Schools after planning commission review

F. Special Exceptions

1. Planned Unit Developments.
2. As permitted in the R-1 District.

11-604. **R-3, HIGH DENSITY RESIDENTIAL DISTRICT**

A. General Description. R-3 Districts are to be created to encourage high-density residential developments and to permit limited “shared use” activities.

B. District Determination Criteria. The following criteria are provided as a guide for determining the appropriate designation of R-3 Districts.

1. The average lot size of the district should be at least 7,5000 square feet.
2. At least seventy-five (75) percent of the districts developed lots are served with approved public water and wastewater.

3. Street access to the district shall be by way of a collector street or lesser street, which are not longer than 1,000 linear feet and connected with a collector or arterial street.
4. The district dwelling unit density shall not exceed 12.0 dwellings per acre.

C. Area Regulations

1. Building setbacks from property line to building.
 - a. Front, thirty (30) feet;
 - b. Side, ten (10) feet;
 - c. Rear, twenty (20) feet
2. Building area: up to sixty (60) percent of lot.
3. Open space: at least ten (10) percent of lot required for multi-family dwellings.
4. Area requirements for residential uses in Commercial and Industrial Districts shall meet the least restrictive requirements for any use permitted in the district.

D. Lot Size and Structure Heights

1. Single family dwelling units shall not be permitted on lots, which do not contain at least 7,500 square feet.
2. Structures shall not exceed thirty-five (35) feet in height.

E. Permitted Uses & Structures Uses and structures, which are generally accepted as being required and complementary to the following, use classifications:

1. All uses and structures permitted in the R-2 District.
2. Residential: other “residential occupancy” classes identified in the Standard Building Code, but excluding hotels and motels.
3. Assembly: excluding the following-amusement park buildings, dance halls, restaurants, theaters, depots, tents, stadiums, and grandstands.

4. Factory-Industrial and Storage.
 - a. Building area: as limited by open space, parking, buffers, and setback requirements.
 - b. Setbacks:
 - i. Front, fifty (50) feet
 - ii. Rear, thirty (30) feet
 - iii. Sides, twenty-five (25) feet
 - c. Open Space: at least ten (10) percent of the lot including buffers.

5. Institutional.
 - a. Area Requirements
 - i. Minimum Lot:
Unrestrained: see district lot size and structure heights.
Restrained: one (1) acre.
 - b. Building Area: up to fifty (50) percent of lot.
 - c. Building Setbacks from property line to building:
 - i. Front: 40 feet
 - ii. Rear: 20 feet
 - iii. Sides: 15 feet
 - d. Open Space: at least ten (10) percent of lot.
 - e. Streets: arterial and collector.

F. Uses Permitted as Special Exceptions

1. Those permitted in the R-2 District.
2. Mobile home parks and subdivisions.
3. Shared uses: residential with business, educational, institutional, or mercantile.

C-1, GENERAL BUSINESS DISTRICT

- A. **General Description.** C-1 Districts are created primarily for the existing downtown area and its expansion needs to accommodate other existing business, mercantile, and storage activities which have been permitted under previous regulations as a part of the city's single category commercial district, but which should be discouraged or regulated because of the broad variety of activities previously permitted. The broad scope of such activities has resulted in an array of incompatible and unattractive activities for which the equitable application of regulations has proven to be difficult.
- B. **District Determination Criteria.** Petitions for C-1 classifications shall be evaluated using the following guidelines:
1. Petitions affecting properties adjacent to an existing C-1 District other than the downtown area shall have its primary access from either an arterial or collector street.
 2. Petitions affecting properties which are not adjacent to an existing C-1 District shall be approved only if the affected property is under the control of a single individual, partnership, or other controlling organization; has its own privately maintained access to arterial streets; and has a use and development plan recommended by the planning commission.
- C. **Area Regulations**
1. Lots adjacent to the downtown C-1 District shall have no minimum lot size requirement, but all others shall be at least one (1) acre and not more than five (5) acres.
 2. Building setbacks from property line to building.
 - i. Front, forty (40) feet;
 - ii. Side, fifteen (15) feet, except to permit qualifying common walls;
 - iii. Rear, twenty-five (25) feet
 3. Open space: at least five (5%) percent of lot.

