

TITLE 11

PLANNING AND ZONING

CHAPTER

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CHAPTER 1

MUNICIPAL PLANNING COMMISSION

SECTION

- 11-101. Creation and membership.
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11-103. Additional powers.

11-101. Creation and membership. Pursuant to the provisions of section 13-4-101 of the Tennessee Code Annotated, there is hereby created a municipal planning commission, hereinafter referred to as the planning commission. The planning commission shall consist of five (5) members; two (2) of these shall be the mayor and another member of the board of mayor and aldermen selected by the board of mayor and aldermen; the other three (3) members shall be appointed by the mayor. All members of the planning commission shall serve as such without compensation. Except for the initial appointments, the terms of the three (3) members appointed by the mayor shall be for three (3) years each. The three (3) members first appointed shall be appointed for terms of one (1), two (2), and three (3) years respectively so that the term of one (1) member expires each year. The terms of the mayor and the member selected by the board of mayor and aldermen shall run concurrently with their terms of office. Any vacancy in an appointive membership shall be filled for the unexpired term by the mayor. (1979 Code, sec. 11-101)

11-102. Organization, powers, duties, etc. The planning commission shall be organized and shall carry out its powers, functions, and duties in

accordance with all applicable provisions of title 13 of the Tennessee Code Annotated. (1979 Code, sec. 11-102)

11-103. 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. (1979 Code, § 11-103)

¹To make this section effective the city should request the State Planning Office, under authority granted by section 13-3-102 of the Tennessee Code Annotated, to designate the municipal planning commission as a regional planning commission.

CHAPTER 2

GENERAL ZONING PROVISIONS¹

SECTION

- 11-201. Title.
- 11-202. Purpose.
- 11-203. Definitions.
- 11-204. General provisions.
- 11-205. Non-conformities.
- 11-206. Only one principal building on any lot.
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- 11-213. Access control.
- 11-214. Lot of record.
- 11-215. Front yards.
- 11-216. Group housing project.

11-201. Title. Chapter 2 through 9 of this title shall be known and may be cited as the zoning ordinance of Moscow, Tennessee, and the map herein referred to which is identified by the title, "Official Zoning Map, Moscow, Tennessee," and all explanatory matters thereon are hereby adopted and made a part of chapters 2 through 9 of this title. The official zoning map shall be located in the city hall and shall be identified by the signature of the mayor attested by the recorder. The official zoning map may be amended under the procedures set forth in chapter 9 of this title, provided, however, that no amendment of the official zoning map shall become effective until after such

¹The zoning provisions set out in this title in chapters 2 through 9 are taken from ordinance 54, which was passed on final reading August 4, 1975, and which took effect fifteen days after that date. One catchline has been added and others slightly changed. Some of the sections and subsections have been renumbered. Otherwise, only such minor changes in the wording as necessary to adapt the zoning ordinance to this code have been made. It is the intention of the board in adopting chapters 2 through 9 herein to continue in effect the provisions of the above-referred-to zoning ordinance. It is expressly not the intention of the board hereby to enact any new zoning regulations.

change and entry has been made on said map and signed by the mayor and attested, by the recorder. (1979 Code, sec. 11-201)

11-202. Purpose. The zoning regulations and districts as herein set forth have been made in accordance with a comprehensive plan for the purpose of promoting the health, safety, morals, and the general welfare of the community. They have been designed to lessen congestion in the streets, to secure safety from fire, panic, and other dangers, to provide adequate light and air, to prevent the overcrowding of land, to avoid undue concentration of population, to facilitate the adequate provision of transportation, water, sewerage, schools, parks and other public requirements. They have been made with reasonable consideration among other things, as to the character of each district and its peculiar suitability for particular uses, and with a view of conserving the value of buildings and encouraging the most appropriate use of land throughout the city. (1979 Code, sec. 11-202)

11-203. Definitions. Unless otherwise stated the following words shall, for the purpose of chapters 2 through 9 of this title have the meaning herein indicated. Words used in the present tense include the future. The singular number includes the plural and the plural the singular. The word "shall" is mandatory, not directory.

(1) "Alley." Any public or private way set aside for public travel, twenty (20) feet or less in width.

(2) "Building." Any structure constructed or used for residence, business, industry, or other public or private purposes, or accessory thereto, and including tents, lunch wagons, dining cars, trailers, bill-boards, signs, and similar structures whether stationary or movable.

(a) "Principal building." A building in which is conducted the principal use of the lot on which it is situated. In any residential district any dwelling shall be deemed to be the principal building on the lot on which the same is situated.

(b) "Accessory building." A subordinate building, the use of which is incidental to that of a principal building on the same lot. Swimming pools shall be considered accessory buildings in residential districts.

(3) "Dwelling, single-family." A detached residential dwelling unit other than a mobile home designed for and occupied by one family only.

(a) "Dwelling, multiple-family." A residential building designed for or occupied by not less than two nor more than four families, with the number of families in residence not exceeding the number of dwelling units provided.

(b) "Apartments." A residential building designed for or occupied by five or more families, with the number of families in residence not exceeding the number of dwelling units provided.

(c) "Townhouse." A building consisting of a series of three or more attached dwelling units with separate entrance.

(4) "Dwelling unit." One room, or rooms connected together, constituting a separate independent housekeeping establishment for owner occupancy, or rental or lease on a weekly, monthly, or longer basis, and physically separated from any other rooms or dwelling units which may be in the same structure and containing independent cooking and sleeping facilities.

