

TITLE 14

ZONING AND LAND USE CONTROL

CHAPTER

1. MUNICIPAL PLANNING COMMISSION.
2. MOBILE HOME PARKS.
3. CITY OF DUCKTOWN ZONING ORDINANCE 2010.

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 five (5) members; two (2) of these shall be the mayor and another member of the board of commissioners selected by the board of commissioners; the other three (3) members shall be appointed by the mayor. All members of the planning commission shall serve as such without compensation. Except for the initial appointments, the terms of the three (3) members appointed by the mayor shall be for three (3) years each. The three (3) members first appointed shall be appointed for terms of one (1), two (2), and three (3) years respectively so that the term of one (1) member expires each year. The terms of the mayor and the member selected by the board of commissioners 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.

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.

14-103. Additional powers.¹ 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.

¹State law reference

To make this section effective the municipality should request the state department of economic and community development, under authority granted by Tennessee Code Annotated, § 13-3-102 to designate the municipal planning commission as a regional planning commission.

CHAPTER 2

MOBILE HOME PARKS

SECTION

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14-201. Definitions. (1) "Mobile home." A detached single family dwelling unit with any or all of the following characteristics:

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

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

(c) 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, connection to utilities and the like.

(2) "Mobile home park (trailer court)." The term mobile home park shall mean any plot of ground on which two (2) or more mobile homes, occupied for dwelling or sleeping purposes are located.

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

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

(5) "Permit (license)." The permit required for trailer parks and single mobile homes. Fees charged under the license requirement are for inspection and the administration of this chapter.

14-202. Location of mobile homes. It shall be unlawful for any mobile home to be used, stored, or placed on any lot or serviced by the utilities of the city where the mobile home is outside of any designated and licensed mobile home park after December 31, 2007. The use of a single wide mobile home other than as a residential dwelling in a licensed and approved mobile home park is prohibited.

14-203. Compliance with construction standards required. No mobile home shall be used, placed, stored or serviced by utilities within any mobile home park in the city unless it displays the appropriate decal(s) evidencing compliance with the applicable construction standards pursuant to the "Uniform Standards Code for Manufactured Homes," Tennessee Code Annotated, title 68, chapter 126, is built to the Manufactured Home Construction and Safety Standards (HUD Code) and displays a red certification label on the exterior of each transportable section.

14-204. Installation requirements. Mobile home installations shall comply with the "Tennessee Manufactured Home Installation Act," Tennessee Code Annotated, 68-126-401, *et seq.*

14-205 Permit for mobile home park. No place or site within the city shall be established or maintained by any person, group of persons, or corporation as a mobile home park unless he holds a valid permit issued by the city building inspector in the names 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.

14-206. 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 of this chapter.

14-207. Location and planning. A mobile home park shall be located on a well-drained site and shall be so located that its drainage will not endanger any water supply and shall be in conformity with a plan approved by the city planning commission and city building inspector. The city planning commission and building inspector may promulgate regulations for mobile home park location and plan approval, which 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.

14-208. 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 plat so dimensioned and related as to facilitate efficient design and management.

14-209. Minimum number of spaces. Minimum number of spaces completed and ready for occupancy before first occupancy is ten (10).

14-210 . Minimum mobile homes space and spacing of mobile homes. Each mobile home space shall be adequate for the type of facility occupying the same. Mobile homes shall be parked on each space so that there will be at least fifteen (15) feet of open space between mobile homes or any attachment such as a garage or porch¹, and at least ten (10) feet end to end spacing between trailers and any building or structure, twenty (20) feet between any trailer and property line and twenty-five (25) feet from the right-of-way of any public street or highway.

The individual plot sizes for mobile home spaces shall be determined as follows:

- (1) Minimum lot area of two thousand four hundred (2,400) square feet;
- (2) Minimum depth with end parking of an automobile shall be equal to the length of the mobile home plus thirty (30) feet;
- (3) Minimum depth with side or street parking shall be equal to the length of mobile home plus fifteen (15) feet; and

¹If the construction of additional rooms or covered areas is to be allowed beside the mobile homes, the mobile homes spaces shall be made wider to accommodate such construction in order to maintain the required fifteen (15) feet of open space.

(4) In no case shall the minimum width be less than forty (40) feet and the minimum depth less than sixty (60) feet.

14-211. Water supply. Where a public water supply is available, it shall be used exclusively. The development of an independent water supply to serve the mobile home park shall be made only after express approval has been granted by the county health officer. In those instances where an independent system is approved, the water shall be from a supply properly located, protected, and operated, and shall be adequate in quantity and approved in quality. Samples of water for bacteriological examination shall be taken before the initial approval of the physical structure and thereafter at least every four (4) months and when any repair or alteration of the water supply system has been made. If a positive sample is obtained, it will be the responsibility of the trailer court operator to provide such treatment as is deemed necessary to maintain a safe, potable water supply. Water shall be furnished at the minimum rate of one hundred twenty-five (125) gallons per day per mobile home space. An additional water service connection shall be provided for each mobile home space, with meter for each individual trailer.

14-212. Sewage disposal. An adequate sewage disposal system must be provided and must be approved in writing by the health officer. Every effort shall be made to dispose of the sewage through a public sewerage system. In lieu of this, a septic tank and sub-surface soil absorption system may be used provided the soil characteristics are suitable and an adequate disposal area is available. The minimum size of any septic tank to be installed under any condition shall not be less than seven hundred fifty (750) gallons working capacity. This size tank can accommodate a maximum of two (2) mobile homes. For each additional mobile home a such single tank, a minimum additional liquid capacity of one hundred seventy-five (175) gallons shall be provided. The sewage from no more than twelve (12) mobile homes shall be disposed of in any one (1) single tank installation. The size of such tank shall be a minimum of two thousand five hundred (2,500) gallons liquid capacity.

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

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

All sewer lines shall be laid in trenches separated at least ten (10) feet horizontally from any drinking water supply line.

14-213. 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.

14-214. 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, 2002 edition, and shall satisfy all requirements of the local electric service organization.

14-215. Streets. Widths of various streets within mobile home parks shall be:

One-way, with no on-street parking	11 ft.
One-way, with parallel parking on one side only	18 ft.
One-way, with parallel parking on both side	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 requirement of the Tennessee State Highway Department.

14-216. Parking spaces. Car parking spaces shall be provided in sufficient number to meet the needs of the occupants of the property and their guests without interference with normal movement of traffic. Such facilities shall be provided at the rate of at least one (1) car space for each mobile home lot plus an additional car space for each four (4) lots to provide for guest parking, for two (2) car tenants and for delivery and service vehicles. Car parking spaces shall be located for convenient access to the mobile home space. Where practical, one (1) car space shall be located on each lot and the remainder located in adjacent parking bays. The size of the individual parking space shall have a minimum width of not less than ten (10) feet and a length of not less than twenty (20) feet. The parking spaces shall be located so access can be gained only from internal streets of the mobile home park.

14-217. Buffer strip. An evergreen buffer strip shall be planted along those boundaries of the mobile home court that are adjacent to development.

14-218. License for mobile home parks. It shall be unlawful for any person or persons to maintain or operate within the corporate limits of the city, a mobile home park unless such person or persons shall first obtain a license therefor.

14-219. License for individual mobile homes. It shall be unlawful for any person to maintain an individual mobile home as a dwelling unless a license has been obtained therefor. It shall be the responsibility of the owner of the mobile home to secure the license.

14-220. License fees for mobile home parks. The annual license fee for mobile home parks shall be twenty-five (25) dollars.

14-221. License fees for individual mobile homes. The annual license fee for each mobile home shall be ten (10) dollars. The fee for transfer of the license because of change of ownership or occupancy shall be five (5) dollars.

14-222. Application for license. (1) Mobile home parks. Application for a mobile home park shall be filed with and issued by the city building inspector subject to the planning commission's approval of the mobile home park plan. Application shall be in writing and signed by the applicant and shall be accompanied with a plan of the proposed mobile home park. The plan shall contain the following information and conform to the following requirements:

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

(l) The applications and all accompanying plans and specifications shall be filed in triplicate.

(2) Individual mobile homes. Application for individual mobile home licenses shall be filed with and issued by the city building inspector. Applications shall be in writing and signed by the applicant. The application shall contain the following:

- (a) The name of the applicant and all people who are to reside in the mobile home;
- (b) The location and description of the mobile home, make, model, and year;
- (c) The state license number;
- (d) Further information as may be required by the city to enable it to determine if the mobile home and site will comply with legal requirements; and
- (e) The application shall be filed in triplicate.

14-223. Enforcement. It shall be the duty of the county health officer and city building inspector to enforce provisions of this chapter.

14-224. Board of appeals. The planning commission shall serve as the board of appeals and shall be guided by procedures and powers compatible with state law.

Any party aggrieved because of an alleged error in any order, requirement, decision or determination made by the building inspector in the enforcement of this chapter, may appeal for and receive a hearing by the planning commission for an interpretation of pertinent chapter provisions. In exercising this power of interpretation of this chapter, the planning commission may, in conformity with the provisions of this chapter, reverse or affirm any order, requirement, decision or determination made by the building inspector.

14-225. Appeals from board of appeals. Any person or persons or any board, taxpayer, department, or bureau of the city aggrieved by any decision of the planning commission may seek review by a court of record of such decision in the manner provided by the laws of the State of Tennessee.

14-226. Violation and penalty. Any person or corporation who violates the provisions of the chapter or the rules and regulations adopted pursuant thereto, or fails to perform the reasonable requirements specified by the city building inspector or county health officer after receipt of thirty (30) days written notice of such requirements, shall be subject to a penalty under the general penalty provision of this code. Each day a violation is allowed to continue shall constitute a separate offense.

CHAPTER 3

CITY OF DUCKTOWN ZONING ORDINANCE 2010¹

CHAPTER 1 INTRODUCTION

Section

01.01. Authority.

01.02. Title.

01.03. Purpose.

01.04. Enactment Clause.

01.01. Authority.

An ordinance, pursuant to the authority granted in Section 13-7-201 through 13-7-210 of Tennessee Code Annotated, to regulate in the City of Ducktown, Tennessee, the location, height and size of buildings and other structures; the percentage of lot which may be occupied; the size of yards, courts, and other 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. Special districts or zones may be established in those areas deemed subject to seasonal or periodic flooding, and such regulations may be applied therein as will minimize danger to life and property, and as will secure to the citizens of Tennessee the eligibility for flood insurance under Public Law 1016, 84th Congress, or subsequent related laws or regulations promulgated thereunder.

01.02. Title.

This ordinance shall be known as the **Zoning Ordinance of the City of Ducktown, Tennessee**. The zoning map shall be referred to as the **Official Zoning Map of the City of Ducktown, Tennessee**.

01.03. Purpose.

The zoning regulations and districts set forth herein have been made in accordance with a policy plan for the purpose of promoting the public health, safety, morals, convenience, order, prosperity, and general welfare of the City of Ducktown. They have been designed to lessen congestion in the streets; to secure safety from fires, floods, panic, and other dangers; to provide adequate

¹The City of Ducktown Zoning Ordinance 2010 (Ord. # 67, Feb. 2011) has been added in its original format for ease of use by the city and for future revisions.

light and air; to prevent the overcrowding of land; to avoid undue concentration of population, to facilitate the adequate provision of transportation, water, waste water treatment, schools, parks, and other public requirements. These regulations have been made with reasonable consideration to the character of each district and its peculiar uses, and with the intent of conserving property values and encouraging the most appropriate use of land within the City of Ducktown, Tennessee.

01.04. Enactment Clause.

Except as hereinafter provided, no building shall be erected or structurally altered, nor shall any building or premises be utilized for any purpose, other than permitted in the zoning district in which the building or premises is located. No land or lot area shall be reduced or diminished so that the yards or open spaces shall be smaller than prescribed herein, nor shall the lot area per family be reduced in any manner except in conformity with the area regulations hereby established for the district in which such building is located. (as added by Ord. #67, Feb. 2011)

**CHAPTER 2
DEFINITIONS**

Section

02.01. Scope.

02.02. Definitions.

02.01. Scope.

In order to carry out the provisions and intent of this ordinance, certain words, terms, and phrases are to be used and interpreted as defined herein. Words used in the present tense shall include the future tense; words used in the singular number include the plural, and words in the plural number include the singular; the word "person" includes a firm, partnership, or corporation as well as an individual; the term "shall" is always mandatory and not directory; and the word "may" is permissive. The word "used" or "occupied" as applied to any land or building shall be construed to include the words "intended, arranged, or designed to be used or occupied."

02.02. Definitions.

The following words, terms, and phrases are hereby defined as follows and shall be interpreted as such throughout this ordinance. Terms not herein defined shall have the meaning customarily assigned to them:

Abutting. Having a common border with, or being separated from, such common border by an alley or easement.

Access. The right to cross between public and private property, thereby permitting pedestrians and vehicles to enter and leave property.

Accessory Building. A subordinate building, the use of which is incidental to that of a main building and located on the same lot therewith.

Accessory Facility. The permanent building(s) customarily necessary to support operations of the permanent, principal building, including garages, platforms and docks, maintenance and storage facilities, and other similar structures.

Accessory Use. A use customarily incidental, appropriate, and subordinate to the principal use of land or buildings and located upon the same lot therewith.

Addition (to an existing building). Means a walled and roofed expansion to the perimeter of a building in which the addition is connected by common load-bearing wall other than a fire wall. Any walled and roofed addition which is connected by a fire wall or is separated by independent perimeter load-bearing walls is new construction.

Advertising. Includes any writing, printing, painting, display, emblem, drawing, sign, or other device designed, used, or intended for advertising, whether placed on the ground, rocks, trees, tree stumps, or other natural structures or on buildings, structures, signboards, billboards, fences, or other man-made structure.

Alley. A public or legally established thoroughfare, other than a street, which affords a secondary means of access to abutting property.

Apartment. A dwelling unit contained in a building comprised of more than two (2) dwelling units, each of which has an entrance to a hallway or balcony in common with at least one (1) other dwelling unit. (In the central business district an apartment may be a single dwelling unit attached to an existing business.)

