

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

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

- 14-101. Creation and membership.
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- 14-103. 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 mayor and aldermen selected by the board; 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. (1977 Code, § 11-101)

14-102. Organization, powers, duties, etc. The planning commission shall be organized and shall carry out its powers, functions, and duties in accordance with all applicable provisions of Tennessee Code Annotated, title 13. (1977 Code, § 11-102)

14-103. Additional powers. Having been designated as a regional planning commission, the municipal planning commission shall have the additional powers granted by, and shall otherwise be governed by the provisions of the state law relating to regional planning commissions. (1977 Code, § 11-103)

CHAPTER 2

TITLE AND PURPOSE

SECTION

14-201. Title and map.

14-202. Purpose.

14-201. Title and map. Chapters 2 through 13 of this title shall be know as the Revised Zoning Ordinance of Sharon, Tennessee. The map herein referred to, which is identified by the title "Zoning Map¹ of Sharon, Tennessee," and all explanatory matter thereon are hereby adopted and made a part of this ordinance. (1977 Code, § 11-201)

14-202. 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 town. (1977 Code, § 11-202)

¹The Zoning Map of Sharon, Tennessee is of record in the city recorder's office.

CHAPTER 3

GENERAL PROVISIONS¹

SECTION

- 14-301. Zoning affects every building and use.
- 14-302. Continuance of nonconforming uses.
- 14-303. Only one principal building on any lot.
- 14-304. Reduction in lot area prohibited.
- 14-305. Rear yard abuts a public street.
- 14-306. Off-street automobile storage.
- 14-307. Obstruction to vision at street intersections prohibited.
- 14-308. Off-street loading and unloading space.
- 14-309. Access control.
- 14-310. Trailers or mobile homes.
- 14-311. Placement of modular homes inside town limits.

14-301. Zoning affects every building and use. No building or land shall hereafter be used and no building or part thereof shall be erected, moved or altered unless for a use expressly permitted by and in conformity with the regulations herein specified for the district in which it is located, except as hereinafter provided. (1977 Code, § 11-301)

14-302. Continuance of nonconforming uses. All nonconforming uses of land shall be discontinued and all nonconforming buildings or structures shall be torn down, altered, or otherwise made to conform within twenty-five (25) years from the date of adoption of this ordinance with the exception of signs, billboards, junk yards, commercial animal yards, and lumber yards not on the same lot with a plant, sales facility, or a factory, which shall be torn down, altered or otherwise made to conform within four (4) years from the date of the adoption of this ordinance. A certificate of occupancy for any nonconforming use shall be required within thirty (30) days from the date of adoption of this ordinance. Any structure or use existing at the time of enactment or subsequent amendment of this ordinance, but not in conformity with its provisions may be continued with the following limitations. Any structure or use which does not conform to the provisions of this ordinance or subsequent amendment may not be:

- (1) Changed to another nonconforming use;
- (2) Re-established after discontinuance for one year;
- (3) Extended except in conformity with this ordinance;

¹For the purpose of this chapter there shall be certain general provisions which shall apply to the town as a whole.

(4) Rebuilt or repaired after damage exceeding sixty (60) percent of the fair sales value of the principal building immediately prior to damage;

(5) Rebuilt or repaired except in compliance with such restrictions or conditions as may be considered necessary by the board of zoning appeals in regard to health, hazard and general welfare of the people of Sharon, Tennessee. (1977 Code, § 11-302)

14-303. Only one principal building on any lot. (1) Only one 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 § 14-903 of this title.

(2) No dwelling shall be erected on a lot which does not abut at least one public street for at least fifty (50) feet. (1977 Code, § 11-303)

14-304. 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 this ordinance are not maintained. This section shall not apply when a portion of a lot is acquired for a public purpose. (1977 Code, § 11-304)

14-305. Rear yard abuts 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, center line 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 line than the distance required for side yards on adjoining properties fronting on that street. (1977 Code, § 11-305)

14-306. Off-street automobile storage. (1) Off-street automobile storage or standing space shall be provided on any lot on which any of the following uses are hereafter established; such space shall be equal in area to at least the minimum requirements for the specific uses as set forth below.

