

TITLE 14**ZONING AND LAND USE CONTROL****CHAPTER**

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CHAPTER 1**MUNICIPAL PLANNING COMMISSION****SECTION**

- 14-101. Creation and membership.
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14-101. Creation and membership. Pursuant to the provisions of Tennessee Code Annotated, § 13-4-101 there is hereby created a municipal planning commission, hereinafter referred to as the planning commission for the Town of Bruceton, Tennessee. The planning commission shall consist of six (6) members; two (2) of these shall be the mayor and another member of the board of mayor and aldermen selected by a majority vote of the board of mayor and aldermen; the other four (4) members shall be appointed by the mayor. All members of the planning commission shall serve as such without compensation. Except for the initial appointments, the terms of the four (4) members appointed by the mayor shall be for three (3) years each. The four (4) members first appointed shall be appointed as follows: one for a term of one (1) year; two for a term of two (2) years, and one for a term of three (3) years, so at least one term will expire each year. The terms of the mayor and the member selected by the board of mayor and aldermen shall run concurrently their terms of office. Any vacancy in an appointive membership shall be filled for the unexpired term by the mayor. Members of the planning commission must be freeholders within the

corporate limits of the Town of Bruceton and must reside within the corporate limits of the Town of Bruceton and shall have been a resident of the Town of Bruceton for at least one (1) year. (1982 Code, § 11-101)

14-102. Organization, powers, duties, etc. The planning commission shall be organized and shall carry out its powers, functions, and duties in accordance with title 13 of the Tennessee Code Annotated, except that the Bruceton City Planning Commission shall not have the authority to contract with city planners or other consultants nor shall they have the power to enter into binding contracts generally without the express prior approval of the mayor and board of aldermen which shall be evidenced by an ordinance duly adopted by the mayor and board of aldermen. (1982 Code, § 11-102)

14-103. Additional powers. The planning commission is empowered and instructed to work and cooperate with the Carroll County Chamber of Commerce and such additional organizations of like nature toward the end of sharing ideas and programs deemed to be in the best interest of the municipality. (1982 Code, § 11-103)

CHAPTER 2

GENERAL ZONING PROVISIONS

SECTION

- 14-201. Purpose.
- 14-202. Definitions.
- 14-203. Official zoning man.
- 14-204. Replacement of official zoning map.
- 14-205. Rules for interpretation of district boundaries.
- 14-206. Application of district regulations.
- 14-207. Non-conforming lots of record.
- 14-208. Non-conforming uses of land.
- 14-209. Non-conforming structures.
- 14-210. Mobile homes and parks.
- 14-211. Government; utility uses permitted.
- 14-212. Servicing, storage, repair, sales of motor vehicles, or salvage thereof.
- 14-213. Schedule of district regulations adopted.

14-201. Purpose. The zoning regulations, zoning map and districts herein set forth are intended to promote the health, safety and general welfare of the community. They have been created to ensure adequate level of service on the town streets, to secure safety from fire and other dangers; to provide adequate light and air; to protect the environment and to avoid undo concentration of population; to facilitate the adequate provision of sewer, water, schools, parks, and other public facilities. They have been made with reasonable consideration, among other things, as to the character of each district and its peculiar suitability for particular uses, and with a view of conserving the value of property and encouraging the most appropriate use of land throughout the town. (Ord. #01-01, Feb. 2001)

14-202. Definitions. For the purposes of chapters 2 through 10 of this title, certain terms or words used herein shall be interpreted as follows:

- (1) The word "person" includes a firm, association, organization, partnership, trust, company, or corporation as well as an individual.
- (2) The present tense includes the future tense, the singular number includes the plural, and the plural number includes the singular.
- (3) The word "shall" is mandatory, the word "may" is permissive.
- (4) The words "used" or "occupied" include the words "intended, or arranged to be used or occupied."
- (5) The word "lot" includes the words "plot or parcel."
- (6) "Accessory use or structure." A use or structure on the same lot with, and of a nature customarily incidental and subordinate to, the principal use or structure.

(7) "Dwelling, townhouse." Three or more one family residential units having exclusive, direct access for each unit from the ground to the first floor from the front (or side for end units) and with common walls separating the units.

(8) "Dwelling, two-family." A residence designed for or occupied by two families only, with separate housekeeping and cooking facilities for each.

(9) "Dwelling, single-family." A detached residence designed for or occupied by one family only.

(10) "Dwelling, multi-family." A residential building designed for or occupied by three or more families, with the number of families in residence not exceeding the number of dwelling units provided.

(11) "Dwelling, multi-family apartment." A residential building designed or occupied by three or more families, with the number of families in residence not exceeding the number of dwelling units provided, not of townhouse design and with one or more common entrances.

(12) "Family." One or more persons occupying a single non-profit housekeeping unit.

(13) "Height of structure or building." The vertical distance measured from the mean elevation of the proposed finished grade line at the front of the structure to the highest point on the roof for flat roofs, to the deck line of a mansard roofs, and to the mean height between eaves and ridges for gable, hip and gambrel roofs. This shall not include elevator shafts, roof HVAC units, chimneys or cupolas or other similar structures.

(14) "Lot." A piece, parcel, or plat of land in one ownership, which may include one or more lots of record, occupied or to be occupied by one principal building and its accessory buildings and otherwise in conformance with this chapter.

(15) "Lot frontage." The front of a lot shall be construed to be the portion nearest the street. For the purpose of determining yard requirements on corner lots and through lots, all sides of a lot adjacent to streets shall be considered frontage, and yards shall be provided as indicated under "yard" in this section.

(16) "Lot measurements." (a) Depth of a lot shall be considered to be the distance between the midpoints of straight lines connecting the foremost points of the side lot lines in the rear.

(b) Width of a lot shall be considered to be the distance between straight lines connecting front and rear lot lines at each yard, provided, however, that width between side lot lines at their forepoints (where they intersect with the street line) shall not be less than 80 percent of the required lot width except in the case of lots on the turning circle of the cul-de-sacs, where the 80 percent requirements shall not apply.

(17) "Manufactured home." This term means a structure which is transportable and which is described in Tennessee Code Annotated Title 68, Chapter 126, Section 202. Any manufactured home placed in the Town,

however, must be on a solid foundation, anchored, and underpinned with brick, blocks, stone or a like material.

(18) "Lot of record." A lot which is part of a subdivision recorded in the office of the register of deeds, or a lot or parcel described by metes and bounds, the description of which has been so recorded.

(a) "Corner lots." A lot located at the intersection of two or more streets. A lot abutting on a curved street or streets shall be considered a corner lot if straight lines drawn from the foremost points of the side lot lines to the foremost point of the lot meet at an interior angle of less than 135 degrees.

(b) "Interior lot." A lot other than a corner lot with only one frontage on a street other than an alley.

(c) "Through lot." A lot other than a corner lot with frontage on more than one street other than an alley. Through lots with frontage on two streets may be referred to as "double frontage" lots.

(d) "Reversed frontage lot." A lot in which the frontage is at right angles, or approximately right angles, to the general pattern in the area involved. A reversed frontage lot may also be a corner lot or an interior lot.

(19) "Mobile home." A mobile home is a single-family dwelling designed for transportation, after fabrication, on streets and highways on its own wheels on a single chassis or on flatbed or other trailers or detachable wheels, but not including "manufactured homes" and arriving at the site where it is to be occupied as a dwelling complete and ready for occupancy except for minor and incidental unpacking and assembly operation, location on jacks or permanent foundation, connection to utilities and the like.

(20) "Mobile home park." A portion or parcel of land designed for or which is intended to be used to accommodate two (2) or more mobile homes.

(21) "Sexually oriented business." A business or commercial enterprise which includes any or all of the following: adult arcade, adult bookstore or video store, adult cabaret, adult motel, adult motion picture theater, adult theater, escort agency, nude model studio, or sexual encounter center.

(22) "Special exception." A special exception is a use that would not be appropriate generally or without restriction throughout the zoning district but which, if controlled as to the number, area, location, or relation to the neighborhood, would promote the public health, safety, welfare, morals, order, comfort, convenience, appearance, prosperity, or general welfare. Such uses may be permitted in such district as special exceptions, if specific provision for such special exceptions is made in the individual district regulations.

(23) "Street line." The right-of-way line of a street.

(24) "Structure." Anything constructed or erected with a fixed location on the ground, or attached to something having a fixed location on the ground. Among other things, structures include buildings, mobile homes, walls, fences, billboards, and poster panels.

(25) "Variance." A variance is a relaxation of the terms of this title where such variance will not be contrary to the public interest and where, owing to conditions peculiar to the property and not the result of the actions of the applicant, a literal enforcement of this title would result in unnecessary and undue hardship. As used in this title, a variance is authorized only for height, area, and size of structure or size of yards and open spaces; establishment of a use otherwise not permitted shall not be allowed by variance, nor shall a variance be granted because of the presence of non-conformities in the zoning district or adjoining zoning districts.