(5) "Family." One (1) or more persons occupying a premises and living as a single non-profit housekeeping unit.

(6) "Lot." A piece, parcel, or plot of land in one ownership, which may include one (1) or more lots of record, occupied or to be occupied by buildings and accessory buildings and including the open spaces required under chapters 2 through 9 of this title. All lots shall front on and have access to a street.

(a) "Lot line." The boundary dividing a given lot from a street, an alley, or adjacent lots.

(b) "Lot of record." A lot the boundaries of which are filed as a legal record.

(7) "Mobile home." A detached residential dwelling unit designed for transportation after fabrication on streets or highways on its own wheels or on flatbed or other trailers, and arriving at the site where it is to be occupied as a dwelling complete and ready for occupancy except for minor and incidental unpacking and assembly operations, location on jacks and other temporary or permanent foundations, connection to utilities, and the like. The character of a mobile home as a non-permanent dwelling shall not be changed in the view of chapters 2 through 9 of this title by removal of the wheels and/or carriage or placement on a permanent foundation.

A travel trailer is not to be considered as a mobile home.

(a) "Independent mobile home." A mobile home equipped with interior toilet and bathing facilities and fixtures for connection to such facilities to permanent water supply and sewage collection systems.

(b) "Travel trailer."

(8) "Nonconforming use." A use of a building or of land lawful at the time of the enactment of the provisions of chapters 2 through 9 of this title¹ that

¹Ordinance 54, from which the provisions of chapters 2 through 9 of this title were derived, was passed on final reading August 4, 1975, and provided that its provisions would be in effect fifteen days after passage.

does not conform with the provisions of those chapters for the district in which it is located.

(9) "Nonconforming structure." A structure which was lawfully constructed prior to enactment or amendment of the provisions of chapters 2 through 9 of this title that does not conform with the provisions of those chapters for the district in which it is located.

(10) "Store." That 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 used for human occupancy between the topmost floor and the roof. A basement not used for human occupancy other than for a janitor or domestic employee shall not be counted as a story.

(11) "Street." Any public or private way set aside for public travel twenty-one (21) feet or more in width. The word "street" shall include the words "road," "highway," and "thoroughfare."

(12) "Total floor area." The area of all floors of a building including finished attic, finished basements, and covered porches.

(13) "Yard." A required open space other than a court unoccupied and unobstructed by any structure or portion of a structure from 30 inches above the general ground level of the graded lot upward, provided, however, that fences, walls, poles, posts, and other customary yard accessories, ornaments, and furniture may be permitted in any yard subject to height limitations and requirements limiting obstruction of visibility.

(a) "Front yard." The yard extending across the entire width of the lot between the front yard line and the nearest part of the principal building, including covered porches and carports.

(b) "Rear yard." The yard extending across the entire width of the lot between the rear lot line and the nearest part of the principal building, including covered, porches and carports.

(c) "Side yard." A yard extending along the side lot line from the front yard, to the rear yard and lying between the side lot line and the nearest part of the principal building, including covered porches and carports.

(14) "Clinic." A facility for the examination and treatment of ill an afflicted human out-patients; provided, however, that patients are not kept overnight except under emergency conditions. This includes doctor and dental offices.

(15) "Mobile home park." Any plot of ground upon which three (3) or more mobile homes, occupied for dwelling or sleeping purposes, are located, regardless of whether or not a charge is made for such accommodation. (1979 Code, sec. 11-203)

11-204. General provisions. For the purpose of chapters 2 through 9 of this title, there shall be certain general provisions which shall apply to the city as a whole as follows. (1979 Code, sec. 11-204)

11-205. Non-conformities. (1) When in the districts established by chapters 2 through 9 of this title or amendments that may later be adopted there exist uses and/or structures which were lawful before the provisions of chapters 2 through 9 of this title were passed¹ or amended, but which would be prohibited, regulated, or restricted under the terms hereof or future amendment, the following shall apply:

(a) Any non-conforming structure may not be:

(i) Extended except in conformity with chapters 2 through 9 of this title.

(ii) Rebuilt or repaired after damage exceeding seventy-five (75) per cent of replacement value except in conformity with the provisions of chapters 2 through 9 of this title.

(b) Any non-conforming use of land may not be:

(i) Changed to another non-conforming use which would be more detrimental to the district in which it is located.

(ii) Extended, except in conformity with chapters 2 through 9 of this title.

(c) Any non-conforming use of structure may not be:

(i) Changed to another non-conforming use.

(ii) Re-established after discontinuance of one year.

(d) Any structure used for a non-conforming use shall not be rebuilt or repaired after damage exceeding seventy-five (75) per cent of replacement cost unless the use and structure conform to the provisions of chapters 2 through 9 of this title.

(e) All non-conforming signs and billboards shall be torn down, altered, or otherwise made to conform within one (1) year from the date of the adoption of the provisions of chapters 2 through 9 of this title.²

(f) All non-conforming junk yards, commercial animal yards, and lumber yards not on the same lot with a plant, sales building, or

¹The ordinance from which the provisions of chapters 2 through 9 of this title were derived was passed on August 4, 1975, and provided that its provisions would take effect fifteen days after passage.