(a) Dwellings: Not less than two hundred (200) feet for each family dwelling unit.

(b) Boarding houses and rooming houses: not less than two hundred (200) square feet for each two (2) rooms occupied by boarders or roomers.

(c) Tourist accommodations: Not less than two hundred (200) square feet for each two (2) rooms offered for tourist accommodations.

(d) Any theater, auditorium, church, stadium or other place of public assembly: Not less than two hundred (200) square feet for each ten (10) seats provided in such places of assembly.

(e) Hotels: Not less than two hundred (200) square feet for each two (2) guest rooms.

(f) Manufacturing or other industrial building or use: Not less than two hundred (200) square feet for each five (5) persons employed or intended to be employed on such lot.

(g) Business building or use: In a B-1 (Neighborhood Business) District, not less than two hundred (200) square feet for each one hundred (100) square feet of total floor area. In a B-2 (Intermediate Business) District not less than two hundred (200) square feet for each two hundred (200) square feet of total floor area.

(h) Hospitals: Two hundred (200) square feet for each four (4) patient beds (excluding bassinets), plus two hundred (200) square feet for each staff or visiting doctor (based on the average number), plus two hundred (200) square feet for each four (4) employees, including nurses.

(i) Medical or dental clinics: Six hundred (600) square feet per doctor, plus an additional two hundred (200) square feet for every two (2) employees.

(2) If vehicle storage space or standing 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. (1977 Code, § 11-306)

14-307. Obstruction to vision at street intersections prohibited.

In all districts except B-3 (Central Business) on a corner lot, within the area formed by the center lines of streets or street and railroad at a distance of one hundred (100) feet from their intersections, there shall be no obstruction to vision between a height of two and one-half (2½) feet and height of ten (10) feet above the average grade of each street or railroad at the center line thereof. The requirements of this section shall not be deemed to prohibit any necessary retaining wall.

(1) The board of zoning appeals may reduce this requirement where safety conditions will not be impaired. (1977 Code, § 11-307)

14-308. Off-street loading and unloading space. Every building or structure used for business or trade shall provide adequate space for the loading and 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. (1977 Code, § 11-308)

14-309. Access control. In order to promote the safety of the motorist and pedestrian and to minimize traffic congestion and conflict by reducing the point of contact, the following regulations shall apply:

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

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

(3) No point of access shall be allowed within ten (10) feet of the right-of-way of any public street intersection.

(4) The area existing between the street and an interior parking space or driveway parallel to the street shall have a curb 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 right-of-ways shall be cut or altered without written approval of the building inspector.

(6) All properties shall comply with these provisions within one (1) year from the effective adoption date of this ordinance.

(7) Cases requiring variances and special exceptions relative to this action, and hardships not caused by the property owner, shall be heard and acted upon by the board of zoning appeals. (1977 Code, § 11-309)

14-310. Trailers or mobile homes. (1) The use of a trailer or mobile home as a dwelling unit on any lot, other than a licensed and approved trailer court, for a period of more than thirty (30) days is prohibited; except that a trailer or mobile home may be used as a principal residential building on a single lot provided that:

(a) No other principal residential building exists on said lot;

(b) The wheels are removed and the trailer is made a permanent or semi-permanent structure and;

(c) The provisions of the building code, housing code, sanitation code, all other city codes and ordinances and the provisions of this zoning ordinance are complied with.

(2) A trailer or mobile home parking on any lot on which a principal building exists for a period under thirty (30) days as provided in this section, shall conform to the requirements for an accessory building as provided in this ordinance, providing such lot is in a residential zone. (1977 Code, § 11-310)

14-311. Placement of modular homes inside town limits. The following requirements must be met in connection with modular homes in order for such homes to be lawfully located within Sharon:

(1) Prior to the placement of a modular home in Sharon, the owner of the property where the modular home is to be located must apply for a building permit.

