

2023-009

**ZONING ORDINANCE**

**FOR**

**BLUFF CITY, TENNESSEE**

**ADOPTED**

**APRIL 4, 1996**

**AMENDED THROUGH:**

**JULY 2023**

Prepared for

**THE BLUFF CITY PLANNING COMMISSION**

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**ZONING ORDINANCE**

**OF**

**THE TOWN OF BLUFF CITY, TENNESSEE**

**AUTHORITY**

An ordinance, in pursuance of the authority granted by Sections 13-7-201 through 13-7-210 and Section 13-2-401, Tennessee Code Annotated, for the purpose of promoting the public health, safety, morals, convenience, order, prosperity and general welfare; to provide for the establishment of districts within the corporate limits; to regulate, within such districts, the location, height, bulk, number of stories and size of buildings and structures, the percentage of lot occupancy, the required open spaces, the density of population, and the uses of land, buildings and structures; to provide methods of administration of this ordinance and to prescribe penalties for the violation thereof.

BE IT ORDAINED by the Board of Mayor and Aldermen of the Town of Bluff City:

**ARTICLE I. SHORT TITLE AND REPEAL**

**Short Title.** This ordinance shall be known as the “Zoning Ordinance of the Town of Bluff City, Tennessee,” and the map herein referred to, which is identified by the title “Zoning Map of the Town of Bluff City, Tennessee,” and all explanatory matter thereon are hereby adopted and made a part of this ordinance.

**Repeal.** All zoning regulations in effect prior to adoption of Ordinance No. 95-012 of the Town of Bluff City, as amended, are hereby repealed. The adoption of this ordinance, however, shall not affect nor prevent any pending or future prosecution of an action to abate any existing violation of said existing regulations, as amended, if the violation is also a violation of this ordinance.

**ARTICLE II. 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 danger, 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 particular 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.

**ARTICLE III. 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. The

word “used:” or “occupied” as applied to any land or building shall be construed to include the word “intended”, arranged or designed to be used or occupied.

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

**ACCESS ROAD:** A road is entirely located within a mobile home park and which is designed to provide mobile home park residents with an opportunity for vehicular movement both within the park and to the nearest public right-of-way.

**ACCESSORY USE:** A use customarily incidental and subordinate to the principal use and located on the same lot with such principal use.

**ACCESSORY STRUCTURE:** A structure customarily incidental and subordinate to the principal building and located on the same lot with such building, which includes awnings, cabanas, carports, Florida rooms, porches, storage cabinets and similar appurtenant structures

**ACTIVITY:** The performance of a function or operation which constitutes the use of land.

**ADULT ORIENTED ESTABLISHMENTS:** Sexually explicit establishments which cater to an exclusively or predominantly adult clientele and including but not limited to: adult book stores, adult theaters, adult motion picture theaters, cabarets and other enterprises which regularly feature materials, acts, or displays involving complete nudity or exposure of the “specified anatomical areas” herein below defined and/or sexual enticement or excitement.

**ADULT BOOK STORE:** An establishment having as more than fifty (50%) percent of the face value of its stock in trade, books, magazines, motion pictures, periodicals and other materials which are distinguished or characterized by depicting, describing or relating to “specified anatomical areas.”

**ADULT CABARET:** Any restaurant, bar, dance hall, nightclub or other such place which features dancers, strippers, male or female impersonators or similar entertainers for the entertainment of a predominantly adult clientele.

**ADULT MOTION PICTURE THEATER:** Any public place, whether open or enclosed, used for presenting material distinguished or characterized by an emphasis on matter depicting, describing, or relating to “specified sexual activities” or “specified anatomical areas”, (as defined below), for observation by patrons therein.

**ADULT THEATER:** Adult Theater means a theater, concert hall, auditorium or similar establishment which, for any form of consideration, regularly features live performances which are characterized by the exposure of “specified anatomical areas” or by “specified sexual activities.”

**SEXUAL ENCOUNTER ESTABLISHMENT:** Sexual encounter establishment means an establishment, other than a hotel, motel or similar establishment, offering public accommodations, which, for any form of consideration, provides a place

where two or more persons may congregate, associate or consort in connection with “specified sexual activities” or the exposure of “specified anatomical areas.” This definition does not include an establishment where a medical practitioner, psychologist, psychiatrist or similar professional person licensed by the State engages in sexual therapy.

**SPECIFIED ANATOMICAL AREAS:** Specified anatomical areas shall mean any of the following: less than completely and opaquely covered human genitals, pubic region, buttocks, anus or female breasts below a point immediately above the top of the areolae; or human male genitals in a discernibly turgid state, even if completely and opaquely covered.

**SPECIFIED SEXUAL ACTIVITIES:** Specified sexual activities as used in this code shall include but not be limited to the following: human genitals in a state of sexual stimulation or arousal; acts of human masturbation, sexual intercourse or sodomy; fondling or other erotic touching of human genitals, pubic regions, buttocks or female breasts; flagellation or torture in the context of a sexual relationship; masochism, erotic or; sexually oriented torture, beating or the infliction of pain; such contact with an animal by a human being; or human excretion, urination, menstruation, vaginal or anal irrigation as part of or in connection with any of the activities set forth in “1” through “6” above. Erotic touching, fondling or other.

**ADVERTISING:** Includes any writing, printing, graphics, painting, display, emblem, drawing, sign, or other device designed, used or intended for advertising, whether placed on the ground, rocks, trees, or other natural features or on buildings, structures, milestones, sign boards, billboards, wall board, roof board, frames, supports, fences or other man-made structure.

**AGRICULTURAL ACCESSORY USE:** Those structures or equipment which are normally required in the operation of agricultural uses.

**AGRICULTURAL USE:** This includes all forms of agriculture, growing of crops in the open, dairying, grazing, the raising and maintaining of poultry and other livestock, horticulture, viticulture, floriculture, forests, and woods, provided, however, all health codes for Sullivan County Tennessee are complied with.

**ALCOHOL ESTABLISHMENTS:** An establishment that produces and/or sales alcoholic beverages.

**BREWERY:** An establishment where the primary use is the production and sale of beer - an alcohol produced from fermented starches - for on or off-site consumption.

**CRAFT DISTILLERY:** An establishment where the primary use is a distillery which produces less than fifty thousand (50,000) proof gallons (approximately twenty six thousand (26,000) cases) of spirits annually, sells a portion of the spirits produced on the premises and may include a restaurant.

**DISTILLERY:** An establishment where the primary use is the production and sale of alcohol utilizing a distillation process.

**MICROBREWERY:** An establishment where the primary use is a brewery which produces less than two hundred thirty three thousand (233,000) gallons (approximately seven thousand five hundred (7,500) barrels) of beer annually, sells a portion of the product on the premises for on or off-site consumption, and may include a restaurant.

**MICRO-WINERY:** An establishment where the primary use is a winery which produces less than twenty eight thousand five hundred (28,500) gallons (approximately twelve thousand (12,000) cases) of wine annually, sells a portion of the wine produced on the premises and may include a restaurant.

**PUB BAR:** An establishment which sells only fermented alcoholic beverages such as wine, beer, cider, or mead, for on or off premise consumption and where at least eighty percent(80%) of the alcoholic beverages for sale must come from a microbrewery or micro-winery as defined in this section.

**WINERY:** An establishment where the primary use is the production and sale of wine - an alcohol from fermented fruits or fruit juices – for on or off-site consumption.

**PACKAGE STORE:** A store licensed by the State of Tennessee to sell “alcoholic beverages” as defined by Tennessee Code Annotated Section 57-3-101 at retail in compliance with Federal, State, and Town rules and regulations.

**ALLEY:** A minor right-of-way, dedicated to public use, which affords a secondary means of vehicular access to the back or side of properties otherwise abutting a street, and which may be used for public utility purposes.

**ALTERATION:** As applied to a building or structure, means a change or rearrangement in the structural parts, or an enlargement, whether by extending a side or by increasing its height or structural changes, other than repairs, that would affect safety. The term “alter” in its various modes and tenses and its practical forms, refers to the making of an alteration.

**APARTMENT:** form of multi-family housing which is “attached” and which contains three (3) or more dwelling units for lease.

**ARTERIAL STREET:** A Street that provides for traffic movement between areas and across portions of the city and secondarily for direct access to abutting land, as shown in the Zoning Map.

**ARTISAN FOOD PRODUCTION:** A small-scale establishment in which foods and edible foodstuffs, such as breads, cheeses, fruit preserves, candies, cured meats, beverages, oils and vinegars, are processed and sold in limited quantities often using traditional methods by skilled craft workers with little division of labor, and employs no more than 15 full-time equivalent employees.

**ARTISAN MANUFACTURING OR ASSEMBLY:** A small-scale establishment in which something is produced or assembled from raw materials in limited quantities using traditional



methods, employs no more than ten (10) full-time equivalent skilled craft worker employees with little division of labor, and whose manufacturing or assembly processes produce no offensive noise, vibration, smoke, dust, odors, heat, or glare. Such an establishment shall also sell a portion of the produced products on site.