²The ordinance from which the provisions of chapters 2 through 9 of this title were derived was passed on August 4, 1975, and provided that its provisions would take effect fifteen days after passage.

factory shall be torn down, altered, or otherwise, made to conform to the provisions of chapters 2 through 9 of this title within five (5) years from the adoption of the provisions of chapter 2 through 9 of this title. (1979 Code, sec. 11-205)

11-206. Only one principal building on any lot. Only one (1) principal building and its customary accessory buildings may hereafter be erected on any lot. This provision does not prohibit group housing developments as permitted under section 11-216 of this title. (1979 Code, sec. 11-206)

11-207. Reduction 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 chapters 2 through 9 of this title are not maintained. This section shall not apply when a portion of a lot is acquired for a public purpose. (1979 Code, sec. 11-207)

11-208. Required yard cannot be used by another building. No part of a yard or other open space required about any building for the purpose of complying with the provisions of these regulations shall be included as a part of a yard or other open space required under these regulations for another building. (1979 Code, sec. 11-208)

11-209. 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, centerline of the street, 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 than the distance required for sideyards on adjoining properties fronting on that street. (1979 Code, sec. 11-209)

11-210. Obstruction to vision at street intersection prohibited. On a corner lot not in a B-2 (central business) 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 ninety (90) feet from their intersection, there shall be no obstruction to vision between a height of two and one-half (2½) feet and a height of ten (10) feet above the average grade of each street at the center line thereof. The requirements of this section shall not be construed to prohibit any necessary retaining wall. (1979 Code, sec. 11-210)

11-211. Off-street automobile storage. (1) There shall be provided, at the time of erection of any building or structure, or at the time any adjacent

building or structure is enlarged or increased in capacity by adding dwelling units, guest rooms, seats, or floor area, or before conversion from one zoning use or occupancy to another, permanent off-street parking space of at least two hundred (200) square feet per space with vehicular access to a street or alley; the city reserves the right to control ingress and egress over private rights-of-way. Off-street parking space shall be deemed to be required open space associated with the permitted use and shall not hereafter be reduced or encroached upon in any manner.

(a) Dwelling: Not less than one (1) space for each single family dwelling and not less than 1-1/2 spaces for each unit or apartment.

(b) Boarding houses, rooming houses: Not less than one (1) space for each room or unit occupied by boarders or roomers.

(c) Tourist accommodations: Not less than one (1) space for each room or unit offered for tourist accommodations.

(d) Office buildings, manufacturing or other industrial building or use: Not less than one (1) space for each two (2) persons employed computed on the basis of total number of employees on the two largest consecutive shifts. In addition, there shall be sufficient parking for all vehicles used directly in the conduct of such office or industrial use.

(e) Retail uses: In all business districts, except a B-2 (central business) district, not less than one (1) space for each one hundred (100) square feet of store sales area.

(f) Theaters, auditoriums, stadiums, churches or other use designed to draw an assembly of persons: Not less than one (1) space for each five (5) seats provided in such place of assembly, except in a B-2 (central business) district.

(g) Public building: Not less than one (1) space for each two hundred (200) square feet of total floor area of all floors in building except basement, except in a B-2 (central business) district.

(h) Medical offices: Three (3) patients' parking spaces per staff doctor, plus two (2) per three (3) employees, plus one (1) per staff doctor.

(i) Funeral homes: One space for each company vehicle plus one space for each three (3) seats in meeting room.

(2) Parking space maintained in connection with an existing and continuing main building or structure on the effective date of the provisions of chapters 2 through 9 of this title¹ up to the number required by chapters 2

¹The ordinance from which these provisions were derived was passed on August 4, 1975, and provided that its provisions would take effect fifteen days after passage.

through 9 of this title shall be continued and may not be counted as serving a new structure or addition; nor may any parking space be substituted for a loading space, nor any loading space substituted for a parking space.

(3) If off-street parking space required above cannot be reasonably provided on the same lot on which the principal use is conducted, the board of zoning appeals may permit such space to be provided on other off-street property provided such space lies within four hundred (400) feet of the main entrance to such principal use. Such vehicle standing space shall be deemed to be required open space associated with the permitted use and shall not thereafter be reduced or encroached upon in any manner. (1979 Code, sec. 11-211)

11-212. Off-street loading and unloading space. Every building or structure used for business or trade shall provide adequate space for the loading or unloading of vehicles off the street or public alley. Such space shall have access to a public alley or if there is no alley, to a public street. (1979 Code, sec. 11-212)

11-213. Access control. In order to promote the safety of the motorist and pedestrian and to minimize traffic congestion and conflict by reducing the points of contact, the following regulations shall apply:

(1) A point of access, i.e., a drive or other opening for vehicles onto a street shall not exceed thirty (30) feet in width.

(2) There shall be no more than two (2) points of access to any one (1) public street on a lot of less than 400' but more than 100' in width. Lots less than one hundred (100) feet in width shall have no more than one (1) point of access to any one (1) public street.

(3) The point of access shall be allowed within ten (10) feet of the right-of-way of any public street intersection.

(4) Where sidewalks exist, the area existing between the street and an interior parking space or driveway parallel to the street shall have a curb of at least six (6) inches in height and six (6) inches in width separating the parking area from the sidewalk to prevent encroachment of vehicles onto the sidewalk area.

(5) No curbs on city streets or rights-of-way shall be cut or altered without written approval of the building inspector.

(6) Cases requiring variances relative to this action, and hardships not caused by the property owner, shall be heard and acted upon by the board of

(...continued)

zoning appeals; provided, further, that no curb cuts for off-street automobile storage or parking space shall be permitted where the arrangement would require that vehicles back directly into a public street.