4. Area requirements for residential uses in Commercial and Industrial Districts shall meet the least restrictive requirements for any use permitted in the district.

D. **Height Regulations.** Building heights shall be limited to thirty-five (35) feet, but non-occupancy structures, such as chimney stacks, signs, storage and loading bins, and antennas may exceed this limit upon approval of the Board of Zoning Appeals.

E. **Permitted Uses and Structures.** The following use classes as specified below are permitted:

1. Assembly.

a. Minimum lot size: one-half (1/2) acre

b. Building area: up to fifty percent (50%) of lot

c. Building setbacks from property line to building:

i. Front: 40 feet

ii. Rear: 20 feet

iii. Sides: 15 feet

d. Open spaces: at least 10 percent (10%) of lot.

e. Streets: arterial, collector, and marginal access.

2. Business.

a. Streets: arterial and collector.

3. Educational.

4. Mercantile: retail sales.

a. Streets: arterial and collector

5. Residential, hotels, motels, and lodging houses.

a. Streets: all public streets except alleys.

6. Storage not requiring more than forty (40) percent of total lot area.

7. Gasoline and fuel retail sales.

- 8. Public Schools after planning commission review.
- 9. Factory-Industrial and Storage.
 - a. Building area: as limited by open space, parking, buffers, and setback requirements.
 - b. Setbacks:
 - i. Front, fifty (50) feet
 - ii. Rear, thirty (30) feet
 - iii. Sides, twenty-five (25) feet
 - c. Open Space: at least ten (10) percent of the lot including buffers.
- 10. Institutional.
 - a. Area Requirements
 - i. Minimum Lot:
 - Unrestrained: see district lot size and structure heights.
 - Restrained: one (1) acre.
 - b. Building Area: up to fifty (50) percent of lot.
 - c. Building Setbacks: Building Setbacks from property line to building:
 - i. Front: 40 feet
 - ii. Rear: 20 feet
 - iii. Sides: 15 feet
 - d. Open Space: at least ten (10) percent of lot.
 - e. Streets: arterial and collector.

F. Special Exceptions

1. Factory-industrial as a "Shared Use" not requiring more than 60 percent of the total lot.
2. Residential-shared use.
3. Those permitted as Special Exceptions in the R-3 District.

11-606.

C-2, NEIGHBORHOOD BUSINESS DISTRICT

A. General Description. C-2 Districts are created solely for the benefit and convenience of the residential neighborhoods adjacent to or within which they are located and to visitors to such neighborhoods. Although individual activities permitted will attract nonresidents, the activity volume should be such that there will be minimum negative impacts upon surrounding residential districts.

B. District Determination Criteria. The following guidelines shall be considered before approving petitions for C-2 zoning:

1. C-2 Districts should not be established within one-half ($\frac{1}{2}$) miles of an existing commercial district.
2. C-2 Districts should be located at intersections on collector and arterial streets.
3. The petition includes a use and development plan approved by the planning commission.

C. Area Regulations

1. The total land area of a district shall be approximately two (2) acres or less and no single activity or business shall occupy more than 50,000 square feet.
2. Area requirements for residential uses in Commercial and Industrial Districts shall meet the least restrictive requirements for any use permitted in the district.

D. Height Regulations

1. Structure heights shall not exceed thirty-five (35) feet.

E. **Permitted Uses and Structures.** The following use and structure classes are permitted:

1. Assembly:
2. Business: offices, service stations, libraries, small engine repairs and branch banks.
 - a. Streets: arterial and collector
3. Educational: special and daycare/kindergartens.
4. Mercantile: stores and shops.
 - a. Streets: arterial and collector
5. Public Schools after planning commission review
6. Residential

F. **Special Exceptions**

1. Residential as a "Shared Use."
2. Storage: limited to leased or rented "mini-facilities" for individual or family use.
3. Restaurants.
4. Planned unit developments.
5. Energy structures.
6. Temporary uses and structures. Temporary structures and uses. Temporary uses and structures may be permitted in any district upon approval of the Board of Zoning Appeals.
 - a. The use or structure should be compatible with and similar to permitted uses and structures.
 - b. Structures shall not be used as living quarters except as may be required for security purposes.