**ASPHALT PLANT:** A place that combines a composition of bitumen, pitch, lime, and gravel, used for forming pavement.

**ATTACHED CARPORT:** A structure used for the storage of vehicles and having a partial side enclosure which is a primary residence, and no other enclosure other than the roof and such necessary support as will present the minimum obstruction to light, air and view.

**AUTOMOBILE REPAIR SHOP:** Motor vehicle repair shops for the repair of vehicles and equipment with outside storage only for vehicles and equipment awaiting parts or repair. All motor vehicles stored outside shall have current registration or be under the legal control of a licensed new or used car dealer.

**AUTOMOTIVE RESTORATION AND CUSTOMIZING BUSINESS:** Also referred to as a custom body shop.

**AUTOMOBILE SALES:** The sale of new or used automobiles to the public.

**AUTOMOBILE STORAGE YARD:** An outdoor storage facility for the temporary storage of towed vehicles, not to include lots where sales are conducted.

**AUTOMOBILE WRECKING YARD:** A premises used for the outside storage or sale of two (2) or more inoperative used automobile (to include trucks, buses, trailers, and vehicular machinery), or engaged in assembling, breaking up, sorting, and the temporary storage and distribution or recyclable or reusable scrap and waste materials. Also, including auto wreckers engaged in dismantling automobiles for scrap, and the incidental wholesale or retail sales of parts from those vehicles.

**AUXILIARY LIGHTING:** A source of artificial light emitted from any source apart from the structure, sign or monument with the purpose of directly or indirectly casting artificial light on the subject.

**BAKERY, RETAIL:** A place for preparing, cooking, baking, and selling of products on the premises.

**BAKERY, WHOLESALE:** A place for preparing, cooking, baking, and selling of products intended for off premise distribution.

**BARBER SHOP:** Any establishment or place of business within which the practice of barbering is engaged in or carried on by one or more barbers.

**BASE FLOOD ELEVATION:** Elevation determinations along a floodplain that mark the extent of flooding by the base flood. These data are most frequently taken from flood insurance rate maps (FIRM).

**BASE FLOOD:** The baseline flood event used in a community's floodplain management program. For the purposes of this code, the definition shall read 100 year flood.

**BASEMENT:** A story partly or wholly underground. For purposes of height measurement, a basement shall be counted as a story when more than one-half (1/2) of its height is above the average ground elevation or when subdivided and used for commercial activities.

**BEAUTY SHOP:** Any establishment where cosmetology services are provided including hair care, nail care, and skin care on a regular basis for compensation.

**BED AND BREAKFAST HOME:** A transient residential unit in which no more than seven (7) guest rooms are available for overnight accommodations and breakfast for the registered guests is provided. The owner shall have primary residence on the premises and the use shall be subordinate and incidental to the main residential use of the building.

**BERM:** A mounded or raised area of soil or other material used to obstruct views, decrease noise, and/or otherwise act as a buffer between incompatible land uses.

**BOARDING OR ROOMING HOUSE:** A building containing a single dwelling unit and not more than five (5) guest rooms where lodging is provided with or without meals for compensation on a temporary basis. Meals are to be provided for registered overnight guests only.

**BOND:** Any security that may be accepted by the Planning Commission as a guarantee that the improvements required as part of an application for development are satisfactorily completed.

**BUFFER:** Open spaces, landscaped areas, fences, walls, berms, or any combination thereof used to physically and visually separate one use or property from another in order to mitigate the impacts of noise, light, unsightly storage of materials or other nuisance. This can also be known as transitional yard.

**BUILDING:** Any structure having a roof supported by columns or by walls and intended for the shelter, housing or enclosure of any individual, animal, process, equipment, goods, or materials of any kind or nature.

**BUILDING AREA:** That portion of a lot bounded by the required rear yard, side yards, and the building setback line.

**BUILDING HEIGHT:** The vertical distance measured from the finished grade at the building line to the highest point of the roof.

**BUILDING OFFICIAL:** Also commonly referred to as the “building inspector”, the officer, or his duly authorized representative, charged with the administration and enforcement of this ordinance.

**BUILDING PERMIT VALUATION:** The dollar amount used for the valuation of building permit fees as calculated by Bluff City Ordinance for the issuance of a building permit.

**BUILDING PERMIT:** An official document or certification that is issued by the Zoning Office and which authorizes the construction, alteration, enlargement, conversion, reconstruction, remodeling, rehabilitation, erection, demolition, moving, or repair of a building or structure.

**BUILDING SETBACK LINE, FRONT:** A line delineating the minimum allowable distances between the street right-of-way, or if an official future street right-of-way has been established as shown on the current, adopted Major Thoroughfare Plan Map, from that future street right-of-way

line, and the front of a building on a lot. The front building setback line extends the full width of the lot and is parallel to or concentric with the street right-of-way. No structure shall be placed in front of this building setback line.

**BUILDING SETBACK LINE, REAR:** A line delineating the minimum allowable distance between the rear property line and a building on a lot (other than for permitted accessory structures). The rear setback line extends the full width of the lot.

**BUILDING SETBACK LINE, SIDE:** A line delineating the minimum distance between the side property line and a building on a lot. The side setback line extends from the front building setback line to the rear building setback line. Within this area no structure shall be placed. Public Building: A building open to the general public for use.

**CAMP, ORGANIZED:** As defined in Tennessee Code Annotated § 68-110-101: any area, place, parcel, or tract of land on which facilities are established or maintained to provide an outdoor group-living experience where one (1) or more permanent or semi-permanent structures are established or maintained as living or sleeping quarters, and operated for educational, social, recreational, religious instruction or activity, physical education or health, or vacation purposes either gratuitously or for compensation; "Organized camp" is not intended to include a hunting, fishing or other camp privately owned and used exclusively for the personal pleasure of the owner and the owner's guests; "Organized camp" is not intended to include a camp site on property owned by a church and used exclusively for the personal pleasure of the members of the church and such member's guests, if:

- (i) No permanent or semi-permanent structures or buildings are established or maintained on the camp site as living or sleeping quarters, restrooms, or for a cafeteria or kitchen, to provide an outdoor group-living experience for children or adults;
- (ii) The camp site is used for occasional weekend or overnight camping experiences for such persons; and
- (iii) The camp site contains no electrical, sewage or water hookups or pads to accommodate travel trailers, truck coaches or campers, tent campers and other similar camping vehicles.

**CAMPER:** Any individual who occupies a campsite or otherwise assumes charge of, or is placed in charge of, a campsite.

**CAMPGROUND, COMMERCIAL:** A campground that provides monetary gain for the property owner through the short-term or long-term lease of campsites to campers for a fee.

**CAMPGROUND, LONG-TERM:** A public or private campground wherein campers and/or their camping units remain on the premises for greater than or equal to eight (8) nights.

**CAMPGROUND, MIXED-USE:** A campground containing campsites suited for more than one type of camping unit.

**CAMPGROUND, SHORT-TERM:** A public or private campground wherein campers and/or their camping units remain on premises for not more than seven (7) nights.

**CAMPGROUND, TENT.** A lot in single ownership that has been developed or is intended to be developed for one or more campsites designed for occupancy by tents, hammocks or other structures that can be dismantled and transported without wheels.

**CAMPGROUND, RECREATIONAL VEHICLE:** A lot in single ownership that has been developed or is intended to be developed for one or more campsites designed for occupancy by recreational vehicles or other motorized, towable or similar camping units.

**CAMPGROUND:** A plot of ground upon which two (2) or more campsites are located, established or maintained for temporary occupancy by camping units as temporary living quarters for recreation, education or vacation purposes. Campgrounds may be publicly or privately owned and operation.

**CAMPING UNIT:** Any tent, trailer, cabin, lean-to, RV, or similar structure established or maintained and operated in a campground as temporary living quarters for recreation, education or vacation purposes. A camping unit must be used as originally designed. A camping unit may not be used as utility building or a dwelling.

**CAMPING:** The act of using a camping unit to reside temporarily outside of one's permanent residence.

**CAMPSITE:** Any plot of ground within a campground intended for the exclusive occupancy by a camping unit under the control of a camper.

**CARGO CONTAINER:** A standardized, reusable vessel that is or appears to be: (1) originally, specifically or formerly designed for or used in the packing, shipping, movement or transportation of freight, articles, goods or commodities, or (2) designed for or capable of being mounted or moved on a rail car, or (3) designed for or capable of being mounted on a chassis or bogie for movement by truck trailer or loaded on a ship.

**CEMETERIES:** A place used for interment of human or animal remains or cremated remains, including a burial park for earth interments, a mausoleum for vault or crypt interments, a columbarium for cinerary interments, or a combination thereof. All cemeteries are regulated by the State of Tennessee Department of Commerce and Insurance Burial Services.

**CENTER LINE OF THE STREET:** That line surveyed and monument by the governing body shall be the center line of the street; or if such center line has not been surveyed, it shall be that line running midway between the outside curbs or ditches of such street.