(7) Access control on property abutting state or federal highways shall be governed by official regulations of the Tennessee Department of Highways, or the provisions of this section, whichever is higher. (1979 Code, sec. 11-213)

11-214. Lot of record. Where the owner of a lot consisting of one or more adjacent lots of official record at the adoption of the provisions of chapters 2 through 9 of this title¹ does not own sufficient land to enable him to conform to the yard or other requirements of these chapters, an application may be submitted to the board of zoning appeals for a variance from the terms of chapters 2 through 9 of this title,¹ in accordance with section 11-804. 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 is possible in the opinion of the board of zoning appeals. (1979 Code, sec. 11-214)

11-215. Front yards. The front yard requirements of chapters 2 through 9 of this title for dwellings shall not apply to any lot where the average depth of existing front yards on developed lots, located within one hundred (100) feet on each side of such lot and within the same block and zoning district and fronting on the same street as such lot, is less than the minimum required front yard depth. In such cases, the minimum front yard shall be the average of the existing front yard depths on the developed lots. (1979 Code, sec. 11-215)

11-216. Group housing project. In the case of a group housing project of two or more buildings to be constructed on a plot of ground not subdivided into the customary streets and lots, and which will not be subdivided or where the existing or contemplated street and lot layout make it impracticable to apply the requirements of chapters 2 through 9 of this title to the individual building units in such housing projects, the application of the terms of chapters 2 through 9 of this title may be varied by the board of zoning appeals in a manner that will be in harmony with the character of the neighborhood, will insure substantially the same character of occupancy and an intensity of land use no higher and a standard of open space no lower than that permitted by chapters 2 through 9 of this title in the district in which the proposed project is to be located. However, in no case shall the board of zoning appeals authorize a use

¹The ordinance from which chapters 2 through 9 of this title were derived was passed on August 4, 1975, and provided that its provisions would take effect fifteen days after passage.

prohibited in the district in which the project is to be located, or a smaller area per family than the minimum required in such district, or a greater height, or a larger coverage than the requirements of chapters 2 through 9 of this title permit in such district. (1979 Code, sec. 11-216)

CHAPTER 3

ESTABLISHMENT OF DISTRICTS

SECTION

11-301. Classification of districts.

11-302. Boundaries of districts.

11-301. Classification of districts. For the purpose of chapters 2 through 9 of this title, Moscow, Tennessee is hereby divided into four (4) districts, designated as follows:

R-1	Residential
B-1	General Business
B-9	Central Business District
M-1	Industrial (1979 Code, sec. 11-301)

11-302. Boundaries of districts. (1) The boundaries of districts in section 11-301 of this title are hereby established as shown on the official zoning map entitle "Zoning Map of Moscow, Tennessee," which is a part of chapters 2 through 9 of this title and which is on file in the city hall.

(2) Unless otherwise indicated on the zoning map, the boundaries are lot lines, the center lines of streets or alleys, railroad rights-of-way, or the corporate limit lines as they existed at the time of the enactment of the provisions of chapters 2 through 9 of this title. Questions concerning the exact locations of district boundaries shall be determined by the board of zoning appeals.

(3) Where a district boundary divides a lot as existing at the time the provisions of chapters 2 through 9 of this title take effect¹ and the major portion of said lot is in the less restricted district, the regulations relative to that district may be extended to twenty (20) feet within the more restricted district within said lot. (1979 Code, sec. 11-302)

¹Fifteen days after August 4, 1975.

CHAPTER 4

PROVISIONS GOVERNING RESIDENTIAL DISTRICTS

SECTION

11-401. R-1 (Residential) Districts.

11-401. R-1 (Residential) Districts. Within the R-1 (Residential) Districts as shown on the zoning map of Moscow, Tennessee, the following regulations shall apply:

(1) Uses permitted.

(a) Single and multiple-family dwellings and apartments.

(b) Accessory buildings customarily incidental to any aforementioned permitted use.

(c) Real estate signs advertising the sale, rental, or lease of only the premises on which they are maintained, provided that they are not over four (4) square feet in area.

(d) Mobile home parks provided all provisions of the mobile home park ordinance¹ are complied with.

(2) Uses permissible on appeal.

(a) Churches and other places of worship, parish houses, public libraries, schools offering general education courses, public parks and public recreational facilities, funeral homes provided they are located on a street of at least a collector classification, and railroad rights-of-way shall be permitted as a matter of right; provided, however, that the provisions of chapters 2 through 9 of this title are observed and subject to approval of the site plans by the board of zoning appeals. The board of zoning appeals may attach such conditions to the permit as are necessary to minimize vehicle and pedestrian congestion and to preserve and protect the character of the district in which the proposed use is located. This power shall include: the power to require greater setbacks and yard spaces than required by other provisions of chapters 2 through 9 of this title, the power to specify access points and driveway and parking locations, and similar sites design matters. This power shall not include the power to specify or alter the architectural style of proposed buildings, the power to specify building materials or colors, or other similar powers.

(b) The board of zoning appeals may at its discretion permit county, state, or federal uses; public utilities facilities; cemeteries;

¹See title 5, chapter 5 of this code.

hospitals for human care except primarily for mental cases; kindergartens; philanthropic institutions and clubs, except a club the chief activity of which is customary general farming uses; gardens and buildings incidental thereto, but not including commercial animal or poultry farms or kennels; provided, however, that no permit shall be issued except with 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 preserve and protect the character of the district in which the proposed use is located.