- c. The use of structure shall meet the minimum requirements for the district or such conditions modifying district requirements as may be required by the BZA.
- d. All applications for temporary use and structure permits shall be reviewed by the planning commission.

11-607.

C-3. HIGHWAY BUSINESS DISTRICT

- A. **General Description.** C-3 Districts are created to accommodate a variety of trade and business activities. It is especially intended for activities, which either depend upon or are complementary to high volume vehicular traffic.
- B. **District Determination Criteria.** The following shall be considered during the evaluation of petitions for C-3 zoning:
 - 1. The C-3 District shall abut an arterial street.
 - 2. The property should either abut an existing C-1 or C-3 District or be within 400 feet of a C-3 District.
- C. **Area Regulations.**
 - 1. No minimum lot size is established except where a petition affects land not adjacent to a C-1 or C-3 District. A parcel not abutting an existing C-3 District must affect at least one (1) acre of land.
 - 2. Area requirements for residential uses in Commercial and Industrial Districts shall meet the least restrictive requirements for any use permitted in the district.
- D. **Height Regulations.**
 - 1. Building heights shall be limited to thirty-five (35) feet.

E. Permitted Uses and Structures. The following use and structure classes are permitted.

1. Assembly.
2. Business.
 - a. Streets: arterial and collector
3. Educational.
4. Public Schools after planning commission review
5. Institutional.
 - a. Area Requirements
 - i. Minimum Lot:
Unrestrained: see district lot size and structure heights.
Restrained: one (1) acre.
 - b. Building Area: up to fifty (50) percent of lot.
 - c. Building Setbacks:
 - i. Front, forty (40) feet
 - ii. Rear, twenty (20) feet
 - iii. Sides, fifteen (15) feet
 - d. Open Space: at least ten (10) percent of lot.
 - e. Streets: arterial and collector.
6. Mercantile: retail sales.
 - a. Streets: arterial and collector
7. Residential
8. Storage: indoor.
9. Factory-Industrial and Storage.
 - a. Building area: as limited by open space, parking, buffers, and setback requirements.

- b. Setbacks:
 - i. Front, fifty (50) feet
 - ii. Rear, thirty (30) feet
 - iii. Sides, twenty-five (25) feet
- c. Open Space: at least ten (10) percent of the lot including required buffers.

F. Special Exceptions

- 1. Factory-industrial: in an enclosed building.
- 2. Outdoor storage when enclosed by opaque fencing.
- 3. Junk Yards and Wrecked or Discarded Vehicle Yards.
 - a. A mandatory plan for buffering, screening, and landscaping is approved by the planning commission.
 - b. Except for cranes and permitted advertising signs, the nature of the activity shall not be visible from ground level of the public right-of-way or adjoining properties.
 - c. When located in the C-3 District all operations except sales shall be between sunrise and sunset.
- 4. Special exceptions as permitted in C-1 and C-2.

11-608.

M-1, LIGHT INDUSTRIAL DISTRICT

- A. **General Description.** M-1 Districts are created for operations and activities involving the storage, handling, manufacture, sale, and distribution of materials and products which can be reasonably classified as non-hazardous to persons and property removed from the operations site.
- B. **District Determination Criteria.** The following shall be used for evaluating M-1 rezoning petitions:
1. The district has access to an arterial street, which does not require passage through residential districts except by way of an arterial or collector street.
 2. Where the district abuts a residential district, a natural or man-made buffer is provided and maintained between the districts.
- C. **Area Regulations**
1. The average lot size within the district shall be at least 10,000 square feet per individual or unrelated activity.
 2. Area requirements for residential uses in Commercial and Industrial Districts shall meet the least restrictive requirements for any use permitted in the district.
- D. **Height Regulations**
1. Building heights shall be limited to thirty-five (35) feet.
- E. **Permitted Uses and Structures.** The following use and structure classes are permitted.
1. Assembly.
 2. Business.
 - a. Streets: arterial and collector
 3. Educational.
 4. Public Schools after planning commission review
 5. Factory-Industrial.