**CERTIFICATE OF OCCUPANCY:** An official document issued by the Zoning Office that certifies all inspections were made and approved any the Zoning Office and the structure is ready for occupancy.

**CHASSIS:** A chassis is supporting frame that allows manufactured homes or tiny houses to be transported.

**CLUB:** Buildings and facilities owned or operated by an association or persons for a social or recreational purpose, but not operated primarily for profit or to render a service which is customarily carried on as business.

**CLUSTER DEVELOPMENT:** A development design technique that concentrates buildings in specific areas on a site to allow the remaining land to be used for recreation, common open space, and preservation of environmentally sensitive areas.

**COLLECTOR STREET:** A Street providing for traffic movement within the town as shown on the Zoning Map

**COMMUNICATIONS FACILITIES:** A land-use facility supporting antennas and microwave dishes that sends and/or receives radio frequency signals. The facilities include structure, towers, and accessory buildings.

**AM ARRAY:** An AM array, consisting of one or more tower units and supporting ground system which functions as an AM broadcasting antenna, shall be considered one tower. Measurements for setbacks and separation distances shall be measured from the outer perimeter of the towers included in the AM array. Additional tower units may be added within the perimeter of the AM array by right.

**ANTENNA:** Any exterior transmitting or receiving device mounted on a tower, building or structure, and used in communications that radiate or capture electromagnetic waves, digital signals, analog signals, radio frequencies (excluding radar signals), wireless telecommunications signals or other communication signals.

**ANTENNA HEIGHT:** When referring to an antenna located on a tower, the distance is measured from the base of the tower to the highest point on the antenna. When referring to an antenna located on a building, water tank, etc., the height is for the antenna only, and excludes the height of any supporting structure.

**ANTENNA SUPPORT STRUCTURES:** Any structure which supports an antenna, including towers, water tanks, buildings, etc.

**ANTENNA SUPPORT STRUCTURE, STEALTH TYPE:** A communication structure designed and installed in a manner such that the antennae, supporting apparatus and associated structures are aesthetically and architecturally appropriate with respect to existing structures or the immediate environment in which the tower/structure is located. Examples include antennae in church steeples, bell towers, flag poles, power poles, etc.

**BACKHAUL NETWORK:** The lines that connect a provider's towers/cell sites to one or more cellular telephone switching offices, and/or long distance providers, or the public switched telephone network.

**TOWER:** Any structure that is designed and constructed primarily for the purpose of supporting one or more antennas for telephone, radio and similar communication purposes, including self-supporting lattice towers, guyed towers, or monopole towers. The term includes radio and television transmission towers, microwave towers, common-carrier towers, cellular telephone towers, alternative tower structures, and the like.

**TOWER HEIGHT:** The distance measured from the base of the tower to the highest point on the antenna.

**CONCRETE PLANT:** A place that combines a mixture of gravel, pebbles, or broken stone with cement used for sidewalks, roadways, driveways and foundations.

**CONDITIONAL USE:** A use that would not be appropriate generally or without restriction throughout the zoning district but which, if controlled as to number, area, location, or relation to the neighborhood, would not be detrimental to public health, safety, or general welfare.

**CONDOMINIUM:** A multi-unit structure offering individual ownership of said units.

**CONSTRUCTION:** Any placement, assembly, or installation of facilities or equipment (including contractual obligations to purchase such facilities or equipment) at the premises where such equipment will be used, including preparation work at such premises.

**COUNTRY INN:** A country inn is a professionally licensed business that provides lodging to registered guests and serves breakfast to registered guests and at least one (1) other meal to registered guests and/or the public.

**CULTURAL SERVICES:** A library, museum, or similar public or quasi-public use displaying, preserving, and exhibiting objects of community and cultural interest in one or more of the arts or sciences.

**DAY CARE CENTER:** A place operated by a person, society, agency, corporation, institution, or other group that received pay for the care of eight (8) or more children under seventeen (17) years of age for less than twenty-four (24) hours per day, without transfer of custody. The term "Day Care Center" also includes child development centers, nursery schools, day nurseries, play schools, and kindergartens, as well as agencies provided before and after school care, regardless of name, purpose, or auspices. (Excluding schools graded 1-12 and kindergartens operated by governmental units or by religious organizations).

**DAY CARE CENTER, ADULT:** A place operated by a person, society, agency, corporation, institution, or other group that receives payment for the care of persons over eighteen (18) years of age, for less than twenty-four (24) hours per day in an approved community based facility. The adult day care center shall provide a structured program of personalized care for adults who are not capable of full independent living as a result of physical disability, developmental disabilities, emotional impairment, or frailty resulting from advanced age.

**DAY NURSERIES, PRIVATE:** Any place, home or institution which receives six (6) or more young children, conducted for cultivating the normal aptitude for exercise, play, observation, imitation and construction.

**DENTAL CLINIC:** A facility for the examination and treatment of ill and afflicted human out-patients, provided, however, that patients are not kept overnight except under emergency conditions. **Group Home:** A residential facility which offers a home like environment for mentally retarded, mentally handicapped, or physically handicapped residents, on either a permanent or temporary basis.

**DEVELOPMENT PLAN:** Detailed engineered/architectural drawing(s) of a commercial, industrial, institutional or residential development project, showing existing site conditions and proposed improvements with sufficient detail (e.g. technical reports, specifications, survey) for City review, approval, and then subsequent construction. The contents of a development plan are further defined by the Zoning Resolution and/or Subdivision Regulations.

**DEVELOPMENT:** A man made change to improved or unimproved real estate, including, but not limited to, buildings or other structures, mining, dredging, filling, grading, paving, excavation, or drilling operations.

**DISTRICT:** Any section or sections of the area lying within Bluff City, Tennessee, for which the regulations governing the use, density, bulk, height, and coverage of buildings and other structures are in force.

**DRUG STORE/PHARMACY:** Every establishment or building or part thereof where the majority of retail sales within said store are prescription or nonprescription drugs.

**DRY CLEANING ESTABLISHMENT:** An establishment which launders or dry cleans articles dropped off on the premises directly by the customer or where articles are dropped off, sorted, and picked up but where laundering or cleaning is done elsewhere.

**DWELLING UNIT:** One or more rooms physically arranged so as to create an independent housekeeping establishment for occupancy by one family with separate toilets and facilities for cooking and sleeping.

**DWELLING, MULTI FAMILY:** A building designed, constructed or reconstructed and used for more than two (2) dwelling units, with each dwelling unit having a common structural wall with any other dwelling unit on the same floor.

**DWELLING, SINGLE FAMILY:** A building designed, constructed, and used for one (1) dwelling unit.

**DWELLING, TWO FAMILY OR DUPLEX:** A building designed, constructed or reconstructed and used for two (2) dwelling units that are connected by a common structural wall.

**EMPLOYEE:** Means a person who performs any service on the premises of a full-time, part-time, or contract basis, independent contractor, agent or otherwise, and whether or not such person is paid a salary, wage, or other compensation by the operator of such business. "Employee" does not include a person exclusively on the premises for repair or maintenance of the premises or equipment on the premises, or for the delivery of goods to the premises.

**EGRESS ROOF ACCESS WINDOW:** This is usually a skylight or roof window that is designed and installed to satisfy the emergency escape and rescue opening requirements of the 2018 International Residential Code Section R310.2

**FAA:** Federal Aviation Administration.

**FAMILY:** One (1) or more persons occupying a single dwelling unit, provided that unless all members are related by blood or marriage, no such family shall contain over five (5) persons, but further provided that domestic servants employed on the premises without being counted as a family or families.

**FARMING:** This includes all forms of agriculture, growing of crops in the open, dairying, grazing, the raising and maintaining of poultry and other livestock, horticulture, viticulture, forests and woods, provided however, all health codes of Bluff City, Tennessee are complied with.

**FCC:** Federal Communications Commission.

**FENCE:** A tangible barrier constructed of any allowable material erected for the purpose of providing a boundary or as a means of protection, or to prevent uncontrolled access, or for decorative purposes (such as an ornamental gate or ornamental gates), or to screen from viewers in or on adjoining properties and streets, materials stored and operations conducted behind it, but not including hedges, shrubs, trees, or other natural growth.

**FINANCIAL INSTITUTION:** Any trust company, savings bank, industrial bank, savings and loan association, building and loan association, commercial bank, credit union, federal association, Investment Company, or other business association, which is chartered under federal or state law, solicits, receives, or accepts money or its equivalent on deposit and loans money as a regular business.

**FLOOD:** A temporary condition of partial or complete inundation of dry land areas from the overflow of water from streams or rapid accumulation or runoff of surface water from any source.

**FLOOR AREA:** The total area of all floors of a building including a finished attic and finished basement.

**FOUNDATION PLANTING AREA:** An area located between buildings and access roads, parking areas, and/or driveways, of which a minimum of 50% is landscaped with live landscaping materials other than grass, such as shrubs, small trees, and plants.