(c) Customary incidental home occupations provided that no building permit or certificate of occupancy for such use shall be issued without 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 preserve and protect the character of the neighborhood in which the proposed use is located; and provided further that:

(i) the proposed use shall be located and conducted in the principal building only;

(ii) the principals and employees engaged in proposed use shall be residents of the dwelling unit in which the proposed use is located;

(iii) not more than fifteen (15) per cent of the total floor area in dwelling unit shall be devoted to proposed use;

(iv) proposed use shall not constitute primary or incidental storage facilities for a business, industrial, or agricultural activity conducted elsewhere;

(v) no activity, materials, goods, or equipment indicative of the proposed use shall be visible from any public way;

(vi) the proposed use shall not be advertised by the display of goods or signs on the lot on which the proposed use is located;

(vii) the proposed use shall not generate noise, odor, fumes, smoke, vehicular or pedestrian traffic, nor nuisance of any kind which would tend to depreciate the residential character of the neighborhood in which the proposed use is located.

(viii) the provisions of this section shall not be used under any circumstances to permit barber shops, beauty shops, gift shops, florist shops, or business or professional offices.

(3) Uses prohibited. Any other use or structure not specifically permanent or permissible on appeal in this section is prohibited. This shall include advertising signs or billboards except as specifically permitted by these provisions.

(4) Location of accessory building.

(a) No accessory building shall be erected in any required front or side yard. Accessory buildings shall not cover more than thirty (30) per cent of any required rear yard, and shall be at least five (5) feet from all lot lines and from any other building on the same lot.

(b) Accessory buildings on corner lots shall conform with front yard setbacks for both intersecting streets.

(5) Regulations controlling lot area, lot width, yards, building, coverage, and building shall be so as to comply with the following requirements:

(a) Minimum required lot area.

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|-------|--|---|
| (i) | Dwelling units-
single and multiple
family | 15,000 square feet for the
first dwelling unit plus
4,000 square feet for each
additional dwelling unit. |
| (ii) | Churches | Two (2) acres or 200
square feet of lot area per
auditorium seat,
whichever is greater. |
| (iii) | Schools | Five (5) acres plus one (1)
acre for each 100
students. |
| (iv) | Apartments | 30,000 square feet
minimum with 2,000 sq.
ft. per dwelling unit. |
| (v) | Other uses | As required by the board
of zoning appeals. |

(b) Minimum required lot width at the building line.

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|------|--------------------------|---|
| (i) | Dwellings and apartments | 100 feet |
| (ii) | Churches | 100 feet |
| (ii) | Other uses | As required by the
board of zoning
appeals. |

(c) Minimum required front yard.

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|-----|--------------------------|---------|
| (i) | Dwellings and apartments | 30 feet |
|-----|--------------------------|---------|

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|-------|-------|--|---|
| | (ii) | Churches | 35 feet |
| | (iii) | Other uses | 35 feet or more as required by the board of zoning appeals. |
| | (d) | Minimum required rear yard. | |
| | (i) | Dwellings and apartments | 15 feet |
| | (ii) | Churches | 25 feet |
| | (iii) | Other uses | 15 feet or more as required by the board of zoning appeals. |
| | (e) | Minimum required side yard on each side of lot. | |
| | (i) | Dwellings | 10 feet |
| | (ii) | Churches | 25 feet |
| | (iii) | Other uses | 10 feet or more as required by the board of zoning appeals. |
| lots. | (f) | Minimum required side yard for side facing streets on corner | 30 feet |
| | (g) | Maximum lot coverage by all buildings. | |
| | (i) | Dwellings, apartments and accessories. | 35% |
| | (ii) | Churches | 30% |
| | (iii) | Other uses | 50% or less as required by the board of zoning appeals. |
| | (h) | Maximum permitted height of structures. | |

(i) No building shall exceed three (3) stories or thirty-five (35) feet in height unless each side yard is increased over the required minimum by five (5) feet for every five (5) feet, or fraction thereof, of additional height over thirty-five (35) feet, not to exceed sixty-five (65) feet, however.

(ii) On a lot less than fifty (50) feet in width at the building line, no building shall exceed one and one-half (1½) stories or twenty-five (25) feet in height.

(iii) No accessory building shall exceed two (2) stories in height.

(iv) Free standing poles, spires, towers, antennae, and similar structures not designed for or suitable to human occupancy may exceed the height provisions of this section provided they comply with all other codes and ordinances and provided that they are located a distance equal to their own height plus ten (10) feet from the nearest property line. (1979 Code, sec. 11-401)

CHAPTER 5

PROVISIONS GOVERNING BUSINESS DISTRICTS

SECTION

11-501. B-1 (General Business) Districts.

11-502. B-2 (Central Business) District.

11-501. B-1 (General Business) Districts. Within the B-1 zoning map of 1 (General Business) Districts as shown on Moscow, Tennessee, the following regulations shall apply:

(1) Uses permitted.

(a) Retail sales; automobile sales; automobile parts; bakery and dairy products; drugs and pharmaceutical; clinics; florist shops, gift shops, book stores; newspaper stands; groceries; hardware; boats and boating equipment; sporting goods; mobile homes sales; paint and wallpaper; agricultural implements; furniture; household appliances; floor coverings and draperies; nurseries and greenhouses; beverage stores.

(b) Services: automobile repair; animal hospital or veterinarian clinic; commercial recreation; banks; savings and loan associations; barber shops, beauty shops; funeral homes; automobile service stations; laundry and dry cleaning establishments; business and professional offices; radio and television sales and service; shoe repair; motels and hotels; restaurants; trucking terminals; moving companies.