Appeal. A means for obtaining review of a decision, determination, order, or failure to act pursuant to the terms of this ordinance.

Approved. Means acceptable to the appropriate authority having jurisdiction.

Area, Building. The total areas taken on a horizontal plane at the main grade level of the principal building and all accessory buildings exclusive of uncovered porches, terraces, and steps.

Automobile Wrecking. The dismantling, storage, sale, or dumping of used motor vehicles, trailers, or parts thereof.

Automobile Wrecking, Junk, and Salvage Yards. Any lot or place which is exposed to the weather and upon which more than three (3) motor vehicles of any kind, incapable of being operated, and which it would not be economically feasible to make operative, are placed, located, or found.

Basement. A story partly or wholly underground. For purposes of height measurement, a basement shall be counted as a story when more than one-half ($\frac{1}{2}$) of its height is above the average ground elevation. When used for commercial activities, a basement shall be counted as a story.

DBZA. Ducktown Board of Zoning Appeals.

Bed and Breakfast. Refer to Chapter 10, Section 10.13 STANDARDS FOR A BED AND BREAKFAST.

Buffer Strip (planted evergreen). A greenbelt planted strip not less than ten (10) feet in width. Such a greenbelt shall be composed of one (1) row of evergreen trees, spaced not more than forty (40) feet apart and not less than two (2) rows of shrubs or hedges, spaced not more than five (5) feet after one (1) full growing season and which shrubs will eventually grow to not less than ten (10) feet.

Building Code. Unless otherwise designated, this term shall mean the International Building Code and its amendments.

Building Inspector. The Zoning and Codes Enforcement Officer or his authorized representative appointed by the Ducktown Board of Mayor and Commissioners having jurisdiction over the City for the enforcement of zoning compliance and other local developmental regulations, including this ordinance.

Building, Main or Principal. A building in which is conducted the principal use of the lot on which it is situated.

Building Setback Line. A line delineating the minimum allowable distance between the property line and a building on a lot, within which no building or other structure shall be placed except as otherwise provided.

Child Care Facilities:

Child Care Center. A place or facility operated by any person or entity that provides child care for three (3) or more hours per day for at least thirteen (13) children who are not related to the primary caregiver;

provided, that a child care agency shall not be classified as a "child care center" that operates as a "group child care home" and keeps three (3) additional school-age children as permitted in subdivision (10); provided, further, that all children, related or unrelated shall be counted in the adult-to-child supervision ratios and group sizes applicable to child care centers; with the exception, that if the child care center is operated in the occupied residence of the primary caregiver, children nine (9) years of age or older who are related to the primary caregiver will not be counted in determining the adult-to-child supervision ratios or group sizes applicable to child care centers if such children are provided a separate space from that occupied by the child care center. The Department of Human Services may permit children in the separate space to interact with the children in the licensed child care center in such manner as it may determine is appropriate.

Drop-in Center. A place or facility operated by any person or entity providing child care, at the same time, for fifteen (15) or more children, who are not related to the primary caregiver, for short periods of time, not to exceed ten (10) hours per week and for not more than six (6) hours per day for any individual child, while the parents or other custodians of the children are engaged in short-term activities that do not include employment of the parent or other custodian of the child; provided, however, that, notwithstanding any other requirements of this part, training requirements for the staff of this class of child care agency shall be limited to basic health and safety precautions and the detection and reporting of child abuse and neglect for children in care; provided, further, that, notwithstanding any other provision of this chapter to the contrary, drop-in centers operated by not-for-profit organizations that provide child care for no more than two (2) hours per day with a maximum of ten (10) hours per week without compensation, while the parent or other custodian is engaged in short-term activities on the premises of the organization, shall register as provided casual care and shall not be deemed to be a drop-in center or regulated as a drop-in center.

Family Child Care Home. Any place or facility which is operated by any person or entity that provides child care for three (3) or more hours per day for at least five (5) children but not more than seven (7) children who are not related to the primary caregiver; provided that the maximum number of children present in the family child care home, including related children of the primary caregiver, shall not exceed twelve (12), with the exception that, if the family child care home is operated in the occupied residence of the primary caregiver, children related to the primary caregiver nine (9) years of age or older will not be counted in

determining the maximum number of children permitted to be present in a "family child care home" if those children are provided a separate space from that occupied by the family child care home. The Department of Human Services may permit children in the separate space to interact with the children in the licensed family child care home in such manner as it may be determined is appropriate.

Group Child Care Home. Any place or facility operated by any person or entity that provides child care for three (3) or more hours per day for at least eight (8) children who are not related to the primary caregiver; provided, however, that the maximum number of children present in a group child care home, including those related to the primary caregiver, shall not exceed twelve (12) children, with the exception that, if the group child care home is operated in the occupied residence of the primary caregiver, children related to the primary caregiver nine (9) years of age or older will not be counted in determining the maximum number of children permitted to be present in a group child care home, if those children are provided a separate space from that occupied by the group child care home; and, provided further, that up to three (3) additional school age children, related or unrelated to the primary caregiver, may be received for child care before and after school, on school holidays, on school snow days and during summer vacation. The Department of Human Services may permit children in the separate space to interact with the children in the licensed group child care home in such manner as it may determine is appropriate.

Customary Home Occupation. (See Section 10.01. for an explanation of Customary Home Occupations.)

Dedication. The transfer of property interests from private to public ownership for a public purpose.

Developer. The legal or beneficial owner(s) of a lot, parcel of any land, or someone having a proprietary interest in a development with purpose for proceeding, including the holder of an option or contract to purchase.

Development. The construction, reconstruction, conversion, structural alteration, relocation, or enlargement of any buildings; any use or change in use of any buildings or land; any extension of any use of land or any clearing; grading, or other movement of land, for which permission may be required pursuant to this ordinance.

Diagonal Tie (mobile home). Any tie down designated to resist horizontal forces and which does not deviate less than 30 degrees from a vertical direction.

District. Any section or sections of Ducktown, Tennessee, for which the regulations governing the use of land and the use density, bulk, height, and coverage of buildings and other structures are uniform.

Drainage. The removal of surface water or groundwater from land by drains, grading, or other means. Drainage includes the control of runoff to minimize erosion and sedimentation during and after development and includes the means necessary for water-supply preservation or prevention or alleviation of flooding.

Dwelling. A building or portion thereof used for residential purposes.

Dwelling, Single Family. A detached building designed to be occupied exclusively by one family.

Dwelling Unit. One or more rooms and a single kitchen designed as a unit for occupancy by only one family for cooking, living, and sleeping purposes.

Easement. Authorization by a property owner of the use by another and for a specified purpose of any designated part of his property.

Electric Feeder (mobile home). That part of the electric distribution system between the transformer and the electrical connections of a mobile home.

Erosion. The detachment and movement of soil or rock fragments by water, wind, ice, and/or gravity.

Factory Built Housing. A factory built structure designed for long term residential use. For the purpose of these regulations, factory built housing consists of three types: modular homes, mobile homes and manufactured homes.

Family. Two or more persons related by blood, marriage, or adoption, or not more than four persons not related by blood, marriage or adoption occupying a residential dwelling unit.

Filling. The depositing on land, whether submerged or not, of sand, gravel, earth, or other materials of any composition whatsoever.

Floor Area. The sum of the gross floor area for each of the several stories under roof, measured from the exterior limits or faces of a building or structure.

Grade, Finished. The completed surfaces of lawns, walks, and roads brought to grades as shown on official plans or designs relating thereto.

Ground Anchor. Any device at a mobile home stand designed for the purpose of securing a mobile home to the ground.

Health Department. The Polk County Office of the Tennessee Department of Health and Environment.

Height of Building. The vertical distance from the average ground elevation or finished grade at the building line, whichever is the highest, to the highest point of the building.

Historic Structure means any structure that is:

1. Listed individually in the National Register of Historic Places (a listing maintained by the Department of Interior) or preliminary determined by the Secretary of the Interior as meeting the requirements for individual listing on the National Register;
2. Certified or preliminarily determined by the Secretary of the Interior as contributing to the historical significance of a registered historic district or a district preliminarily determined by the Secretary to qualify as a registered historic district;
3. Individually listed on a state inventory of historic places in states with historic preservation programs which have been approved by the Secretary of the Interior; or
4. Individually listed on a local inventory of historic places in communities with historic preservation programs that have been certified either:
 - a. By an approved state program as determined by the Secretary of the Interior, or
 - b. Directly by the Secretary of the Interior in states without approved programs.

Hotel/Motel. Every building or structure or enclosure or any part thereof kept, used as, maintained as, advertised as, intended for, or held out to the public as a place where sleeping accommodations are furnished - whether with or without meals - to transient guests (in contrast to a boarding, rooming, lodging, or apartment house) shall for the purpose of this ordinance be deemed a hotel and provide the customary hotel services such as maid and linen service, telephone and secretarial or desk service.

Junk Yard or Salvage Yard. A lot, land or structure, or part thereof, used primarily for the collection, storage and sale of waste paper, rags, scrap metal, or discarded material, or for the collecting, dismantling, storing and salvaging of machinery or vehicles not in running condition or for the sale of parts thereof.

Loading Space. A space within the main building or on the same lot therewith, providing for the standing, loading, or unloading of a vehicle.

Lot. A piece, parcel, or plot of land in one ownership, occupied or to be occupied by one principal building and its accessory buildings including the open spaces required under this ordinance.

Lot Area. The total surface area land included within lot lines.

Lot Depth. The average distance from the street line of the lot to its rear line, measured in the general direction of the side lines of the lot.

Lot Frontage. That dimension of a lot or portion of a lot abutting on a street, excluding the side dimension of a corner lot.

Lot, Interior. A lot other than a corner lot.

Lot, Lines. The boundary dividing a given lot from the street, an alley, or adjacent lots.

Lot of Record. A lot which is part of a subdivision recorded in the office of the county register of deeds, or a lot described by metes and bounds, the description of which has been recorded in the office of the county register of deeds prior to the date of passage of the *Ducktown Subdivision Regulations*.

Lot Width. The width of a lot at the building setback line measured at right angles to the centerline of its depth.

Manufactured Home. A structure, transportable in one (1) or more sections, which in traveling mode, is eight (8) body feet or more in width, or forty (40) body feet or more in length, or, when erected on site, is three hundred twenty (320) or more square feet, and which is built on a permanent chassis and designed to be used as a dwelling with or without a permanent foundation when connected to the required utilities, and includes the plumbing, heating, air conditioning, and electrical systems contained therein. For the purpose of these regulations, the term "manufactured home" does not include "mobile homes" as herein defined. A manufactured home having the same general appearance as a site built home shall be allowed on individual lots in any residential district

provided the conditions of section 10.12 Standards for the Appearance of Manufactured Homes.

Medical Facilities:

Convalescent, Rest, or Nursing Home. A health facility where persons are housed and furnished with meals and continuing nursing care for compensation.

Dental Clinic or Medical Clinic. A facility for the examination and treatment of ill and afflicted human out-patients provided, however, that patients are not kept overnight except under emergency conditions.

Dental Office or Doctor's Office. Same as dental or medical clinics.

Hospital. An institution providing health services primarily for human in-patient medical or surgical care for the sick or injured and including related facilities such as laboratories, out-patient facilities, and staff offices which are an integral part of the facility.

Public Health Center. A facility primarily utilized by a health unit for the provision of public health services.

Mini-warehouse/Mini-storage. A building or group of buildings in a controlled-access and fenced compound that contains varying sizes of individual, compartmentalized, and controlled-access stalls or lockers for the dead storage of a customer's goods or wares. No sales, service, or repair activities other than the rental of dead storage units are permitted on the premises.

Mobile Home (trailer/single-wide). A detached single-family dwelling unit, which is constructed as a single self-contained unit and mounted on a single chassis designed to be used with or without a permanent foundation and has any or all of the following characteristics:

1. 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.
2. Designed to be transported after fabrication on its own wheels, or on a flatbed or other trailer or detachable wheels.
3. 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, locations of foundation supports, connection to utilities and the like.

Modular Home. A residential dwelling which is a structural unit or pre-assembled component unit including the necessary electrical, plumbing, heating, ventilating, and other service systems, manufactured off site and transported to the point of use for installation or erection, with or without other specified components, is a finished building and not designed for ready removal to another site.

Multifamily Residential Establishment. A residential dwelling which contains more than one dwelling unit and houses multiple families as defined by the Ducktown Municipal Zoning Ordinance.

Nonconforming Use. A building, structure, or use of land existing at the time of enactment of this ordinance which does not conform to the regulations of the district in which it is situated, (See Section 11.02. for further explanation of non-conforming use.)

Noxious Matter. Material (in gaseous, liquid, solid, particulate, or any other form) which is capable of causing injury to living organisms, chemical reactions, or detrimental effects on the social, economic, or psychological well-being of individuals.

Open Space. An area on the same lot with a main building which is open, unoccupied, and unobstructed by structures from the ground to the sky except as otherwise provided in this ordinance. Open space lines shall coincide with or be parallel to the building setback lines on the same lot.

Owner. The person or persons having the right of legal title to, beneficial interest in, or a contractual right to purchase a lot or parcel of land.

Parking Lot. An off-street facility including parking spaces along with adequate provisions for drives and aisles for maneuvering and getting access, and for entrance and exit, designed so as to be usable.

Parking Space. An off-street space available for parking one motor vehicle and having an area of not less than two-hundred (200) square feet (10' X 20') exclusive of passageways and driveways giving access thereto, and having direct access to a street or alley.

Planning Commission. The Ducktown Municipal Planning Commission (DMPC).

Plat. A map or plan of an area indicating the location and boundaries of individual properties.

Principal Use. The specific primary purpose for which land or a building is used.

Public Improvement. Any improvement, facility, or service, together with customary improvements and appurtenances thereto, necessary to provide for public needs as: vehicular and pedestrian circulation systems, storm sewers, flood control improvements, water supply and distribution facilities, sanitary sewage disposal and treatment, public utility and energy services.

Public Uses. Public parks, schools, and administrative, cultural, and service buildings not including public land or buildings devoted solely to storage and maintenance of equipment and materials.