6. Mercantile.
 - a. Streets: arterial and collector
7. Storage.
8. Residential: if required for security.
 - a. Streets: all public streets except alleys.
9. Institutional.
 - a. Area Requirements
 - i. Minimum Lot:
Unrestrained: see district lot size and structure heights.
Restrained: one (1) acre.
 - b. Building Area: up to fifty (50) percent of lot.
 - c. Building Setbacks:
 - i. Front, forty (40) feet
 - ii. Rear, twenty (20) feet
 - iii. Sides, fifteen (15) feet
 - d. Open Space: at least ten (10) percent of lot.
 - e. Streets: arterial and collector.

F. Special Exceptions

1. As permitted in C-3.
2. Junk yards.

11-609.

M-2, MEDIUM INDUSTRIAL DISTRICT

- A. **General Description.** The M-2 District is intended for an operation or activity which is believed to have minor negative impacts on the natural environment and the aesthetic qualities of the community. Based upon known historical or traditional characteristics, and or the nature of the operation or activity, it is believed to be objectionable or noxious because of visual appearance, odor, dust, noise, fumes, smoke vibration, refuse produced or maintained or truck traffic generated. Outdoor store and warehousing shall be included in this district.
- B. **District Determination Criteria.** Approval of an M-2 petition shall be based upon the following:
1. The proposed district has private access to an arterial or collector street.
 2. There is adequate space for expansion without reducing required buffers.
- C. **Area Regulations**
1. The average lot size within the district shall be at least one (1) acre per individual or unrelated activity.
- D. **Height Regulations**
1. Building heights shall be limited to thirty-five (35) feet.
- E. **Permitted Uses and Structures**
1. All uses and activities permitted or permitted on review in the M-1 District.
 2. Hazardous
 - a. Area Requirements
 - i. Minimum Lot: approximately one (1) acre.
 - b. Building area: as limited by open space, parking, buffers, and setback requirements.
 - c. Setbacks: all sides a minimum of fifty (50) feet.
 - d. Open Space: at least ten (10) percent of the lot including required buffers.

c. Streets: arterial and collector:

F. Special Exceptions

1. Energy structures: to serve the buildings and facilities located on the site.
 - a. The structure(s) must be located so that the distance between it and the nearest property line is at least ten (10) feet in excess of its height measured from the ground to its highest point.
2. Junk Yards and Wrecked or Discarded Vehicle Yards.
 - a. A mandatory plan for buffering, screening, and landscaping is approved by the planning commission.
 - b. Except for cranes and permitted advertising signs, the nature of the activity shall not be visible from ground level of the public right-of-way or adjoining properties.
3. Temporary structures and uses. Temporary uses and structures may be permitted in any district upon approval of the Board of Zoning Appeals.
 - a. The use or structure should be compatible with and similar to permitted uses and structures.
 - b. Structures shall not be used as living quarters except as may be required for security purposes.
 - c. The use of structure shall meet the minimum requirements for the district or such conditions modifying district requirements as may be required by the BZA.
 - d. All applications for temporary use and structure permits shall be reviewed by the planning commission.
4. Shared uses.

11-610.

M-3, HEAVY INDUSTRIAL DISTRICT

- A. **General Description.** The M-3 District is intended for an operation or activity which is known or suspected by the planning commission to have negative impacts on the natural and human environment and the aesthetic qualities of the community. Based upon known historical or traditional characteristics, and or the nature of the operation or activity, it is known or can be shown that operations and activities have moderate to severe negative characteristics and are objectionable or noxious because of visual appearance, odor, dust, noise, fumes, smoke, vibration, refuse produced or maintained, or present the potential for off-site health and safety threats directly attributable to on-site activities
- B. **District Determination Criteria.** The following shall be considered in the approval of an M-3 petition:
1. The proposed district has private access to an arterial or collector street.
 2. There is adequate space for expansion without reducing a required 150 feet buffer zone adjacent to nonindustrial districts and/or activities.
 3. The district shall be clearly identifiable as warranting special treatment.
- C. **Area Regulations**
1. The average lot size within the district shall be at least one (1) acre per individual or unrelated activity.
- D. **Height Regulations**
1. Building heights shall be limited to thirty-five (35) feet.
- E. **Permitted Uses and Structures**
1. Any public government owned/operated or related or sanctioned, industrial or commercial activity requiring state and/or federal permits and licenses because of public health and safety threats. The board of zoning appeals may exempt certain licensed activities after a supporting recommendation by the planning commission.