(c) Manufacturing, processing, or fabrication, manufacturing incidental to retail business or service where products are sold on the premises by producers and where not more than 10 operatives are employed in such manufacturing.

(d) Churches; federal, state, and municipal uses.

(e) Advertising signs and advertising structures or lights for illuminating signs or buildings, provided that they shall not be placed within the street right-of-way, nor shall they be lighted by flashing or rotating lights.

(f) Any accessory use or building customarily incidental to the above permitted uses.

(g) Mobile home parks; provided all provisions of the mobile home park ordinance¹ are complied

¹See title 5, chapter 5 of this code.

(2) Uses permitted on appeal. Any other use which in the opinion of the board of zoning appeals is similar in character and not detrimental to the neighborhood may be permitted on appeal.

(3) Uses prohibited. Any use not specifically permitted or permitted on appeal in this section is prohibited.

(4) Regulations controlling lot area, lot width, yards, building coverage, and building height.

(a) Minimum required lot area.

(i) Churches Two (2) acres or 200 sq. ft. of lot area per auditorium seating space, whichever is greater.

(ii) Other uses No minimum requirement.

(b) Minimum required lot width at the building line.

(i) Gasoline service station 120 feet

(ii) Churches 100 feet

(iii) Other uses No minimum requirements.

(c) Minimum required front yard.

(i) All uses 25 feet

(d) Minimum required rear yard.

(i) All uses 20 feet

(e) Minimum, required side yard on each side of lot.

(i) Churches 25 feet

(ii) Other uses None required. However, if buildings do not have common or adjoining walls, there shall be a side yard of at least five (5) feet.

(iii) On lots adjacent to a residential district, all buildings shall be located so as to comply with the side yard requirement of

the adjacent residential district on the side adjacent to the residential district.

(f) Minimum required side yard for side facing street on corner lots. 25 feet

(g) Installations essential to the business operation shall be set back from the street or alley so that any service rendered by the business will not obstruct a public way.

(h) Maximum permitted height of structures.

(i) No building shall exceed three (3) stories or thirty-five (35) feet in height unless each side yard is increased over the required minimum by five (5) feet for every five (5) feet, or fraction thereof, of additional height over thirty-five (35) feet, not to exceed sixty-five (65) feet, however.

(ii) On a lot less than fifty (50) feet in width at the building line no building shall exceed one and one-half (1½) stories or twenty-five (25) feet in height.

(iii) No accessory building shall exceed two (2) stories in height.

(iv) Free standing poles, spires, towers, antennae, and similar structures not designed for or suitable to human occupancy may exceed the height provisions of this section provided they comply with all other codes and ordinances, and provided that they are located a distance equal to their own height plus ten (10) feet from the nearest property line. (1979 Code, sec. 11-501)

11-502. B-2 (Central Business) District. Within the B-2 (Central Business) District as shown on the zoning map of Moscow, Tennessee, the following regulations shall apply:

(1) Uses permitted.

(a) Retail sales; bakery and dairy products; drugs and pharmaceutical; florist shops; gift shops; book stores; groceries; hardware; clothing and dry-goods; hobby shops; camera shops; sporting goods; paint and wallpaper; furniture; household appliances; floor coverings and draperies; hats; shoes; air conditioning equipment; automobile parts; tires; jewelry stores; cloth shops; musical instruments; records and phonographs; motorcycle and bicycle sales and service; department stores and general merchandise; and variety stores, automobile service stations, and beverage stores.

(b) Services: banks, saving and loan associations; barber shops and beauty shops; clinics, laundry and dry cleaning pick up stations, self service laundry and dry cleaning; printing business and professional offices; radio and television sales and service; shoe repair; hotels and

motels; restaurants; photography studios; upholstery shops; commercial recreation, movie theaters and billiard parlors; business schools, art and music schools; driving schools; correspondence schools; beauty and barber schools; dancing schools; tailoring and dressmaking; watch repair.

(c) Churches, clubs, and lodge halls; federal, state, and municipal uses.

(d) Advertising signs and advertising structures or lights for illuminating signs or buildings, provided that they shall not be placed within the street right-of-way, nor shall they be lighted by flashing or rotating lights.

(e) Any accessory use or building customarily incidental to the above permitted uses.

(2) Uses permitted on appeal. Any other use which in the opinion of the board of zoning appeals is similar in character and not detrimental to the neighborhood may be permitted on appeal.

(3) Uses prohibited. Any use not specifically permitted or permissible on appeal in this section is prohibited. (1979 Code, sec. 11-502)

CHAPTER 6

PROVISIONS GOVERNING INDUSTRIAL DISTRICTS

SECTION

11-601. M-1 (Industrial) Districts.

11-601. M-1 (Industrial) Districts. Within the M-1 (Industrial) Districts as shown on the zoning map of Moscow, Tennessee, the following regulations shall apply:

(1) Uses permitted.

(a) Retail and wholesale sales; automobile sales and service; automobile parts; agricultural implement sales and service; lawnmower sales and service; lumber and building materials; paint, mobile home sales and service; boats and boating equipment sales and service; sporting goods; greenhouse and nursery products; hardware; motorcycle sales and service; and welding supplies.