(26) "Yard." A required open space unoccupied and unobstructed by any structure or portion of a structure from 30 inches above the general ground level of the graded lot upward, provided, however, that fences, walls, poles, posts, decks and other customary yard accessories, as well as accessory buildings may be permitted in any rear yard.

(27) "Yard, front." A yard extending between side lot lines across the front of a lot.

In the case of corner lots with more than two frontages, the mayor shall determine the front yard requirements, subject to the following limitations:

(a) At least one front yard shall be provided having the full depth required generally in the district;

(b) No other front yard on such lots shall have less than half the full depth required generally.

Depth of required front yards shall be measured at right angles to a straight line joining the foremost points of the side lot lines. The foremost points of the side lot line, in the case of rounded property corners at street intersections, shall be assumed to be the point at which the side and front lot lines would have met without such rounding. Front and rear front yard lines shall be parallel.

(28) "Yard, side." A yard extending from the rear line of the required front yard to the rear lot line.

In the case of corner lots with normal frontage, there will be only one side yard, adjacent to the interior lot. In the case of corner lots with reversed frontage, the yards remaining after the full and half-depth front yards have been established shall be considered to be side yards.

Width of required side yards shall be measured at right angles to a straight line joining the ends of front and rear lot lines on the same side of the lot. The inner side yard line of a required side yard shall be parallel to the straight line so established.

(29) "Yard, rear." A yard extending across the rear of the lot between inner side yard lines. In the case of through lots and reversed frontage corner lots, there will be no rear yard. In the case of corner lots with normal frontage, the rear yard shall extend from the inner side yard line of the side yard adjacent to the interior lot to the rear line of the half depth front yard.

Depth of required rear yards shall be measured at right angles to a straight line joining the rearmost points of the side lot lines. The forward rear line of a required rear yard shall be parallel to the straight line so established. (Ord. #01-01, Feb. 2001)

14-203. Official zoning map. The town is hereby divided into zones, or districts, as shown on the official zoning map, which together with all explanatory matter thereon, is hereby adopted by reference and declared to be a part of this title.

The official zoning map shall be identified by the signature of the mayor, attested by the city recorder, and bearing the seal of the town under the following words: "This is to certify that this is the official zoning map referred to in § 14-203 of the Bruceton Municipal Code," together with the date of the adoption of this title.

If, in accordance with the provisions of this title and Tennessee Code Annotated, §§ 13-7-201 through 13-7-210, changes are made in district boundaries or other matter portrayed on the official zoning map, such changes shall be made on the official zoning map promptly after the amendment has been approved by the board of mayor and aldermen, together with an entry on the official zoning map as follows: "On _____, _____, by official action of the board of mayor and aldermen, the following changes were made in the official zoning map."

The amending ordinance shall provide that such changes or amendments shall not become effective until after such change and entry has been made on said map.

No changes of any nature shall be made in the official zoning map or matter shown thereon except in conformity with the procedures set forth in this title. Any unauthorized change of whatever kind by any person or persons shall be considered a violation of this title and punishable as provided under the general penalty clause for this code.

Regardless of the existence of purported copies of the official zoning map which may from time to time be made or published, the official zoning map which shall be located in the office of the city recorder shall be the final authority as to the current zoning status of land and water areas, buildings, and other structures in the town. (Ord. #01-01, Feb. 2001)

14-204. Replacement of official zoning map. In the event that the official zoning map becomes damaged, destroyed, lost, or difficult to interpret because of the nature or number of changes and additions, the board of mayor and aldermen may by ordinance adopt a new official zoning map which shall supersede the prior official zoning map. The new official zoning map may correct drafting or other errors or omissions in the prior official zoning map, but no such correction shall have the effect of amending the original zoning ordinance or any subsequent amendment thereof. The new official zoning map

shall be identified by the signature of the mayor, attested by the city recorder, and bearing the seal of the town under the following words: "This is to certify that this official zoning map supersedes and replaces the official map adopted _____, _____, as part of title 14 of the Bruceton Municipal Code." (Ord. #01-01, Feb. 2001)

14-205. Rules for interpretation of district boundaries. Where uncertainty exists as to the boundaries of districts as shown on the official zoning map, the following rules shall apply:

- (1) Boundaries indicated as approximately following the center lines of streets, highways, or alleys shall be construed to follow such center lines;
- (2) Boundaries indicated, as approximately following platted lot lines, shall be construed as following such lot lines;
- (3) Boundaries indicated, as approximately following town limits, shall be construed as following town limits;
- (4) Boundaries indicated as following railroad lines shall be construed to be midway between the main tracks.
- (5) Boundaries indicated, as approximately following the centerlines of streams, rivers, or other bodies of water shall be construed to follow such centerlines;
- (6) Boundaries indicated as parallel to, or extensions of, features indicated in subsections 1 through 5 above shall be so construed. Distances not specifically indicated on the official zoning map, shall be determined by the scale of the map.
- (7) Where other circumstances not covered by subsections 1 through 6 above exist to cause a zoning district boundary to be uncertain, the board of zoning appeals shall interpret the district boundaries. (Ord. #01-01, Feb. 2001)

14-206. Application of district regulations. The regulations set forth by chapters 2 through 10 of this title within each district shall be minimum regulations and shall apply uniformly to each class or kind of structure or land, and particularly, except as hereinafter provided:

- (1) No building, structure, or land shall hereafter be used or occupied, and no building or structure or part thereof shall hereafter be erected, constructed, reconstructed, moved or structurally altered unless in conformity with all of the regulations herein specified for the district in which it is located.
- (2) No building or other structure shall hereafter be erected or altered:
 - (a) To exceed the height;
 - (b) To accommodate or house a greater number of families;
 - (c) To occupy a greater percentage of lot areas; or
 - (d) To have narrower or smaller yards, or other open spaces than herein required, or in any other manner contrary to the provisions of chapters 2 through 10 of this title.

(3) No yard or lot existing at the time of passage of chapters 2 through 10 of this title shall be reduced in dimension or area below the minimum requirements set forth herein. Yards of lots created after the effective date of chapters 2 through 10 of this title shall meet at least the minimum requirements established by chapters 2 through 10 of this title.

All territory which may hereafter be annexed to the town shall be considered to be zoned in the same manner as the contiguous territory inside previous town limits until otherwise classified. (Ord. #01-01, Feb. 2001)

14-207. Non-conforming lots of record. In any district in which single-family dwellings are permitted, notwithstanding limitations imposed by other provisions of chapters 2 through 10 of this title, a single-family dwelling and customary accessory buildings may be erected on any single lot of record at the effective date of adoption or amendment of chapters 2 through 10 of this title. Such lot must be in separate ownership and not of continuous frontage with other lots in the same ownership. This provision shall apply even though such lot fails to meet the requirements for area or width, or both, that are generally applicable in the district; provided that yard dimensions and other requirements not involving area or width, or both, of the lot shall conform to the regulations for the district in which such lot is located.

If two or more lots or combinations of lots and portions of lots with continuous frontage in single ownership are of record at the time of passage or amendment of chapters 2 through 10 of this title, and if all or part of the lots do not meet the requirements for lot width and area as established by chapters 2 through 10 of this title, the lands involved shall be considered to be an undivided parcel for the purposes of this title, and no portion of said parcel shall be used or sold which does not meet lot width and area requirements established by chapters 2 through 10 of this title, nor shall any division of the parcel be made which leaves remaining any lot with width or area below the requirements stated in chapters 2 through 10 of this title. (Ord. #01-01, Feb. 2001)

14-208. Non-conforming uses of land.

(1) Where, at the effective date of adoption or amendment of chapters 2 through 10 of this title and except as otherwise set forth herein, lawful use of land exists that is made no longer permissible under the terms of chapters 2 through 10 of this title as enacted or amended, such use may be continued, so long as it remains otherwise lawful, provided that such use shall not be extended to adjoining property not in the same ownership as the parcel which contains the non-conforming use at the time said use becomes lawful.