11-611. SPECIAL DISTRICTS

- A. General Description. Special districts are overlay districts to be created only where physical, social, or economic conditions are such that the general public and the prosperity of the city is endangered. Special district regulations may either strengthen or reduce use district requirements. In addition to those documented conditions specified above, the following shall be required:
1. Explicit or implied state authorization for municipal action.
 2. Special benefit or treatment shall not be afforded any particular individual or organization.
 3. The district shall be clearly identifiable as warranting special treatment.

11-612. FLOOD HAZARD AREAS

- A. General Description. Areas deemed subject to seasonal or periodic flooding and as authorized by Tennessee Code Annotated 13-7-201. Flood hazard areas are divided into three (3) districts; the first two (2) make up the floodplain identified in the city's Flood Hazard Maps and Flood Insurance Study, dated November, 1979, and published by the Federal Emergency Management Agency; the third is determined locally after recommendation by the planning commission and adoption by the Mayor and Town Council.

11-613. F-1, FLOODWAY DISTRICTS

- A. General Description. Stream channels and adjacent areas within the 100-year flood floodplain that shall be kept free from encroachment in order that the 100-year flood may be carried without increasing the floodwater surface elevation by one (1) foot. No development shall be permitted.
- B. Permitted Uses and Structures. The following and other similar uses which have low potential for flood damage and the creation of flood flow obstructions shall be permitted within the F-1 district to the extent that they are not prohibited by any other ordinance and provided they do not require structures, fill, or dumping of materials or waste. No use shall be permitted which would result in an increase in the regulatory flood elevation.

11-614.

F-2, FLOOD FRINGE DISTRICTS

- A. **General Description.** The portion of the floodplain between the floodway and the outer boundary of the 100-year floodplain. All proposed uses and development shall be limited to uses and development which are either properly flood-proofed or are not subject to flood damage. The underlying "Use District" shall govern uses permitted.

11-615.

F-3, FLASH FLOOD DISTRICTS

- A. **General Description.** Areas, which are determined by the planning commission to be subject to minor flooding which, may be the result of excessive precipitation or inadequate drainage facilities. The underlying "Use District" shall govern uses permitted.

CHAPTER 7

EXCEPTIONS AND MODIFICATIONS

11-701. LOT OF RECORD

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

11-702. ADJOINING AND SUBSTANDARD LOTS OF RECORD

Where two or more lots of record with a continuous frontage are under the same ownership, or where a substandard lot of record has continuous frontage with a larger tract under the same ownership, such lots shall be combined to form one or more building sites meeting the minimum requirements of the district in which they are located.

11-703. EXCEPTIONS FOR CARPORT OR GARAGE CONSTRUCTION

- A. For existing housing constructed on lots of record of less than 7,500 square feet in area and on which no garage or carport currently exists, carports or garages may be constructed in rear and side yards upon the building official making the following findings:
1. The size or shape of the lot or the location of the principal structure on the lot will not permit the construction of a carport or garage in a manner that will meet the current setback requirements of this ordinance.
 2. That the construction of a carport or garage will not have detrimental affect on the safety of adjoining properties or damage the aesthetic character of the surrounding neighborhood.
 3. That the current setback requirements of the ordinance be followed as closely as possible, except that, no carport or garage shall be constructed less than five (5) feet from any

property line unless a letter of consent first be obtained from the adjacent property owner.

11-704. **FRONT YARDS**

The front yard setback requirements of this ordinance for dwellings shall not apply to any lot where the average depth of existing front yards on developed lots located within two hundred (200) feet on each side of such lot and within the same block and zoning district and fronting on the same street as such lot, is less than the minimum required front yard depth. In such case, the minimum front yard shall be the average of the existing front yard depths on the developed lots.

11-705. **EXCEPTIONS ON HEIGHT LIMITS**

The height limitations of this ordinance shall not apply to any structure not intended for human occupancy, including but not limited to church spires, belfries, cupolas, domes, and chimneys attached to residential structures. Such structures including, but not limited to monuments, water towers, observation towers, transmission towers, windmills, chimneys, smokestacks, derricks, conveyors, flag poles, radio towers, masts, and aerials shall be reviewed by the planning commission prior to construction.