(b) Services: animal hospitals and clinics; automobile service stations; auto repair garages; truck stops; barber shops; beauty shops; laundry and dry cleaning; restaurants; truck terminals; printing; tire repair and recapping; pest exterminators; sign shops; upholstery shops; plumbing and heating supply; outdoor advertising signs and structures; sheet metal shops; warehousing, including wholesale sales which are predominantly an enclosed warehouse operation, but not including gravel, sand, fertilizers, or other nuisance producing goods.

(c) Manufacturing, processing, or fabrications; canned or preserved fruits or vegetables; bakery products; bottling plants; candy and confectioneries; apparel and other finished products made from fabrics; drugs; footwear, except rubber; leather gloves and mittens; luggage goods; glass products made of purchased glass; communication equipment; electronic components and accessories; professional; scientific and controlling instruments; photographic and optical goods; watches and clocks; and jewelry, silverware, and plated ware.

(d) Federal, state, and municipal uses.

(e) Research laboratories.

(f) Accessory use customarily incidental to any aforementioned permitted use.

(2) Uses permitted on appeal.

(a) Any other use may be permitted on appeal which, in the opinion of the board of zoning appeals, is similar in character to those enumerated in subsection (1) of this section and will not be detrimental

to the district in which located, subject to such conditions and safeguards as may be required by the board of zoning appeals.

(b) Auto wrecking yard (junk yard), providing the board of zoning appeals shall consider at least the following factors before granting approval:

(i) The proposed use must front on a street of no lower classification than collector.

(ii) Must be an appropriate distance (as determined by the board of zoning appeals) from all residential districts.

(iii) Adequate screening (as determined by the board of zoning appeals) must be provided.

(3) Uses prohibited. Any use not specifically permitted by the terms of this chapter or permissible on appeal is prohibited. The board of zoning appeals shall specifically not have the authority to permit: single and multi-family dwellings; hotels and motels; bag cleaning; boiler and tank works; crematory; curing, tanning, and storage of raw hides and skins; distillation of bones, coal, wood, or tar; fat rendering; forge plant or foundry; quarry; scrap paper; rag storage, and baling; sawmills; slaughter house or stockyards; smelting; and the manufacture of acetylene, acid, alcohol, ammonia, bleaching powder, chemicals, brick pottery, terra cotta or tile, candles, disinfectants, dye stuffs, fertilizers, illuminating or heating gas (or storage of same), linseed oil, paint, screws and bolts, wire, and tires; or any other use which would cause injurious or obnoxious noise, vibrations, smoke, gas, fumes, odors, dust, or other objectionable conditions.

(4) Regulations controlling yards and building height.

(a) Minimum required front yard.

(i) All uses 35 feet

(b) Minimum required rear yard.

(i) All uses 25 feet

(c) Minimum required side yard on each side of lot.

(i) All uses 25 feet except that on lots adjacent to a residential district, all buildings shall be located so as to comply with the side yard requirement of adjacent residential district on the side adjacent to the residential district.

(d) Notwithstanding the above provision, no yard will be required for that part of a lot which fronts on a railroad siding.

(e) Maximum permitted height of structures.

(i) No building shall exceed four (4) stories or forty (40) feet in height.

(ii) Free standing poles, spires, towers, antennae, and similar structures may exceed the height provisions provided they comply with the provisions of all other codes and ordinances, and provided that they are located a distance equal to their own height plus ten (10) feet from the nearest property line. (1979 Code, sec. 11-601)

CHAPTER 7

ENFORCEMENT

SECTION

11-701. Enforcing officer.

11-702. Building permits and certificates of occupancy.

11-703. Remedies.

11-701. Enforcing officer. The provisions of chapters 2 through 9 of this title shall be administered and enforced by a building inspector appointed by the board of mayor and aldermen who shall have the power to make inspection of buildings or premises necessary to carry out his duties in the enforcement of chapters 2 through 9 of this title. (1979 Code, sec. 11-701)

11-702. Building permits and certificates of occupancy. (1) Building permit required.¹ It shall be unlawful to commence the excavation for the construction of any building, including accessory buildings, or to commence the moving or alteration of any building, including accessory buildings, until the building inspector has issued a building permit for such work.

(2) Issuance of building permit. In applying to the building inspector for a building permit, the applicant shall submit a dimensional sketch or a scale plan indicating the shape, size, height, and location on the lot of all buildings to be erected, altered, or moved and of any building already on the lot. He shall also state the existing and intended use of all such buildings and supply such other information as may be required by the building inspector for determining whether the provisions of chapters 2 through 9 of this title are being observed. If the proposed excavation or construction as set forth in the application are in conformity with the provisions of chapters 2 through 9 of this title and other ordinances of the City of Moscow, Tennessee, then in force, the building inspector shall issue a building permit for such excavation or construction. If a building permit is refused, the building inspector shall state such refusal in writing with the cause.

(a) The issuance of a permit shall in no case be construed as waiving any provision of chapters 2 through 9 of this title.

(b) A building permit shall become void six months from the date of issuance unless substantial progress has been made by that date on the project described therein.

¹See title 4 for the building code.

(3) Certificate of occupancy. No land or building or part thereof hereafter erected or altered in its use or structure shall be used until the building inspector shall have issued a certificate of occupancy stating that such land, building, or part thereof and the proposed use thereof are found to be in conformity with the provisions of chapters 2 through 9 of this title. Within three (3) 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 certification of occupancy if the land, building, or part thereof and the proposed use thereof are found to conform with the provisions of chapters 2 through 9 of this title or, if such certificate is refused, to state such refusal in writing with the cause.

