

**TITLE 14**

**ZONING AND LAND USE CONTROL**

**CHAPTER**

1. MUNICIPAL PLANNING COMMISSION.
2. ZONING ORDINANCE.
3. MOBILE HOME PARK AND TRAVEL TRAILER PARK ORDINANCE.
4. [DELETED.]

**CHAPTER 1**

**MUNICIPAL PLANNING COMMISSION**

**SECTION**

- 14-101. Creation and membership.
- 14-102. Organization, powers, duties, etc.
- 14-103. Additional powers.

**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. The planning commission shall consist of seven (7) members; two (2) of these shall be the mayor or a person designated by the mayor and another member of the board of mayor and aldermen selected by the board of mayor and aldermen; the other five (5) 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 five (5) members appointed by the mayor shall be for five (5) years each. The five (5) members first appointed shall be appointed for terms of one (1), two (2), three (3), four (4), and five (5) years respectively so that the term of one (1) member expires each year. The terms of the mayor and the council member selected by the city council 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 also have the authority to remove any appointive member at his will and pleasure. (1988 Code, § 11-101, modified)

**14-102. Organization, powers, duties, etc.** The planning commission shall be organized and shall carry out its powers, functions, and duties in accordance with all applicable provisions of Tennessee Code Annotated, title 13. (1988 Code, § 11-102)

**14-103. Additional powers.** Having been designated as a regional planning commission, the municipal planning commission shall have the additional powers granted by, and shall otherwise be governed by the provisions of the state law relating to regional planning commissions. (1988 Code, § 11-103)

**CHAPTER 2**

**ZONING ORDINANCE**

**SECTION**

14-201. Land use to be governed by zoning ordinance.

**14-201. Land use to be governed by zoning ordinance.** Land use within the City of Dayton shall be governed by Ordinance #291, titled "Zoning Ordinance, Dayton, Tennessee," and any amendments thereto.<sup>1</sup>

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<sup>1</sup>Ordinance #291, and any amendments thereto, are published as separate documents and are of record in the office of the city recorder.

See Ord. #356, June 1996, of record in the office of the recorder, for an amendment to the Dayton Zoning Ordinance regulating the flood plain areas of the city.

## CHAPTER 3

### MOBIL HOME PARK AND TRAVEL TRAILER PARK ORDINANCE<sup>1</sup>

#### SECTION

- 14-301. Introduction.
- 14-302. Definitions as used in this chapter.
- 14-303. General requirements.
- 14-304. Mobile home park requirements.
- 14-305. Travel trailer park requirements.
- 14-306. Administration and enforcement.

**14-301. Introduction.** (1) Authority. This chapter is pursuant to the authority granted in the Tennessee Code Annotated, § 13-7-201 through § 13-7-211. This authority grants the City of Dayton, Tennessee to regulate the location, height and size of buildings and other structures; the percentage of lot which may be occupied; the size of yards, courts and open spaces; the density and distribution of population; the uses of buildings and structures for trade, industry, residence, recreation, agriculture, forestry, soil conservation, water supply conservation, or other purposes.

(2) Title. This chapter shall be known as the Mobile Home Park and Travel Trailer Park Ordinance of the City of Dayton, Tennessee.

(3) Purpose. This chapter is adopted in accordance with a comprehensive plan for the purpose of promoting the public health, safety, morals, convenience, order, prosperity and general welfare of the City of Dayton, Tennessee.

(4) Enactment. Except as hereinafter provided in this chapter, no land within the City of Dayton, Tennessee shall be utilized for a Mobile Home Park or Travel Trailer Park. (1988 Code, § 8-501)

**14-302. Definitions used in this chapter.** (1) Explanation of definitions used herein. Except as specifically defined herein, all words used in this chapter have their customary dictionary definitions where not inconsistent with the context. The term "shall" is mandatory. Where not inconsistent with the context, words used in the singular number include the plural and those used in the plural number include the singular. Words used in the present tense include the future.

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<sup>1</sup>Municipal code references  
 Building code, etc.: title 12.  
 Water and sewers: title 18.