(2) Where buildings and structures located on land are presently lawful in accordance with the yard, lot size, and building set-back requirements of chapters 2 through 10 of this title, but would be rendered unlawful due to alterations in rights of way for streets and alleys which are instituted by or expressly approved by the Town of Bruceton, whether by condemnation or

acceptance of right of way conveyance, the yard, lot size and building set-back requirements of chapters 2 through 10 of this title shall not be applied and enforced to prohibit or otherwise decree as unlawful such buildings and structures. Nothing herein shall be construed so as to permit any building or structure to be erected after such an alteration in violation of the provisions of chapters 2 through 10 of this title. (Ord. #01-01, Feb. 2001)

14-209. Non-conforming structures. Where a lawful structure exists at the effective date of adoption or amendment of chapters 2 through 10 of this title that could not be built under the terms of chapters 2 through 10 of this title by reason of restrictions on area, lot coverage, height, yards, or other characteristics of the structure or its location on the lot, such structure may be continued so long as it remains otherwise lawful. (Ord. #01-01, Feb. 2001)

14-210. Mobile homes and parks. The location of mobile homes and mobile home parks for dwelling purposes are prohibited in all zoning districts within the Town of Bruceton. All existing mobile home parks or lots upon which mobile homes presently exist may remain provided said park or lot does not remain vacant for more than 3 months. Should said lot or lot within a mobile home park remain vacant for 3 months without a mobile home on it, no new mobile home shall replace same unless of a model year manufactured in the year of or year preceding the calendar year in which the lot becomes vacant. Any mobile home will be anchored to the ground and underpinned. (Ord. #01-01, Feb. 2001)

14-211. Government; utility uses permitted. Uses conducted by the federal, state or local government shall be permitted in all districts, as well as all utility installations, structures, appurtenances intended to benefit existing or proposed uses within the Town of Bruceton. (Ord. #01-01, Feb. 2001)

14-212. Servicing, storage, repair, sales of motor vehicles, or salvage thereof. Notwithstanding the provisions of Section 14-208, the following limitations shall apply to structures and uses involving the servicing, storage, repair, sales, or salvaging of motor vehicles:

(1) No public street, parking area, sidewalk or way shall be used for the storage or parking of motor vehicles in connection with the activities of such establishments, except for normal parking by individual private owners or operators of such vehicles.

(2) No operation in connection with such establishments shall be carried on in a way which impedes free flow of vehicular or pedestrian traffic in normal courses on public ways.

(3) All motor vehicles being handled, stored or repaired by such establishments shall be maintained in such condition that they may be moved

under their own power at any time except such vehicles as may be under repair in garages or other buildings as provided in item (4), below.

(4) No repair of motor vehicles or parts thereof shall be made except within garages, service stations, body shops or other buildings used for such purposes.

(5) Any repair business that does not have adequate building space to store vehicles not presently being worked upon must have an area fenced with six foot fencing, such that said vehicles cannot be seen. Said fence shall be no closer than three (3) feet from the nearest street and shall be erected so as not to impede traffic.

(6) There shall be no salvage yards or operation of a salvage yard in Bruceton. Any vehicle kept by an owner for parts or to be later repaired must be in a building or behind a fence as in (5) above.

(7) Any nonconforming use pursuant to this section shall be brought into compliance within six (6) months of the effective date of the ordinance. (Ord. #01-01, Feb. 2001)

14-213. Schedule of district regulations adopted. District regulations shall be as set forth in the schedule of district regulations, hereby adopted by reference and declared to be part of chapters 2 through 10 of this title For the purpose of chapters 2 through 10 of this title and as shown on the official zoning map, Bruceton, Tennessee, is hereby divided into the following districts:

R-20 District - (Low Density Residential)

R-MF District - (Multi-family Residential)

B-1 District - (Neighborhood Business)

B-2 District - (Central Business)

B-3 District - (General Business)

M-1 District - (Industrial)

AE District – (Adult Entertainment) (Ord. #01-01, Feb. 2001)

CHAPTER 3

R-20 (LOW DENSITY RESIDENTIAL) DISTRICTS

SECTION

- 14-301. R-20 (Low Density Residential Districts).
- 14-302. Uses permitted.
- 14-303. Uses permissible by special exception.
- 14-304. Minimum lot requirements.
- 14-305. Yard requirements.
- 14-306. Maximum height.
- 14-307. Minimum off-street parking requirements.
- 14-308. Signs and billboards.

14-301. R-20 (Low Density Residential Districts). Within the R-20 districts as designated on the official zoning map, the following regulations shall apply. (Ord. #01-01, Feb. 2001)

- 14-302. Uses permitted.** Uses permitted shall include the following:
- (1) Single-family detached dwellings, excluding mobile homes.
 - (2) Private elementary and high schools having courses of study approximately the same as public elementary and high schools.
 - (3) Churches and other places of worship, including Sunday schools.
 - (4) Parks, playgrounds and play fields.
 - (5) Farms, nurseries, truck gardens, greenhouses and other customary agricultural uses and structures.
 - (6) The taking of boarders or renting of rooms by a resident family, provided that the total number of boarders and roomers does not exceed two.
 - (7) Private garages, tool sheds, and other accessory uses and structures customarily incidental to residential or other permitted uses when located on the same property with the following provisions:
 - (a) Except for attached private garages, all accessory buildings shall be located behind the main building and further provided that on no lot shall any structure be built closer than five (5) feet to any lot line.
 - (b) Customary home occupations, such as the offices of physicians, architects, or engineers, child care up to five children not related to the occupant of the home, tailor, beauty or barbershop limited to a maximum of two chairs, or artist's studios as well as similar uses as determined by the mayor, subject to appeal to the board of zoning appeals, are permitted provided that:
 - (i) Such occupation shall be carried on within the home;
 - (ii) Not more than two persons not a resident of the premises shall be employed;

(iii) Such occupation shall be clearly incidental and secondary to the use of the building for residential purposes and shall in no event constitute more than 25 % of the total floor area of the home;

(iv) The external appearance of the dwelling shall not be changed as a result of the conduct of the occupation, and there shall be no external evidence of such occupation on the buildings or grounds except that a small professional notice or sign, not exceeding ten square feet in area, may be mounted against the side of the dwelling and may not be illuminated. (Ord. #01-01, Feb. 2001)

14-303. Uses permissible by special exception. After public notice and hearing, submission and approval of a site plan and subject to appropriate conditions and safeguards, the board of zoning appeals may permit by special exception:

- (1) Golf courses,
- (2) Cemeteries,
- (3) Temporary structures and field offices, provided that such permit shall not be for a term of more than one year.
- (4) Private clubs, and lodges, excepting those which are open to the public at large for commercial purposes more than once per month, without adult entertainment.
- (5) Commercial kennels. (Ord. #01-01, Feb. 2001)

14-304. Minimum lot requirements. Minimum lot requirements shall be:

- (1) Lot area: 20,000 sq. ft. - dwellings.
- (2) Lot width: 120 ft.- dwellings.
- (3) Lot area: one acre - churches.
- (4) Lot area: five acres plus one acre for each 100 students - schools.
- (5) Lot area as determined by the board of zoning appeals - Special exception uses. (Ord. #01-01, Feb. 2001)

14-305. Yard requirements. Required front and side yards shall be free of accessory buildings. The following minimum yard dimensional requirements shall apply:

- (1) Front yard (dwellings) - 30 ft. measured from the right-of-way.
- (2) Front yard (other uses) - 40 ft. measured from the right-of-way or more, if required by the board of zoning appeals.
- (3) Rear yard (dwellings) - 20 ft.
- (4) Rear yard (other uses) - 30 ft. or more, if required by the board of zoning appeals.
- (5) Side yard (dwellings) - 12 ft.

(6) Side yard (other uses) - 30 ft. or more, if required by the board of zoning appeals. (Ord. #01-01, Feb. 2001)

14-306. Maximum height. Maximum height shall be:

(1) Residence: The greater of 35 feet or 2 stories.

(2) Other permitted structures: The lesser of 35 feet or 2 stories.

(Ord. #01-01, Feb. 2001)

14-307. Minimum off-street parking requirements. Minimum off-street parking requirements shall be as follows:

(1) Dwellings: Two off-street parking spaces for each dwelling unit.

(2) Schools: One off-street parking space for each staff member, plus one off-street parking space for each ten (10) fixed seats in auditoriums or for each 100 square feet of floor space in assembly rooms with movable seats.

(3) Churches, Sunday schools: One off-street parking space for each five (5) fixed seats or for each 50 square feet in assembly rooms with movable seats.

(4) Public and private non-residential buildings: One off-street parking space for each regular employee plus adequate parking space for public use or for private use based on membership as determined by the mayor. (Ord. #01-01, Feb. 2001)

14-308. Signs and billboards. No signs, billboards, posters, bulletin boards or other similar matter shall be permitted except as follows:

(1) Announcements and professional signs as provided for in connection with home occupations.

(2) Only one sign, not exceeding 10 square feet in area to advertise the premises on which such sign is displayed for sale, rent or lease, provided that such sign shall not be placed closer than ten (10) feet to any property line.

(3) One bulletin board, not to exceed 100 square feet in area, may be erected by any church.

(4) Official public notices may be erected at appropriate locations on property affected. (Ord. #01-01, Feb. 2001)

CHAPTER 4

R-MF (MULTI-FAMILY) DISTRICTS

SECTION

- 14-401. R-MF Multi-family Districts.
- 14-402. Uses permitted.
- 14-403. Uses permissible by special exception.
- 14-404. Minimum lot requirements.
- 14-405. Maximum height.
- 14-406. Minimum off-street parking requirements.
- 14-407. Signs and billboards.
- 14-408. Supplemental regulations.