(2) The proposed modular home must be inspected by the city building inspector.

- (3) There must be a solid concrete footing installed around the entire perimeter of the home.
- (4) The modular home must not be in violation of the zoning ordinance.
- (5) The modular home must be a "double-wide" or larger in size.
- (6) The wheels and hitches must be removed from the modular home within thirty (30) days after it is placed on the lot. (Ord. #____, Oct. 1993)

CHAPTER 4

ESTABLISHMENT OF DISTRICTS

SECTION

14-401. Classification of districts.

14-402. Boundaries of districts.

14-401. Classification of districts. (1) For the purpose of this ordinance, the Town of Sharon, Tennessee, is hereby divided into six (6) classes of districts, designated as follows:

R-1 (Low Density Residential)

R-2 (Medium Density Residential)

B-1 (Neighborhood Business)

B-2 (Intermediate Business)

B-3 (Central Business)

M (Industrial)

(1977 Code, § 11-401)

14-402. Boundaries of districts. (1) The boundaries of districts are hereby established as shown on the map entitled, "Zoning Map of Sharon, Tennessee," which is a part of this ordinance and which is on file in the office of the city recorder.

(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 this ordinance. Questions concerning the exact location of district boundary lines shall be determined by the board of zoning appeals.

(3) Where a district boundary divides a lot, as existing at the time this ordinance takes effect and the major portion of said lot is in the less restricted district, the regulations relative to that district may extend as well to such portion of said lot which is not more than twenty (20) feet within the more restricted district. (1977 Code, § 11-402)

CHAPTER 5**PROVISIONS GOVERNING RESIDENTIAL DISTRICTS****SECTION**

14-501. R-1 (Low-Density Residential) Districts.

14-502. R-2 (Medium-Density Residential) Districts.

14-501. R-1 (Low-Density Residential) Districts. Within the R-1 (Low Density Residential) Districts as shown on the Zoning Map of Sharon, Tennessee, the following regulations shall apply:

(1) Uses permitted. (a) Single-and multiple-family dwellings and apartments.

(b) Accessory buildings or uses 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 two (2) square feet in area, and at least fifteen (15) feet from all lot lines.

(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, railroad rights-of-way, municipal, county, state or federal use, public utilities, cemeteries, hospitals for human care except primarily for mental cases, philanthropic institutions and clubs, except a club the chief activity of which is customarily carried on as a business; 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 used is located; and further provided that no permit or certificate of occupancy shall be issued for building or use not compatible with the character of or needed in the district in which the proposed use is located.

(b) Customary general farming uses, gardens and buildings incidental thereto; provided, however, that no permit shall be issued for commercial animal or poultry farms and kennels 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.

(3) Uses prohibited. (a) Any other use not specifically permitted or permissible on appeal in chapter 5.

(b) Advertising signs and billboards except those permitted under § 14-501(1)(c) of this chapter.

(4) Side yards on corner lots. The minimum widths of side yards for dwellings along an intersecting street shall be thirty (30) feet for side facing street.

(5) Height. No building shall exceed three (3) stories or thirty-five (35) feet in height except that freestanding poles, towers, spires and structures not designed for or suitable to human occupancy may exceed this height provided that they comply with the provisions of all other pertinent codes and ordinances, and provided that they are located no closer to the nearest property line than a distance equal to their own height plus ten (10) feet. No accessory building shall exceed two (2) stories or twenty-five (25) feet in height.

(6) Building areas. On any lot the area occupied by all buildings, including accessory buildings, shall not exceed thirty (30) per cent of the total area of the lot.

(7) Location of accessory buildings. (a) No accessory building shall be erected in new 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 street.