(2) Definitions. For the purposes of the chapter certain words or terms are defined as follows:

(a) "Buffer strip" (planted evergreen). A strip of land not less than ten (10) feet in width planted in grass, ground covers, shrubs and/or trees.

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

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

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

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

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

(iv) For the purposes of this chapter the terms 'mobile home' and 'manufactured home' are synonymous.

(d) "Mobile home park." Any plot of ground within the City of Dayton on which two (2) or more mobile homes, occupied for dwelling or sleeping purposes are located.

(e) "Mobile home space." A plot of ground within a mobile home park designated for the accommodation of one (1) mobile home.

(f) "Mobile home subdivision." A subdivision of land specifically created to accommodate mobile homes on individual lots that are sold in fee simple. Such subdivisions shall meet all of the requirements of the Dayton Subdivision Regulations.

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

(h) "Set-up." The support system that is a combination of footings, piers, caps and shims that will, when properly installed, support the mobile home.

(i) "Skirting." An enclosure permanently constructed from weather resistant materials, similar in nature and design to the mobile home, which encloses the space directly beneath the mobile home.

- (j) "Travel trailer." A travel trailer, pick-up camper, converted bus, tent-trailer, tent, or similar device, including recreational vehicles, used for temporary portable housing or a unit which:
  - (i) Can operate independent of connections to external sewer, water and electrical systems;
  - (ii) Contains water storage facilities and may contain a lavatory, kitchen sink and or bath facilities; and or
  - (iii) Is identified by the manufacturer as a travel trailer.
- (k) "Travel trailer park." Any plot of around within the City of Dayton on which two (2) or more travel trailers, occupied for camping or periods of short stay, are located. (1988 Code, § 8-502)

**14-303. General requirements.** (1) Mobile home parks. It shall be unlawful for any person or persons to maintain or operate any mobile home park within the City of Dayton, Tennessee, unless such person or persons shall have first obtained a mobile home park permit.

(2) Travel trailer parks. It shall be unlawful for any person or persons to maintain or operate any travel trailer park within the City of Dayton, Tennessee, unless such person or persons shall have first obtained a travel trailer permit.

(3) Pre-application review. Whenever a mobile home or travel trailer park is proposed on land within the city limits of Dayton, the developer is urged to consult early and informally with the planning commission staff. The developer may submit sketch plans and data showing existing conditions within the site and in its vicinity and the proposed layout and development of the park. No fee shall be charged for this pre-application review and no formal application shall be required.

(4) Application for mobile home and travel trailer park permits and planning commission approval. Following the optional pre-application review of a proposed mobile home or travel trailer park, the developer or his agent, shall apply for a mobile home or travel trailer park permit from the city building inspector. No mobile home or travel trailer park shall be established or maintained by any person unless such person holds a valid permit.

Applications shall be in writing, signed by the applicant and accompanied by the owner's certification and any other certification deemed necessary, as well as by a site plan of the proposed mobile home or travel trailer park.

The developer shall notify the Dayton Municipal Planning Commission at least fifteen (15) calendar days prior to the next regular meeting of the planning commission of what it is he wishes to have on the AGENDA. At this time, the developer shall also submit copies of the site plan and any supporting documents, if any.

(5) Permit applications for mobile home and travel trailer parks. Applications for a mobile home or travel trailer park shall be filed with and issued by the city building inspector subject to the planning commission's approval of the site plan. Applications shall be in writing and signed by the applicant and shall be accompanied by a plan of the proposed mobile home or travel trailer park. The plan shall contain the following information and conform to the following requirements:

- (a) The plan shall be clearly and legibly drawn at a scale not smaller than one hundred (100) feet to one (1) inch;
- (b) Name and address of owner of record;
- (c) Proposed name of park;
- (d) North point and graphic scale and date;
- (e) Vicinity map showing location and acreage of mobile home or travel trailer park;
- (f) Exact boundary lines of the tract by bearing and distance;
- (g) Names of owners of record of adjoining land;
- (h) Existing streets, utilities, easements, and water courses on and adjacent to the tract;
- (i) Proposed design including streets, proposed street names, lot lines with approximate dimensions, easements, land to be reserved or dedicated for public uses, and any land to be used for purposes other than mobile home or travel trailer spaces;
- (j) Provisions for water supply, sewerage and drainage;
- (k) Such information as may be required to determine if the proposed park will comply with legal requirements; and
- (l) The applications and all accompanying plans and specifications shall be filed in triplicate. (1988 Code, § 8-503)