14-401. R-MF Multi-family Districts. Within the R-MF Districts as designated on the official zoning map, the following regulations shall apply. (Ord. #01-01, Feb. 2001)

14-402. Uses permitted. Any structure or use permitted in R-20 districts shall be permitted, and in addition the following uses shall be permitted:

- (1) Two-family dwellings.
- (2) Townhouses.
- (3) Tourist homes, not exceeding the use of three bedrooms and a total of nine guests for that purpose.
- (4) Any accessory use or building customarily incidental to the above permitted uses. (Ord. #01-01, Feb. 2001)

14-403. Uses permissible by Special Exception. After public notice and hearing, and submission and approval of a site plan and subject to appropriate conditions and safeguards, the board of zoning appeals may permit:

- (1) Multi-family apartment dwellings or any multifamily dwelling exceeding seven units per acre, but not to exceed 16 units per acre and subject to the minimum conditions set forth in this chapter.
- (2) Uses permitted by special exception in the R-20 district.
- (3) Single family uses, subject to the same regulations and standards set forth in the R-20 district, except that the minimum lot area shall be 12,000 square feet, and required yard dimensions may be proportionally reduced. (Ord. #01-01, Feb. 2001)

14-404. Minimum lot requirements. Minimum lot requirements shall be:

- (1) Lot area: 5,000 square feet per unit - two family dwellings.

- (2) Lot width: 40 feet per unit- two family dwellings.
- (3) Lot area: 3,500 square feet per unit- town house dwellings.
- (4) Lot width: 25 square feet per unit- town house dwellings.
- (5) Lot area: One acre - multi-family apartments. (Ord. #01-01, Feb. 2001)

14-405. Maximum height. Maximum height shall be as follows:

- (1) Residences, permitted: same as for the R-20 district.
 - (2) Other permitted uses: same as for the R-20 district.
 - (3) Residences, special exception: the greater of 35 ft. or two stories.
- (Ord. #01-01, Feb. 2001)

14-406. Minimum off-street parking requirements. Minimum off-street parking requirements shall be as follows:

- (1) Two family dwellings: same as for the R-20 district.
- (2) Town houses: 2.5 parking spaces for each dwelling unit.
- (3) Multi-family apartments: 1.5 spaces for each two bedroom unit and two spaces for each three bedroom or greater units. (Ord. #01-01, Feb. 2001)

14-407. Signs and billboards. Regulations concerning signs and billboards for this district shall be the same as for the R-20 district, and in addition, not more than two signs with a total area of not more than six square feet for any one establishment may be placed, indicating the name and nature of the establishment and the kind of accommodations offered. Such sign may be mounted on the front or side of establishment, or in front or side yards, provided that no sign shall be placed closer than ten feet to any property line. (Ord. #01-01, Feb. 2001)

14-408. Supplemental Regulations. In addition to all other regulations and general provisions of this title which apply to this district the following supplemental regulations shall also govern the designated uses:

- (1) Dwellings, two family - Exterior front elevations shall be a minimum 50% masonry, metal or stucco type material.
- (2) Dwellings, townhouse - No more than eight units shall be connected via a common firewall and all units shall have a front and rear yard with first floor access from both. Exterior architectural details shall vary by unit and no more than two connecting roof elevations shall be of the same height or design. Developments shall set aside a minimum of 0 .5 acre of improved common land for active and passive recreation available to all apartment residents and open space purposes for each 48 units. Front elevation materials shall be a minimum 50% masonry, metal or stucco type material. Off street parking shall be adequately landscaped as determined by the mayor or his designee.

(3) Multi-family apartments approved by special exception - In addition to any conditions or requirements imposed by the board of zoning appeals, no more than 16 units per acre shall be permitted. A minimum of 0.5 acre of improved common land for active and passive recreation available to all apartment residents shall be provided for the first 16 units with an additional 0.5 acre for each additional 32 units. At least one half of the building exterior shall be of masonry, metal or stucco. No more than 32 units per building shall be permitted. Off street parking areas and common grounds shall be adequately landscaped in accordance with the site plan approved by the board of zoning appeals. Buffer and screened areas adjacent to any land used or zoned for single family residential purposes shall also be provided to the satisfaction of the board of zoning appeals. (Ord. #01-01, Feb. 2001)

CHAPTER 5

B-1 (NEIGHBORHOOD BUSINESS) DISTRICT

SECTION

- 14-501. B-1 (Neighborhood Business) District.
- 14-502. Uses permitted.
- 14-503. Uses permissible by special exception.
- 14-504. Minimum lot requirements.
- 14-505. Minimum yard requirements.
- 14-506. Maximum height.
- 14-507. Minimum off-street parking and off-street loading.
- 14-508. Signs.

14-501. B-1 (Neighborhood Business) District. Within the B-1 District as designated on the official zoning map, the regulations of this chapter shall apply. (Ord. #01-01, Feb. 2001)

14-502. Uses permitted. The following uses shall be permitted:

- (1) Neighborhood retail stores and markets, including the following types of stores: food; package beer; general merchandise; apparel; furniture; household and hardware; radio and television; drug and sundries; jewelry and gifts; florists; sporting goods; and similar uses.
- (2) Neighborhood services including the following: barber and beauty shops; shoe repair; eating and drinking establishments, private clubs and lodges and similar uses, all without adult entertainment.
- (3) Professional offices, financial institutions, vegetarians, and medical clinics.
- (4) Any accessory use or building customarily incidental to the above permitted uses.
- (5) Car Washes and Service stations for automobiles, provided there is no major automobile repair.
- (6) Self-service laundry and dry cleaning establishments.
- (7) Residential use incidental to any lawful commercial use.
- (8) Childcare centers.
- (9) Churches or other places of worship.
- (10) Private Schools. (Ord. #01-01, Feb. 2001)

14-503. Uses permissible by special exception. Upon application and following public notice and hearing, subject to appropriate safeguards and conditions and submittal and approval of a site plan, the board of zoning appeals may permit the following uses:

- (1) Light industry, permitted in the M-1 zoning district, where the proposed use, in the opinion of the board of zoning appeals, will not be

detrimental to the area in which it is located. In determining the suitability of the proposed use, the board of zoning appeals may study the particular nature of the use with regard to parking, emergency services, employment, environmental conditions such as noise, smoke, gas, vibrations, fumes, dust or other objectionable conditions, storage of combustible materials and such other factors as may, under the circumstances, be pertinent to whether the proposed use is compatible with the surrounding area. Any such light industry permitted shall be subject to the minimum requirements of the M-1 zoning district and such other conditions imposed by the board of zoning appeals to ensure these uses are compatible with the B-1 zoning district.

(2) New and used automobile and truck sales. (Ord. #01-01, Feb. 2001)

14-504. Minimum lot requirements. It is the intent of this title that lots of sufficient area and width be required for any business or service use to provide adequate parking and loading space in addition to the space required for the normal operations of the business or service, as determined by the mayor and subject to appeal to the board of zoning appeals. (Ord. #01-01, Feb. 2001)

14-505. Minimum yard requirements. Minimum yard requirements shall be:

(1) Front: 20 feet.

(2) Rear: 20 feet.

(3) Side: None, except wherever this district adjoins a residential district or use without an intervening street or alley, a screened buffer strip of 20 ft. shall be provided on the side adjoining the residential district. (Ord. #01-01, Feb. 2001)

14-506. Maximum height. Maximum height shall be 35 feet or 2 stories which ever is greater. (Ord. #01-01, Feb. 2001)

14-507. Minimum off-street parking and off-street loading. Minimum off-street parking and off-street loading requirements shall be as follows:

(1) Restaurants: one off-street parking space per 100 square feet of gross floor area.

(2) Commercial and personal services, offices: one off-street parking space per 200 square feet of gross floor area. Adequate off-street loading space shall be provided so that no part of any commercial vehicle shall encroach upon any street, alley, sidewalk, or public way during loading, unloading, or servicing operations. (Ord. #01-01, Feb. 2001)

14-508. Signs. Signs are permitted subject to the following limitations:

(1) All signs except those erected by governmental agencies shall be erected on private property and shall not encroach upon or over any public

street, walk, alley or way. Provided that such signs when approved by the town may be erected to overhang a public walk at a height not less than nine feet.

(2) No red, blue or green illumination in connection with any sign or means of attracting attention to any establishment shall be so located as to create the possibility of confusion with any traffic signal, and the chief of police shall be consulted in any case where a question of this kind arises before any permit for the erection of such sign or illumination shall be granted. (Ord. #01-01, Feb. 2001)

CHAPTER 6

B-2 CENTRAL BUSINESS DISTRICT

SECTION

- 14-601. B-2 Central Business District.
- 14-602. Uses permitted.
- 14-603. Uses permissible by special exception.
- 14-604. Minimum lot requirements.
- 14-605. Maximum height.
- 14-606. Signs.

