

TITLE 14

ZONING AND LAND USE CONTROL

CHAPTER

1. MUNICIPAL PLANNING COMMISSION.
2. ZONING ORDINANCE.
3. MOBILE HOMES (TRAILERS).

CHAPTER 1

MUNICIPAL PLANNING COMMISSION

SECTION

- 14-101. Creation and membership.
- 14-102. Organization, powers, duties, etc.
- 14-103. Additional powers.
- 14-104. Compensation of planning commission.

14-101. Creation and membership. Pursuant to the provisions of Tennessee Code Annotated, section 13-4-101 there is hereby created a municipal planning commission, hereinafter referred to as the planning commission. The planning commission shall consist of seven (7) members; two (2) of these shall be the mayor or an alderman of his/her designation and another member of the board of mayor and aldermen selected by the board of mayor and aldermen; the other five (5) members shall be appointed by the mayor. Pursuant to T.C.A. 13-3-101(d) members of the planning commission shall receive such compensation as may be ordained by the Board of Mayor and Aldermen. Except for the initial appointments, the terms of the five (5) members appointed by the mayor shall be for five (5) 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 or his/her designee and the member selected by the board of mayor and aldermen shall run concurrently with their terms of office. Any vacancy in an appointive or designated membership shall be filled for the unexpired term by the mayor, who shall also have the authority to remove any appointive or designated member at his/her will and pleasure. (Ord. dated November 18, 1986, as amended by Ord. #13-03-01, March 2013)

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

14-103. Additional powers.¹ Having been designated as a regional planning commission, the municipal planning commission shall have the additional powers granted by, and shall otherwise be governed by the provisions of the state law relating to regional planning commissions.

14-104. Compensation of planning commission. Each member of the Town of Atoka Planning Commission shall be paid the sum of one hundred dollars (\$100.00) for each meeting attended, regular or called. Payment shall be made quarterly. (as added by Ord. #01-05-02, May 2001, and amended by Ord. #14-07-01, July 2014)

¹State law reference

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

CHAPTER 2

ZONING ORDINANCE

SECTION

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

14-202. Compensation of board of zoning appeals.

14-201. Land use to be governed by zoning ordinance. Land use within the Town of Atoka shall be governed by an Ordinance dated March 1979, Titled "Zoning Ordinance, Atoka, Tennessee," and any amendments thereto.¹

14-202. Compensation of board of zoning appeals. Each member of the Town of Atoka Board of Zoning Appeals shall be paid the sum of twenty-five (\$25.00) dollars for each meeting attended, regular or called. Payment for attendance at meetings shall be quarterly. (as added by Ord. #01-05-02, May 2001)

¹Ordinance March 1979, and any amendments thereto, are published as separate documents and are of record in the office of the town recorder.

CHAPTER 3

MOBILE HOMES (TRAILERS)

SECTION

- 14-301. Definitions.
- 14-302. Location of mobile homes.
- 14-303. Previous mobile homes "grandfathered."
- 14-304. State tax sticker required.
- 14-305. Permit for mobile home park.
- 14-306. Inspections by town building inspector.
- 14-307. Location and planning.
- 14-308. Minimum size of mobile home park.
- 14-309. Minimum number of spaces.
- 14-310. Minimum mobile home space and spacing of mobile homes.
- 14-311. Water supply.
- 14-312. Sewage disposal.
- 14-313. Refuse.
- 14-314. Electricity.
- 14-315. Streets.
- 14-316. Parking spaces.
- 14-317. Buffer strip.
- 14-318. Permit for mobile home parks.
- 14-319. Permit fees for mobile home parks.
- 14-320. Application for permit.
- 14-323. Enforcement.
- 14-324. Board of appeals.
- 14-325. Appeals from board of appeals.
- 14-326. Violation and penalty.