Recreation, Active. Leisure time activities, usually of a more formal nature and performed with others, often requiring equipment and taking place at prescribed places, sites or fields.

Recreation, Passive. Any leisure time activity not considered active.

Recreational Vehicle. A vehicle which is: built on a single chassis; 400 square feet or less when measured at the largest horizontal projection; designed to be self-propelled or permanently towed by a light duty truck; and; designed primarily for temporary living quarters for recreational - seasonal use.

Recreational Vehicle Park. A lot on which campsites are established for occupancy by recreational vehicles of the general public as temporary living quarters for purposes of recreation or vacation.

Restaurant. An establishment whose principal business is the sale of food and/or beverages to customers in a ready-to-consume state including; fast-food establishments; food and beverages served by a restaurant employee at the same table or counter at which food and beverages are consumed; cafeteria-type operations and; food prepared for off-premises delivery.

Right-of-Way. The strip of land over which a public road is built.

Sanitary Sewer. A municipal or community sewerage collection, treatment, and disposal system of a type approved by the Health Department.

Side Yard. An open, unoccupied space on the same lot with a principal building located between the side of the building and the side line of the lot and extending from the rear line of the front yard to the front line of the rear yard.

Sign, Billboard, or Other Advertising Device. Any structure or part thereof or device attached thereto or represented thereon, which shall display or include any letter, words, model, banner, flag, pennant, insignia, or representation used as, or which is in the nature of an announcement, direction, or advertisement. The word "sign" does not include the flag, pennant, or insignia of any nation, state, City, or other political unit.

Site Plan. This shall be the document, the contents of which are outlined within this ordinance representative of the physical design of a commercial site or mobile home park.

Subdivision Regulations. This term shall refer to the subdivision regulations adopted by and in force within the City.

Special Exception (Use Permitted on Appeal). Any use which is specifically permitted if the owner can demonstrate to the satisfaction of the BBZA, that he will meet certain enumerated safeguards or qualifying conditions.

Standard Industrial Classification (SIC). This is the statistical classification standard underlying all established-based Federal economic statistics classified by industry. The SIC is used to promote the comparability of establishment data describing various facets of the U.S. economy. The classification covers the entire field of economic activities and defines industries in accordance with the composition and structure of the economy. The current version was published in 1987 and is revised periodically. SIC codes are as follows: A two digit number refers to a Major Group, a three digit number refers to an Industry Group No., and a four digit number refers to the Industry No.

Storm; Sewers. A municipal or community collection and disposal system for the control of storm water drainage.

Story. The portion of a building included between the upper surface of any floor and the upper surface of the floor next above, or any portion of a building included between the topmost floor and the roof which is used for human occupancy or in which the floor area with eight (8) feet or more head clearance equals fifty (50) percent or more of floor area of the next story below. Provided it is not used as a dwelling unit, a top floor in which the floor area with eight (8) feet or more of head clearance equals less than (50) percent of the floor area of the story next below shall be a "half-story." A basement shall be considered a story if more than half of its height is above the average ground level from

which the "height of building" is measured, or if it is used for commercial purposes.

Street. Any public or private thoroughfare which affords the principal means of access to abutting property.

Structure. Means a walled and roofed building that is principally above ground, a manufactured home, a gas or liquid storage tank, or other man-made facilities of infrastructures.

Tie Down. Any device designed for the purpose of attaching a mobile home to ground anchors.

Toxic Material. Materials (gaseous, liquid, solid, particulate, or any other form) which are capable of causing injury to living organisms by chemical reaction even when present in relatively small amounts.

Travel Trailer. A vehicular unit, mounted on wheels, designed to provide temporary living quarters for recreational, camping, or travel use and of such size or weight as not to require special highway movement permits when drawn by a motorized vehicle, and with a living area of less than two hundred twenty square feet (220 sq. ft.), excluding built-in equipment (such as wardrobes, closets, cabinets, kitchen units or fixtures) and bath and toilet rooms.

Travel Trailer Park. Any plot of ground within the City of Ducktown on which two (2) or more travel trailers, occupied for camping or periods of short stay, are located.

Usable Floor Space. Floor space used for retail sale or display; includes permanent outdoor sales, but excludes outdoor motor vehicle sales areas.

Use. The purpose for which land or a building or other structure is designed, arranged, or intended, or for which it is or may be occupied or maintained.

Use, Temporary. A temporary use is one established for a fixed period of time with the intent to discontinue such use upon the expiration of such time. Such uses do not involve the construction or alteration of any permanent structure.

Variance. Permission to depart from the literal requirements of this ordinance.

Yard, Front. The required open space, unoccupied by buildings between the road or street right-of-way line and the principal building.

Yard, Rear. The required space, unoccupied except by a building of accessory use as herein provided, extending from the rear of the principal building to the rear lot line the full width of the lot.

Yard, Side. The required space unoccupied except as herein provided measured between the side lot line and the nearest point of the principal building and between the front yard and the rear yard.

Zoning Ordinance. This term shall mean the Zoning Ordinance adopted by and in force within the City. (as added by Ord. #67, Feb. 2011)

**CHAPTER 3
ZONING DISTRICTS**

Section

- 03.01. Classification of Districts.
- 03.02. Zoning District Map.
- 03.03. Zoning District Boundaries.

03.01. Classification of Districts.

For the purpose of this ordinance, the following zoning districts are hereby established in the City of Ducktown, Tennessee:

<u>District Abbreviation</u>	<u>Zoning District</u>
R-1	LOW DENSITY RESIDENTIAL ZONING DISTRICT
R-2	MEDIUM DENSITY RESIDENTIAL ZONING DISTRICT
R-3	HIGH DENSITY RESIDENTIAL ZONING DISTRICT
C-1	CENTRAL BUSINESS ZONING DISTRICT
C-2	HIGHWAY COMMERCIAL ZONING DISTRICT
I-1	INDUSTRIAL ZONING DISTRICT

03.02. Zoning District Map.

The location and boundaries of the zoning districts, established by this ordinance, are shown on the map entitled *Official Zoning Map of Ducktown, Tennessee*. The zoning map shall be dated with the effective date of the ordinance that adopts the zoning map. Certified copies of the adopted zoning map and all zoning map amendments shall be maintained in the City Hall of the City of Ducktown and shall be available for inspection by the public at all reasonable times.

03.03. Zoning District Boundaries.

Unless otherwise indicated on the zoning map and zoning map amendments, the district boundaries are lot lines, center-lines of streets or alleys, or the City of

Ducktown City limits as they exist at the time of the enactment of this zoning ordinance. Questions concerning the exact locations of district boundaries shall be determined by the Ducktown Board of Zoning Appeals.

Where the property on one side of a street between two intersecting streets is in a business or industrial district and the property on the intersecting street is in a residential district, the business or industrial use shall be limited to the property facing the street zoned for business and any property in the rear which faces the intersecting street shall be governed by the use prevailing on the intersecting street. In all cases of ambiguity due to the actual layout of the property or other circumstances, the Board of Zoning Appeals shall have authority to determine on which street the business or industrial use shall face so the spirit of the ordinance shall be observed. (as added by Ord. #67, Feb. 2011)

CHAPTER 4

R-1 LOW DENSITY RESIDENTIAL DISTRICT

Section

- 04.01. District Description.
- 04.02. Uses Permitted.
- 04.03. Uses Permitted on Appeal.
- 04.04. Uses Prohibited.
- 04.05. Dimensional Regulations.
- 04.06. Off-Street Parking Space Requirements.
- 04.07. Access Control Requirements.
- 04.08. Signage Requirements.
- 04.09. Site Plan Review Requirements.
- 04.10. Off-Street Loading and Unloading Requirements.

04.01. District Description.

This residential district is intended to be used for single family residential areas with relatively low population densities. Additional permitted uses include uses and facilities normally required to provide the basic elements of a balanced and attractive residential area. These areas are intended to be defined and protected from the encroachment of uses that are incompatible to the residential environment. Internal stability, attractiveness, order, and efficiency are encouraged by providing for adequate light, air, and open space for dwellings and related facilities and through consideration of the proper functional relationship of each element.

04.02. Uses Permitted.

In the R-1 Low Density Residential District, the following uses and their accessory uses are permitted.

1. Single family dwellings, but **not including** mobile home (trailer/single-wide).

04.03. Uses Permitted on Appeal.

In the R-I Low Density Residential District, the following uses and their accessory uses may be permitted subject to review and approval of the Board of Zoning Appeals in accordance with the provisions of Section 12.06

1. Passive recreational facilities.
2. Customary home occupations as regulated in Section 10.01.
3. The following uses and their accessory uses may be permitted provided that there is a planted evergreen buffer strip and the buildings are located not less than thirty-five (35) feet from any property line:
 - a. Public schools, colleges, and other public educational institutions.
 - b. Churches or similar places of worship, but **not including** temporary missions or revival tents.
4. Bed and Breakfast. (Refer to Chapter 10, Section 10.13 Standards for a Bed and Breakfast).

04.04. Uses Prohibited.

In the R-1 Low Density Residential District, all uses except those uses or their accessory uses specifically permitted or permitted upon appeal by the Ducktown Board of Zoning Appeal are prohibited.

04.05. Dimensional Regulations.

All uses permitted in the R-1 Low Density Residential District shall comply with the following requirements except as provided in Chapter 11.

1. **Front Yard:** The minimum building setback line for the front yard shall be twenty-five (25) feet, except as provided in Section 11.05.
2. **Rear Yard:** The minimum depth of the rear yard shall be twenty (20) feet for the principal structure and five (5) feet for any permitted accessory structure.
3. **Side Yard:** The side yard shall be a minimum of fifteen (15) feet for the one and two story structures, plus five (5) additional feet of side yard for each additional story over two.

- a. If the side yard abuts an alley, the side yard setback shall be ten (10) feet.
 - b. If the side yard abuts a local street, the side yard setback shall be twenty (20) feet.
4. **Land Area:** No lot or parcel of land shall be reduced in size to provide separate lots or building sites of less than 10,000 square feet in area. However, where there is an existing lot of record of less than 10,000 square feet, at the time of adoption of this ordinance, this lot may be utilized for the construction of one single-family dwelling, providing the lot in question has a public water supply and sanitary sewer service and providing that said lot of record is not less than 5,000 square feet in area.
 5. **Lot Width:** No lot shall be less than 50 feet wide at the building setback line.
 6. **Height Requirement:** No building shall exceed forty (40) feet in height except as provided in Section 11.03.

04.06. Off-Street Parking Space Requirements.

As regulated in Section 10.02.

04.07. Access Control Requirements.

As regulated in Section 10.03.

04.08. Signage Requirements.

As regulated in Section 10.04.

04.09. Site Plan Review Requirements.

As regulated in Section 10.05.

04.10. Off-Street Loading and Unloading Requirements.

As regulated in Section 10.06. (as added by Ord. #67, Feb. 2011)

**CHAPTER 5
R-2 MEDIUM DENSITY RESIDENTIAL DISTRICT**

Section

- 05.01. District Description.
- 05.02. Uses Permitted.
- 05.03. Uses Permitted on Appeal.
- 05.04. Uses Prohibited.
- 05.05. Dimensional Regulations.

- 05.06. Off-Street Parking Space Requirements.
- 05.07. Access Control Requirements.
- 05.08. Signage Requirements.
- 05.09. Site Plan Review Requirements.
- 05.10. Off-Street Loading and Unloading Requirements.

05.01. District Description.

This residential district is intended to promote and encourage the establishment and maintenance of a suitable environment for urban residences in areas which by location and character are appropriate for occupancy by medium density, single-family and multifamily dwellings. One of the important purposes of this district is to create adequate standards of residential development in order to prevent overcrowded and unhealthy conditions. The intensity of land use should not be so great as to cause congestion of buildings or traffic or overload existing sanitary facilities. Densities should be limited to provide adequate light, air, and usable open space for occupants and adequate space for all related facilities.

05.02. Uses Permitted.

In the R-2 Medium Density Residential District, the following uses and their accessory uses are permitted:

1. All uses permitted in Section 04.02. R-1 Low Density Residential District.
2. Two-family dwellings (Duplexes).
3. Bed and Breakfast. (Refer to Chapter 10, Section 10.13 Standards for a Bed and Breakfast).

05.03. Uses Permitted on Appeal.

In the R-2 Medium Density Residential District, the following uses and their accessory uses may be permitted subject to review and approval by the Ducktown Municipal Board of Zoning Appeals in accordance with the provisions of Section 12.06.

1. Passive recreational facilities.
2. Three (3) and four (4) unit apartment buildings on individual lots.
3. Customary home occupations as provided in Section 10.01.
4. The following uses and their accessory uses may be permitted provided that there is a planted evergreen buffer strip and the buildings are located not less than thirty-five (35) feet from any property line:

- a. Public schools, colleges, and other public educational institutions.
- b. Churches or similar places of worship, but not including temporary missions or revival tents.

05.04. Uses Prohibited.

In the R-2 Medium Density Residential District all uses, except those uses or their accessory uses specifically permitted or permitted upon appeal by the Ducktown Board of Zoning Appeals are prohibited.

05.05. Dimensional Regulations.

All uses permitted in the R-2 Medium Density Residential District shall comply with the following requirements except as provided in Chapter 11.

- 1. **Front Yard:** The minimum building setback line for the front yard shall be twenty-five (25) feet, except as provided in Section 11.05.
- 2. **Rear Yard:** The minimum depth of the rear yard shall be fifteen (15) feet for the principal structure and five (5) feet for any permitted accessory structure.
- 3. **Side Yard:** The side yard shall be a minimum often (10) feet for the one and two story structures, plus five (5) additional feet of side yard for each additional story over two.
 - a. If the side yard abuts an alley, the side yard setback shall be ten (10) feet.
 - b. If the side yard abuts a local street, the side yard setback shall be twenty (20) feet.
- 4. **Land Area:** No lot or parcel of land shall be reduced in size to provide separate lots or building sites of less than 7,500 square feet in area. However, where there is an existing lot of record of less than 7,500 square feet at the time of adoption of this ordinance, this lot may be utilized for the construction of only one (1) single-family dwelling, providing the lot in question has a public water supply and sanitary sewer service, and providing that said lot of record is not less than 5,000 square feet in area.