14-601. B-2 Central Business District. Within the B-2 (Central Business) District as designated on the official zoning map, the regulations of this chapter shall apply. (Ord. #01-01, Feb. 2001)

14-602. Uses permitted. Any structure or use permitted in B-1 District (except for gasoline service stations, car washes and child care centers) shall be permitted and in addition:

- (1) Hotels, motels, and tourist homes.
- (2) Recreational structures and uses, including theaters, billiard rooms, and auditoriums.
- (3) Business or commercial schools.
- (4) Bus stations.
- (5) Mortuaries and Funeral Homes.
- (6) Customary accessory uses and structures. (Ord.#01-01, Feb. 2001)

14-603. Uses permissible by Special Exception. After public notice and hearing, submittal and approval of a site plan and subject to appropriate safeguards and conditions, the board of zoning appeals may permit child care centers and new and used automobile dealers. In addition, new construction or conversion of an existing building to multi-family residential/apartment uses or mixed business -multi-family residential uses may be permitted.

When reviewing applications for such residential uses, the board of zoning appeals shall consider the overall effect of the proposal to the area and surrounding properties so that there will not be a detrimental effect to the stability and viability of the business district.

In determining the effect of the proposal to the area, the board of zoning appeals shall consider at a minimum the number of units proposed, availability of off-street parking, provisions for solid waste storage, availability of utilities, compatibility with adjacent uses and the town's capacity to respond effectively to emergencies.

In addition, the following conditions must also be met:

- (1) Floor plans must be submitted to the board of zoning appeals.

(2) Off-street parking must be provided at a ratio of 1 space per unit, located within a reasonable walking distance, and designed so that no vehicle is required to back onto a public thoroughfare. Shared parking, with existing commercial uses may be considered.

(3) A minimum square footage per dwelling unit of 500 square feet for a one-bedroom unit, 675 square feet for a two-bedroom unit, and 900 square feet for a three-bedroom unit must be provided. (Ord. #01-01, Feb. 2001)

14-604. Minimum lot requirements. The intent of this chapter is to require lots of sufficient area and width for any business or service use to provide adequate parking (in conjunction with on street parking and any public parking facilities) and loading space in addition to the space required for the normal operations of the business or service, as determined by the mayor, and subject to appeal to the board of zoning appeals. There are no minimum yard requirements. (Ord. #01-01, Feb. 2001)

14-605. Maximum height. Maximum height shall be the greater of 35 ft. or 2 stories. (Ord. #01-01, Feb. 2001)

14-606. Signs. Regulations regarding signs shall be the same as for the B-1 district, except that projecting signs which do not interfere with pedestrian access may encroach on public right-of way, subject to written approval of the mayor. (Ord. #01-01, Feb. 2001)

CHAPTER 7

B-3 GENERAL BUSINESS DISTRICT

SECTION

- 14-701. B-3 General Business District.
- 14-702. Uses permitted.
- 14-703. Uses permissible by special exception.
- 14-704. Minimum lot requirements.
- 14-705. Minimum yard requirements.
- 14-706. Maximum height.
- 14-707. Minimum off-street parking and off-street loading requirements.
- 14-708. Signs.

14-701. B-3 General Business District. Within the B-3 district as designated on the official zoning map, the regulations of this chapter shall apply. (Ord. #01-01, Feb. 2001)

14-702. Uses permitted. Any structure or use permitted in the B-2 district shall be permitted, and in addition:

- (1) Service stations and car washes.
- (2) Stores specializing in second-hand merchandise.
- (3) Storage warehouses including self-storage.
- (4) New and/or used automobile/truck sales.
- (5) Child care centers.
- (6) Automobile repair, where any outside storage of vehicles is properly screened from adjacent uses and the public right-of-way.
- (7) Retail sales of building materials and supplies, including outdoor storage.
- (8) Retail sales of farm supplies including feeds, fertilizers, farm equipment, and similar products normally associated with the farm supply business. (Ord. #01-01, Feb. 2001)

14-703. Uses permissible by special exception. After public notice and hearing, submittal and approval of a site plan and subject to appropriate conditions and safeguards, the board of zoning appeals may permit:

- (1) Light industry permitted in the M-1 zoning district under the same conditions and criteria set forth for light industry special exceptions in the B-1 zoning district.
- (2) Mobile home sales. (Ord. #01-01, Feb. 2001)

14-704. Minimum lot requirements. Minimum lot requirements shall be the same as for the B-1 district. (Ord. #01-01, Feb. 2001)

14-705. Minimum yard requirements. Minimum yard requirements shall be:

- (1) Front: 20 feet.
- (2) Rear: 20 feet.
- (3) Side: 20 feet required except whenever a lot in this district adjoins a residential district or use without an intervening street or alley, a screen acceptable to the mayor shall be provided within the required side yard.(Ord. #01-01, Feb. 2001)

14-706. Maximum height. Maximum height shall be the greater of 35 feet or 2 stories. (Ord. #01-01, Feb. 2001)

14-707. Minimum off-street parking and off-street loading requirements. Regulations regarding parking and off-street loading shall be the same as for the B-1 zoning district. (Ord. #01-01, Feb. 2001)

14-708. Signs. Regulations regarding signs and billboards shall be the same as for B-1 zoning district. (Ord. #01-01, Feb. 2001)

CHAPTER 8

M-I (INDUSTRIAL) DISTRICT

SECTION

14-801. M-I (Industrial) District.

14-802. Uses permitted.

14-803. Yards, street access and frontage, lot coverage, off-street parking requirements

14-804. Maximum height.

14-805. Signs and billboards.

14-801. M-I (Industrial) District. Within the M-1 district as designated on the official zoning map, the regulations of this chapter shall apply. (Ord. #01-01, Feb. 2001)

14-802. Uses permitted. Any use permitted in the B-3 district except child care centers shall be permitted and in addition:

(1) Services: animal hospital, medical clinics, truck terminals, printing, pest exterminators, sign fabrication, upholstery repair, sheet metal shops.

(2) Manufacturing, processing or fabrication: canned or preserved fruits or vegetables, other food processing, bakery, bottling plants, apparel and other finished products made of fabrics, cotton gin, drug manufacturing, glass products, assembly of various products, and jewelry and plated ware and similar uses as determined by the mayor and subject to appeal before the board of zoning appeals.

(3) Research and development and laboratories.

(4) Accessory uses customarily incidental to any aforementioned permitted use. (Ord. #01-01, Feb. 2001)

14-803. Yards, street access and frontage, lot coverage, off-street parking requirements.

(1) No principal or accessory building above grade shall be located less than 200 feet from the boundary of any residential zone or use, unless a year around screen is provided satisfactory to the mayor.

(2) No parking area, loading or maneuvering area shall be located less than 100 feet from the boundary of any residential zone or use, unless a year around screen is provided satisfactory to the mayor.

(3) No principal or accessory building, parking or maneuvering area shall be located less than 50 feet from the street right of way.

(4) Not more than sixty percent of the area of the lot may be covered by buildings, including accessory buildings.

(5) Off-street parking for uses specifically mentioned in this chapter shall be provided at a minimum of one parking space for each one and one-half employees, or one for each two employees on combined major and second shifts, and in addition one visitor parking space for every 20 employees, except that the mayor may grant fewer visitor parking spaces if he finds that a fewer number will be sufficient for the operation anticipated. Off street parking for uses permitted in other districts as well as the M-1 district shall follow the parking requirements of the district in which it is first mentioned. (Ord. #01-01, Feb. 2001)

14-804. Maximum height. Maximum height shall be the lesser of 35 feet or 2 stories. (Ord. #01-01, Feb. 2001)

14-805. Signs and billboards. Requirements for signs shall be the same as for the B-3 zoning district. (Ord. #01-01, Feb. 2001)

CHAPTER 9

AE ADULT ENTERTAINMENT DISTRICT

SECTION

14-901. Adult entertainment district.

14-902. Uses permitted.

14-903. Minimum lot requirements.

14-904. Minimum yard requirements, maximum height, parking and signage.

14-901. Adult Entertainment District. Within the AE district as designated on the official zoning map, the regulations of this chapter shall apply. (Ord. #01-01, Feb. 2001)

14-902. Uses permitted. Any structure or use permitted in the B-3 District (except schools, child care centers, mortuaries and funeral homes and churches) as well as adult sexually oriented businesses as that term is defined by this ordinance and other provisions of the Bruceton Municipal Code, all without the use or consumption of alcohol. (Ord. #01-01, Feb. 2001)

14-903. Minimum lot requirements. Minimum lot requirements shall be the same as for the B-1 district. (Ord. #01-01, Feb. 2001)

14-904. Minimum yard requirements, maximum height, parking and signage. Requirements are the same as for the M-1 district, except as to off street parking which shall be provided at a minimum of one space per employee and in addition a minimum of one visitor spot for every employee. (Ord. #01-01, Feb. 2001)

CHAPTER 10

ADMINISTRATION AND ENFORCEMENT

14-1001. Administration and enforcement. The mayor shall administer and enforce this title. He may be provided with the assistance of such other persons as the board of mayor and aldermen may authorize in the annual budget.