(8) Required lot area, lot width, and yards. The principal building shall be located so as to comply with the following requirements:

Minimum required lot area	10,000 sq. ft.
Minimum required lot area per each additional family	5,000 sq. ft.
Minimum required lot width at building line	75 ft.
Minimum required front yard	30 ft.
Minimum required rear yard	30 ft.
Minimum required side yard on each side of every lot:	
One-or two-story buildings	15 ft.
Three-story buildings	20 ft.

(1977 Code, § 11-501)

14-502. R-2 (Medium-Density Residential) Districts. Within the R-2 (Medium-Density Residential) Districts as shown on the Zoning Map of Sharon, Tennessee, the following regulations shall apply:

(1) Uses permitted. Any use permitted in R-1 (Low-density Residential Districts).

(2) Uses permissible on appeal. (a) Any use permissible on appeal in R-1 (Low density Residential) Districts.

(b) 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) Not more than one (1) person shall be employed who is not a resident of the dwelling unit in which the proposed use is located;

(iii) Not more than twenty-five (25) per cent of the total floor area in dwelling unit shall be devoted to the proposed use, except that up to fifty (50) per cent of the total floor area may be devoted to the taking of boarders, tourists, or the leasing of rooms;

(iv) Proposed use shall 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) For the purpose of advertising the proposed use, one (1) sign not over two (2) square feet in area may be used;

(vii) The proposed use shall not generate noises, 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.

(3) Uses prohibited. (a) Advertising signs not specifically permitted under § 14-501(1)(c) of this chapter or permissible on appeal under § 14-502(2)(b)(6) of this chapter.

(b) Any other use not specifically permitted or permissible on appeal in § 14-502 of this chapter.

(4) Side yard on corner lots. The minimum width of side yards for dwellings along an intersecting street shall be thirty (30) feet for side facing street.

(5) Height. Same restriction as stated for R-1 (Low-Density Residential) Districts.

(6) Building area. Same restrictions as stated for R-1 (Low-Density Residential) Districts.

(7) Location of accessory buildings. Same restrictions as stated for R-1 (Low-Density Residential) Districts.

(8) Required lot area, lot width, and yards. The principal building shall be located so as to comply with the following minimum requirements:

Minimum required lot area	6,000 sq. ft.
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Minimum required lot area per family	4,000 sq. ft.
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Minimum required lot width at building line	60 ft.
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Minimum required front yard	30 ft.
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Minimum required rear yard	25 ft.
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Minimum required side yard on each side of every lot:	
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One-or two-story buildings	10 ft.
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Three-story buildings	20 ft.
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(1977 Code, § 11-502)

CHAPTER 6

PROVISIONS GOVERNING BUSINESS DISTRICTS

SECTION

14-601. B-1 (Neighborhood Business) Districts.

14-602. B-2 (Intermediate Business) Districts.

14-603. B-3 (Central Business) Districts.

14-601. B-1 (Neighborhood Business) Districts. Within the B-1 (Neighborhood Business) Districts as shown on the Zoning Map of Sharon, Tennessee, the following regulations shall apply:

(1) Uses permitted. (a) Any use permitted in any residential district, except that the written approval of the board of zoning appeals will not be required for any use listed on § 14-502(2) of this chapter.

(b) Bank; barber shop; beauty shop; clinic; drug store; dry cleaners, collection and distribution; filling stations, fruit market; grocery store; hardware store; ice cream store; launderette (self-service); meat market; offices; restaurant; and shoe repair shops.

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

(2) Uses prohibited. Any use not specifically permitted in this chapter.

(3) Required lot area, lot width, yards, and setbacks. (a) All buildings, except those permitted by § 14-601(1)(b) of this chapter, shall be located so as to comply with the requirements of the adjoining residential district. Any building used in part for residence and any accessory building shall also comply with the requirements of the adjoining residential district.