(4) Records. A complete record of such application, sketches, and plans shall be maintained in the office of the building inspector. (1979 Code, sec. 11-702)

11-703. Remedies. in case any building or structure is erected, constructs, reconstructed, repaired, converted, or maintained, or any building, structure, or land is used in violation of chapters 2 through 9 of this title, the building inspector or any other appropriate authority, or any adjacent or neighboring property owner who would be damaged by such violation, in addition to other remedies, may institute injunction, mandamus, or other appropriate action in proceeding to prevent the occupancy or use of such building, structure, or land. (1979 Code, sec. 11-703)

CHAPTER 8

BOARD OF ZONING APPEALS

SECTION

11-801. Creation and appointment.

11-802. Procedure.

11-803. Appeals; how taken.

11-804. Powers.

11-801. Creation and appointment. A board of zoning appeals is hereby established in accordance with section 13-7-205, Tennessee Code Annotated, Volume 3, same being section 5, chapter 44 of the Public Acts of Tennessee of 1935. The board of zoning appeals shall consist of three members, at least one of whom is a member of the Moscow Municipal Planning Commission. They shall be appointed by the mayor and confirmed by a majority vote of the board of mayor and aldermen. The term of membership shall be three years except that the initial individual appointments to the board shall be terms of one, two, and three years respectively. Vacancies shall be filled for any unexpired term by the mayor with confirmation by the board of mayor and aldermen. (1979 Code, sec. 11-801)

11-802. Procedure. Meetings of the board of zoning appeals shall be held at the call of the chairman, and at such other times as the board may determine. All meetings of the board shall be open to the public. The board shall adopt rules of procedure and shall keep records of applications and action thereon, which shall be a public record. (1979 Code, sec. 11-802)

11-803. Appeals; how taken. An appeal to the board of zoning appeals may be taken by any person, firm, or corporation aggrieved, or by a governmental officer, department, board, or bureau affected by any decision of the building inspector based in whole or in part upon the provisions of chapters 2 through 9 of this title. Such appeal shall be taken by filing with the board of zoning appeals a notice of appeal, specifying the grounds thereof. The building inspector shall transmit to the board all papers constituting the record upon which the action appealed was taken. The board 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 which shall not be more than fifteen (15) days from the date of the hearing. Upon the hearing any person or party may appear and be heard in person, by agent, or by attorney. (1979 Code, sec. 11-803)

11-804. Powers. The board of zoning appeals shall have the following powers:

(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 or enforcement of any provision of chapters 2 through 9 of this title.

(2) Special exceptions. To hear and decide applications for special exceptions upon which the board of zoning appeals is specifically authorized to pass.

(3) Variance. To hear and decide applications for variance from the terms of chapters 2 through 9 of this title, but only where, by reason of exceptional narrowness, shallowness, or shape of a specific piece of property which at the time of the adoption of the provisions of chapters 2 through 9 of this title¹ was a lot of record; or where by reason of exceptional topographic conditions or other extraordinary or exceptional situations or condition of a piece of property the strict application of the provisions of chapters 2 through 9 of this title would result in exceptional practical difficulties to or exceptional and undue hardship upon the owner of such property, provided that such relief may be granted without detriment to the public good and the intent and purpose of chapters 2 through 9 of this title. Financial disadvantages to the property owner is no proof of hardship within the purpose of zoning.

(a) In granting a variance, the board may attach thereto such conditions regarding the location, character, or other features of the proposed building, structure, or use as it may deem advisable in furtherance of the purposes of chapters 2 through 9 of this title.

(b) Before any variance is granted it shall be shown that circumstances are attached to the property which do not generally apply to other property in the neighborhood. (1979 Code, sec. 11-804)

¹The ordinance from which chapters 2 through 9 of this title were derived was passed on August 4, 1975, and provided that its provisions would take effect fifteen days after passage.

CHAPTER 9

AMENDMENT

SECTION

11-901. Zoning amendment petition.

11-902. Planning commission review.

11-903. Public hearing on proposed amendment.

11-901. Zoning amendment petition. The board of mayor and aldermen of Moscow, Tennessee may amend the regulations, restrictions, boundaries, or any provision of chapters 2 through 9 of this title. Any member of the board of mayor and aldermen may introduce such amendment, or any official board or any other person may present a petition to the board of mayor and aldermen requesting an amendment or amendments to chapters 2 through 9 of this title. (1979 Code, sec. 11-901)

11-902. Planning commission review. No such amendment shall become effective unless the same be first submitted for approval, disapproval, or suggestions to the city planning commission. If the city planning commission, within thirty (30) days after such submission disapproves, it shall require the favorable vote of a majority of the entire membership of the board of mayor and aldermen to become effective. If the city planning commission neither approves nor disapproves such proposed amendment within thirty-five (35) days after such submission, the absence of action shall be considered as approval of the proposed amendment. (1979 Code, sec. 11-902)

11-903. Public hearing on proposed amendment. Upon the introduction of an amendment to chapters 2 through 9 of this title or upon the receipt of a petition to amend the same, the board of mayor and aldermen shall publish a notice of such request for an amendment together with the notice of time set for hearing by the board of mayor and aldermen on the requested change. Said notice shall be published in some newspaper of general circulation in the City of Moscow, Tennessee. Said hearing by the board of mayor and aldermen shall take place not sooner than fifteen (15) days after the date of publication of such notice. (1979 Code, sec. 11-903)