If the mayor shall find that any of the provisions of this title are being violated, he shall notify in writing the person responsible for such violation, indicating the nature of the violation and ordering the action necessary to correct it. He shall order discontinuance of illegal use of land, buildings, or structures; removal of illegal buildings or structures or of additions, alterations, or structural changes thereto; discontinuance of any illegal work being done; or shall take any other action authorized by this title to insure compliance with or to prevent violation of its provisions. Nothing herein shall be construed as to prohibit or limit the mayor from first seeking voluntary compliance with this title. (Ord. #01-01, Feb. 2001)

14-1002. Zoning permits required. No building or other structure shall be erected, or enlarged without a zoning permit therefor, issued by the mayor to verify that the proposed work is in compliance with this title. (Ord. #01-01, Feb. 2001)

14-1003. Application for zoning permit. All applications for zoning permits shall be accompanied by plans in duplicate, showing the actual dimensions and shape of the lot to be built upon; the exact size and locations on the lot of buildings already existing, if any; and the locations and dimensions of the proposed building or alteration. The application shall include such other information as lawfully may be required by the mayor, including existing or proposed uses of the building and land; the number of families, housekeeping units, or rental units the building is designed to accommodate; conditions existing on the lot; and such other matters as may be necessary to determined conformance with, and provide for the enforcement of this title.

The mayor shall return one copy of the plans to the applicant after he shall have marked such copy either as approved or disapproved and attested to same by his signature on such copy within five (5) business days of such submission. If disapproved the mayor shall detail the reasons for denial. The second copy of the plans, similarly marked, shall be retained by the codes enforcement officer. (Ord. #01-01, Feb. 2001)

14-1004. Site plan regulations. It is the general purpose and intent of this section to require site plans for all new developments or redevelopments

of commercial, industrial, and multi-family (exceeding 7 units per acre) residential uses to provide for a lessening of traffic congestion and for securing adequate light, air, and aesthetic conditions for residents of the town. These plans shall be approved by the mayor prior to the issuance of a zoning permit. Site plans for small additions to existing buildings shall be exempt from review when, in the opinion of the mayor, the addition will not adversely affect the general purpose and intent of these regulations. The site plan shall be prepared by a licensed engineer, architect, landscape architect, or surveyor and include the following information unless waived by the mayor as unnecessary to ensure the compliance of the proposed project with this title:

- (1) Topography of existing and finished grades at two (2) foot intervals.
- (2) Location of areas as defined by the codes enforcement officer that are subject to flooding. Site plan shall include a storm water drainage plan.
- (3) Location of existing buildings, streets, sidewalks, easements and rights-of-way, and covenants.
- (4) Include a plan for vehicular and pedestrian circulation.
- (5) Location of all structures including signs. Sign details shall include elevation drawings.
- (6) Utility plans for water, sewer, and power. Power service connections shall be located at the rear of the structure or structures, where feasible.
- (7) Plans for landscaping, screening, open space and ingress-egress points. If applicable, the landscaping plan shall include design details for off-street parking areas with the following information:
 - (a) Street frontage.
 - (b) Interior landscaping.
 - (c) Perimeter landscaping.
 - (d) The parking spaces shall be designed and constructed in a manner that will prevent damage to the landscaping by vehicles or pedestrian traffic.
 - (e) The plan shall contain a description of any plants and material proposed for use.
 - (f) The landscaping shall be permanently maintained.
 - (g) A plan for frontage or parallel access street, if applicable.
- (8) General requirements of a north arrow, a scale of not less than 1"=20 feet, a location map, acreage of site, location of solid waste collection points, and any other information deemed pertinent by the mayor. (Ord. #01-01, Feb. 2001)

14-1005. Certificates of zoning compliance for new or changed uses. It shall be unlawful to use or occupy or permit the use or occupancy of any commercial building or premises, or both, or part thereof hereafter created, erected, changed, converted, or wholly or partly altered in its use until a certificate of zoning compliance shall have been issued therefor by the mayor

stating that the proposed use of the building or land conforms to the requirements of this title.

The mayor shall maintain a record of all certificates of zoning compliance, and copies shall be furnished upon request to any person.

Failure to obtain a certificate of zoning compliance shall be a violation of this chapter and punishable under the general penalty clause for this code. (Ord. #01-01, Feb. 2001)

14-1006. Expiration of zoning permit. If the work described in any zoning permit has not been substantially completed within two years of the date of issuance thereof, said permit shall expire and be canceled by the mayor, and written notice thereof shall be given to the persons affected, together with notice that further work as described in the canceled permit shall not proceed unless and until a new building permit has been obtained. (Ord. #01-01, Feb. 2001)

14-1007. Fees, charges, and expenses. Regulations concerning fees in connection with zoning permits, certificates of zoning compliance, application for zoning map amendment and any application before the board of zoning appeals shall be established from time to time by the board of mayor and aldermen by resolution and posted in the office of the city recorder. Fees must be paid in full before any of the aforementioned applications may be processed. (Ord. #01-01, Feb. 2001)

14-1008. Amendments. The regulations, restrictions and boundaries set forth in chapters 2 through 10 of this title may from time to time be amended, supplemented or changed; provided, however, that no such action may be taken until each proposed change be first submitted to and approved by the planning commission, or if disapproved, shall receive the favorable vote of a majority of the entire membership of the board of mayor and aldermen. If the planning commission neither approves or disapproves such proposed amendment within sixty days after such submission, the action on such amendment by said commission shall be deemed approval. Before enacting any amendment, the board of mayor and aldermen shall hold a public hearing thereon, at least fifteen days notice of the time and place of which shall be published in a newspaper of general circulation in the Town of Bruceton.

Amendments to the zoning map may also be proposed by the owner of property to be affected. The agent or option holder with signature from the current owner may alternatively file. No such action shall be initiated affecting the same parcel at less than twelve month intervals.

Each such application shall be accompanied by the following:

- (1) A plat prepared by a competent professional showing in accurate dimensions all property lines, adjoining streets and location of all structures.
- (2) Other pertinent information requested by the planning commission or board of mayor and aldermen. (Ord. #01-01, Feb. 2001)

14-1009. Violations and penalties. Violation of the provisions of this title or failure to comply with any of its requirements shall constitute a misdemeanor. Any person who violates this title or fails to comply with any of its requirements, shall upon conviction thereof be punished in accordance with the general penalty clause for this code. (Ord. #01-01, Feb. 2001)

CHAPTER 11

BOARD OF ZONING APPEALS

SECTION

- 14-1101. Board of zoning appeals; composition, terms, removal, and filling vacancies.
- 14-1102. Proceedings of the board of zoning appeals.
- 14-1103. Appeals; hearing and notice.
- 14-1104. Appeal stays proceedings.
- 14-1105. Powers and duties of the board of zoning appeals.
- 14-1106. Decisions of the board of zoning appeals.
- 14-1107. Appeals.
- 14-1108. Duties of mayor and board of zoning appeals.

14-1101. Board of zoning appeals; composition, terms, removal, and filling vacancies. A board of zoning appeals is hereby established, which shall consist of five members serving staggered terms, to be appointed by the board of mayor and aldermen. The term of membership shall be three years, except that the initial individual appointments to the board shall be one member for one year, two members for two years, and two members for three years. Members of the board of zoning appeals may be removed from office by the board of mayor and aldermen for cause upon written charges and after public hearing. Vacancies shall be filled by resolution of the board of mayor and aldermen for the unexpired term of the member affected. (Ord. #01-01, Feb. 2001)

14-1102. Proceedings of the board of zoning appeals. The board of zoning appeals shall adopt rules necessary to the conduct of its affairs, and in keeping with the provisions of this title. Meetings shall be held at the call of the chairman and at such other times as the board may determine. The chairman, or in his absence the acting chairman, may administer oaths and compel the attendance of witnesses. All meetings shall be open to the public.

The board of zoning appeals 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, and shall keep records of its examinations and other official actions, all of which shall be a public record and be immediately filed in the office of the board. (Ord. #01-01, Feb. 2001)

14-1103. Appeals; hearing and notice. Appeals to the board of zoning appeals concerning interpretation or administration of this title may be taken by any person aggrieved. Such appeals shall be taken within a reasonable time, not to exceed 60 days or such lesser period as may be provided by the rules of the board, by filing with the mayor and with the board of zoning appeals a notice

of appeal specifying the grounds thereof. The mayor shall forthwith transmit to the board all papers constituting the record upon which the action appealed from was taken.