**FREESTANDING CARPORT:** A structure used for the storage of vehicles and having no enclosure other than its roof and such necessary support as will present the minimum obstruction to light, air and view.

**FREIGHT GOODS:** Merchandise, substances, materials, and commodities of any kind that may be transported or transferred from one place to another by air, rail, or motor-carrier.

**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.

**FRONTAGE LANDSCAPE AREA:** Landscaped area measuring at least ten (10) feet in width that is located between parking areas/driveways/access roads and adjacent open public right-of-ways.



**FRONTAGE:** All the property on one side of a street between two (2) intersecting streets (crossing or terminating) measured along the line of the street, or if the street is dead ended, then all the property abutting on one side between an intersecting street and the dead end of the street.

**FUNERAL HOME OR MORTUARY ESTABLISHMENT:** A building or part thereof used for funeral services. Such building may contain space and facilities for (a) embalming and the performance of other services used in the preparation of the dead for burial; (b) the performance of autopsies and other surgical procedures; (c) the storage of caskets, funeral urns, and other related funeral supplies; (d) the storage of funeral vehicles; and (e) facilities for cremation. Where a funeral home is permitted, a funeral chapel shall also be permitted. Also referred to a Funeral Parlor, this is a structure or structures erected to provide services for human remains, including embalming and preparation for burial, facilities for cremation, and storage of funeral related supplies such as, but not limited to, caskets and urns.

**GASOLINE SERVICE STATION:** Buildings and premises where gasoline, oil, grease, and other petroleum products are sold. Accessory activities may also include light maintenance activities such as engine tune-ups, lubrication, minor repairs, and carburetor cleaning, replacement of batteries, tires and automobile accessories. Uses permissible at a gasoline service station do not include major mechanical and body work, such as engine overhauls, automobile painting, straightening of body parts, welding, storage of automobiles not in operating conditions, or other work involving noise, glare, fumes, smoke, or other characteristics to an extent greater than normally found in service station. A gasoline service station is neither a repair garage nor a body shop.

**GRADE, FINISHED:** The completed surfaces of lawns, walks, and roads brought to grades as shown on official plans or designs relating thereto.

**GREENHOUSE/NURSERY:** A building with glass walls and roof, for the cultivation and exhibition of plants under controlled conditions.

**GROCERY STORE:** Stores where most of the floor area is devoted to the sale of food products for home preparation and consumption, which typically also offer other home care and personal care products, and which are substantially larger and carry a broader range of merchandise than convenience stores.

**GOVERNMENTAL USE:** This use is defined as a building, structure or land owned, operated, or occupied by agency, individual and/or.

**HARDLINE RETAIL STORES:** A high impact establishment that retails goods that does not quickly wear out, or more specifically, one that yields utility over time rather than being completely consumed in one use, or retail establishment offering a wide range of consumer goods in different product categories known as "departments". This includes establishments which sell furniture or home furnishings, hardware, home centers, lawn and garden supplies, department store, warehouse club or big-box store, electronics and appliances, lumber yard and building materials, heating and plumbing equipment, and similar establishments.

**HARDSHIP:** A restriction on property that relates to the physical characteristics of the property, not the personal circumstances of the owner or user, such that the property is rendered unusable without the granting of a variance.

**HARDWARE STORE:** A facility with floor space less than 5,000 square feet engaged in the retail sale of various basic hardware lines, such as tools, builders' hardware, plumbing and electrical supplies, paint and glass, house wares and household appliances, garden supplies, and cutlery. A Hardware Store by definition greater than 5,000 square feet will be considered a Retail Store.

**HAZARDOUS SUBSTANCE:** Any substance or material that, by reason of their toxic, caustic, corrosive, abrasive, or other injurious properties, may be deleterious to the health of any person handling or otherwise coming.

**HEALTH OFFICER:** This shall mean the health officer of the state of Tennessee who is responsible for issuing and review permits.

**HEDGE:** A landscape barrier consisting of a continuous, dense planting of shrubs.

**HISTORIC DISTRICT:** A district or zone designated by a local authority, state, or federal government within which the buildings, structures, appurtenances and places are of basic and vital importance because of their association with history, or because of their unique architectural style and scale, including color, proportion, form, and architectural detail, or because of their being a part of or related to a square, park, or are the design or general arrangement of which should be preserved and/or developed according to a fixed plan based on cultural, historical or architectural motives or purposes.

**HOME OCCUPATIONS:** An occupation conducted in a dwelling unit, provided that: Only one (1) person other than members of the family residing on the premises shall be engaged in such occupation; The use of the dwelling unit for the home occupation shall be clearly incidental and subordinate to its use for residential purposes by its occupants, and not more than twenty-five (25) percent of the floor area of the dwelling unit shall be used in the conduct of the home occupation. There shall be no change in the outside appearance of the building or premises, or other visible evidence of the conduct of such home occupation other than one (1) sign, not exceeding two (2) square feet in area, non-illuminated and mounted flat against the wall of the principal building; Home occupations within accessory structures may be permitted upon appeal and approval of the Board of Zoning Appeals; No traffic shall be generated by such home occupation in greater volumes than would normally be expected in a residential neighborhood, and any need for parking generated by the conduct of such home occupation shall be met off the street and other than in a required front yard. No equipment or process shall be used in such home occupation which creates noise, vibration, glare, fumes, odors, or electrical interference detectable to the normal senses off the lot.

**HOSPITAL AS DEFINED IN TCA § 68-11-20:** An institution provided health services primarily for human in-patient medical care for sick or injured and including related facilities such as service, and staff offices which are an integral part of the facility.

**HOTEL:** Any structure, or any portion of any structure, that is occupied or intended or designed for occupancy by transients for dwelling, lodging, or sleeping purposes, and includes any hotel, inn, tourist court, tourist camp, tourist cabin, motel, or any place in which rooms, lodgings, or accommodations are furnished to transients for a consideration. The right to the use or possession of any room, lodgings, or accommodations in a hotel shall be limited to a period of less than thirty (30) continuous days.

**IMPERVIOUS SURFACE:** A surface that has been compacted or covered with a layer of material so that it is highly resistant to infiltration by water.

**INDEPENDENT HOUSING:** Multi-family dwelling units occupied by persons 55 years or older. In the case of double occupancy of a unit, only one resident is required to be at least 55 years of age. The housing must be self-contained and physically accessible to retirement-aged citizens.

**INDEPENDENT HOUSING, SEMI:** Similar to apartments, but where dwellings are intended for persons 55 years of age and older, and include special support services, such as central dining areas and limited medical care.

**INOPERATIVE MOTOR VEHICLE:** Any vehicle, car, truck, van, bus, trailer, recreational vehicle, motorcycle, which does not have an engine or drive train in operating condition, inflated tires on all wheels, an operative battery, and valid state license plate and registration issued to a person in possession of the property in which the vehicle is located, or which, for any reason, is not operative and capable of being legally driven upon the roads and highways of the State of Tennessee under its own power. Tractors and similar farm vehicles that are used on a lot containing an established agricultural operation and are capable of movement under their own power are not considered to be inoperative vehicles. A motor vehicle may only be used as it was originally designed by the manufacturer.

**ISLAND:** A raised area, usually curbed, placed to protect landscaping.

**JUNK:** Any item, secondhand, worn, or discarded articles, trash, something of little meaning, or significance, articles that have outlived their usefulness in their original form regardless of the type material in which the item is made of, but shall not be limited to old iron, aluminum, wire, cordage, paper, plastic, rubber, fiberglass, wood, or other waste items that may or may not be used again in some form.

**JUNK YARDS:** Any open or uncovered land on which dilapidated automobiles, machines or machine parts, scrap metal, rags, plastics, boxes, barrels, old papers or tires, and the like are assembled for purposes of trade or disposal.

**KENNEL, COMMERCIAL:** An establishment licensed to operate a facility housing dogs, cats, or other household pets and where grooming, breeding, boarding training or selling of animals is conducted as a business.

**KENNEL, PRIVATE:** Any building or buildings or land designed or arranged for the care of dogs and cats belonging to the owner of the principal use, kept for the purpose of show, hunting, or as pets.

**LANDING PLATFORM:** The top step of a stairway that access a loft.

**LANDSCAPE SPECIALIST:** For the purposes of this ordinance, a landscape specialist shall include landscape architects, horticulturists, and others with formal training in landscape design.

**LANDSCAPING:** The planting and maintenance of trees, shrubs, lawns, and other ground cover or materials, provided that terraces, fountains, retaining walls, street furniture, sculptures, or other art objects, and similar accessory features may be considered as landscaping if integrally designed.

**LIFE CARE FACILITY:** A facility for the transitional residency of elderly and/or disabled persons, progressing from independent living in single-family units to congregate apartment living where residents share common meals and culminating in a full health and continuing care nursing home facility.

**LIVESTOCK FEEDING YARD:** An enclosure designed or used for the purpose of the concentrated feeding or fattening of livestock for marketing.

**LIVESTOCK SALES YARD:** An enclosure or structure designed or used for holding livestock for purposes of sale or transfer by auction, consignment, or other means.