**14-304. Mobile home park requirements.** (1) Initial development permit for mobile home parks. No place or site within the City of Dayton shall be established or maintained by any person, group of persons, or corporation as a mobile home park unless a valid permit has been issued by the city building inspector in the name of such person or persons for the specific mobile home park. The city building inspector is authorized to issue, suspend, or revoke permits in accordance with the provisions of this chapter.

(2) Inspections by city building inspector. The city building inspector is hereby authorized and directed to make inspections to determine the condition of mobile home parks, in order that he may perform his duty of safeguarding the health and safety of occupants of mobile home parks and of the general public. The city building inspector 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 this chapter.

(3) Length of occupancy. Mobile home parks are not intended to accommodate transient dwellings and therefore no mobile home space shall be rented in any mobile home park for periods of less than sixty (60) days.

(4) Certification of minimum standards of mobile homes. No mobile home shall be admitted to any park unless it meets the requirements of the National Manufactured Home Construction and Safety Standards Act of 1974 (42 USC § 5401 et seq.) and the "Uniform Standards Code for Manufactured Homes and Recreational Vehicles" (Tennessee Code Annotated, §§ 68-126-201 through § 68-126-215) or any state administered code ensuring equal or better plumbing, heating or electrical installations.

(5) Location and planning. The mobile home park shall be located on a well-drained site and shall be located so that its drainage will not endanger any water supply and shall be in conformity with a plan approved by the Dayton Municipal Planning Commission. The mobile home park location and plan approval shall provide for adequate space, lighting, drainage, sanitary facilities, safety features, and service buildings as may be necessary to protect the public health, prevent nuisances, and provide for the convenience and welfare of the mobile home park occupants.

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

(7) Minimum mobile home space and spacing of mobile homes. Each mobile home space shall be four thousand (4,000) square feet in area. Mobile homes shall be parked on each space so that there will contain the following separation between mobile homes or any attachment such as a garage or porch:

- (a) Side yard . . . . . 10 feet from the mobile home space line<sup>1</sup>
- (b) Rear yard . . . . . 10 feet from the mobile home space line<sup>1</sup>
- (c) Front yard . . . . . 10 feet from the mobile home space line<sup>1</sup>
- (d) From any lot line . . 20 feet from the park's property line<sup>1</sup>
- (e) From any public street right-of-way . . . . . 25 feet
- (f) From any private street within the park . . . . . 10 feet

(8) Water supply. A public water supply shall be used exclusively in mobile home parks.

(9) Sewage disposal. Public sewerage shall be used exclusively in mobile home parks.

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<sup>1</sup>A mobile home "space" is not a lot. It is not recorded as such and cannot be sold individually. The only lot contained in the mobile home park is the outer boundary lines of the park which legally defined (and defines) the lot (or parcel) prior to, and after its development as a mobile home park.



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

Where steel containerized dumpsters are used, a concrete pad shall be provided and an opaque fence shall be installed. Where dumpsters are utilized, they shall be provided at a rate of one (1) dumpster for each eight (8) mobile homes, or any increment thereof.

(11) 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 "Regulation Relating to Electrical Installations in the State of Tennessee," and shall satisfy all requirements of the local electric service organization.

(12) Street requirements. Widths of various streets within mobile home parks shall be:

One-way, with no on-street parking . . . . .	10 ft.
One-way, with parallel parking on one side only . . . . .	18 ft.
One-way, with parallel parking on both sides . . . . .	26 ft.
Two-way, with no on-street parking . . . . .	20 ft.
Two-way, with parallel parking on one side only . . . . .	28 ft.
Two-way, with parallel parking on both sides . . . . .	36 ft.

Streets shall have a compacted gravel base and a prime seal treatment to meet requirements of the Tennessee State Highway Department.