14-301. Definitions. (1) "Mobile home." A detached single family dwelling unit with any or all of the following characteristics:

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

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

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

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

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

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

(5) "Permit (license)." The permit required for trailer parks and single mobile homes. Fees charged under the license requirement are for inspection and the administration of this chapter. (Ord. No. 19, §1)

14-302. Location of mobile homes. It shall be unlawful for any mobile home to be used, stored, or placed on any lot or serviced by the utilities of the town where the mobile home is outside of any designated and licensed mobile home park after January 6, 1975. (Ord. No. 19, §2.1)

14-303. Previous mobile homes "grandfathered." The owner or occupant of any mobile home already placed on a lot, on or before January 6, 1975 will be permitted to reside at the present location. The mobile home may be replaced by another mobile home of similar size provided that the original mobile home is removed from the lot and either brought into compliance with all provisions of this chapter or properly disposed of. This section is intended to allow for upgrades and/or replacements of existing "grandfathered" mobile homes and is not intended to allow for additional mobile homes on "grandfathered" lots. In the case of a violation of this section, the mobile home owner shall be given a period not to exceed thirty (30) days in which to remove the mobile home and to comply with all provisions of this chapter. (Ord. No. 19, §2.2, as replaced by Ord. #12-06-03, June 2012)

14-304. State tax sticker required. No mobile home shall be used, placed, stored or serviced by utilities within any mobile home park in the town unless there is posted near the door of the mobile home a valid Tennessee State Tax Sticker. (Ord. No. 19, §2.3)

14-305. Permit for mobile home park. No place or site within the town shall be established or maintained by any person, group of persons, or corporation as a mobile home park unless he holds a valid permit issued by the town builder inspector in the names of such person or persons for the specific mobile home park. The town building inspector is authorized to issue, suspend, or revoke permits in accordance with the provisions of this chapter.

14-306. Inspections by town building inspector. The town building inspector is hereby authorized and directed to make inspections to determine the condition of mobile home parks, in order that he may perform his duty of safeguarding the health and safety of occupants of mobile home parks and of the general public. The town building inspector shall have the power to enter at reasonable times upon any private or public property for the purpose of

inspecting and investigating conditions relating to the enforcement of this chapter.

14-307. Location and planning. The mobile home park shall be located on a well-drained site and shall be so located that its drainage will not endanger any water supply and shall be in conformity with a plan approved by the town planning commission and town building inspector. The town planning commission and building inspector may promulgate regulations for mobile home park location and plan approval, which shall provide for adequate space, lighting, drainage, sanitary facilities, safety features, and service buildings as may be necessary to protect the public health, prevent nuisances, and provide for the convenience and welfare of the mobile home park occupants.

14-308. Minimum size of mobile home park. The tract of land for the mobile home park shall comprise an area of not less than two (2) acres. The tract of land shall consist of a single plat so dimensioned and related as to facilitate efficient design and management. (Ord. No. 19, §3.6)

14-309. Minimum number of spaces. Minimum number of spaces completed and ready for occupancy before first occupancy is three (3). (Ord. No. 19, §3.7)

14-310. Minimum mobile homes space and spacing of mobile homes. All mobile home parks developed in the Town of Atoka shall meet certain development requirements. A site plan drawn by a licensed engineer bearing a certificate that the final plan as shown is true and correct and shows the development requirements will be met and will be submitted to the planning commission as described in section 14-318 of this chapter. The site plan shall include the following information:

(1) Exterior yards. No mobile homes or recreation vehicles will be situated in land adjacent to the boundaries of the mobile home park as set forth below.

(a) Mobile homes in the mobile home park will be setback a minimum of thirty-five (35) feet from any public street.

(b) Mobile homes in the mobile home park will be setback a minimum of twenty (20) feet from the side and rear boundary.

(2) Mobile home space. The site plan will show that there is a plot for each mobile home with a minimum size of three thousand (3000) square feet and that each space shall front on a street which is a part of the mobile home park street system. In addition, each mobile home space shall contain:

(a) In no case shall the minimum width be less than forty (40) feet and the minimum depth less than seventy-five (75) feet.

(b) Minimum depth with end parking of an automobile shall be equal to the length of the mobile home plus thirty (30) feet;

(c) Minimum width with side or street parking of an automobile shall be equal to the width of mobile home plus fifteen (15) feet;

(d) A minimum of fifteen (15) feet of open space between mobile homes or any attachment such as a garage or porch. If the construction of additional rooms or covered areas is to be allowed beside the mobile homes the mobile home spaces shall be made wider to accommodate such construction in order to maintain the required fifteen (15) feet of open space.