The board of zoning appeals shall fix a reasonable time for the hearing of appeal, give public notice thereof as well as due notice to the parties in interest, and decide the same within a reasonable time. At the hearing, any party may appear in person or by agent or attorney. (Ord. #01-01, Feb. 2001)

14-1104. Appeal stays proceedings. An appeal stays all proceedings in furtherance of the action appealed from unless the mayor certifies to the board of zoning appeals after the notice of appeal is filed with him, that by reason of facts stated in said certificate, a stay would, in his opinion, cause imminent peril to life and property. In such case proceedings shall not be stayed other than by a restraining order which may be granted by a court of record. (Ord. #01-01, Feb. 2001)

14-1105. Powers and duties of the board of zoning appeals. The board of zoning appeals shall have the following powers and duties:

(1) Administrative review. To hear and decide appeals where it is alleged there is error in any order, requirement, decision, or determination made by the mayor or his designee in the interpretation or enforcement of this title.

(2) Special exceptions; conditions governing applications; procedures. To hear and decide only such special exceptions as the board of zoning appeals is specifically authorized to pass on by the terms of this title; to decide such questions as are involved in determining whether special exceptions should be granted; and to grant special exceptions with such conditions and safeguards as are appropriate under this title, or to deny special exceptions when not in harmony with the purpose and intent of this title. A special exception shall not be granted by the board of zoning appeals unless and until:

(a) A written application for a special exception is submitted indicating the section of this title under which the special exception is sought and stating the grounds on which it is requested;

(b) Notice shall be given at least fifteen days in advance of public hearing. The owner of the property for which special exception is sought or his agent shall be notified by mail. Notice of such hearings shall be posted on the property for which special exception is sought, at the town hall, and in one other public place at least fifteen days prior to the public hearing;

(c) The public hearing shall be held. Any party may appear in person or by agent or attorney;

(d) The board of zoning appeals shall make a finding that it is empowered under the section of this title described in the application to

grant the special exception, and that the granting of the special exception will not adversely affect the public interest.

In granting any special exception, the board of zoning appeals may prescribe appropriate conditions and safeguards in conformity with this title. Violation of such conditions and safeguards, when made a part of the terms under which the special exception is granted, shall be deemed a violation of this title. The board of zoning appeals shall prescribe a time limit within which any action which conditions the granting of the special exception shall be performed. Failure to begin or complete, or both, such action within the time limit set shall void the special exception.

(3) Variances; conditions governing applications; procedures. To authorize upon appeal in specific cases such variance from the terms of this title as will not be contrary to the public interest where, owing to special conditions, a literal enforcement of the provisions of this title would result in unnecessary hardship. A variance from the terms this title shall not be granted by the board of zoning appeals unless and until:

(a) A written application for a variance is submitted demonstrating:

(i) That special conditions and circumstances exist which are peculiar to the land, structure, or building involved and which are not applicable to the other lands, structures, or buildings in the same district;

(ii) That literal interpretation of the provisions of this title would deprive the applicant of rights commonly enjoyed by other properties in the same district under the terms of this title;

(iii) That the special conditions and circumstances do not result from the actions of the applicant;

(iv) That granting the variance requested will not confer on the applicant any special privilege that is denied by this title to other lands, structures, or buildings in the same district, and no permitted use of lands, structures, or buildings in other districts shall be considered grounds for the issuance of a variance.

(b) Notice of public hearing shall be given following the same requirements of those attached to public hearings for special exceptions.

(c) The public hearing shall be held. Any party may appear in person or by agent or by attorney.

(d) The board of zoning appeals shall make findings that the requirements of this chapter have been met by the applicant for a variance.

(e) The board of zoning appeals shall further make a finding that the reasons set forth in the application justify the granting of the variance, and that the variance is the minimum variance that will make possible the reasonable use of the land, building, or structure.

(f) The board of zoning appeals shall further make a finding that the granting of the variance will be in harmony with the general purpose and intent of this title, and will not be injurious to the neighborhood, or otherwise detrimental to the public welfare.

In granting any variance, the board of zoning appeals may prescribe appropriate conditions and safeguards in conformity with this title. Violation of such conditions and safeguards, when made a part of the terms under which the variance is granted, shall be deemed a violation of this title and punishable under the general penalty clause for this code.

Under no circumstances shall the board of zoning appeals grant a variance to allow a use not permissible under the terms of this title in the district involved. (Ord. #01-01, Feb. 2001)

14-1106. Decisions of the board of zoning appeals. In exercising the above mentioned powers, the board of zoning appeals may, so long as such action is in conformity with the terms of this title, reverse or affirm wholly or partly, or may modify the order, requirement, decision, or determination appealed from and may make such order, requirement, decision, or determination as ought to be made, and to that end shall have powers of the administrative official from whom the appeal is taken.

The concurring vote of three members of the board shall be necessary to reverse any order, requirement, decision, or determination of the codes enforcement officer, or to decide in favor of the applicant on any matter upon which it is required to pass under this title, or to effect any variation in the application of chapters 2 through 10 of this title. (Ord. #01-01, Feb. 2001)

14-1107. Appeals. Any person or persons, or any board, taxpayer, department, board or bureau of the town aggrieved by any decision of the board of zoning appeals may seek review by a court of record of such decision, in the manner provided by the laws of the State of Tennessee. (Ord. #01-01, Feb. 2001)

14-1108. Duties of mayor and board of zoning appeals. It is the intent of chapters 2 through 10 of this title that all questions arising in connection with the enforcement or interpretation of this title (except as otherwise expressly provided herein) shall be first presented to the mayor, and that such questions shall be presented to the board of zoning appeals only on appeal from the mayor, and that from the decisions of the board of zoning appeals, recourse shall be to the courts as provided by law. (Ord. #01-01, Feb. 2001)

CHAPTER 12

TRAILER COACH PARKS

SECTION

- 14-1201. Definitions.
- 14-1202. License required.
- 14-1203. License fees.
- 14-1204. Application.
- 14-1205. Trailer coach park plan.
- 14-1206. Location.
- 14-1207. Water supply.
- 14-1208. Sanitation facilities.
- 14-1209. Laundry facilities.
- 14-1210. Sewage and refuse disposal.
- 14-1211. Garbage receptacles.
- 14-1212. Fire prevention.
- 14-1213. Animals and pets.
- 14-1214. Register of occupants.
- 14-1215. Revocation of license.
- 14-1216. Posting of license.

14-1201. Definitions. The following words as used in this chapter shall have the definitions ascribed to them here:

(1) "Multiple dwellings" means any structure designated and intended to accommodate more than one family and shall include but is not limited to duplex buildings, group houses, and apartment buildings.

(2) "Natural or artificial barrier" means any river, pond, canal, railroad, levee, embankment, fence, or hedge.

(3) "Park" means trailer coach park.

(4) "Person" means any natural individual, firm, trust, partnership, association, or corporation.

(5) "Trailer coach" means any portable structure or vehicle so constructed and designed as to permit occupancy thereof for dwelling or sleeping purposes.

(6) "Trailer coach park" means any plot of ground upon which one or more trailer coaches, occupied or unoccupied for dwelling or sleeping purposes, are located, regardless or whether or not a charge is made for such accommodation.

(7) "Trailer coach" space means a plot of ground within a trailer coach park.

(8) "Dependent trailer coach" means a trailer coach which does not have a toilet and a bath or shower.

(9) "Independent trailer coach" means a trailer coach that has a toilet and a bath or shower.

(10) "Dependent trailer coach space" means a trailer coach space which is designated to accommodate a dependent trailer coach and does not have sewer and water connections to accommodate a toilet and bath or shower in a trailer coach.

(11) "Independent trailer coach space" means a trailer coach space which has a sewer and water connections designated to accommodate the toilet and bath or shower contained in an independent trailer coach. (1982 Code, § 5-601)

14-1202. License required. It shall be unlawful for any person to maintain or operate within the corporate limits of the town any trailer coach park unless such person shall first obtain a license therefor. All trailer coach parks in existence upon the effective date of the provisions of this chapter shall within 90 days thereafter obtain such license.

Until full compliance therewith, no existing park is to (1) offer any additional trailer space or allow any other trailers within the existing park beyond the number located therein on the effective date of the provisions of this chapter or (2) replace or allow to be replaced any trailer within the existing park that is for any reason, either temporarily or permanently, removed, destroyed, or otherwise disposed of. (1982 Code, § 5-602)

14-1203. License fees. The annual license fee for each trailer coach park shall be \$50.00. The fee for the transfer of the license as provided in this chapter shall be \$5.00. (1982 Code, § 5-603)

14-1204. Application. Application for a trailer coach park license shall be filed with and issued by the recorder. Applications shall be in writing signed by the applicant and shall contain the following:

(1) The name and address of the applicant.
(2) The location and legal description of the trailer coach park.
(3) A complete plan of the park showing compliance with § 14-1205 of this chapter.