(b) Buildings hereafter constructed for uses listed in § 14-601(1)(b) of this chapter shall be located so as to comply with the following minimum requirements:

Minimum required front yard	30 feet
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Minimum required rear yard	20 feet
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(c) On lots adjacent to a residential district, all buildings shall be located so as to comply with the side yard requirements of the adjacent residential district on the side adjoining the residential district.

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

(4) Height. Same restrictions as stated for R-1 (Low-Density Residential) Districts.

(5) Screening. Where a side lot-line is shared with an adjoining residence lot, a well-maintained and compact hedge four (4) to six (6) feet in height, beginning at the front building line and extending along the common

side lot line to the rear property-line, shall be installed to screen the business use from the adjoining lot in the residential district. (1977 Code, § 11-601)

14-602. B-2 (Intermediate Business) Districts. Within the B-2 (Intermediate Business) Districts as shown on the Zoning Map of Sharon, Tennessee, the following regulations shall apply:

(1) Uses permitted. (a) Any use permitted in B-1 (Neighborhood Business) Districts except single and multi-family dwellings.

(b) Moving company; hotel and motel; places of amusement and assembly; public parking garages and lots; any retail or wholesale business or service (except warehouses); manufacturing incidental to retail business or service where products are sold on the premises by producers and where not more than five (5) operatives are employed in such manufacture; and any accessory use or building customarily incidental to the above permitted uses.

(c) Gasoline or alcohol storage above ground but not in excess of five hundred (500) gallons; and a laundry or bakery employing not more than five (5) persons.

(d) Outdoor advertising signs and advertising structures.

(2) Uses prohibited. (a) Single and multiple-family dwellings.

(b) Animal hospital; auto wrecking; bottling works; coal and lumber yards; dairy; electric welding; gasoline or alcohol storage above ground in excess of five hundred (500) gallons; grist and flour mill; ice plant; junk or scrap paper; or rag storage and baling; laundry or bakery employing more than five (5) persons; machine shop; slaughter house, or stockyard; tinsmith shop, or any other use which in the opinion of the board of zoning appeals would be injurious because of offensive fumes, odors, dust, or other objectionable features, or hazardous to the community by reason of danger of fire or explosion even when conducted under proper safeguards.

(3) Required lot area, lot width, yards and setbacks. (a) Buildings hereafter constructed shall be located so as to comply with the following requirements:

Minimum required front yard 25 feet.

Minimum required rear yard 20 feet.

(b) 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.

(c) 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.

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

(5) Screening. Where a side lot line is shared with an adjoining residence lot, a well maintained and compact hedge four (4) to six (6) feet in height, beginning at the front building line and extending along the common side lot line to the rear property line, shall be installed to screen the business use from the adjoining lot in the residential district. (1977 Code, § 11-602)

14-603. B-3 (Central Business) Districts. (1) Uses permitted.

(a) Libraries; medical and dental offices; food, clothing, hardware and furniture stores, tailor shops; drug stores; shoe sales and repair shops; dry cleaning and laundry pickup offices; restaurants; offices; banks; churches; public uses; barber and beauty shops; club houses; hotels; schools and colleges and department stores.

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

(2) Uses permissible on appeal. Theaters and auditoriums provided written approval of the board of zoning appeals is obtained.

(3) Uses prohibited. Wholesaling, manufacturing, building materials yards, funeral homes, dry cleaning, filling stations, single- and multiple-family dwellings, apartments, jails, hospitals.

(4) Height. No building shall exceed four (4) stories or forty (40) feet in height. (1977 Code, § 11-603)

CHAPTER 7

PROVISIONS GOVERNING INDUSTRIAL DISTRICTS

SECTION

14-701. M (Industrial) Districts.

14-701. M (Industrial) Districts. Within the M (Industrial) Districts, as shown on the Zoning Map of Sharon, Tennessee, the following regulations shall apply:

(1) Uses permitted. (a) Any use permitted in B-2 (Intermediate Business) District except hotels and motels.