(e) A minimum of fifteen (15) feet end to end spacing between trailers and any building or structure.

(3) Location of mobile homes on spaces. (a) All mobile homes permitted under this section shall be set upon concrete pads and elevated on blocks or steel piers which are constructed upon a concrete footing, and anchored with approved anchors. Each concrete pad shall be a minimum of ten (10) feet wide.

(b) All mobile homes moved into any mobile home park, existing or new after the effective date of this chapter shall be underskirted to prevent the accumulation of refuse and rodents.

(4) Location of accessory buildings. One accessory building not to exceed one hundred fifty (150) square feet may be located at least ten (10) feet from the principal trailer. In addition, the accessory shall conform to the following standards:

(a) No accessory buildings shall be utilized for human occupation.

(b) No accessory building shall extend into the required side yard.

(c) Accessory buildings may extend into the rear yard but shall be located a distance from the rear property line equal to the height of the structure.

(d) No accessory building shall exceed twenty (20) feet in height.
(Ord. No. 87-03)

14-311. Water supply. Where a public water supply is available, it shall be used exclusively. The development of an independent water supply to serve the mobile home park shall be made only after express approval has been granted by the county health officer. In those instances where an independent system is approved, the water shall be from a supply properly located, protected, and operated, and shall be adequate in quantity and approved in quality. Samples of water for bacteriological examination shall be taken before the initial approval of the physical structure and thereafter at least twice every month and when any repair or alteration of the water supply system has been made. If a positive sample is obtained, it will be the responsibility of the trailer court operator to provide such treatment as is deemed necessary by the health officer to maintain a safe, potable water supply. Water shall be furnished at the

minimum rate of two hundred fifty (250) gallons per day per mobile home space. An additional water service connection shall be provided for each mobile home space. (Ord. No. 19, §3.9)

14-312. Sewage disposal. An adequate sewage disposal system must be provided and must be approved in writing by the health officer. Each mobile home space shall be equipped with at least a four (4) inch sewer connection, trapped below the frost line and reaching at least four (4) inches above the surface of the ground. The sewer connection shall be protected by a concrete collar, at least three (3) inches deep and extending twelve (12) inches from the connection in all directions. All sewer lines shall be laid in trenches separated at least ten (10) feet horizontally from any drinking water supply line. Every effort shall be made to dispose of the sewage through a public sewerage system. In lieu of this, a septic tank and sub-surface soil absorption system may be used provided the soil characteristics are suitable and an adequate disposal area is available. The minimum size of any septic tank to be installed under any condition shall not be less than seven hundred fifty (750) gallons working capacity. This size tank can accommodate a maximum of two (2) mobile homes. For each additional mobile home on such a single tank, a minimum additional liquid capacity of one hundred seventy-five (175) gallons shall be provided. The sewage from no more than twelve (12) mobile homes shall be disposed of in any one (1) single tank installation. The size of such tank shall be a minimum of two thousand five hundred (2,500) gallons liquid capacity.

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

In lieu of a public sewerage or septic tank system, an officially approved package treatment plant may be used. (Ord. No. 19, §3.10)

14-313. Refuse. The storage, collection and disposal of refuse, in the park shall be so managed as to create no health hazards. All refuse shall be stored in fly proof, water tight and rodent proof containers. Satisfactory container racks or holders shall be provided. Garbage shall be collected and disposed of in an approved manner at least once per week. (Ord. No. 19, §3.11)

14-314. Electricity. An electrical outlet supplying at least two hundred twenty (220) volts shall be provided for each mobile home space and shall be weather proof and accessible to the parked mobile home. All electrical installations shall be in compliance with the National Electric Code and revised

Tennessee Department of Insurance and Banking Regulations, entitled "Regulations Relating to Electrical Installations in the State of Tennessee," and shall satisfy all requirements of the local electric service organization. (Ord. No. 19, §3.12)

14-315. Streets. Minimum widths of various streets within mobile home parks shall be:

All streets 18 ft.