CHAPTER 8

ADMINISTRATION AND ENFORCEMENT

11-801. MUNICIPAL BUILDING INSPECTOR

The municipal building inspector, as designated in the Municipal Code, shall have administrative responsibility for zoning regulations. Furthermore, it shall be the responsibility of the building inspector to assist the planning commission and the board of zoning appeals in carrying out their functions and responsibilities; the building inspector shall have the authority to enter upon any land and make examinations and surveys and place and maintain necessary monuments and marks thereon.

11-802. BUILDING PERMIT REQUIRED

- A. Pursuant to the Municipal Code, a building permit is required before initiating development or clearing of buildings from land.
- B. Development shall include, but is not limited to, man-made changes to real property, the erection, excavation, whether for immediate or future location, erection, or construction of a building, mining, grading, or other alteration of the topography; the filling or alteration of waterways and stream courses required for flood plains or the natural drainage of land; and the moving or alteration of buildings.

11-803. APPLICATION FOR/ISSUANCE OF BUILDING PERMITS

- A. Applications for building permits shall be submitted to the building inspector who shall provide application forms. If required, a site development plan shall be attached.
- B. Where federal, state or other governmental approvals are required, such approvals shall be attached to the application.
- C. The building inspector shall act upon the application within thirty (30) days and shall give written notice with reasons for the denial of permits.

- D. Permits issued on the basis of approved plans and applications authorize only the use, arrangement, and construction set forth in such approved plans and applications. Use, arrangement, or construction at variance with that authorized shall be deemed a violation of this Title.
- E. The issuance of a building permit shall not be construed as waiving any provision of this Title.
- F. Appeal of the building inspector's decision shall be made to the Board of Zoning Appeals within thirty (30) days of the decision.

11-804. EXPIRATION/EXTENSION OF BUILDING PERMIT APPROVALS

A building permit shall become void six (6) months from the date of issuance unless a later date is specified on the permit.

11-805. ENFORCEMENT

Violations of this title are punishable under the state statutes governing misdemeanors authorized in Title 13, Tennessee Code Annotated. The municipal building inspector shall have primary enforcement authority.

- A. Erection of Buildings. From and after the time when the platting jurisdiction of any municipal planning commission shall have attached as provided in Tennessee Code Annotated 13-4-302, no building permit shall be issued and no building shall be erected on any lot within the municipality, unless the street giving access to the lot upon which said building is proposed to be placed shall have been accepted or opened as or shall have otherwise received the legal status of a public street prior to that time or unless such street corresponds in its location and lines with a street shown on a subdivision plat approved by said planning commission or on a street plat made and adopted by said commission or accepted by the town council as prescribed in section 13-4-308, Tennessee Code Annotated.

11-806.

FINAL SITE INSPECTION/ISSUANCE OF CERTIFICATE OF OCCUPANCY

Upon the completion of the construction or alteration of a building or structure 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 Title and the statements made in the application for the building permit. If such a 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.

11-807.

VIOLATIONS AND PENALTIES

Any person violating any provision of this Title 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 shall continue shall constitute a separate offense.

11-808.

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 Title, the building inspector or any other appropriate authority or any adjacent or neighboring property owner who could be damaged by such violation, in addition to other remedies may institute injunction, mandamus or other appropriate action in proceeding to prevent the occupancy or use of such building.



CHAPTER 9

BOARD OF ZONING APPEALS

11-901. CREATION AND MEMBERSHIP

- A. Creation. A board of zoning appeals is hereby established in accordance with Section 13-7-205 of Tennessee Code Annotated.
- B. Membership. The board of zoning appeals shall consist of five (5) members, four (4) of whom shall be nominated and confirmed by the mayor and town council; the fifth member shall be named by the town council from its membership. The terms of office shall be for four (4) years and shall be arranged so that one (1) term expires each year.

11-902. POWERS OF THE BOARD OF ZONING APPEALS.