On lots or parcels of land where multiple-family dwellings are constructed, the following area requirements shall apply:

For lots on Sewer

- 1) Two dwelling units 15,000 sq. ft.
- 2) For each additional Unit add 5,000 sq. ft.

For lots on Septic

- 1) Two dwelling units 20,000 sq. ft.
- 2) For each additional Unit add 5,000 sq. ft.

- 5. **Lot Width:** Minimum lot width shall be measured from the building setback line and shall be no less than the following:
 - 1) Single family 50 ft.
 - 2) Two family 75 ft.
 - 3) Three family or greater 100 ft.

- 6. **Height Requirement:** No building shall exceed forty (40) feet, except as provided in Section 11.03.

05.06. Off-Street Parking Space Requirements.

As regulated in Section 10.02.

05.07. Access Control Requirements.

As regulated in Section 10 .03.

05.08. Signage Requirements.

As regulated in Section 10.04.

05.09. Site Plan Review Requirements.

As regulated in Section 10.05.

05.10. Off-Street Loading and Unloading Requirements.

As regulated in Section 10.06. (as added by Ord. #67, Feb. 2011)

**CHAPTER 6
R-3 HIGH DENSITY RESIDENTIAL DISTRICT**

Section

- 06.01. District Description.
- 06.02. Uses Permitted.
- 06.03. Uses Permitted on Appeal.
- 06.04. Uses Prohibited.
- 06.05. Dimensional Regulations.
- 06.06. Off-Street Parking Space Requirements.
- 06.07. Access Control Requirements.
- 06.08. Signage Requirements.
- 06.09. Site Plan Review Requirements.
- 06.10. Off-Street Loading and Unloading Requirements.

06.01. District Description.

This residential district is intended to promote and encourage the establishment and maintenance of a suitable environment for urban residences in areas which by location and character are appropriate for occupancy by high-density, single-family and multiple-family dwellings. One of the important purposes of this district is to create adequate standards of residential development in order to prevent overcrowded and unhealthy conditions. The intensity of land use should not be so great as to cause congestion of buildings or traffic or overload existing sanitary facilities. Densities should be limited to provide adequate light, air, and usable open space for occupants of apartment buildings and adequate space for all related facilities.

06.02. Uses Permitted.

Within the R-3 Residential District of Ducktown, the following uses shall be permitted:

1. Any use permitted in Section 04.02. R-1 Low Density Residential and Section 05.02. R-2 Medium Density Residential Districts.
2. Multi-family dwellings.
3. Single-wide manufactured homes on individual lots.
4. Bed and Breakfast (refer to Chapter 10, Section 10.13 Standards for a Bed and Breakfast).

06.03. Uses Permitted on Appeal.

In the R-3 High Density Residential District, the following uses and their accessory uses may be permitted subject to review and approval by the Ducktown Board of Zoning Appeals in accordance with the provisions of Section 12.06.

1. Active and Active Recreational facilities.
2. Customary home occupations as provided in Section 10.01.
3. Child Care Centers as defined in Chapter 2.
4. The following uses and their accessory. uses may be permitted provided that there is a planted evergreen buffer strip and the buildings are located not less than thirty-five (35) feet from any property line:
 - a. Public schools, colleges, and other public educational institutions.

- b. Churches or similar places of worship, but not including temporary missions or revival tents.
- c. Lodge halls civic organizations, and private clubs, except a club's chief activity of which is customarily carried on as a business.
- d. Clinics and Nursing Homes.
- e. Funeral parlors.

06.04. Uses Prohibited.

In the R-3 Medium Density Residential District, all uses except those uses or their accessory uses specifically permitted or permitted upon appeal by the Ducktown Board of Zoning Appeal are prohibited.

06.05. Dimensional Regulations.

All uses permitted in the R-3 High Density Residential District shall comply with the following requirements except as provided in Chapter 11.

- 1. **Front Yard:** The minimum building setback line for the front yard shall be twenty-five (25) feet, except as provided in Section 11.05.
- 2. **Rear Yard:** The minimum depth of the rear yard shall be ten (10) feet for the principal structure and five (5) feet for any permitted accessory structure.
- 3. **Side Yard:** The side yard shall be a minimum of ten (10) feet for the one and two story structures, plus five (5) additional feet of side yard for each additional story over two.
 - a. If the side yard abuts an alley, the side yard setback shall be ten (10) feet.
 - b. If the side yard abuts a local street, the side yard setback shall be fifteen (15) feet.
- 4. **Land Area:** No lot or parcel of land shall be reduced in size to provide separate lots or building sites of less than 7,000 square feet in area. However, where there is an existing lot of record of less than 7,000 square feet at the time of adoption of this ordinance, this lot may be utilized for the construction of only one (1) single-family dwelling, providing the lot in question has a public water supply and sanitary sewer service, and providing that said lot of record is not less than 5,000 square feet in area.

On lots or parcels of land where multiple-family dwellings are constructed, the following area requirements shall apply:

For lots on Sewer

- 1) Two dwelling units 10,000 sq. ft.
- 2) For each additional Unit add 5,000 sq. ft.

For lots on Septic

- 1) Two dwelling units 15,000 sq. ft.
- 2) For each additional Unit add 5,000 sq. ft.

5. **Lot Width:** Minimum lot width shall be measured from the building setback line and shall be no less than the following:

- 1) Single family 50 ft.
- 2) Two family 75 ft.
- 3) Three family or greater 100 ft.

6. **Height Requirement:** No building shall exceed forty (40) feet, except as provided in Section 11.03.

06.06. Off-Street Parking Space Requirements.

As regulated in Section 10.02.

06.07. Access Control Requirements.

As regulated in Section 10.03.

06.08. Signage Requirements.

As regulated in Section 10.04.

06.09. Site Plan Review Requirements.

As regulated in Section 10.05.

06.10. Off-Street Loading and Unloading Requirements.

As regulated in Section 10.06. (as added by Ord. #67, Feb. 2011)

**CHAPTER 7
C-1 CENTRAL BUSINESS DISTRICT**

Section

- 07.01. District Description.
- 07.02. Uses Permitted.
- 07.03. Uses Permitted on Appeal.
- 07.04. Uses Prohibited.

- 07.05. Dimensional Regulations.
- 07.06. Off-Street Parking Space Requirements.
- 07.07. Access Control Requirements.
- 07.08. Signage Requirements.
- 07.09. Site Plan Review Requirements.
- 07.10. Off-Street Loading and Unloading Requirements.

07.01. District Description.

This district is established to provide an area for the conduct of community and municipal retail and service businesses of an indoor and intensive nature, especially for those sales and service uses which require a central location, which generate substantial pedestrian traffic, and which are mutually benefitted by close proximity to other uses of similar nature and requirements; and for only those small-scale industrial uses commonly associated with retail, or business, or personal service activities. It is intended that such areas have properties of size suitable for uses of a variety of scale so developed as to promote pedestrian circulation, avoid "dead" spaces between uses, and to contribute to mutual business advantage. It is further intended to exclude those commercial or industrial activities which are characterized by trucking other than stocking and delivery of retail goods, which cater exclusively to automobiles or traffic or to patrons who remain in their vehicles for service.

07.02. Uses Permitted.

The following uses and their accessory uses shall be permitted in the C-1 Central Business District:

1. Newspapers: Publishing or publishing and printing (SIC 2711).
2. U.S. Postal Service (SIC 4311).
3. Travel agencies (SIC 4724).
4. Motor vehicle supplies and new parts (SIC 5013).
5. Hardware stores (SIC 5251).
6. Eating places (SIC 5812).
7. Drug stores (SIC 5912).
8. Antique stores (SIC 5932).
9. Depository institutions (SIC 60).

10. Non-depository institutions (SIC 61).
11. Security and commodity brokers, dealers, exchanges and services (SIC 62).
12. Insurance carriers and agents (SIC 63 and 64).
13. Real estate (SIC 65).
14. Holding offices (SIC 67).
15. Personal services (SIC 72, excluding 7299).
16. Automobile parking (SIC 7521).
17. Health services (SIC 80).
18. Legal services (SIC 81).
19. Civic, social and fraternal associations (SIC 8641).
20. Engineering, accounting, research, management, and related services (SIC 87).
21. Executive, legislative and general government (SIC 91).
22. Justice, public order, and safety (SIC 92).
23. Public finance, taxation, and monetary policy (SIC 93).
24. Administration (SIC 94, 95, 96).
25. Amusement and Recreation Services (SIC 7997, 7999).

07.03. Uses Permitted on Appeal.

In the C-1 Central Business District, the following uses and their accessory uses may be permitted subject to the review and approval by the Ducktown Board of Zoning Appeals in accordance with the provisions in Section 12.06 of this ordinance.

1. Hotels and motels, provided off street parking is provided (SIC 7011), rooming and boarding houses (SIC 7021).
2. Apartments provided the following conditions are met:

- a. Apartments shall be located above the ground floor or in the rear of the building, if a one-story building.
- b. Provide a floor layout to ensure adequate space and separate outside entrance.
- c. No more than two (2) apartments shall be allowed in any one (1) building.
- d. One off-street parking space per apartment shall be provided.
- e. Any apartment to be developed shall not be less than eight hundred fifty (850) square feet in area.
- f. The character of the building as a commercial structure shall not be changed by the addition of a residential use.

A sketch plan and floor layout shall be presented to the Planning Commission to ensure the provisions of (a.) through (f.) above are met. Detailed construction information shall be required to ensure compliance with all pertinent codes of the city. Recommendations shall be provided by the Staff Planner and Building Official prior to the final decision by the Planning Commission.

07.04. Uses Prohibited.

In the C-1 Central Business District, all uses, except those uses specifically permitted or permitted on appeal by the Ducktown Board of Zoning Appeals are prohibited.

07.05. Dimensional Regulations.

All uses permitted in the C-1 Central Business District shall comply with the following requirements except as provided in Chapter 11.

1. **Front Yard:** No front yard shall be required in the C-1 Central Business District.
2. **Rear Yard:** Where a commercial building is to be serviced from the rear, there shall be provided an alleyway, service court, rear yard, or combination thereof of not less than thirty (30) feet in depth. The depth of a rear yard which abuts a residential district shall be not less than twenty-five (25) feet. In all other cases, no rear yard shall be required.
3. **Side Yard:** No side yard shall be required except that a ten (10) foot buffer strip shall be required on any side which abuts a residential district.

4. **Land Area:** For areas served by a sanitary sewer system, there shall be a minimum lot area of not less than three thousand five hundred (3,500) square feet.
5. **Lot Width:** Each lot shall have a width of not less than twenty-five (25) feet at the building line. *(Twenty-five feet is the standard lot width in the Central Business District).*
6. **Height Requirement:** No building shall exceed forty (40) feet, except as provided in Section 11.03.
7. **Buffer Strip:** Where a commercial building abuts a residential district at either the side or rear yard, a planted buffer strip of not less than ten (10) feet wide shall be provided.

07.06. Off-Street Parking Space Requirements.

No requirement for uses permitted by right.

07.07. Access Control Requirements.

As regulated in Section 10.03.

07.08. Signage Requirements.

As regulated in Section 10.04.

07.09. Site Plan Review Requirements.

As regulated in Section 10.05.

07.10. Off-Street Loading and Unloading Requirements.

As regulated in Section 10.06. (as added by Ord. #67, Feb. 2011)

**CHAPTER 8
C-2 HIGHWAY COMMERCIAL ZONING DISTRICT**

Section

- 08.01. District Description.
- 08.02. Uses Permitted.
- 08.03. Uses Permitted on Appeal.
- 08.04. Uses Prohibited.
- 08.05. Dimensional Regulations.
- 08.06. Off-Street Parking Space Requirements.
- 08.07. Access Control Requirements.
- 08.08. Signage Requirements.
- 08.09. Site Plan Review Requirements.
- 08.10. Off-Street Loading and Unloading Requirements.

08.01. District Description.

This district is established to provide areas for those amusement, specialized sales, and travel accommodations, activities which depend on visibility from or proximity to automobiles or traffic, serve travelers, cater to local residents in vehicles, or provide services essential to the movement of vehicles in major ways. It is intended that such areas have properties with lot sizes, yards, performance and development standards sufficient to ensure that activities performed on any one lot will not unduly impede the flow of traffic, will not adversely affect activities of adjoining zones, and will not infringe on the efficiency of activities or customer attractiveness to adjacent lots. It is further intended to exclude those uses which are not necessary for service to traffic.

08.02 Uses Permitted.

In the C-2 Local Highway Commercial District the following uses may be permitted provided that obnoxious fumes, odors, smells, sounds and noises shall be controlled so as not to interfere with adjoining activities or properties.

1. Communications (SIC 48).
2. Building materials, hardware, garden supply (SIC 52, excluding 5271).
3. General merchandise (SIC 53).
4. Food stores (SIC 54).
5. Auto dealers and gas service stations (SIC 55).
6. Apparel and accessory stores (SIC 56).
7. Home furniture, furnishings and equipment stores (SIC 57).
8. Miscellaneous retail (SIC 59, excluding 5921 - liquor stores, and excluding 598 - fuel dealers).
9. Recreational vehicle parks and campsites (SIC 7033).
10. Business services (SIC 73, excluding 7389)
11. Auto repair services and parking (SIC 75, excluding 7534).
12. Miscellaneous repair services (SIC 76, excluding 7699).
13. Video tape rental (SIC 7841 - (excludes sexually oriented adult entertainment-see also adult entertainment ordinance).

14. Physical fitness facilities (SIC 7991).
15. Educational services (SIC 82).
16. Farm and garden machinery and equipment sales.

08.03. Uses Permitted on Appeal.

In the C-2 Local Highway Commercial District, the following uses and their accessory uses may be permitted subject to appeal and approval of the Ducktown Board of Zoning Appeals in accordance with the provisions of Section 12.06.