(13) 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 two (2) car spaces for each mobile home lot plus an additional car space for each four (4) lots to provide for guest parking, for two-car tenants and for delivery and service vehicles. Car parking spaces shall be located upon each mobile home space. 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.

(14) Buffer strip. An evergreen buffer strip shall be planted along those boundaries of the mobile home park that are adjacent to other property, except along city streets.

(15) Skirting. The owner or operator of a mobile home park shall require individual mobile homes within the park to be skirted.

(16) Recreation area. A centrally located recreation area for the use of all mobile home park residents may be required in all mobile home parks. The planning commission shall determine whether a centrally located recreation area is needed and the size of the required recreation area. The planning commission may allow the mobile home park owner to provide larger mobile home park spaces, in lieu of a centrally located recreation area.

Such recreational land, when provided separately by the mobile home park, shall be maintained in an attractive manner and shall be well drained and usable for recreation.

(17) Utilities to each space. Mobile home parks shall provide utility connections for each individual mobile home space. (1988 Code, § 8-504)

**14-305. Travel trailer park requirements.** (1) Unlawful use of a travel trailer. It shall be unlawful for any travel trailer to be occupied or serviced outside any properly permitted designated travel trailer park. This provision shall not apply to the storage of travel trailers that are neither temporarily nor permanently occupied as a dwelling unit while within the city limits.

(2) Permit for travel trailer park. No place or site within the City of Dayton shall be established or maintained by any person, group of persons, or corporation as a travel trailer park unless a valid permit has been issued by the city building inspector in the name of such person or persons for the specific travel trailer park. The city building inspector is authorized to issue, suspend, or revoke permits in accordance with the provisions of this chapter.

(3) Inspections by city building inspector or county health officer. The city building inspector or county health officer is hereby authorized and directed to make, inspections to determine the condition of travel trailer parks, in order that he may perform his duty of safeguarding the health and safety of the occupants of travel trailer parks and the general public. The city 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.

(4) Length of occupancy. Travel trailer spaces shall be rented by the day or week only, and the occupant of such space shall remain in the same travel trailer park not more than thirty (30) days.

(5) Location. Travel trailer parks should be located in commercial areas or recreational areas.

NOTE: Travel trailer parks properly regulated, fit well into general commercial complexes in which a variety of complimentary facilities are available nearby --

groceries, general stores, filling stations, coin operated laundries, for example, are often in demand by persons looking for trailer parks.

(6) Minimum size of travel trailer park. The tract of land designed to be used as a travel trailer park shall conform to those same minimum lot area standards as established by the Dayton Subdivision Regulations.

(7) Minimum size of travel trailer space. Each travel trailer space shall have a minimum width of thirty (30) feet and a minimum length of fifty (50) feet. Each space, upon which the travel trailer will be located, shall be situated such that there is at least fifteen (15) feet from side-to-side and at least eight (8) feet end-to-end from the edge of one travel trailer to the edge of the next.

(8) Street requirements. A loop or other system of internal private roads shall be built so that all travel trailer spaces take their access from such internal roads rather than directly from a public road. The use of pull-through spaces shall be allowed if the owner wants this arrangement.

The minimum widths of various streets or roads within a travel trailer park shall comply with the following:

- One-way street (with no on-street parking) . . . . . 10 feet wide;
- Two-way street (with no on-street parking) . . . . . 16 feet wide;
- Parallel parking (on one side) . . . . . 8 ft. of addnl width;
- Parallel parking (on two sides) . . . . . 16 ft. of addnl width.

(9) Sewage disposal. Each travel trailer park shall provide an adequate sewage disposal system approved in writing by the health officer. Each travel trailer space designed to accommodate travel trailers requiring external connections to the sewage disposal system shall have such connections approved by the health officer. A collection and disposal system for liquid waste shall also be provided within the park for those travel trailers having self-contained waste systems. The liquid disposal and collection system shall meet all health department requirements.

The developer of a travel trailer park shall first attempt to dispose of sewage through a public sewerage system. If this attempt is not feasible, then a septic tank and subsurface soil absorption system may be used provided the soil characteristics are suitable and an adequate disposal area is available.