(b) Bakery; bottling works; building materials yard; cabinet making; carpenter's shop; shoe and clothing manufacture; contractor's yard; dairy products manufacturing; electric welding; feed or fuel yard; fruit canning or packing; ice plant; laundry; machine shop; milk distribution station; optical goods; paper boxes and pencil manufacture; printing, publication or engraving concern; tinsmith shop; trucking terminal; metal fabrication (including steel); and warehouses.

(2) Uses permissible on appeal. Auto wrecking; bag cleaning, boiler and tank works; central mixing plant for cement, mortar, plaster or paving materials; creamery; crematory; curing, tanning and storage of raw hides and skins; distillation of bones, coal, wood or tar; fat rendering; forge plant or foundry; metal fabrication plant; quarry; gasoline or oil storage above ground in excess of five hundred (500) gallons; junk, scrap paper, rag storage and baling; sawmill; slaughter house or stockyards; smelting plant; and the manufacture of acetylene, acid, alcohol, alcoholic beverages, ammonia, bleaching powder, condensed milk, chemicals, brick, pottery, terra cotta or tile, candles, disinfectants, dye stuffs, fertilizers, illuminating or heating gas (or storage of same), linseed oil, paint, oil, turpentine, varnish, soap and tar products; screws and bolts, wire and tires, or any other use which in the opinion of the board of zoning appeals would not cause injurious or obnoxious noise, vibrations, smoke, gas, fumes, odors, dust or other objectionable conditions, provided that written approval of the board of zoning appeals is obtained.

(3) Uses prohibited. Single and multi-family dwelling; hotels and motels.

(4) Required lot area, lot width, and yards. (a) All buildings and structures shall be located so as to comply with the following requirements:

Minimum required depth of front yard	25 feet
Minimum required depth of rear yard	20 feet
Minimum required width of each side yard	15 feet

(b) No yard will be required for that part of a lot which fronts on a railroad siding.

(c) On lots adjacent to a residential district all buildings shall be located so as to provide a minimum side yard of twenty-five (25) feet on that side which abuts the residential district.

(5) Height. No building shall exceed four (4) stories or forty (40) feet in height. (1977 Code, § 11-701)

CHAPTER 8

DEFINITIONS

SECTION

14-801. Definitions.

14-801. Definitions. Unless otherwise stated the following words shall, for the purpose of this ordinance, 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, less than thirty (30) feet in width.

(2) "Automobile storage or standing space." An area reserved and suitable for automobile storage, standing or parking space. Each space shall be a minimum of two hundred (200) square feet in area. Such area shall be provided with a safe vehicular access to a public street or alley.

(3) "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, billboards, 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 residence 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.

(4) "Dwelling." A house, apartment building, or other building designed or used primarily for human habitation. The word "dwelling" shall not include boarding or rooming houses, hotels or other structures designed for transient residence.

(5) "Family." One (1) or more persons occupying a premises and living as a single, non-profit housekeeping unit. A family shall be deemed to include necessary servants.

(6) "Height of building." The vertical distance from the established average sidewalk grade or street grade, or finished grade at the building line, whichever is the highest, to the highest point of the building.

(7) "Lot." A piece, parcel or plot of land occupied or to be occupied by one (1) principal building and its accessory buildings and including the open spaces required under this ordinance.

(a) "Lot of record." A lot whose existence, location and dimensions have been legally recorded or registered in a deed or plat prior to the enactment of the zoning ordinance.

(8) "Nonconforming use." A use of a building or land lawful at the time of the enactment of this ordinance that does not conform with the provisions of this ordinance for the district in which it is located.

(9) "Story." 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 shall not be counted as a story.

(a) "Half story." A story under a sloping roof, the finished floor area which does not exceed one-half the floor area of the floor immediately below it, or a basement used for human occupancy, the floor area of the part of the basement thus used not to exceed fifty per cent (50%) of the floor area of the floor immediately above.