(4) Plans and specifications of all buildings and other improvements constructed or to be constructed within the trailer coach park.

(5) Such further information as may be requested by the Town of Bruceton to enable it to determine if the proposed park will comply with legal requirements.

The applications and all accompanying plans and specifications shall be filed in triplicate. The city recorder and chief of police shall investigate the applicant and inspect the proposed plans and specifications. If the applicant is found to be of good moral character, and the proposed trailer coach park will be in compliance with all provisions of this chapter and all other applicable

ordinances or statutes, the recorder shall approve the application and upon completion of the park according to the plans shall issue the license.

Upon application for a transfer of the license, the recorder shall issue a transfer if the chief of police shall report that the transferee is of good moral character. (1982 Code, § 5-604)

14-1205. Trailer coach park plan. The trailer coach park shall conform to the following requirements:

(1) The park shall be located on a well-drained site, properly graded to insure rapid drainage and freedom from stagnant pools of water.

(2) Trailer coach spaces shall be provided consisting of a minimum of 1,000 square feet for each space which shall be at least 25 feet wide and clearly defined. Trailer coaches shall be so harbored on each space that there shall be at least 15 feet clearance between trailer coaches. No trailer coach shall be located closer than 10 feet from any property line bounding the park.

(3) All trailer coach spaces shall abut upon a driveway of not less than 20 feet in width which shall have unobstructed access to a public street, alley, or highway. All driveways shall be hard, chipped, and oil surfaced, well marked in the daytime and lighted at night with 25 watt lamps at intervals of 100 feet located approximately 15 feet from the ground.

(4) Walkways not less than two feet wide shall be provided from the trailer coach spaces to the service buildings. The walkways shall be hard surfaced, well marked in the daytime and lighted at night with 25 watt lamps at intervals of 100 feet located approximately 15 feet from the ground.

(5) Each park housing dependent trailers shall provide service buildings to house toilet facilities, bathing facilities, laundry facilities, and other sanitary facilities as hereinafter more particularly prescribed.

(6) An electrical outlet supplying at least 110 volts shall be provided for each trailer coach space. (1982 Code, § 5-605)

14-1206. Location. Trailer coach parks may be located in any district in which multiple dwellings are permitted. Each boundary of the park must be at least 200 feet from any permanent residential building located outside the park unless separated therefrom by a natural or artificial barrier, or unless a majority of the property owners according to area within said 200 feet, consent in writing to the establishment of the park. (1982 Code, § 5-606)

14-1207. Water supply. An adequate supply of pure water for drinking and domestic purposes shall be supplied to meet the requirements of the park. The water supply shall be obtained from faucets only. No common drinking cups shall be permitted. Cold water supply faucets shall be located on each trailer coach space. An adequate supply of hot water shall be provided at all times in the service building for bathing, washing, and laundry facilities. (1982 Code, § 5-607)

14-1208. Sanitation facilities. Each park shall be provided with toilets, bath or showers, slop sinks, and other sanitation facilities which shall conform to the following requirements:

(1) Toilet facilities for men and women shall be either in separate buildings at least 20 feet apart or shall be separated, if in the same building, by a soundproof wall.

(2) Toilet facilities for women shall consist of not less than one flush toilet for every 10 dependent trailer coach spaces, one shower or bath tub for every 10 dependent trailer coach spaces, and one lavatory for every 20 dependent trailer coach spaces. Each toilet, shower, and bath tub shall be in a private compartment.

(3) Toilet facilities for men shall consist of not less than one flush for every 15 dependent trailer coach spaces, one shower or bath tub for every 10 dependent trailer coach spaces, one lavatory for every 10 dependent trailer coach spaces. Each toilet, shower, and bath tub shall be in a private compartment.

(4) An independent trailer coach may be parked on a dependent trailer coach space but the requirements of subsections (2) and (3) immediately hereinabove specified shall not thereby be affected.

(5) A dependent trailer coach may be parked on an independent trailer coach space, but in such event such space shall be regarded as being a dependent trailer coach space during the period of such occupancy by a dependent trailer coach for the purpose of determining compliance with the provisions of subsections (2) and (3) of this section.

(6) Service buildings housing the toilet facilities shall be permanent structures complying with all applicable ordinances and statutes regulating buildings, and shall be located not closer than 10 feet nor farther than 200 feet from any dependent trailer coach space.

(7) Each service building shall contain at least one slop sink for each sex located in a separate compartment.

(8) The service buildings shall be well lighted at all times of the day and night, shall be well ventilated with screen openings, shall be constructed of moisture-proof materials, including painted woodwork, and shall permit repeated cleaning and washing, and shall be maintained at a temperature of at least 68 degrees fahrenheit during the period from October 1st to May 1st. The floors of the service building shall be of water impervious materials and shall slope to the floor drain connected with the sewage system.

(9) All service buildings and the grounds of the park shall be maintained in a clean, sightly condition and kept free of any conditions that will menace the health of any occupant or the public or constitute a nuisance. (1982 Code, § 5-608)

14-1209. Laundry facilities. The laundry facilities shall be provided in the ratio of one double laundry tub and ironing board for every 20 trailer coach spaces. An electrical outlet supplying current sufficient to operate an iron shall be located conveniently near the ironing board. Drying space shall be provided sufficient to accommodate the laundry of the trailer coach occupants. The service building housing the laundry facilities shall be a permanent structure complying with all applicable ordinances and statutes regulating buildings, electrical installations, and plumbing and sanitation systems. (1982 Code, § 5-609)

14-1210. Sewage and refuse disposal. Waste from showers, bath tubs, toilets, slop sinks, and laundries shall be discharged into a public sewer system in compliance with applicable ordinances or into a private sewer and disposal plant or septic tank system of such construction and in such a manner as will present no health hazard. All kitchen sinks, wash basins, and bath or shower tubs in any trailer coach harbored in any park may empty into a sanitary sink drain located on the trailer coach space. (1982 Code, § 5-610)

14-1211. Garbage receptacles. Tightly covered metal garbage cans shall be provided in quantities adequate to permit disposal of all garbage and rubbish. Garbage cans shall be located not farther than 200 feet from any trailer coach space. The cans shall be kept in sanitary conditions at all times. Garbage and rubbish shall be collected and disposed of as frequently as may be necessary to insure that the garbage cans shall not overflow. (1982 Code, § 5-611)

14-1212. Fire prevention. Every park shall be equipped at all times with one fire extinguisher in good working order for every two trailer coach spaces. The extinguisher should be located not farther than 200 feet from each trailer coach space. No open fires shall be permitted at any place which would endanger life or property. No fires shall be left unattended at any time. (1982 Code, § 5-612)

14-1213. Animals and pets. No owner or person in charge of any dog, cat, or other pet animals shall permit it to run at large or commit any nuisance within the limits of any trailer coach park. (1982 Code, § 5-613)

14-1214. Register of occupants. It shall be the duty of the licensee to keep a register containing a record of all trailer coach owners and occupants located within the park. The register shall contain the following information:

- (1) Name and address of each occupant.
- (2) Place of employment of any and all occupants of trailer coach.
- (3) The make, model, and year of all automobiles and trailer coaches.

(4) License number and owner of each trailer coach automobile by which it is towed.

(5) The state issuing such license.

(6) The dates of arrival and departure of each trailer coach.

The park shall keep the register available for inspection, at all times, by law enforcement officers, public health officials, and other officials whose duties necessitate acquisition of the information contained in the register. The register records shall not be destroyed for a period of three years following the date of registration. (1982 Code, § 5-614)

14-1215. Revocation of license. The recorder may revoke any license to maintain and operate a park when the licensee fails to comply with any provision of this chapter and is found guilty thereof by a court of competent jurisdiction. After such conviction, the license may be reissued by complying with §§ 14-1203 and 14-1204 of this chapter if the circumstances leading to conviction have been remedied and the park is being maintained and operated in full compliance with the law. (1982 Code, § 5-615)

14-1216. Posting of license. The license certificate shall be conspicuously posted in the office or on the premises of the trailer coach park at all times. (1982 Code, § 5-616)

CHAPTER 13

FLOOD DAMAGE PREVENTION ORDINANCE

SECTION

14-1301. Flood damage control to be governed by flood damage prevention ordinance.

14-1301. Flood damage control to be governed by flood damage prevention ordinance. Regulations governing flood damage control within the Town of Bruceton shall be governed by Ordinance #87-26, titled "Flood Damage Prevention Ordinance" and any amendments thereto.¹

¹Ordinance #87-26, and any amendments thereto, are published as separate documents and are of record in the office of the town recorder.