**LIVESTOCK:** Domestic animals of types customarily raised or kept on farms for profit or other purposes.

**LODGES AND CLUBS:** A membership organization that holds regular meetings in buildings and facilities, owned or operated by a corporation, association, person or persons, for social, educational, or recreational purpose, and not primarily operated for profit being restricted to members and their guests.

**LOFTS:** Situated above the main floor and open to below, lofts are sleeping spaces and must contain at least 6 feet 8 inches in ceiling height.

**LOT:** A parcel of land which fronts on, and has access to, a public street and which is occupied or intended to be occupied by a building or buildings with customary accessories and open spaces.

**LOT AREA:** The total horizontal area within the lot lines of a lot exclusive of streets, and easements of access to other property.

**LOT COVERAGE:** The lot area covered by all buildings located therein, including the area covered by all overhanging roofs.

**LOT LINE:** The boundary dividing a given lot from a street, alley, or adjacent lots.

**LOT LINE, FRONT:** That property line running with the street right-of-way which gives access to the lot.

**LOT LINE, REAR:** The lot line which is opposite and most distant from the front lot line. In the case of an irregular, triangular or other shaped lot, a line 10 feet in length within the lot parallel to and at a maximum distance from the front lot line.

**LOT LINE, SIDE:** Any lot line not a front or rear lot line.

**LOT OF RECORD:** A lot, the boundaries of which are filed as legal record.

**LOT WIDTH:** The width of a lot at the required building setback line measured at right angles to its depth

**LOT, CORNER:** A lot abutting on two or more streets other than an alley, at their intersection.

**LOT, VACANT:** A lot which does not contain a primary structure or current use.

**LOWEST FLOOR:** The lowest floor of the lowest enclosed area (including basement). This does not include the floor of an unenclosed garage used solely for parking vehicles. Maintenance Bond. Any security which may be required and accepted by the Planning Commission to ensure that required landscape improvements will function as required for a specific period of time.

**MANUFACTURING, HEAVY:** Other types of manufacturing not included in the definitions of light manufacturing and medium manufacturing.

**MANUFACTURING, LIGHT:** The manufacturing, compounding, processing, assembling, packaging or testing of goods or equipment, including research activities, conducted entirely within an enclosed structure, with no outside storage, serviced by a modest volume of trucks or vans and imposing a negligible impact on the surrounding environment by noise, vibration, smoke, dust or pollutants.

**MANUFACTURING, MEDIUM:** The manufacturing, compounding, processing, assembling, packaging or testing of goods or equipment within an enclosed structure or an open yard that is capable of being screened from neighboring properties, serviced by a modest volume of trucks or other vehicles.

**MEDICAL CLINIC:** A licensed facility for examining and treating patients with medical problems on an out-patient basis. A medical clinic is not a methadone treatment clinic or facility or substance abuse treatment facility as per the Zoning Ordinance.

**MEDICAL FACILITIES:** Any facility where persons or animals are examined and treated for illness. Convalescent, Rest or Nursing Home: A health facility where persons are housed and furnished with meals and continuing nursing care for compensation.

**METHADONE TREATMENT CLINIC OR FACILITY:** A licensed facility for counseling of patients and the distribution of methadone for outpatient, non-residential purposes only. A methadone treatment clinic or facility is not a medical clinic or substance abuse treatment facility as per the Zoning Ordinance.

**MINI WAREHOUSE:** A building or group of buildings in a controlled access compound that contains varying sizes of individual, compartmentalized, and controlled access stalls or lockers for the storage of customer's goods or wares.

**MODIFICATIONS:** This shall include expanding the use of the site or updating, renovating, and generally improving the site

**MANUFACTURED HOME PER T.C.A. §68-126-202:** Manufactured home means a structure constructed to National Manufactured Home Construction and Safety Standards, identifiable by a red and silver seal, transportable in one (1) or more sections, which, in the traveling mode, is eight (8) body feet or more in width, or forty (40) body feet or more in length, or, when erected on site,

is three hundred twenty (320) or more square feet, and which is built on a permanent chassis and designed to be used as a dwelling with or without a permanent foundation when connected to the required utilities, and includes the plumbing, heating, air conditioning, and electrical systems contained in the structure; except that "manufactured home" includes any structure that meets all the requirements of this subdivision (except the size requirements) and with respect to which the manufacturer voluntarily files a certification required by the secretary and complies with the standards established under this title.

**MANUFACTURED HOME PARK:** Any single plot or tract of land containing, or designed for and intended to contain, two (2) or more manufactured homes for permanent residence, where manufactured home spaces are leased or rented to the homeowner by the land owner.

**MANUFACTURED HOME SUBDIVISION:** A subdivision of land designed for occupancy by manufactured homes exclusively and where the individual lots are sold to the occupants.

**MOBILE HOME PER T.C.A §68-126-202:** Mobile home means a structure manufactured before June 15, 1976, that is not constructed in accordance with the National Manufactured Home Construction and Safety Standards Act of 1974, compiled in 42 U.S.C. § 5401 et seq. It is a structure that is transportable in one (1) or more sections that in the traveling mode is eight (8) body-feet or more in width and forty (40) body-feet or more in length, or, when erected on site, is three hundred twenty (320) or more square feet and that is built on a chassis and designed to be used as a dwelling with or without a permanent foundation when connected to the required utilities and includes any plumbing, heating, air conditioning and electrical systems contained in the structure. A travel trailer is not to be considered a mobile home.

**MOBILE HOME PARK:** This shall mean any plat of ground under single ownership containing a minimum of two (2) acres upon which two (2) or more mobile homes constructed prior to 1976 on the lot and might be in significant disrepair. A mobile home park, however, does not include sites where unoccupied mobile homes are on display for sale.

**MOBILE HOME SPACE:** The lot area allocated for an individual mobile home. This area includes the land under which the actual mobile home is located and the required front, side and rear yards for the associated mobile home.

**MOBILE HOME SUBDIVISION:** A subdivision designed and or intended for the sale of lots for siting mobile homes.

**MOBILE HOME JUNK YARD:** Junk Yards as defined in this section shall not include Recycling Centers. A premise used for the outside storage of two or more single-wide or double-wide manufactured homes on a lot over ninety (90) days that do not have properly installed septic systems, water systems and electricity that meet minimum state standards. These operations of single-wide and double-wide manufactured home storage and wrecking facilities must meet the requirements of yards as defined in this section.

**MOBILE UNIT:** A structure which has all of the following characteristics: Designed to be transported after fabrication on its own wheels, or on flatbed or other trailer or detachable wheels. Arriving at the site where it is to function as an office, commercial establishment, assembly hall, storage, governmental or other similar purpose and ready for use except for minor and incidental

unpacking and assembly operations, location on foundation supports, connections to utilities and the like.

**MODULAR HOME:** A home constructed in a factory, like a manufactured home, but which is not built on a permanent chassis, and which requires placement on a permanent foundation. It is constructed to the Tennessee Modular Building Code, and is identified by a green seal.

**MULCH:** A layer of wood chips, dry leaves, straw, hay, plastic, or other materials placed on the surface of the soil around plants to retain moisture, prevent the growth of weeds, hold the soil in place, and/or aid plant growth.

**NONCOMPLYING:** Any lot of record which does not contain sufficient lot area to conform to the area requirements for the zoning district in which the lot is located. Any lawful building or other structure which does not comply with any one (1) or more of the applicable regulations, or Any lawful use other than a nonconforming use, which does not comply with any part or any one (1) or more of the applicable regulations pertaining to: Location along district boundary: or Accessory off-street parking and loading; Either on the effective date of this ordinance or as a result of any subsequent amendment thereto.

**NONCONFORMING USE:** A building, structure, or use of land existing at the time of enactment of this ordinance which does not conform to the regulations of the district in which it is located.

**NOXIOUS MATTER:** Material (in gaseous, liquid, solid, particulate, or any other form) which is capable of causing injury to living organisms, chemical reactions, or detrimental effects upon the social, economic, or physiological well-being of individuals.

**NUISANCE:** Anything, condition, or conduct that endangers health and safety, or unreasonably offends the senses, or obstructs the free use and comfortable enjoyment of property, or essentially interferes with the comfortable enjoyment of life.

**NURSERY:** Land or greenhouses used to raise flowers, shrubs, and plants for sale.

**OFF-STREET PARKING:** A parking space provided in a parking lot, parking structure, or private driveway.

**OPEN AIR MARKET:** An outdoor market for the retail sale of new or used merchandise, produce or other farm products, where operated by a single vendor or composed of stalls, stands or spaces rented or otherwise provided to vendors. The term does not include the outside display of merchandise as an incidental part of retail activities regularly conducted from a permanent building on sidewalks or other areas immediately adjacent to, and upon the same lot as, such building. The term also does not include merchandise sold at festivals or other special events, temporary in duration, at which the display and sale of merchandise is incidental to the primary cultural, informational or recreational activities of such festival or special event. An Open-air market may include permanent structure(s) for administration, shelter, or bathroom facilities.