1. Amusement parks (SIC 7996); amphitheatres, ball parks or stadiums, fairgrounds (SIC 7999), and group picnic grounds.
2. Commercial activities similar to those uses permitted by right will be considered, and if approved must be recommended to the Board of Mayor and Commissioners to amend the use list.

08.04. Uses Prohibited.

All uses, except those uses or their accessory uses specifically permitted or permitted upon appeal by the Ducktown Board of Zoning Appeals are prohibited.

08.05. Dimensional Regulations.

The following requirements shall apply to all uses permitted in this district:

1. **Front Yard:** The depth of the front yard shall be thirty (30) feet from any right-of-way for all structures including secondary structures.
2. **Side Yard:** The width of any side yard which abuts a residential district shall be not less than twenty-five (25) feet. In all other cases each side shall be not less than ten (10) feet.
3. **Rear Yard:** Each lot shall have a rear yard of not less than ten (10) feet; the depth of a rear yard which abuts a residential district shall not be less than twenty-five (25) feet; where a commercial building is serviced from the rear there shall be provided a rear yard of not less than thirty (30) feet; where a commercial building is serviced from the rear and abuts residential property the depth of the rear yard shall not be less than forty-five (45) feet.
4. **Land Area:** For areas served by a sanitary sewer system, there shall be a minimum lot area of not less than seven thousand (7,000) square feet.

In areas that are not served by a sanitary sewer system, the lot area requirements shall be determined by the Health Department.

5. **Width:** Each lot shall have a width of not less than fifty (50) feet at the building line.
6. **Height Restrictions:** No building or structure shall exceed forty (40) feet, except as provided in Section 11.03.
7. **Buffer Strip:** Where a commercial building abuts a residential district at either the side or rear yard, a planted buffer strip of not less than ten (10) feet wide shall be provided.

08.06. Off-Street Parking Space Requirements.

As regulated in Section 10.02.

08.07. Access Control Requirements.

As regulated in Section 10.03.

08.08. Signage Requirements.

As regulated in Section 10.04.

08.09. Site Plan Review Requirements.

As regulated in Section 10.05.

08.10. Off-Street Loading and Unloading Requirements.

As regulated in Section 10.06. (as added by Ord. #67, Feb. 2011)

**CHAPTER 9
I-1 INDUSTRIAL ZONING DISTRICT**

Section

- 09.01. District Description.
- 09.02. Uses Permitted.
- 09.03. Uses Permitted on Appeal.
- 09.04. Uses Prohibited.
- 09.05. Dimensional Regulations.
- 09.06. Off-Street Parking Space Requirements.
- 09.07. Access Control Requirements.
- 09.08. Signage Requirements.
- 09.09. Site Plan Review Requirements.
- 09.10. Off-Street Loading and Unloading Requirements.

09.01. District Description.

The industrial district is established to provide areas in which the principal use of land is for manufacturing and assembly plants, processing, storage, warehousing, and distribution. It is the intent that permitted uses are conducted so that most of the noise, odor, dust, and glare of each operation is confined within an enclosed building. These industries may require direct access to rail, water, or street transportation routes.

These regulations are intended to prevent friction between uses within the district and also between adjoining commercial or residential uses.

09.02. Uses Permitted.

In the I-1 Light Industrial District, the following uses and their accessory uses are permitted.

1. Building contractors (SIC 15).
2. Heavy construction (SIC 16).
3. Construction special trade (SIC 17).
4. Textile mills (SIC 22).
5. Apparel (SIC 23).
6. Furniture and fixtures (SIC 25).
7. Industrial and commercial machinery and computer equipment (SIC 35).
8. Electronic and other electrical equipment (SIC 36).
9. Transportation equipment (SIC 37, excluding 376).
10. Electric services (SIC 4911).
11. Water supply (SIC 4941).
12. Machinery equipment and supplies (SIC 508).

09.03. Uses Permitted on Appeal.

In the I-1 Light Industrial District the following uses and their accessory uses may be permitted, subject to appeal and approval of the Ducktown Board of Zoning Appeals, in accordance with the provisions of Section 12.06.

When the BBZA considers uses on appeal for manufacturing, fabricating, processing, or assembling processes consideration should be made for uses which do not create any danger to health or safety in surrounding areas and which do not create any objectionable noise, vibration, smoke, dust, odor, heat, or glare and further provided that the facility shall not produce noxious or toxic compounds that could create objectionable conditions and the facility shall conform to the general intent of the I-1 Industrial District.

1. Mining and quarrying (SIC 1422 and 1442). All other industry numbers in Group 14 are excluded.
2. Lumber and wood products (SIC 24, excluding 2411 - logging, and excluding 2491 - wood preserving).
3. Fabricated metal products (SIC 34, excluding Industry Groups 347 and 348).
4. Miscellaneous manufacturing (SIC 39).
5. Motor freight transportation and warehousing (SIC 42).
6. Gas production and storage (SIC 4922).
7. Fuel dealers (SIC 598).

09.04. Uses Prohibited.

All uses except those uses specifically permitted in the I-1 Industrial District are prohibited.

09.05. Dimensional Regulations.

All uses permitted in the I-1 Industrial District shall comply with the following requirements except as provided in Chapter 11.

1. **Front Yard:** The minimum building setback line for the front yard shall be thirty-five (35) feet.
2. **Rear Yard:** The minimum depth of the rear yard shall be thirty (30) feet provided if more than one (1) lot shall be owned by one (1) person or entity and in the improvement of such lot a building shall be erected on more than one (1) lot, then the rear setback requirement on the interior lot line or lot lines shall be waived; provided further that if a part of a lot shall be sold before the approved principal building is erected, the line between the part sold and the part retained shall be the lot line to which the setback requirement shall apply.

3. **Side Yard:** The minimum depth of the side yard shall be twenty-five (25) feet provided if more than one (1) lot shall be owned by one (1) person or entity and in the improvement of such lot a building shall be erected on more than one (1) lot, then the side setback requirement on the interior lot line or lot lines shall be waived; provided further that if a part of a lot shall be sold before the approved principal building is erected, the line between the part sold and the part retained shall be the lot line to which the setback requirement shall apply.
4. **Land Area:** Where public water and sewer service are available, there shall be required a minimum land area of one-half (1/2) acres. In areas where only public water is available the minimum lot size shall be determined by the type and size of the industry and the individual sewage disposal needs of that industry. Where septic tank or other private sewage disposal is provided, health department approval shall be required. In no case shall the minimum lot size be less than one acre.
5. **Lot Width:** No lot shall be less than two hundred (200) feet wide at the building setback line or exceed a three-to-one (3:1) ratio.
6. **Height Restrictions:** No building or structure shall exceed forty (40) feet, except as provided in Section 11.03.
7. **Buffer Strip:** Where an industrial building abuts a residential district at either the side or rear yard, a planted buffer strip of not less than ten (10) feet wide shall be provided.
8. **Maximum Lot Coverage:** Buildings and accessory facilities shall not cover more than fifty (50) percent of the lot; buildings, accessory facilities, parking, and materials handling and transfer facilities shall not cover more than eighty (80) percent of the lot. No building or accessory facilities above ground shall extend beyond the building setback line(s) into the setback area(s).
9. **Railroads:** Lots abutting upon a railroad lead track easement or right-of-way shall reserve sufficient space to permit construction of a side track approximately parallel to the railroad easement or right-of-way.

09.06. Off-Street Parking Space Requirements.

As regulated in Section 10.02.

09.07. Access Control Requirements.

As regulated in Section 10.03.

09.08. Signage Requirements.

As regulated in Section 10.04.

09.09. Site Plan Review Requirements.

As regulated in Section 10.05.

09.10. Off-Street Loading and Unloading Requirements.

As regulated in Section 10.06. (as added by Ord. #67, Feb. 2011)

**CHAPTER 10
SUPPLEMENTARY PROVISIONS APPLYING TO ALL DISTRICTS**

Section

- 10.01. Customary Home Occupations.
- 10.02. Off-Street Parking Requirements.
- 10.03. Access Control Requirements.
- 10.04. Signage Requirements.
- 10.05. Site Plan Review Requirements.
- 10.06. Off-Street Loading and Unloading Requirements.
- 10.07. Accessory Use Regulations.
- 10.08. Temporary Use Regulations.
- 10.09. General Lot Restrictions.
- 10.10. Vision at Street Intersections.
- 10.11. Gasoline Service Station Restrictions.
- 10.12. Standards for the Appearance of Manufactured Homes.
- 10.13. Standards for a Bed and Breakfast.

10.01. Customary Home Occupations.

An occupation, profession, activity or use that is clearly a customary, secondary, and incidental use of a residential dwelling which does not alter the exterior of the property or affect the residential character of the neighborhood. The customary home occupation shall not create any additional parking or traffic congestion which affects the residential character of the neighborhood. The customary home occupation shall allow for one additional parking space other than parking used by those which occupy the residential dwelling. The customary home occupation shall not have signage which negatively affects the residential character of the neighborhood in which it is located. Only one sign is allowed for a customary home occupation. The sign shall be attached to the side of the home which faces the road with the highest classification according to the Ducktown Major Road Plan. The sign shall be no more than two square feet in size.

When questions arise regarding the acceptability of specific home occupations, the Board of Zoning Appeals shall determine whether said home occupation is

in compliance with these regulations and is compatible with the district in which said home occupation is located.

10.02. Off Street Parking Requirements.

The following off-street parking requirements are applicable to all zoning districts.

10.02.01. Spaces Required. Off-street automobile storage or standing space shall be provided on each lot upon which any of the following uses are hereafter established. The number of parking spaces provided shall meet the minimum requirements for the specific uses as set forth below:

1. **Dwellings:** Not less than one (1) space for each family dwelling unit.
2. **Tourist Accommodations, Motel, or Hotel:** Not less than one (1) space for each room offered for tourist accommodation.
3. **Any Auditorium, Church, Stadium, or Other Place of Public Assembly:** Not less than one (1) space for every four (4) seats provided in such places of assembly. For places of public assembly where seating is not a measure of capacity, such as clubhouses, funeral parlors, etc., at least one (1) space for each one hundred (100) square feet of floor space devoted to that particular use shall be provided.
4. **Manufacturing or Other Industrial Use:** At least one (1) space for every four (4) persons employed on a single shift, where there are more than one shift there should be two (2) spaces for every four employees to allow space when shifts change and there should be a minimum of five (5) spaces provided for any establishment.
5. **Commercial Building or Use:** One (1) space for each one hundred and seventy-five (175) square feet of usable floor space in commercial districts. (Usable floor space is to be determined by the building inspector based on the nature of the business.)
6. **Medical or Dental Clinics and Hospitals:** Four (4) spaces per doctor, plus one (1) additional space per employee.
7. **Service Stations:** Five (5) spaces for each grease rack or similar facility, plus one (1) space for each gasoline pump.
8. **Offices:** One (1) space for each two hundred (200) square feet of office space.

9. **Restaurants:** One (1) space per one hundred fifty (150) square feet of usable floor area, plus one (1) space for every two (2) employees. (For drive-in restaurants, one (1) space per fifty (50) square feet of usable floor area.)

10.02.02. Certification of Minimum Parking Requirements. Each application for a building permit shall include information as to the location and dimensions of off-street parking and loading space and the means of ingress and egress to such space. This information shall be in sufficient detail to enable the building inspector to determine whether or not the requirements of this section are met.

10.02.03. Combination of Required Parking Space. The required parking space for any number of separate uses may be combined in one lot, but the required space assigned to one use may not be assigned to another use, except that the parking space required for churches, theaters, or assembly halls whose peak attendance will be at night or on Sundays may be assigned to a use which will be closed at night or on Sundays.

10.02.04. Remote Parking Space. If the off-street parking space required by this ordinance cannot be reasonably provided on the same lot on which the principal use is located, such space may be provided on any land within five hundred (500) feet of the main entrance to such principal use, provided such land is in the same ownership as the principal use. Such land shall be used for no other purpose so long as no other adequate provision of parking space, meeting the requirements of this ordinance, has been made for the principal use.

10.02.05. Requirements for Design of Parking Lots.

1. Except for parcels of land devoted to one-, two-, three- and four-family residential uses, all areas devoted to off-street parking shall be so designed and be of such size that no vehicle is required to back into a public street to obtain egress.
2. Each parking space shall be no less than two hundred (200) square feet in area (20' x 10').
3. Entrances and exits for all off-street parking lots shall comply with the requirements of Section 10.03.
4. The parking lot shall be paved with asphalt or concrete and contoured to provide drainage to eliminate surface water.
5. Handicap spaces should meet the requirements of the ADA.

6. Parking lot designs should contain designs to include detention/retention areas to sustain a 25 year storm event.

10.03. Access Control Requirements.

In order to expedite the movement of traffic, to promote the safety of the motorist and pedestrian, and to minimize traffic congestion and conflict, it is necessary to reduce the points of vehicular contact. Therefore, to effectively control vehicular access on to the streets of Ducktown, it is necessary to classify such streets as follows:

1. Arterial Streets;
2. Collector Streets; and
3. Local streets.

The classification of each street shall be as shown on the Major Road Plan of Ducktown, Tennessee, which is kept in City Hall.

10.03.01. General Access Regulations Applying to All Classifications of Streets.

1. **Maximum Width of All Access Points:** The maximum width of all access points shall be 30 feet measured at the property line except when the development requiring access generates high overall or high peak traffic volumes, the DMPC may approve a wider channeled access point to allow various turning movements for greater traffic control and safety.
2. **Temporary Access Ways:** Temporary access ways may be generated by the planning commission at locations other than those specified for permanent access where it is expedient for the purpose of staged development. Temporary access ways shall be closed when permanent access to the property is completed.
3. **Off-street Parking Lanes Entirely Independent of Public Streets:** No off-street vehicular storage or parking area shall be allowed where the arrangement requires that vehicles back directly into a public street right-of-way.
4. **Access for Lots Fronting on More Than One Street:** In all commercial and industrial developments where a lot abuts more than one street, the planning commission may require that the access be provided from the street of lowest classification when necessary to lessen serious congestion on the major street. If access is allowed on to two or more

streets, the number of access points shall conform to those allowed for each street classification. (See Subsection C.)