Pursuant to Tennessee Code Annotated 13-7-206 and 13-7-207 the board of zoning appeals shall exercise the following powers:

- A. Administrative Review. To hear and decide appeals where it is alleged by an appellant that there is an error in any order, requirement, permit, decision, or refusal made by the building inspector or other administrative official in the carrying out or enforcement of zoning and building regulations adopted by the town council.
- B. Special Exceptions. To hear and decide, in accordance with the provisions of the zoning regulations, requests for special exceptions or for interpretations of the zoning map and/or regulations or for decisions upon other special questions authorized by the town council. A special exception is a use, occupancy, or structure which is permitted upon compliance with the requirements of the district within which it is located, and any conditions established by the Board of Zoning Appeals which protects or enhances the districts within which it is to be located. All special exceptions must be approved by the Board of Zoning Appeals. The required site plan must be recommended by the planning commission.

- C. **Variance.** To grant variances from the terms of the zoning regulations in specific cases where there exists a lot (parcel or tract) recorded prior to the enactment of zoning regulations or the incorporation of such lot into municipal jurisdiction, and such lot is exceptionally narrow, shallow, or shaped, or such piece of property has exceptional topographic conditions or other extraordinary and exceptional situation or condition that the strict application of certain zoning requirements would result in peculiar and exceptional practical difficulties to or undue hardship upon the owner. Variances may be granted to relieve such difficulties or hardship, provided such relief may be granted without substantial detriment to the public good and without substantially impairing the intent and purpose of the zone plan and regulations.

11-903.

PROCEDURE

Meetings of the board of zoning appeals shall be held at the call of the chairman or by a majority of the membership and at such other times as the board may determine. Such chairman, or in his/her absence, the acting chairman, may administer oaths and compel the attendance of witnesses. All meetings of the board shall be open to the public. The board shall keep minutes of its proceedings, showing the vote of each member upon each question, or, if absent or failing to vote, indicating such fact; shall take all evidence necessary to justify or explain its action, and shall keep records of its examinations and other official action, all of which shall be immediately filed in the office of the board and shall be a public record.

11-904.

PETITIONS TO THE BOARD OF ZONING APPEALS.

Petitions and appeals to the board of zoning appeals may be taken by any person requiring a decision which the board is authorized to make or by any person aggrieved or by any officer, department, board or bureau of the municipality affected by any grant or refusal of a building permit or other decisions or act of the building inspector or other administrative official based in whole or in part upon the zoning and building regulations of the municipality.

11-905.

SUBMISSION AND REVIEW. Submission and review shall include a site plan and follow the procedures defined in Chapter 8. In the event that a public hearing is required or scheduled, the building inspector shall cause public notice to be made in a local newspaper at least ten (10) days prior to the meeting. Person(s) interested or reasonably affected by the proposed action shall be given five (5) days written notice. The applicant shall bear the costs of giving notice.

CHAPTER 10
AMENDMENTS

11-1001. PROCEDURE

Proposed amendments to this Title shall be reviewed and certified by the planning commission prior to enactment by the town council as prescribed in TCA 13-7-203 and 13-7-204.

- A. Before enacting any amendment to the text or map, the town council shall hold a public hearing thereon, at least fifteen (15) days notice of the time and place of which shall be published in a newspaper of general distribution.

- B. If such amendment is proposed as the result of a request originating with a non-public entity or person, the cost of such notice shall not be borne by the town, but by the person(s) requiring that the action be taken. Such amendment proposals shall be submitted as prescribed in Section 11-404 and if such amendment affects the zoning map, then it shall include a map of the affected property, including adjacent properties with present zoning and the location of the nearest property having the zoning classification as that being proposed. The map shall also show the name and mailing address of the property owner or agent, the existing zoning, the desired zoning, property dimensions, access points, and other information which may affect the planning commission's recommendation. After evaluation the commission will forward its recommendation to city council for a public hearing and final action.

- C. Every effort shall be made to ensure that district boundaries coincide with lot lines, the centerline of streets and alleys or corporate boundaries and other natural or physical boundaries. The failure of any petitioner requesting a rezoning to cooperate with the planning commission's effort to standardize district boundaries shall be grounds for the commission to recommend denial of the rezoning request.
 - 1. Upon certification of any ordinance amending the map, the city recorder shall provide copies of such ordinance to the building inspector and the planning staff.

2. The building inspector shall cause the official map and any maps used for day to day zoning administration or on public display, to be updated within thirty (30) days of certification.
3. The planning staff shall, as a part of its annual report, compare its file copy of the zoning map and all amendments, and verify the correctness of the official map.