**ORNAMENTAL GRASS:** Grasses, such as pampas grass, which are not intended to be mown and are generally grown for their ornamental value.

**OSHA:** Occupational Safety and Health Administration.

**OWNER:** The person in legal possession of property.

**PAIN MANAGEMENT CLINIC:** This means a privately-owned facility in compliance with the requirements of TCA § 63-1-302 through § 63-1-311 in which a medical doctor, an osteopathic physician, an advanced practice nurse, and/or a physician assistant provides pain management services to patients, a majority of whom are issued a prescription for, or are dispensed opioids, benzodiazepine, barbiturates, or carisoprodal, but not including suboxone, for more than ninety (90) days in a twelve-month period.

**PARKING LOT PERIMETER LANDSCAPING:** Landscaping located around parking areas where frontage landscape strips, buffers, and foundation planting areas are not required to be located. Its primary purpose is to separate adjacent parking areas located on separate lots or within separate developments.

**PARK COMMUNITY:** This refers to any tiny house community, Mobile Home Park, recreational vehicle Park, travel trailer park, or other commercial campground.

**PERIPHERY YARD:** A strip of land measuring at least ten (10) feet in width that is located around a property's perimeter and is required to be landscaped and free of development.

**PERMANENT FOUNDATION:** This anchors the tiny homes and shall be approved by the building inspector. Typically anchors are at least 6 inches of cement footing, with reinforced steel for load bearing walls. Anchors should be placed so as to prohibit lateral shifting and up-rise.

**PERMIT:** A written document issued by the enforcing agent permitting the construction, alteration or expansion of a mobile home park.

**PLACES OF AMUSEMENT AND ASSEMBLY:** Establishments engaged in providing amusements, or entertainment as a commercial business for a fee or admission charge and includes such activities as dance halls, studios, theatrical procedures, orchestras, bowling alleys, recreation clubs, and swimming pools, not to include adult oriented establishments.

**PLUMBING INSPECTOR:** This shall mean the plumbing inspector of the City of Bluff City, Tennessee, or his authorized representative.

**PUBLIC HEALTH CENTERS:** means a facility primarily utilized by a health unit for the provision of public health services including related facilities such as laboratories, clinics, and administrative offices.

**PUBLIC STREET:** A public way which affords the principal means of access to abutting properties.

**PERSON:** Every natural person, firm, partnership, association, social or fraternal organization, corporation, trust, estate, receiver.

**PERSONAL SERVICES:** Establishments primarily engaged in providing services involving the care of a person or his or her apparel, such as beauty and barber shops, shoe repair, tailor and seamstress, and weight control and exercise salons.



**PLACES OF AMUSEMENT AND ASSEMBLY:** Establishments engaged in providing amusements, or entertainment as a commercial business for a fee or admission charge and includes such activities as dance halls, studios, theatrical procedures, orchestras, bowling alleys, recreation clubs, and swimming pools, not to include adult oriented establishments.

**PLACES OF WORSHIP:** A building wherein persons regularly assemble for religious worship and which is maintained and controlled by a religious body organized to sustain public worship, together with all accessory buildings and uses customarily associated with such primary purpose. This includes a church, synagogue, temple, mosque, or other such place for worship and religious activities.

**PLAYGROUNDS:** A publicly owned area for recreational use primarily by children.

**PORTABLE:** Capable of being carried or transported without difficulty.

**PORTABLE STORAGE CONTAINER:** A boxlike container used for outdoor security or storage including commercial storage, transported to a desired location, typically designed to be delivered and recovered on a specialized truck or transport system of such a size as to make it impractical to be easily moved by hand in the event of fire or other emergency.

**PROFESSIONAL OFFICE:** The office of a physician, dentist, attorney, architect, engineer, planner, accountant, or similar professions.

**PRIMARY STRUCTURE:** A structure in which is conducted the main or principal use of the lot on which said building is located.

**PRIVATE ACCESS ROAD:** A private road or driveway located within a development which is designed to provide for vehicular movement both within the development and to an open public right-of-way.

**PUBLIC STREET:** Any vehicular way, except alleys, which is owned and maintained by the city, state, or federal governments.

**PUBLIC UTILITY OR PUBLIC UTILITY FACILITY:** A public utility or public utility facility in the context of this ordinance is a facility providing a public service which is owned or authorized by a municipal, City, state or federal government in the provision of such services as transportation, water supply, sewerage treatment, electricity, natural gas and telephone, telegraph or microwave transmission. A public utility or public utility facility specifically excludes sanitary landfills and refuse disposal facilities.

**PUBLIC WASTEWATER SYSTEM:** A municipal, community, or utility district sewerage treatment and disposal system of a type approved by the State Department of Health and Environment and the Public Service Commission.

**PUBLIC WATER:** A municipal, community or utility district water treatment and distribution system of a type approved by the State Department of Health and Environment and the Public Service Commission.

**QUARRY:** A place, cavern, or pit where stone is taken from the rock or ledge, or dug from the earth.

**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.

**REQUIRED YARD:** That portion of a lot that is required by the specific district regulation to be open from the ground to the sky, and which may contain only explicitly listed obstructions.

**RECREATION, OUTDOOR:** An area free of buildings except for restrooms, dressing rooms, equipment storage, maintenance buildings, open-air pavilions and similar structures used primarily for recreational activities.

**RECREATION:** The refreshment of body and mind through forms of play, amusement, or relaxation. The recreational experience may be active, such as boating, fishing, and swimming, or may be passive, such as enjoying the natural beauty.

**RECREATIONAL VEHICLE PARK:** Any lot or parcel of land upon which two or more recreational vehicle sites are located, established, or maintained for occupancy for a fee and designed as temporary living quarters for recreation or vacation purposes. The occupants of such parks may not stay for longer than thirty (30) consecutive days.

**RECREATIONAL VEHICLE:** A mobile unit, constructed as a vehicle, permitted and licensed as such, to be conveyed upon the public streets or highways, either by its own motive power or by being mounted on and drawn by another vehicle. Recreational Vehicles include motor homes, travel trailers, camping trailers, and truck campers, and are constructed to include a roof, floor, all side walls, and in such a manner to permit temporary dwelling for one (1) or more persons, designed for short-term occupancy, frequent and/or extensive travel, and recreational, camping, and vacation use. Recreational Vehicles, when not in use, can be stored in the rear yard behind the primary structure. RVs in the rear yard can be utilized by the family but shall not be rented for additional income.

**RESIDENCE, PERMANENT:** The place where a person actually lives and which such person regularly intends to occupy over a substantial period of time. If a person has more than one such place where he or she lives, the permanent residence shall be the place occupied the majority of the time by such person.

**RESIDENCE, TEMPORARY:** A place where a person(s) or family will habitat for a brief period of time not to exceed six consecutive months. This does not include vacation rentals, and only applies to emergencies and exceptional situations, such as staying in a RV while a house is being built.

**RECREATIONAL VEHICLE:** A portable unit, constructed as a vehicle, permitted and licensed as such, to be conveyed upon the public streets or highways, either by its own motive power or by being mounted on and drawn by another vehicle. Recreational Vehicles include motor homes, travel trailers, camping trailers, and truck campers, and are constructed to include a roof, floor, all side walls, and in such a manner to permit temporary dwelling for one (1) or more persons, designed to be used as temporary living quarters for short-term occupancy, frequent and/or extensive travel, and recreational, camping, and vacation use.

**RECREATIONAL VEHICLE PARK:** Any lot or parcel of land upon which two or more recreational vehicle sites are located, established, or maintained for occupancy for a fee and

designed as temporary living quarters for recreation or vacation purposes. The occupants of such parks may not stay for longer than thirty (30) consecutive days.

**RECREATIONAL:** The refreshment of body and mind through forms of play, amusement, or relaxation. The recreational experience may be active, such as boating, fishing, and swimming, or may be passive, such as enjoying the natural beauty.

**RECYCLING CENTER:** A building in which recoverable resource materials are separated and processed prior to shipment to others who will use those materials to manufacture new products.

**RECYCLING COLLECTION POINT:** An incidental use that serves as a neighborhood or regional drop-off point for recoverable resources, located either in a container or small structure. This facility would generally be located in a shopping center parking lot or in other public / semi-public areas.

**REPAIR GARAGE:** A building where motor vehicles are repaired, rebuilt, reconstructed, painted, or stored, for compensation.

**REPLAT OF PROPERTY:** An owner of property with two or more lots in single ownership may re-plat two or more lots into one larger lot in so far that said proposed principal building can meet the setback requirements for principal buildings under Article VIII, Yard and Height Requirements,. The proposed re-plat must be reviewed and approved by the

**RESIDENCE, PERMANENT:** The place where a person actually lives and which such person regularly intends to occupy over a substantial period of time. If a person has more than one such place where he or she lives, the permanent residence shall be the place occupied the majority of the time by such person.