(10) "Street." Any public or private way set aside for public travel thirty (30) feet or more in width. The word "street" shall include the words, "road," "highway," and "thoroughfare."

(a) "Street line." The property line which bounds the right-of-way set aside for use as a street. Where sidewalks exist and location of the property line is questioned, the side of the sidewalk farthest from the traveled street shall be considered as the street line.

(b) "Center line of a street." The center of the surfaced roadway or the surveyed center line of the street.

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

(12) "Trailer." Any portable structure or vehicle so constructed and designed as to permit occupancy thereof for dwelling or sleeping purposes.

(13) "Trailer park." Any plot of ground upon which two (2) or more trailers, occupied for dwelling or sleeping purposes, are located, regardless of whether or not a charge is made for each accommodation.

(14) "Yard." An open space on the same lot with a principal building, open, unoccupied, and unobstructed by buildings from the ground to the sky except as otherwise provided in this ordinance.

(a) "Front yard." The yard extending across the entire width of the lot between the front lot 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. (1977 Code, § 11-801)

CHAPTER 9

EXCEPTIONS AND MODIFICATIONS

SECTION

- 14-901. Lot of record.
- 14-902. Front yards.
- 14-903. Group housing project.
- 14-904. Exceptions on height limits.

14-901. Lot of record. Where the owner of a lot consisting of one or more adjacent lots of official record at the time of the adoption of this ordinance, does not own sufficient land to enable him/her to conform to the yard or other requirements of this ordinance, and application may be submitted to the board of zoning appeals for a variance from the terms of this ordinance, in accordance with § 14-104(c). 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. (1977 Code, § 11-901)

14-902. Front yards. The front yard requirements of this ordinance for dwellings shall not apply to any lot where the average depth of existing front yards on developed lots, located within 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 case, the minimum front yard shall be the average of the existing front yard depths on the developed lots. (1977 Code, § 11-902)

14-903. Group housing project. In the case of a group housing project of two (2) or more buildings to be constructed on a plot of ground of at least one (1) acre not subdivided or where the existing or contemplated street and lot layouts make it impracticable to apply the requirements of this ordinance to the individual building units in such housing projects, the application of the terms of this ordinance 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 this ordinance 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 prohibited in the district in which the project is to be located, or a smaller lot area per family than the minimum required in such districts. (1977 Code, § 11-903)

14-904. Exceptions on height limits. The height limitations of this ordinance shall not apply to church spires, belfries, cupolas and domes not

intended for human occupancy, monuments, water towers, elevators, observation towers, transmission towers, windmills, chimneys, smokestacks, derricks, conveyors, flag poles, radio towers, masts and aerials. (1977 Code § 11-904)

CHAPTER 10

ENFORCEMENT

SECTION

14-1001. Enforcing officer.

14-1002. Building permits and certificates of occupancy.

14-1003. Penalties.

14-1004. Remedies.

14-1001. Enforcing officer. The provisions of this ordinance 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/her duties in the enforcement of this ordinance. (1977 Code, § 11-1001)

14-1002. Building permits and certificates of occupancy.

(1) Building permit required. 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/she 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 this ordinance are being observed. If the proposed excavation or construction as set forth in the application are in conformity with the provisions of this ordinance and other ordinances of the Town of Sharon, 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 this ordinance.

(b) A building permit shall become void six (6) months from the date of issuance unless substantial progress has been made by that date on the project described therein.

(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 this ordinance. 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 certificate of occupancy if the land, building or part thereof and the proposed use thereof are found to conform with the provisions of this ordinance; 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. (1977 Code, § 11-1002)

14-10 03. Penalties. Any person violating any provision of this ordinance shall be guilty of a misdemeanor, and upon conviction shall be fined in accordance with the general penalty clause in this municipal code. (1977 Code, § 11-1003)

14-1004. Remedies. In case any building or structure is erected, constructed, reconstructed, repaired, converted, or maintained, or any building, structure, or land is used in the violation of this ordinance, 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. (1977 Code, § 11-1004)

CHAPTER 11

BOARD OF ZONING APPEALS

SECTION

14-1101. Creation and appointment.