5. **Gasoline Service Stations:** Gasoline service stations shall be allowed two (2) access points on to the same street to allow proper circulation past gasoline pumps. This is regardless of lot width or street classification provided the required site plan is approved by the DMPC.

10.03.02. Specific Number of Access Points Allowed for Each Street Classification. Wherever topographical features, existing developmental patterns, or other factors make the construction of frontage roads unfeasible, the planning commission shall allow direct access to the existing streets according to the following minimum requirements for each street classification. Where access is wider than allowed below in subsections (1-3), a curb should be used along the street right of way to limit access to one area.

1. **Access Points for Major Thoroughfares (Arterials):** In the absence of a frontage road, all lots having between 50 and 200 feet of frontage shall have no more than one (1) point of access to the major thoroughfare. For lots with over 200 feet of frontage, additional access points shall be allowed provided they are spaced at least 200 feet apart from each other and from the first access point. For development generating high overall or high peak traffic volumes, the DMPC may lessen the distance between access points to allow improved access provided a carefully planned pattern of internal and external channelization is prepared and approved.

When a lot of record fronting a major thoroughfare has less than 100 feet of frontage, the DMPC shall first attempt to obtain joint access with either adjacent property or access on to a frontage road. If this is not feasible, one single access point may be allowed, and should be located with consideration to the distance to the access points on the adjacent lots.

2. **Access Points for Collector Streets:** In the absence of a frontage road, all lots less than 150 feet in width shall have no more than one (1) point of access to any one public street. For lots with over 150 feet of frontage, additional access points shall be allowed provided they are spaced at least 150 feet apart from each other and from the first access point.
3. **Access Points for Local Streets:** All lots of less than 100 feet shall have no more than one (1) point of access to the local street. For lots with over 100 feet of frontage, additional access points may be allowed provided they are spaced at least 50 feet apart from each other and from the first access point. (Frontage Roads shall also be considered Local

Streets in order to provide the most lenient access provisions to developers who construct these beneficial facilities.)

10.04. Signage Requirements.

The purpose of this section is to regulate the location, type and structural requirements of outdoor advertising displays in the City of Ducktown. The purpose of these regulations is to ensure compatible land uses, public safety, and adequate design standards.

10.04.01. General Provisions. The following regulations (1-3) shall apply to all zoning districts:

Signs, as allowed in this section, shall be no closer than one-half the distance of the required front yard to the street right-of-way.

1. No sign(s) shall be erected in such a manner as to interfere with the free use of a fire escape, entrance or exit, or that shall obstruct the vision of a driver at a driveway or street intersection.
2. Signs will meet all setback requirements.
3. Banners, streamers, flags, similar temporary signs, and portable signs are not allowed except to advertise special events and grand opening ceremonies for a period not to exceed sixty (60) days preceding the event and must be removed within seven (7) days following the event. Provided, that flags of a nation, state, other political jurisdiction, governmental entity or corporation shall be exempt.

Residential Districts. Section 10.04.01 above and the following regulations govern signs in the R-1, R-2, and R-3 Residential Districts:

- 1) Non-residential uses in the residential district are limited to one (1) sign thirty-two (32) square feet in area and ten (10) feet in height.
- 2) Subdivisions and multi-family developments are limited to one (1) sign per entrance, not to exceed thirty-two (32) square feet in area and ten (10) feet in height.

Commercial Districts. Section 10.04.01 above and the following regulations govern signs in the C-1 and C-2 Commercial District:

- 1) The maximum number of signs per principal building, or use, are two (2), but not two (2) of the same type. Buildings or uses fronting

on more than one (1) street may have one additional sign for each road frontage.

- 2) No wall sign shall cover more than twenty-five (25) percent of the wall area on which it is to be located.

Industrial District. Signs in the I-1 Industrial District shall meet the same requirements as the Commercial District.

10.04.02. Non-Conforming Signs. Outdoor advertising displays which are nonconforming at the time of the passage of this ordinance shall be permitted to remain as long as they are properly maintained and are not considered to be a safety hazard. If a non-conforming advertising display ceases to display advertising matter for a period of one year or is damaged beyond fifty (50) percent of its replacement value, such sign shall be considered illegal and subject to removal.

10.04.03. Outdoor Advertising Displays Must be Maintained. All outdoor advertising displays must be maintained in such a manner so as to not endanger the public's safety. Upon finding that a sign is a safety hazard, the Ducktown Building Inspector shall give the owner of the property on which the sign is located a written notice which shall outline the corrective measures that must be completed in a maximum of thirty (30) days. If at the end of thirty (30) days the sign has not been brought into compliance, it shall be subject to removal as outlined in subsection 10.04.07.

10.05. Site Plan/Sketch Plan Review Requirements.

To provide for the orderly and proper development of land within the City and to protect the public health, safety, and welfare, the following requirements shall be mandatory.

10.05.01. Exceptions.

1. **Exceptions:** The provisions of Section 10.05. shall not apply to:
 - a. Single-family dwellings, two-family dwellings, or accessory buildings thereto
2. **Exceptions:** When the following exceptions apply, only a sketch plan will be required that should meet the requirements of Section 10.05.07.
 - a. Additions to buildings where the total gross floor area of the proposed addition does not exceed one-third (1/3) of the total gross

floor area of the existing building or one thousand (1,000) square feet, whichever is smaller.

- b. New buildings where the total gross floor area does not exceed one thousand (1,000) square feet, provided there is no alteration of drainage flow of land or grading exceeding cut or fill of one (1) foot, the site is not in a flood plain, the site is not in excess of ten thousand (10,000) square feet, or a new access is being built. If the new access is the only provision that would necessitate a site plan, then a sketch plan will be sufficient.
- c. Improvements to off-street parking to existing buildings and where access will be provided by existing driveways, when such improvement does not provide more than five (5) additional parking spaces.

10.05.02. Approved Site Plan Required to Erect or Enlarge Buildings. Except as provided in subsection 10.05.01, it shall be unlawful for any person to construct, erect, alter or increase the floor area of any building or structure or change the land area covered by any building on any land within the City until a site plan has been submitted and approved in accordance with the provisions of this chapter.

10.05.03. Development According to Site Plan. It shall be unlawful for any person to construct, erect, or alter any building or structure or to develop, change, or improve land for which an approved site plan is required by this chapter, except in accordance with the approved final site plan.

10.05.04. Permits Not to be Issued Without Approved Site Plan. No permit shall be issued to erect or alter any building or structure or alter the grade of any land that is subject to this chapter until a site plan has been submitted and approved in accordance with the provisions of this chapter.

10.05.05. Site Plan Submission. The owner or developer shall submit at least three (3) copies of the proposed site plan seven (7) days prior to his intended date of site alterations. The Planning Commission shall consider the site plan in light of the provisions of this chapter and approve or disapprove the site plan. The plans then shall be returned to the owner or his agent with the date of such approval or disapproval noted thereon over the signature of the Planning Commission Secretary.

10.05.06. Site Plan.

1. The site plan shall show the following:

- a. Name and address of development
 - b. Name and address or owner of record and the applicant
 - c. Present zoning classification of the site and abutting property
 - d. Date, scale, and north point with reference to source of meridian
 - e. Courses and distances of center lines of all streets and all property lines
 - f. All building restricting lines, highway setback lines, easements, covenants, reservation, and rights-of-way
 - g. The total land area
 - h. Topography of existing ground and paved areas, and elevations of streets, alleys, utilities, sanitary and storm sewers, and buildings and structures; topography to be shown by dashed lines illustrating five (5) foot contours.
 - i. Signature block for planning commission secretary to sign.
2. The site plan shall show the location of the following when existing:
- a. Number of structures or dwelling units
 - b. Number of parking spaces
 - c. Number of loading spaces
 - d. Square feet of floor space
 - e. Number of commercial or industrial tenants and employees
 - f. Plans for collecting storm water and methods of treatment of natural and artificial watercourses, including a delineation of limits of flood plains
 - g. Proposed grading, surface drainage, terraces, retaining wall heights, grades on paved areas and ground floor elevations of proposed buildings and structures; proposed topography of site shall be shown by (5) foot contours.

3. The site plan shall include an adequate erosion control plan.
4. Any building or structure shall be reasonably accessible to fire, police, emergency, and service vehicles. When deemed necessary for access by the Fire Chief or planning commission, emergency vehicle easements shall be provided.

Site plans should also be submitted (10) working days prior to the Planning Commission meeting to the building inspector and planning staff.

10.05.07. Appeals. If an applicant determines that his site plan has been unjustly disapproved or that the Planning Commission or Building Inspector has made requests for conformity to standards other than those set forth in this Ordinance, he may appeal the decision of the Planning Commission or Building Inspector to the Ducktown Board of Zoning Appeals in accordance with Section 12.06.

10.05.08. Penalties. As regulated in Section 12.11.

10.06. Off-Street Loading and Unloading Requirements.

Every building or structure hereafter constructed and used for industry, business, or trade in all districts shall provide space for the loading and unloading of vehicles off the street or public alley.

1. This space shall not be considered as part of the space requirements for off-street automobile storage.
2. Behind every building or structure used for business or trade, there shall be a rear yard not less than twenty (20) feet in depth to provide space for loading and unloading vehicles.
3. The Board of Zoning Appeals may hereafter reduce or increase this requirement in the interest of safety where unusual or special conditions merit special consideration.

10.07. Accessory Use Regulations.

The uses of land, buildings, and other structures permitted in each of the districts established by this ordinance are designated by listing the principal uses. In addition to such principal uses; accessory uses which are customarily incidental to the permitted principal uses are also permitted in each district. Each accessory use shall:

1. Be customarily incidental to the principal use established on the same lot.

2. Be subordinate to and serve such principal use.
3. Be subordinate in area, intent, and purpose to such principal use.
4. Contribute to the comfort, convenience, or necessity of users of such principal use.

10.08. Temporary Use Regulations.

The following regulations are necessary to govern the operation of certain necessary or seasonal uses non-permanent in nature. Application for a Temporary Use Permit shall be made to the building inspector or city manager at city hall. Said application shall contain a graphic description of the property to be utilized and a description of the proposed use, and sufficient information to determine yard requirements, setbacks, sanitary facilities, and parking space for the proposed temporary use. The following uses are deemed to be temporary uses and shall be subject to the specific regulations and time limits which follow and to the regulations of any district in which such use is located:

1. **Carnival or Circus:** May obtain a Temporary Use Permit in the C-1, C-2, or I-1; however, such permit shall be issued for a period of not longer than fifteen (15) days.
2. **Christmas Tree Sale:** May obtain a 30-day Temporary Use Permit for the display of Christmas Trees on open lots in the C-1, C-2, and I-1 Districts.
3. **Temporary Buildings:** In any district, a Temporary Use Permit may be issued for a contractor's temporary office and equipment sheds incidental to a construction project. Such permit shall not be valid for more than one (1) year but may be renewed for six (6) month extensions; however, not more than three (3) extensions shall be granted to a particular use. Such use shall be removed upon completion of the construction project, or upon expiration of the Temporary Use Permit, whichever occurs sooner.
4. **Real Estate Sales Office:** In any district, a Temporary Use Permit may be issued for a temporary real estate sales office in any new subdivision which has been approved by the planning commission under the Ducktown Subdivision Regulations. Such office shall contain no living accommodations. The permit will be valid for one (1) year, but may be granted two (2) six (6) month extensions. Such office shall be removed upon completion of the development of the subdivision or upon expiration of the Temporary Use Permit, whichever occurs sooner.

5. **Religious Tent Meetings:** In the C-1, C-2, and I-1 Districts, a Temporary Use Permit shall be issued for a tent or other temporary structures to house a religious meeting. Such permit shall be issued for not more than a 30-day period.
6. **Seasonal Sale of Farm Produce:** In all Commercial and Industrial Districts, a Temporary Use Permit may be issued for the sale of farm produce grown locally. Structures utilized for such sales shall be removed when not in use. The permit shall be issued for a five (5) month period. All structures must be set back from the roadway a minimum of thirty-five (35) feet. The setback requirement may be waived by the building inspector for carts, pick-up trucks, trailers, or other structures not left overnight if it is deemed that these temporary "structures" will not create a traffic or other safety hazard.
7. **Miscellaneous Assemblies:** In the C-1, C-2, and I-1 Districts, a Temporary Use Permit may be issued for any assembly such as an outdoor music concert, political rally, etc. Such permit shall be issued for not more than a seven (7) day period.

10.09. General Lot Restrictions.

The following general lot restrictions shall be applicable in all districts:

10.09.01. One (1) Principal Structure for Each Lot. Only one (1) principal building and its customary accessory buildings may be erected on any lot.

10.09.02. Public Road Frontage Requirement. No building shall be erected on a lot which does not abut at least one (1) street for its entire frontage. No building shall be erected on a lot with less than fifty (50) foot frontage, except in the C-1 zone where a twenty-five (25) foot frontage is permissible. Such building shall conform to the lot and yard requirements of the district in which it is located.

10.09.03. Open Space Limitations. No yard or other open space provided about any building for the purpose of complying with these regulations shall be considered as providing a yard or other open space for any other building.

10.09.04. Reductions in Lot Area Prohibited. No lot, even though it may consist of one or more adjacent lots of record, shall be reduced in area so that yards, lot area per family, lot width, building area, or other requirements of this ordinance are not maintained. This section shall not apply when a portion of a lot is acquired for a public purpose.

10.09.05. Rear Yard Abutting a Public Street. When the rear yard of a lot abuts a public street, all structures built in that rear yard shall observe the same setback from the street line or property line as required for adjacent properties which front on that street. In addition, any structure located within twenty-five (25) feet of that setback line shall be no closer to any side property line than the distance required for side yards on adjoining properties fronting on that street.

10.10. Vision at Street Intersections.

On a corner lot in any district, within the area formed by the center-lines of the intersecting or intercepting streets and a line joining points on such center-lines at a distance of seventy-five (75) feet from their intersection, there shall be no obstruction to visions between the height of two and one-half (2 1/2) feet and a height of ten (10) feet above the average grade of each street at the centerline thereof. The requirements of this section shall not be construed to prohibit any necessary retaining wall.