**RESTAURANT:** A structure in which the principal use is the preparation and sale of food and beverages.

**RETAIL STORES:** Establishments that carry an assortment of merchandise for direct sale to the public with floor space greater than 2,500 square feet utilized in the sale and display of merchandise. Such establishments may include but are not limited to department stores, discount stores, farm stores, grocery stores, supermarkets and similar establishments. Retail stores are not General Stores as defined.

**RETAIL TRADE AND SERVICES:** Establishments engaged in selling goods and/or offering services to the general public for personal, small business, or household use or consumption.

**REZONE (REZONING):** The process of changing a current zoning classification into another zoning classification that is compatibles with surrounding property use.

**RIGHT-OF-WAY:** The minimum right-of-way of all local streets.

**SALVAGE YARD:** A place where property or goods are saved from damage or destruction; discarded or refused material.

**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.

**SHALL:** Indicates that which is required.

**SLEEPING UNIT:** A room or space in which people sleep, which can also include permanent provisions for living, eating and either sanitation or kitchen facilities, but not both. Such rooms and spaces that are also part of a dwelling unit are not sleeping units.

**STICK-BUILT:** This refers to homes that are constructed mostly on site from start to finish. All stick-built homes must adhere to local building, plumbing, and electrical codes

**STRUCTURE:** Something constructed or built and having a fixed base on, or fixed connection to, the ground or another structure. Anything constructed or erected, the use of which requires location on the ground, or attachment to something having location on the ground.

**STORAGE YARDS & BUILDINGS:** A space or place where goods, materials, or personal property is placed and kept for more than twenty-four (24) consecutive hours.

**SATELLITE DISH ANTENNA:** An earth station antenna, parabolic or spherical design, for the reception or transmission for the satellite or terrestrial communication services.

**SAWMILL:** A mill for dressing logs and lumber, same as lumber mill.

**SCREEN:** A structure providing enclosure and a visual barrier or noise barrier between the area enclosed and the adjacent property. A screen may also be shrubs or other growing materials.

**SELF-SERVICE STORAGE FACILITY:** Commonly referred to as “mini-warehouses”, a building or group of buildings consisting of individual, small, self-contained units that are leased or owned for the storage of business and household goods and wares.

**SHOPPING CENTER:** A group of commercial establishments, planned, developed, owned or managed as a unit, with off street parking provided on the property; however, this shall not apply to a group of commercial establishments containing no more than four (4) separate commercial establishments in one (1) structure containing a total of not more than seven thousand -five hundred (7,500) square feet of floor area.

**SHRUB:** A woody plant, smaller than a tree, consisting of several small stems from the ground or small branches near the ground; may be deciduous or evergreen.

**SHRUB (LARGE):** A shrub which, at maturity, is generally between three (3) and ten (10) feet in height.

**SHRUB (SMALL):** A shrub suited for foundation plantings, sign landscape areas, and the like, which either experiences more horizontal than vertical growth, and/or which generally does not exceed three (3) feet in height.

**SIGN:** Any structure or part thereof or device attached thereto, or represented thereon, which shall display or include any letter, words, model, banner, flag, pennant, insignia, or any representation used as, or which is in the nature of, an announcement, direction or advertisement. The word “sign” includes the word “billboard” and “poster board” as well as any other type of advertising device, but does not include the flag, pennant, or insignia of any nation, state, city, or other political unit. All signs fall under the definition of a structure as cited in this ordinance.

**AWNING, CANOPY, OR MARQUEE:** A sign painted, stamped, perforated, or stitched, or otherwise applied on the valance of an awning.

**BILLBOARD, OR OUTDOOR ADVERTISING DEVICE:** A sign which conveys some information, knowledge, or idea to the public which is not primarily related to a business or profession on premises.

**BUSINESS SIGN:** A sign which primarily directs attention to a business or profession conducted on premises. A "For Sale" sign or a "To Let" sign for the property on which it is displayed shall be deemed a business sign.

**FREE-STANDING SIGN:** A sign supported by one or more upright poles, columns or graces places in or on the ground and not attached to any building or structure.

**GOVERNMENT SIGN:** Any temporary or permanent sign erected and maintained by the city, county, state, or federal government for traffic direction, or for designation of, direction to, or announcement of activities at any public property or facility.

**ILLUMINATED SIGN:** A sign illuminated in any manner by an artificial light source. All illuminated signs shall be designed, installed, and directed in such a manner to prevent glare beyond the property line.

**POLITICAL CAMPAIGN SIGNS:** A sign that indicates a name of anyone running for a public office, or sites a cause or issue to be voted on. Such signs shall be erected no sooner than ninety days prior to a nomination, election or referendum.

**PORTABLE SIGNS:** Any sign which is not intended to be permanently affixed or mounted to a building or other unmovable structure. Portable signs should include any sign that can be easily moved and is intended to be on display for short periods of time for promotional sales, grand openings, etc.

**ROOF SIGN:** Any sign erected upon, against, or directly above a roof or roof eave, or on top of or above the parapet, or on a functional architectural appendage above the roof or roof eave.

**SIGN AREA:** The sign area is the area within a single continuous perimeter enclosing the extreme limits of the sign but the sign area shall not include any structural elements not be an integral part of the sign.

**SIGN HEIGHT:** The height of a sign shall be the maximum vertical distance for the uppermost extremity of a sign or sign support to the average ground level at the base of the sign.

**TEMPORARY OFF-PREMISE REAL ESTATE YARD SIGN:** Any yard sign visible from a public right-of-way advertising the sale, rental or lease of the premises or part of the premises, not located on the premises where the sign is located.

**TEMPORARY SIGN:** Temporary signs shall include any sign, banner, pennant, valance, or advertising display constructed of wood, metal, cloth, canvas, light fabric, cardboard, wallboard, or the light material, with or with frames, where either by reason of construction or purpose of sign is intended to be displayed for a short period of time only.

**WALL SIGN:** A sign painted on the outside of a building, or attached to, and erected parallel to the face of a building and supported throughout its length by such building.

**WINDOW SIGN:** A sign painted, stenciled, or affixed on a window, which is visible from a right-of-way.

**SITE PLAN:** A plan, prepared to scale, showing accurately and with complete dimensioning, the boundaries of a site and the location of all buildings, structures, uses, and principal site development features proposed for a specific parcel of land.

**SOFT LINE RETAIL STORES:** A low impact establishment which retail goods to consumers that are specialized, consumed after a single use, or have a limited life (typically under three (3) years) in which they are normally consumed, and include establishments which sell fabrics, footwear, toiletries, cosmetics, stationery, art galleries, bookstores, handicrafts, musical instruments, florists, and gift shops.

**SPECIAL EXCEPTION:** A special exception is a use that would not be appropriate generally or without restriction throughout the zoning division or district but which, if controlled as to number, area, location, or relation to the neighborhood, would promote the public health, safety, welfare, morals, order, comfort, convenience, appearance, prosperity, or general welfare. Such uses may be permitted in such zoning division or district as special exceptions, if specific provision for such special exceptions is made in this zoning code and only after approval has been granted by the Board of Zoning Appeals.

**SPOT ZONING:** Rezoning of a lot or parcel of land to benefit an owner for a use incompatible with surrounding uses and not for the purpose or effect of furthering the comprehensive zoning plan.

**STOP WORK ORDER:** A written document issued by a Zoning official, an administrative order which directs a person not to continue or not to allow the continuation of an activity which is in violation of this code.

**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 top most floor and the roof. A basement not used for human occupancy other than for a janitor or domestic employee shall not be counted as story.

**STREET:** A public right-of-way set aside for public travel which: has been accepted for maintenance by the Town of Bluff City; has been established as a public street prior to the date of adoption of this ordinance; or has been dedicated to the Town of Bluff City for public travel by the recording of a street plat or a plat of a subdivision which has been approved by the planning commission.

**STRUCTURAL ALTERATION:** Any change to the supporting members of a structure including foundations, bearing walls or partitions, columns, beams, girders, or any structural change in the roof or in the exterior walls that physically changes the foot print of said structure.

**SUBSTANCE ABUSE TREATMENT FACILITY:** A licensed facility with purpose of providing outpatient treatment, counseling or similar services to individuals who are dependent on legal and illegal drugs, opiates, alcohol or other similar substances. A substance abuse treatment facility is not a medical clinic or methadone treatment clinic or facility as per Zoning Ordinance

**SWIMMING POOL:** This means any structure intended for Swimming, recreational bathing or wading which contains or which is designed to contain water over 24 inches deep. This includes in-ground, above-ground and on-ground pools; indoor pools; hot tubs; spas; and fixed-in-place wading pools.

**TEMPORARY:** Existing for a limited time; not permanent.

**TERMINAL ISLANDS:** Interior parking lot landscaped island located at the end of a row of parking spaces.

**TERMINAL:** a place where transfer between modes of transportation take place; a terminating point where goods are transferred from a truck to a storage area or to other trucks or picked up by other forms of transportation.

**THEATRE:** A place of public assembly for purpose of holding dramatic or musical performances, showing motion pictures and films, holding lectures, and similar uses.