14-1102. Procedure.

14-1103. Appeals; how taken.

14-1104. Powers.

14-1101. Creation and appointment. A board of zoning appeals is hereby established in accordance with Tennessee Code Annotated, § 13-7-205. The board of zoning appeals shall consist of five (5) members, at least one (1) of whom is a member of the Sharon Municipal Planning Commission. They shall be appointed by the mayor and confirmed by a majority vote of the board of aldermen. The term of membership shall be three years except that the initial individual appointments to the board shall be terms of one (1), two (2) and three (3) years respectively. Vacancies shall be filled for any unexpired term by the mayor in confirmation by the board of aldermen. (1977 Code, § 11-1101)

14-1102. 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. (1977 Code, § 11-1102)

14-1103. Appeals; how taken. An appeal to the board of zoning appeals may be taken by any person, firm or corporation aggrieved, or by any governmental officer, 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 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 and person or party may appear and be heard in person or by agent or attorney. (1977 Code, § 11-1103)

14-1104. 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 this ordinance.

(2) Special exceptions. To hear and decide applications for special exceptions upon which the board of zoning appeals is specifically authorized to pass as follows: §§ 14-306(22), 14-402(2), 14-501(2), 14-502(1)(b), 14-603(2) and 14-701(2).

(3) Variance. To hear and decide applications for variance from the terms of this ordinance, but only where, by reason of exceptional narrowness, shallowness or shape of a specific piece of property at the time of the adoption of this ordinance 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 this ordinance 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 this ordinance. Financial disadvantage 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 and other features of the proposed building, structure or use as it may deem advisable in furtherance of the purpose of this ordinance.

(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.

(c) The board of zoning appeals does not have the power to permit a use prohibited by this ordinance. (1977 Code, § 11-1104)

CHAPTER 12**AMENDMENT****SECTION**

- 14-1201. Zoning amendment petition.
- 14-1202. Planning commission review.
- 14-1203. Public hearing on proposed amendment.

14-1201. Zoning amendment petition. The Board of Mayor and Aldermen of Sharon, Tennessee, may amend the regulations, restrictions, boundaries, or any provision of this ordinance. 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 this ordinance. (1977 Code, § 11-1201)

14-1202. 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 disapproved after such submission, it shall require the favorable vote of a majority of the board of mayor and aldermen to become effective. If the city planning commission neither approves nor disapproves such proposed amendment within thirty (30) days after such submission, the action of such amendment by said commission shall be deemed favorable. (1977 Code, § 11-1202)

14-1203. Public hearing on proposed amendment. Upon the introduction of an amendment of this ordinance or upon the receipt of a petition to amend this ordinance, 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 Town of Sharon, 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. (1977 Code, § 11-1203)

CHAPTER 13**LEGAL STATUS PROVISIONS****SECTION**

14-1301. Conflict with other ordinances.

14-1302. Validity.

14-1303. Effective date.

14-1301. Conflict with other ordinances. Any conflict between this ordinance of any part thereof, and the whole or part of any existing or future ordinance of the Town of Sharon, the most restrictive shall in all cases apply. (1977 Code, § 11-1301)

14-1302. Validity. If any section, clause, provision, or portion of this ordinance shall be held to be invalid or unconstitutional by any court of competent jurisdiction, such holding shall not affect any other section, clause, provision, or portion of this ordinance which is not of itself invalid or unconstitutional. (1977 Code, § 11-1302)

14-1303. Effective date. This ordinance shall take effect and be in force fifteen (15) days from and after its passage, the public welfare demanding it. (1977 Code, § 11-1303)