10.11. Gasoline Service Station Restrictions.

The following regulations shall apply to all gasoline service stations:

1. There shall be a building setback from all street right-of-way lines of a distance of not less than forty (40) feet, except for canopies designed to cover the gasoline pump islands. The depth of the front yard shall also be forty (40) feet from any right-of-way for all secondary structures including secondary structures such as gasoline pumps.
2. Gasoline pumps and canopies shall not be located closer than thirty (30) feet to any street right-of-way line.
3. Sign requirements as established in Section 10.04, shall be met.

10.12. Standards for the Appearance of Manufactured Homes.

1. Permitted Locations. Modular & manufactured homes, as defined, shall be permitted in all residential districts subject to the requirements and limitations set forth herein and which apply generally to residential use in such zoning classifications, including minimum lot size, setbacks, percentage of lot coverage and off-street parking requirements. Mobile homes (**trailer/single-wide**) are only permitted in the R-3 Residential district but shall also meet the specifications of this section.
2. The manufactured or mobile home must be connected to a public water and sewage system. Provided that where public water or sewer is not available, private well and septic tank installations approved by the

Tennessee Department of Environment and Conservation may be utilized.

3. Manufactured and mobile homes qualifying as single-family dwellings shall have the same appearance as required for site built homes and shall be built in two (2) or more sections.
4. All towing devices, wheels, axles and hitches must be removed.
5. Within 30 days of placement of a manufactured or mobile home, a brick or cinder block skirting compatible with the home's exterior siding shall be securely placed around the structure from the bottom of the home to the ground. Also, steps of a type approved by the building inspector shall be installed with the said time limit as necessary.
6. Manufactured (mobile) homes shall be installed in accordance with the requirements of the Manufactured Home Anchoring Act (TCA Section 68-36-401).
7. Within 30 days of placing a manufactured (mobile) home, the manufactured (mobile) home shall be skirted with a permanent enclosure similar in design to the manufactured (mobile home), constructed of weather resistant materials, enclosing the space directly beneath the mobile home.
8. Where installation of the electric meter on a separate pole, not on the structure, is approved by the deputy state fire marshal/electrical inspector, said pole shall be at the rear of the manufactured home. Provided, where the Utility cannot place the meter pole at the rear of the structure, said pole shall be at the side of the structure and shall have an opaque panel fence on the front and open side of the pole eight (8) feet high. The space to the rear of the pole shall be left open for emergency access and for meter readings.

Where applicable, all site-built additions to manufactured homes shall meet the requirements of the Ducktown Building Code.

10.13. Standards for a Bed and Breakfast.

Bed and Breakfast operations are a permitted use in the R-1 and R-2 Residential Zones. The City of Ducktown Municipal Planning Commission may require such conditions as are necessary to preserve and protect the character of the neighborhood in which the proposed use is located.

Permits - No building permit or Certificate of Occupancy for such use shall be issued without written approval of the City of Ducktown Municipal Planning Commission.

1. Location - The Bed and Breakfast operation shall be located and conducted in the principal building only.
2. Operator Occupied - Proprietors of the Bed and Breakfast operation shall be permanent residents of the dwelling in which it is located. As permanent residents, they shall keep separate and distinct sleeping quarters from Bed and Breakfast guests. No more than two (2) paid assistants may be employed.
3. Number of Rental Units - No more than four (4) bedrooms shall be for rent at any one time at any one Bed and Breakfast establishment.
4. Length of Stay - Lodging of guests at the Bed and Breakfast establishment shall be limited to no more than ten (10) days during any one (1) stay.
5. Food Services - Meals for other than owners and staff will be restricted to breakfast for paid house guests only. Breakfast hours are limited to from 6:00 a.m. to 11 :00 a.m.
6. Site Plan - An accurately drawn plan shall be presented to the City of Ducktown Municipal Planning Commission at least ten (10) days prior to the meeting. The site plan shall show the location of the principal building, off-street automobile parking, and relationship to adjoining properties and surrounding land use, existing zoning of the proposed site, and any other information as may be required by the City of Ducktown Municipal Planning Commission.
7. Appearance - The residential character and appearance of the home shall not be changed by the establishment of a Bed and Breakfast operation.
8. Advertising - The proposed use shall not be advertised by the use of signs, which exceed three (3) square feet in area. The sign shall be non-illuminated and must be attached flat to the main structure or visible through a window.
9. Parking - Off-street parking facilities shall be provided at the rate of at least one space per room for rent in addition to at least two spaces for the household. Parking will comply with Chapter 10.02 of the City of Ducktown Zoning Ordinance.

10. All applicable Federal, State, and Municipal codes, including municipal fire, building, and electrical codes shall be complied with as a condition of approval by the City of Ducktown Municipal Planning Commission.

The City of Ducktown Municipal Planning Commission may also attach other conditions on the use of the structure or site which will be necessary to carry out the intent of the Zoning Ordinance. Consideration will be given to the impact on adjoining properties. Landscaping, fencing, screening and other methods might be required to mitigate anticipated impacts to the neighborhood. (as added by Ord. #67, Feb. 2011)

CHAPTER 11 EXCEPTIONS AND MODIFICATIONS

Section

- 11.01. Scope.
- 11.02. Nonconforming Uses.
- 11.03. Exceptions to Height Limitations.
- 11.04. Lots of Record.
- 11.05. Exceptions to Front Yard Setback Requirements.
- 11.06. Absolute Minimum Lot Size.

11.01. Scope.

Chapter 11 of this ordinance is devoted for the necessary exceptions and modifications to the specific zoning district provisions and the supplementary provisions provided for in Chapter 10.

11.02. Nonconforming Uses.

It is the intent of this ordinance to recognize that the elimination, as expeditiously as is reasonable, of the existing buildings and structures or uses that are not in conformity with the provisions of this ordinance is as much a subject of health, safety, and welfare as is the prevention of the establishment of new uses that would violate the provisions of this ordinance. It is also the intent of this ordinance to so administer the elimination of nonconforming uses, buildings, and structures as to avoid an unreasonable invasion of established private property rights.

Lawful non-conforming uses, buildings, and structures existing at the time of the passage of this ordinance or any amendment thereto, shall be allowed to remain subject to the following provisions:

1. An existing non-conforming use of a building may be changed to a conforming use or to another non-conforming use of the same or higher classification, providing, however, that the establishment of another

non-conforming use of the same or higher classification shall be subject to the written approval of the Board of Zoning Appeals and subject to such conditions as the Board of Zoning Appeals may require in order to protect the area.

2. A non-conforming use of land shall be restricted to the area occupied by such use as of the effective date of this ordinance (See a. exceptions). A non-conforming use of a building or buildings shall not be enlarged to either additional land or buildings after the effective date of this ordinance (See a. exceptions).
 - a. Any commercial or industrial business established prior to this ordinance shall be allowed to continue in operation and be permitted; provided, that no change in the use of the land is undertaken by such industry or business. A commercial or industrial business shall also be allowed to expand operations and construct additional facilities which involve an actual continuance and expansion of the activities of the industry or business which were permitted and being conducted prior to the change in zoning, provided that there is reasonable amount of space for such expansion on the property owned by such industry or business situated within the area which is affected by the change in zoning, so as to avoid nuisances to adjoining landowners.
3. When a non-conforming use of any structure of land, excepting non-conforming manufactured home or mobile homes has been discontinued for a period of six (6) months, it shall not be re-established or changed to any use not in conformity with the provisions of this ordinance. Immediately upon the removal of a nonconforming manufactured home or mobile home the nonconformity of such structure and use of land shall lapse.
4. Any non-conforming building or non-conforming use, which is damaged by fire, flood, wind, or other act of God or man, may be reconstructed and used as before, if it be done within twelve (12) months of such damage. If the owner of property wishes to request an extension due to hardship; such as weather or insurance claim, the request can be made to the DMPC and must be approved by a majority of the members present at an official meeting.
5. A non-conforming building or building housing a non-conforming use shall not be structurally altered except in conformance with the provisions of this ordinance. This provision shall not be construed to

prevent normal maintenance and repairs of alterations required for structural safety.

11.03. Exceptions to Height Limitations.

The height limitations of this ordinance can be exceeded provided the following conditions are met.

1. The developer must present, at the time he applies for a building permit, a copy of the building plans which have been approved by the Ducktown Fire Chief. These plans must show all of the following:
 - a. A wet standpipe riser with one and one-half (1 1/2) inch fire hose connections,
 - b. A wet automatic sprinkler protection system for the entire building,
 - c. Enclosed exit stairways,
 - d. Smoke and heat detection units, and
 - e. Any other fire protection and prevention requirements which the fire chief feels are necessary for the building, including a height requirement not to exceed the capability of the Fire Department.

The design and installation of these fire protection measures must be in conformance with the National Fire Protection Association Standards (NFPA).

2. Before the building can be occupied, the developer must secure a statement from the fire chief that the fire protection systems have been installed according to the plans and that the system is functioning properly.
3. The height limitations of this ordinance shall not apply to church spires, belfries, cupolas, and domes not intended for human occupancy; monuments, water towers, silos, grain elevators, observation towers, transmission towers, windmills, chimneys, smokestacks, derricks, conveyors, flag poles, radio towers, masts, cell phone towers, and aerials.

11.04. Lots of Record.

The following provisions shall apply to all existing lots of record:

1. Where the owner of a lot consisting of one or more adjacent lots of official record at the time of the adoption of this ordinance does not own sufficient land to enable him to conform to the yard or other requirements of this ordinance, an application may be submitted to the **Ducktown Board of Zoning Appeals for a variance from the terms of this ordinance**. Such lot may be used as a building site, provided, however, that the yard and other requirements of the district are complied with as closely as in the opinion of the Ducktown Board of Zoning Appeals is possible.
2. No lot which is not or hereafter built upon shall be so reduced in area that the yards and open space will be smaller than prescribed by this ordinance, and no yard, court, or open space provided around any building for the purpose of complying with the provisions hereof, shall again be considered as a yard, court, or other open space for another building.
3. Where two or more lots of record with a continuous frontage are under the same ownership, or where a substandard lot of record has continuous frontage with a larger tract under the same ownership, such lots shall be combined to form one or more building sites meeting the minimum requirements of the district in which they are located.

11.05. Exceptions to Front Yard Setback Requirements.

The front setback requirement of this ordinance for structures shall not apply to any lot where the average depth of existing setbacks on the developed lots located within one hundred (100) feet on each side of such lot is less than the minimum required front yard depth. In such cases, the front yard setback may be less than required but not less than the average of the existing depth for front yards on developed lots within one hundred (100) feet on each side of the lot. In residential districts, however, the setback shall in no case be less than fifteen (15) feet from the street right-of-way line.

11.06. Absolute Minimum Lot Size.

In no case shall the Board of Zoning Appeals permit a residence to be erected on a lot whose width at the building setback line is less than fifty (50) feet and/or whose total lot area is less than five thousand (5,000) square feet. (as added by Ord. #67, Feb. 2011)

**CHAPTER 12
ADMINISTRATION AND ENFORCEMENT**

Section

12.01. Administration of the Ordinance.

- 12.02. The Enforcement Officer.
- 12.03. Building Permits.
- 12.04. Temporary Use Permits.
- 12.05. Certificate of Occupancy.
- 12.06. Board of Zoning Appeals.
- 12.07. Procedure for Authorizing Uses Permitted on Appeal.
- 12.08. Variances.
- 12.09. Amendments to the Ordinance.
- 12.10. Remedies.
- 12.11. Penalties for Violations.
- 12.12. Conflict with Other Regulations.
- 12.13. Separability.
- 12.14. Effective Date.

12.01. Administration of the Ordinance.

Except as otherwise provided, no structure or land shall after the effective date of this ordinance be used and no structure or part thereof shall be erected, altered, or moved unless in conformity with the regulations herein specified for the district in which it is located. In their interpretation and application, the provisions of this ordinance shall be considered minimum requirements adopted for the promotion of public health, safety, morals, convenience, order, prosperity, and general welfare of the community. Where other ordinances, resolutions, or regulations heretofore adopted or which may be adopted hereafter impose greater restrictions than those specified herein, compliance with such other ordinances, resolutions, or regulations is mandatory.

12.02. The Enforcement Officer.

The provisions of this ordinance shall be administered and enforced by the Ducktown Building Inspector in conjunction with the Ducktown City Manger. The building inspector with the assistance of the city manager shall administer and enforce this ordinance and, in addition, he/she shall:

1. Issue all Building Permits and make and maintain records thereof.
2. Issue all Certificates of Occupancy and make and maintain records thereof.
3. Issue and renew, where applicable, all Temporary Use Permits and make and maintain records thereof.
4. Maintain and keep current zoning maps, and records of amendments thereto.

5. Conduct inspections as required in this ordinance and such other inspections as are necessary to ensure compliance with the various other general provisions of this ordinance. The building inspector shall possess the right to enter upon any premises for the purpose of making inspections of buildings or premises necessary to carry out his/her authorized duties.
6. Administer and enforce the National Flood Insurance Program (NFIP).

12.03. Building Permits.

Any owner, authorized agent, or contractor who desires to construct, enlarge, alter, repair, move, demolish, or change the occupancy of a building or structure, fill or excavate land lying within any flood hazard areas, or to erect or construct a sign of any description, or to install or alter fire-extinguishing apparatus, elevators, engines, or to install a steam boiler, furnace, heater, incinerator, or other heat producing apparatus, or other appurtenances, the installation of which is regulated by this code, or to cause any such work to be done, in excess of one thousand (\$1,000.00) dollars shall first make application to the building official and obtain the required permit thereof. Where such work is less than (\$1,000.00) dollars, a permit is still required but no fee will be charged. Permit fees will be set by the Board of Mayor and Commissioners and will be listed in the city's fee schedule.

A general permit shall carry with it the right to install in any building or structure, or part thereof, heating apparatus, elevators, sidewalk elevators, vaults, chutes, coal holes, lifts, cranes, derricks, steam power boilers, steam, oil, gas or vapor engines, provided the same are shown on the drawings and set forth in the specifications filed with the application for the permit; but where these are not shown on the drawings and covered by the specifications submitted with said application, special permits shall be required.