No travel trailer shall be placed over a soil absorption field.

An officially approved treatment plant may be used instead of a public sewerage or septic tank system. (1988 Code, § 8-505)

**14-306. Administration and enforcement.** (1) Highest standards apply. In any case where a provision of this chapter is found to be in conflict with a provision of any private or public act or local ordinance or code, the

provision that establishes the higher standard for promotion and protection of the health and safety of the people shall prevail.

(2) Enforcement. It shall be the duty of the county health officer and city building inspector to enforce the provisions of this chapter.

(3) Dayton board of zoning appeals to hear appeals. The applicability of this chapter or the validity or applicability of a regulation promulgated pursuant to this chapter, may be determined in a hearing before the Dayton Board of Zoning Appeals. The board of zoning appeals shall grant a hearing to aggrieved persons upon request. The complainant shall file a written petition. The board of zoning appeals shall hold a hearing on the appeal within sixty (60) days of receipt of petition. The complainant and all other interested parties shall be given notice of the time and place of the hearing.

The complainant may appeal such decision of the board of zoning appeals to the Dayton Board of Mayor and City Council. Such an appeal shall be in writing. After an appeal to the Dayton Board of Mayor and City Council, the complainant may seek judicial review.

(4) Variance process. Variance from the requirements of these regulations shall only be based upon hardship created through lot conditions necessitating such and the intent of these regulations shall not be changed. Such variances and the reason as to why granted shall be noted in the minutes of the board of zoning appeals.

(5) Improper utility connection. If a utility company or similar public facility corporation connects with the system of a structure or initiates service in violation of this chapter or the regulations promulgated hereunder, the planning commission through the city attorney shall direct such company or corporation to close the connection and discontinue service at the company's or corporation's expense.

(6) Violations. Violations of this chapter or the regulations promulgated hereunder shall be punishable by a fine of not less than twenty-five (25) nor more than fifty (50) dollars for each offense. Each day a violation is continued shall constitute a separate offense. Prior to the levy of a fine, written notice shall be given to the offender specifying in what manner he has violated this chapter. This notice shall specify the manner and ordinances necessary to correct conditions in violation.

(7) Existing mobile home parks (grandfather clause). Any mobile home park or travel trailer park permitted pursuant to the provisions of this chapter, may be continued even though such use does not entirely conform with the provisions of this chapter provided they do not violate public health regulations and provided, however, that this chapter will govern:

(a) Mobile home parks or travel trailer parks re-established after a discontinuance for more than thirty (30) days;

(b) The extension or enlargement of any mobile home park or travel trailer park in existence prior to the adoption of this chapter; and

(c) Mobile home parks or travel trailer parks rebuilt, altered, or repaired after the effective date of this chapter due to damage or destruction of more than one-half ( $\frac{1}{2}$ ) of the park's total capacity.

(8) Amendments. Any member of the board of mayor and city council may introduce such amendment, or any official, board or any other person may present a petition to the board of mayor and city council requesting an amendment or amendments to this chapter. All changes and amendments shall be effective only after a fifteen day (15) official notice and public hearing. No such amendment shall become effective unless it is first submitted to the planning commission for approval. If such amendment is disapproved by the planning commission, it shall receive the favorable vote of a majority of the entire membership of the Dayton Board of Mayor and City Council, in order to override the planning commission recommendation and attain final passage.

(9) Severability. If any provision of this chapter or its application to any person or circumstances is held invalid, this shall not affect other provisions or applications of the chapter that are independent of the invalid provision or application, and to that end the various provisions of this chapter are severable.

(10) Approval by board of mayor and city council. This chapter shall have no effect unless it is approved by a majority vote of the Dayton Board of Mayor and City Council. Its approval or non-approval shall be proclaimed by the presiding officer of the Dayton Board of Mayor and City Council. (1988 Code, § 8-506)

**CHAPTER 4**

**[DELETED]**

(This chapter "International Zoning Code" as added by Ord. #472, Sept 2006, was repealed by Ord. #555, Nov. 2011)