Streets shall have a compacted gravel base consisting of size (Grade D) stone compacted to six (6) inches and a paved surface of asphaltic concrete (hot mix) -- as specified in the Tennessee Department of Highways Standard Specifications for Road and Bridge Construction, 1968, Section 411 -- compacted to one (1) inch with not less than an average weight of one hundred (100) pounds per square yard. (Ord. No. 87-03, §3.14)

14-316. Parking spaces. Car parking spaces shall be provided in sufficient number to meet the needs of the occupants of the property and their guests without interference with normal movement of traffic. Such facilities shall be provided at the rate of at least two (2) car spaces for each mobile home lot. The size of the individual parking space shall have a minimum width of not less than ten (10) feet and a length of not less than twenty (20) feet. The parking spaces shall be located so access can be gained only from internal streets of the mobile home park. (Ord. No. 19, §3.15)

14-317. Buffer strip. An evergreen buffer strip consisting of trees, shrub or hedge with a minimum planted height of not less than six (6) feet which will grow to a height of not less than ten (10) feet and be spaced not more than ten (10) feet apart shall be planted along all boundaries of the mobile home park. The above requirement is subject to planning commission approval. (Ord. No. 19, §3.16)

14-318. Permit for mobile home parks. It shall be unlawful for any person or persons to maintain or operate within the corporate limits of the town, a mobile home park unless such person or persons shall first obtain a permit therefor. (Ord. No. 19, §4.1)

14-319. Permit fees for mobile home parks. The annual permit fee for mobile home parks shall be twenty-five (25) dollars for the first three (3) spaces approved and ten (10) dollars for each space approved thereafter. (Ord. No. 19, § 5.1)

14-320. Application for permit. Application for a mobile home park shall be filed with and issued by the town building inspector subject to the planning commission's approval of the mobile home park plan. Application shall be in writing and signed by the applicant and shall be accompanied with an approved plan of the proposed mobile home park. The plan shall contain the following information and conform to the following requirements:

- (1) The plan shall be clearly and legibly drawn at a scale not smaller than one hundred (100) feet to one (1) inch;
- (2) Name and address of owner of record;
- (3) Proposed name of park;
- (4) North point and graphic scale and date;
- (5) Vicinity map showing location and acreage of mobile home park;
- (6) Exact boundary lines of the tract by bearing and distance;
- (7) Names of owners of record of adjoining land;
- (8) Existing streets, utilities, easements, and water courses on and adjacent to the tract;
- (9) Proposed design including streets, proposed street names, lot lines with approximate dimensions, easements, land to be reserved or dedicated for public uses, and any land to be used for purposes other than mobile home spaces;
- (10) Provisions for water supply, sewerage and drainage;
- (11) Such information as may be required by the town to enable it to determine if the proposed park will comply with legal requirements; and
- (12) The applications and all accompanying plans and specifications shall be filed in triplicate. (Ord. No. 19, §6.1)

14-321. Enforcement. It shall be the duty of the county health officer and town building inspector to enforce provisions of this chapter. (Ord. No. 19, Art. VII)

14-322. Board of appeals. The Atoka Board of Zoning Appeals shall serve as the board of appeals and shall be guided by procedures and powers compatible with state law.

Any party aggrieved because of an alleged error in any order, requirement, decision or determination made by the building inspector in the enforcement of this chapter, may appeal for and receive a hearing by the Atoka Board of Zoning Appeals for an interpretation of pertinent chapter provisions. In exercising this power of interpretation of this chapter, the Atoka Board of Zoning Appeals may, in conformity with the provisions of this chapter, reverse or affirm any order, requirement, decision or determination made by the building inspector. (Ord. No. 19, §8.1)

14-323. Appeals from board of appeals. Any person or persons or any board, taxpayer, department, or bureau of the town aggrieved by any decision

of the Atoka Board of Zoning Appeals may seek review by a court of record of such decision in the manner provided by the laws of the State of Tennessee. (Ord. No. 19, §8.2)

14-324. Violation and penalty. Any person or corporation who violates the provisions of the chapter or the rules and regulations adopted pursuant thereto, or fails to perform the reasonable requirements specified by the town building inspector or county health officer after receipt of thirty-five (35) days written notice of such requirements, shall be fined not less than twenty-five (\$25) dollars nor more than fifty (\$50) dollars for each offense and each day of continued violation shall constitute a separate offense, subsequent to receipt of said thirty-five (35) day notice. (Ord. No. 19, Art. IX)