Minor repairs may be made with the approval of the building official without a permit; provided that such repairs shall not violate any of the provisions of this code.

Any building permit issued becomes invalid if work authorized by it is not commenced within six (6) months of the date of issuance or if work authorized by the permit is suspended or discontinued for a period of one (1) year.

12.04. Temporary Use Permits.

It shall be unlawful to commence construction or development of any use of a temporary nature until a permit has been secured from the Ducktown Building Inspector. Application for a Temporary Use Permit shall be made in writing to the building inspector on forms provided for that purpose.

12.05. Certificate of Occupancy.

No land or building or their structure or part thereof hereafter erected, moved, or altered in its use shall be used until the building inspector shall have issued a Certificate of Occupancy stating that such land, structure, or part thereof is found to be in conformity with the provisions of this ordinance. Within ten (10) working days after notification that a building or premises or part thereof is ready for occupancy or use, it shall be the duty of the building inspector to make a final inspection thereof, and to issue a Certificate of Occupancy, if the building or premises or part thereof is found to conform with the provisions of this ordinance; or, if such certificate is refused, to state the refusal in writing with the cause for such refusal.

12.06. Board of Zoning Appeals.

A Ducktown Board of Zoning Appeals (BBZA) is hereby established in accordance with Section 13-7-205 through 13-7-207 of the Tennessee Code Annotated. The Ducktown Municipal Planning Commission shall also serve as the Board of Zoning Appeals.

12.06.01. Procedure. Meetings of the Board of Zoning Appeals shall be held at the call of the chairman, and at such other times as the DBZA may determine. Such chairman, or in his absence, the acting chairman, may administer oaths and compel the attendance of witnesses. All meetings of the DBZA shall be open to the public. The DBZA shall adopt rules of procedure and shall keep records of applications and action taken thereon which shall be public records.

12.06.02. Appeals to the BBZA. An appeal to the Ducktown Board of Zoning Appeals may be taken by any person, firm, or corporation aggrieved, or by any governmental office, department, board, or bureau affected by any decision of the building inspector based in whole or in part upon the provisions of this ordinance. Such appeal shall be taken by filing an application (see appendix)¹ with the Board of Zoning Appeals specifying the grounds thereof. The building inspector shall transmit to the DBZA all papers constituting the record upon which the action appealed was taken. The DBZA shall fix a reasonable time for the hearing of the appeal, give public notice thereof, as well as due notice to the parties in interest, and decide the same within a reasonable time. Upon the hearing, any person or party may appear in person, by agent, or by attorney.

¹The appendix to the Ducktown Zoning Ordinance can be found in the office of the recorder.

12.06.03. Powers of the DBZA. The Ducktown Board of Zoning Appeals shall have the following powers as empowered by Tennessee Code Annotated 13-7-207.

13-7-207. Powers of board of appeals.

The board of appeals has the power to:

(1) Hear and decide appeals where it is alleged by the appellant that there is error in any order, requirement, permit, decision, or refusal made by the municipal building commissioner or any other administrative official in the carrying out or enforcement of any provision of any ordinance enacted pursuant to this part and part 3 of this chapter;

(2) Hear and decide, in accordance with the provisions of any such ordinance, requests for special exceptions or for interpretation of the map or for decisions upon other special questions upon which such board is authorized by any such ordinance to pass; and

(3) Where, by reason of exceptional narrowness, shallowness or shape of a specific piece of property at the time of the enactment of the zoning regulation, or by reason of exceptional topographic conditions or other extraordinary and exceptional situation or condition of such piece of property, the strict application of any regulation enacted under this part and part 3 of this chapter would result in peculiar and exceptional practical difficulties to or exception or undue hardship upon the owner of such property, authorize, upon an appeal relating to the property, a variance from such strict application so as to relieve such difficulties or hardship; provided, that such relief may be granted without substantial detriment to the public good and without substantially impairing the intent and purpose of the zone plan and zoning ordinance.

[Acts 1935, ch. 44, § 5; C. Supp. 1950, § 3407.5; T.C.A. (orig. ed.), § 13-707.]

A summary of the Powers of the DBZA is as follows:

1. **Administrative Review:** To hear and decide appeals where it is alleged by the appellant that there is error in any order, requirement, permit, decision, determination or refusal made by the building inspector or other administrative official in the carrying out of enforcement of any provision of this ordinance.
2. **Special Exceptions:** To hear and decide applications for special exceptions as specified in this ordinance, hear requests for interpretation

of the zoning map, and for decision on any special questions upon which the Board of Zoning appeals is authorized to pass.

3. **Variations:** To hear and decide applications for variations from the terms of this ordinance.

12.07. Procedure for Authorizing Uses Permitted on Appeal.

The following procedure is established to provide procedures for appeal of a proposed use by the Board of Zoning Appeals. The procedure shall be the same whether review is required by this ordinance or whether a review is requested by the building inspector to determine whether a proposed use is potentially noxious, dangerous, or offensive. This procedure shall also be used in submitting special exceptions to the Board of Zoning Appeals.

1. **Application.** An application shall be filed with the Board of Zoning Appeals for review. Said application shall show the location and intended use of the site, the names of the property owners, and existing land uses within two hundred (200) feet, and any other material pertinent to the request which the DBZA may require. Application for a building permit shall be made in writing to the building inspector on forms provided for that purpose. It shall be unlawful for the building inspector to approve the plans or issue a building permit for any excavation, filling or construction until such plans have been inspected in detail and found to be in conformity with this ordinance. To this end, the application for a building permit for excavation, filling, construction, moving, or alteration, shall be accompanied by a plan or plat drawn to a scale showing the following in sufficient detail to enable the building inspector to ascertain whether the proposed excavation, filling, construction, moving, or alteration is in conformance with this ordinance:
 - a. The actual shape, location, and dimensions of the lot to be built upon;
 - b. The shape, size, and location of all buildings or other structures to be erected, altered, or moved and of buildings or other structures already on the lot;
 - c. The existing and intended use of all such buildings or other structures;
 - d. Location and design of off-street parking areas and off-street loading areas. Such other information concerning the lot or adjoining lots as may be essential for determining whether the provisions of this ordinance are being observed.

- e. In areas that are subject to flooding, the following additional information is required:
 - (1) Elevation in relation to mean sea level (MSL) of the lot;
 - (2) MSL elevation of the lowest floor (including basement) of all structures;
 - (3) MSL elevation to which any nonresidential structure is proposed to be flood-proofed.
- f. The location of the foregoing in relation to any stream within the vicinity.

If the proposed excavation, filling, construction, moving, or alteration as set forth in the application is in conformity with the provisions of this ordinance, the building inspector shall issue a building permit for such excavation or construction. If an application for a building permit is not approved, the building inspector shall state in writing on the application the cause for such disapproval. Issuance of a permit shall in no case be construed as waiving any provisions of this ordinance, and building permits shall be void after six (6) months from date of issue, unless substantial progress on the project has been made by that time.

- 2. **Restrictions.** In the exercise of its approval, the planning commission may impose such conditions upon the proposed uses of buildings or land as it may deem advisable in the furtherance of the general purposes of this ordinance.
- 3. **Validity of Plans.** All approved plans, conditions, restrictions, and rules made a part of the approval of the planning commission shall constitute certification on the part of the applicant that the proposed use shall conform to such regulations at all times.
- 4. **Time Limit.** All application reviewed by the planning commission shall be decided within sixty (60) days of the date of application, and the applicant shall be provided with either a written notice of approval or denial.

12.08. Variances.

The purpose of the variance provision is to modify the strict application of the specific requirements of this ordinance in the case of exceptionally irregular, narrow, shallow, or steep lots, or other exceptional **physical conditions**, whereby such strict application would result in practical difficulty or

unnecessary hardship which would deprive an owner of **the reasonable use of his land**. The variance shall be used only where necessary to overcome some obstacle which is preventing an owner from using his property under this ordinance.

1. **Application.** After written denial of a permit, a property owner may make application for a variance, using the standard form made available by the Ducktown Board of Zoning Appeals.
2. **Hearings.** Upon receipt of an application and ten (\$10.00) dollar fee, the DBZA shall hold a hearing to decide whether a variance to the ordinance provisions is, in fact, necessary to relieve unnecessary hardships which act to deprive the property owner of the reasonable use of his land. The DBZA shall consider and decide all applications for variances within thirty (30) days of such hearing and in accordance with the standards provided below.
3. **Standards for Variances.** In granting a variance, the DBZA shall ascertain that the following criteria are met as outlined in Subsection 3 of Tennessee Code Annotated Section 13-7-207.
 - a. Variances shall be granted only where special circumstances or conditions, fully described in the finding of the DBZA, do not apply generally in the district;
 - b. Variances shall not be granted to allow a use otherwise excluded from the particular district in which requested;
 - c. For reasons fully set forth in the findings of the DBZA, the aforesaid circumstances or conditions are such that the strict application of the provisions of this ordinance would deprive the applicant of any reasonable use of his land. Mere loss of value shall not justify a variance. There must be a deprivation of beneficial use of land.
 - d. The granting of any variance shall be in harmony with the general purposes and intent of this ordinance and shall not be injurious to the neighborhood, detrimental to the public welfare, or in conflict with the comprehensive plan for development;
 - e. In reviewing an application for a variance, the burden of showing that the variance should be granted shall be upon the person applying therefore.

12.09. Amendments to the Ordinance.

1. **General.** The City council may, from time to time, amend this ordinance by changing the boundaries of districts or by changing any other provisions wherever it is alleged that there was an error in the original zoning ordinance or whenever the public necessity, convenience, and general welfare require such amendment. However, no amendment shall become effective unless it 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 chief legislative body.
2. **Initiation of Amendment.** Amendments may be initiated by the City council, the planning commission, or by all of the owners of property affected by the proposed amendment. An application by an individual for an amendment shall be accompanied by a fee of twenty-five (\$25.00) dollars payable to the City of Ducktown. The application shall be made on the form in the appendix and shall also be accompanied by maps, drawings, two (2) petitions signed by the adjoining property owners, and data necessary to demonstrate that the proposed amendment is in general conformance with the General Plan of the City of Ducktown and that public necessity, convenience, and general welfare, require the adoption of the proposed amendment. An accurate legal description and scale drawing of the land and existing buildings shall be submitted with the application.
3. **Review and Recommendation by the Planning Commission.** The Ducktown Municipal Planning Commission shall review and make recommendations to the Board of Mayor and Commissioners on all proposed amendments to the ordinance.
4. **Grounds for an Amendment.** The planning commission in its review and recommendation, and the City council in its deliberations, shall make specific findings with regard to the following grounds for an amendment and shall note the same in the official record as follows:
 - a. The amendment is in agreement with the general plan for the area.
 - b. It has been determined that the legal purposes for which zoning exists are not contravened.
 - c. It has been determined that there will be adverse effects upon adjoining property owners unless such adverse affect can be justified by the overwhelming public good or welfare.

- d. It has been determined that no one property owner or small group of property owners will benefit materially from the change to the detriment of the general public.
 - e. It has been determined that conditions affecting the area have changed to a sufficient extent to warrant an amendment to the area's general plan, and consequently, the zoning map.
5. **Public Hearing and Notice of Hearing.** A public hearing shall be held on all proposed amendments to this ordinance. Notice of such hearing shall be in a newspaper of general circulation within the City of Ducktown at least fifteen (15) days prior to the public hearing. This notice shall specify the location, current and proposed zoning classification, and it may contain a graphic illustration of the area.
6. **Notice of Enactment.** Upon enactment of an amendment to the ordinance, a written notice of such shall be published in a newspaper of general circulation within the City of Ducktown within five (5) working days following such enactment announcing the new zoning classification of property affected. The change shall become effective upon the date of the announcement.
7. **Amendments Affecting Zoning Map.** Upon enactment of an amendment to the zoning map which is part of this ordinance, the zoning administrator shall cause such amendment to be placed upon the zoning map. Such amendment shall not become effective until this action is accomplished.
8. **Effect of Denial of Application.** Whenever an application for an amendment to the text of this ordinance or for a change in the zoning classification of any property is denied, the application for such amendment shall not be eligible for reconsideration for one (1) year following such denial, except in the following cases.
- a. Upon initiation by the City council, or planning commission;
 - b. When the new application, although involving all or a portion of the same property, is for a different zoning district than that for which the original application was made;
 - c. When the previous application was denied for the reason that the proposed zoning would not conform with the general plan, and the general plan has subsequently been amended in a manner which will allow the proposed zoning.

12.10. Remedies.

In case any building or other structure is erected, constructed, altered, repaired, converted, or maintained, or any building, structure, or land is used in violation of this ordinance, the building inspector or any other appropriate authority or any adjacent or neighborhood property owner who would be specifically damaged by such violation, in addition to other remedies, may institute injunction, mandamus, or other appropriate action or proceeding to prevent such unlawful erection, construction, reconstruction, alteration, repair, conversion, maintenance, or use; or to correct or abate such violation; or to prevent occupancy of such building, structure, or land.

12.11. Penalties for Violations.

Upon conviction, any person violating any provision of this ordinance shall be fined not less than two (\$2.00) dollars nor more than fifty (\$50.00) dollars for each offense. Each day such violations continue shall constitute a separate offense.

12.12. Conflict with Other Regulations.

Whenever the regulations of this ordinance require more restrictive standards than are required in or under any other statute; the requirements of this ordinance shall govern. Whenever the provisions of any other statute require more restrictive standards that are required by this ordinance, the provisions of such statute shall govern.

12.13. Separability.

Should any action or provisions of this ordinance be declared invalid or unconstitutional by any court of competent jurisdiction, such declaration shall not affect the facility of the ordinance as a whole or any part thereof which is not specifically declared to be invalid or unconstitutional.

12.14. Effective Date.

This ordinance shall take effect and be in force from and after the date of its adoption, the public welfare demanding it. (as added by Ord. #67, Feb. 2011)