**TINY HOUSE:** A dwelling unit that has less than 400 square feet of floor space, not including lofts. Tiny houses have provisions for individual living, including a kitchen, bathroom, and living space. Tiny houses are detached and can be transported on wheels, or can be stick built on site.

**TINY HOUSE ON WHEELS:** Manufactured off site, placed on a chassis and transported to the site. Tiny homes on wheels contain all provisions for independent living and contains a minimum of 140 square feet of first floor living space. Tiny Houses on Wheels are considered Recreational Vehicles when built to ANSI A119.5 Park Model Standards unless removed from the chassis and placed on a permeant foundation

**TINY HOUSE COMMUNITY:** Two or more tiny houses grouped together on one lot, with shared common spaces such as driveways and/or open space. A site plan must be submitted to the Bluff City Municipal Planning Commission prior to obtaining permits from the Building Inspector. Tiny homes that are grouped together must have 2,250 square feet of lot space per house

**TOPOGRAPHY:** The configuration of a surface area showing relative elevations.

**TOTAL FLOOR AREA:** The area of all floors of a building including finished attic, finished basement and covered porches.

**TOWNHOUSE:** A townhouse is a single family dwelling unit attached by fire resistant common walls to other similar type units, each unit having an open space for light, air, and access in the front and rear.

**TOXIC MATERIALS:** Materials (gaseous, liquid, solid, particulate) which are capable of causing injury to living organisms even when present in relatively small amounts.

**TREE, DECIDUOUS:** Plants that drop their foliage annually before becoming dormant.

**TREE, EVERGREEN:** A plant with foliage that remains green year-round.

**TREE, ORNAMENTAL:** A deciduous tree planted primarily for its ornamental value or for screening purposes; tends to be smaller at maturity than a shade tree.

**TREE, SHADE:** A tree, usually deciduous, planted primarily for its overhead canopy, and generally obtaining a minimum height of thirty (30) feet with a crown spread no less than one-half the height at maturity.

**TREE, SPECIMEN:** A particularly impressive or unusual example of a species due to its size, shade, age, or any other trait that epitomizes the character of the species.

**TRUCK STOP:** An establishment engaged primarily in the fueling, servicing, repair, or parking of tractor trucks or similar heavy commercial vehicles, including the sale of accessories and equipment for such vehicles. A truck stop may also include overnight accommodations, showers, or restaurant facilities primarily for the use of truck crews. Over the road trucks shall be allowed to stop and stand overnight for any other period in which the operator of the truck takes mandatory down time or sleeps to enable the driver to return to service. A truck stop is not a gasoline service station.

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

**PRINCIPAL USE:** The primary purpose or function that a lot serves or is intended to serve.

**PUBLIC USES:** Public parks, schools, and administrative cultural and service building, not including public land or buildings devoted solely to storage and maintenance of equipment and materials.

**VACANT PROPERTY:** A property which does not contain a primary structure or current use

**VACATION RENTAL:** The rental of any structure or any portion of any structure for occupancy for dwelling, lodging or sleeping purposes for thirty (30) consecutive days or less in a residential zoning district, including single-family residences, condominiums, duplexes, townhomes, and multiple family dwellings.

**VARIANCE:** A variance is a relaxation of the terms of the Zoning Code where such variance will not be contrary to the public interest and where, owing to conditions peculiar to the property and not the result of the actions of the applicant, a literal enforcement of the Code would result in unnecessary and undue hardship. As used in this Code, a variance is authorized only for height, area, and size of structure or size of yards and open spaces; establishment or expansion of a use otherwise prohibited shall not be allowed by variance, nor shall a variance be granted because of the presence of nonconformities in the zoning district or uses in an adjoining zoning district.



**VEGETATED BUFFER:** A use-restricted vegetated area that is located along the perimeter of streams, ponds, lakes or wetlands, containing natural vegetation and grasses, or enhanced or restored vegetation.

**VEHICLE OVERHANG:** The portion of a vehicle extending beyond the wheel stops or curb.

**VISUAL OBSTRUCTION:** A screen of live plant material that is opaque from the ground to a height of at least six feet, intended to exclude visual contact between uses and to create a strong impression of special separation during all seasons of the year. At maturity, the screen shall be considered to be view-obscuring if there are no openings greater than one square foot.

**WAREHOUSES:** A use engaged in storage, wholesale, and distribution of manufactured products, supplies, and equipment, excluding bulk storage of materials that are inflammable or explosive or that present hazards or conditions commonly recognized as offensive.

**WHOLESALE BUSINESS:** An establishment or place of business primarily engaged in selling and/or distributing merchandise to retailers; to industrial, commercial, institutional, or professional business users, or to other wholesalers; or acting as agents or brokers and buying merchandise for, or selling merchandise to, such individuals or companies. This is not considered a general commercial use.

**WHOLESALE TRADE:** Establishments or places of business primarily engaged in selling merchandise to retailers; to industrial, commercial, institutional, or professional business users, or to other wholesalers; or acting as agents or brokers and buying merchandise for, or selling merchandise to, such individuals or companies.

**WRECKED AUTOMOBILE STORAGE YARD:** Storage of wrecked automobiles with no parts, accessories, or scrap being sold. Sales of complete automobiles shall be made to licensed automobile dealers only. There shall be no processing or dismantling of wrecked automobiles.

**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.

**ZONING MAP:** A map or series of maps and special overlays showing district and special districts that are established under the provisions of, and are thereby, a part of this Ordinance.

## **ARTICLE IV. GENERAL PROVISIONS AND APPLICATION OF REGULATIONS**

**401. USE.** Except as herein provided, 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.

**402. CONFORMITY TO SUBDIVISION REGULATIONS.** No building permit shall be issued for or no building shall be erected on any lot within the municipality, unless the street giving access to the lot upon which said building is proposed to be placed shall have been accepted or opened as a public street prior to that time or unless such street corresponds in its location and lines with a street shown on a subdivision plat approved by the Bluff City Planning Commission and such approval entered in writing on the plat by the secretary of the commission.

**403. HEIGHT AND DENSITY.** No building or structure shall hereafter be erected or altered so as to exceed the height limit, to accommodate or house a greater number of families, to have narrower or smaller front yards or side yards that are required or specified in the regulations herein for the district in which it is located.

**404. REDUCTION OF LOT SIZE.** No lot shall be reduced in area so that yards, lot area per family, lot width, building area or other provisions of this ordinance shall not be maintained

**405. YARD AND OTHER SPACES.** No part of a yard or other open space required about any building for the purpose of complying with the provisions of this ordinance shall be included as a part of a yard or other open space required under this ordinance for another building.

**406. CORNER LOTS.** The minimum width of a side yard along an intersecting street shall be fifty (50%) percent greater than the minimum side yard requirements of the district in which the lot is located.

**407. STREET FRONTAGE.** No dwelling shall be erected on a lot which does not abut on at least one (1) street for at least forty (40) feet except that condominiums and townhouses may be excluded from this provision with the approval of the Board of Zoning Appeals.

**408. ONE RESIDENTIAL DWELLING ON A LOT.** Only one residential dwelling and its customary accessory buildings may hereafter be erected on any lot; except that two-family and multi-family dwellings may be excluded from this provision with the approval of the Board of Zoning Appeals.

**409. ONE ACCESSORY DWELLING UNIT ON A LOT.** Only one accessory dwelling unit may hereafter be erected on any lot which contains a single-family residence, except that ready-mades cannot be converted to an ADU and a permit must first be obtained prior to construction. ADUs are allowed in the side or rear yard, must be stick built, placed on a permanent foundation, and within 10 feet of the primary residence and no closer than 5 feet to any property line.

**410. CUSTOMARY ACCESSORY BUILDINGS IN ANY DISTRICT.** Accessory buildings are permitted provided they are located in rear yards in residential, medical and business

districts. Accessory buildings in manufacturing and factory districts may be located in the rear or side yards. An accessory building in residential, medical and business districts shall be located no closer than five (5) feet to any property line and/or ten feet to any principal building on the same lot. An accessory building in manufacturing or factory districts shall be located no closer than ten (10) feet to any property line and/or ten (10) feet to any principal building on the same lot. Accessory buildings shall also comply with the setback from the intersecting street.

**411. STORAGE OF MOBILE UNITS.** Storage of a recreation vehicle or other self-contained camping unit on private property where the property and camping unit are owned by the same person(s) or legal representative does not require a permit as long as the unit is not being used for commercial purposes such as renting/additional income. Such storage of a mobile unit shall not be hooked up to utilities nor shall it be utilized as accessory living quarters for guests.

**412. SIGNS.** No sign shall be erected or located within the Town of Bluff City which does not conform to the sign ordinance.

**413. FLOOD PROTECTION.** Any structure proposed to be located within fifty (50) feet of any main drainage channel or stream (hereafter referred to as a stream) within the Town of Bluff City, Tennessee must be approved by the Bluff City Planning Commission and be in conformity with the Flood Disaster Protection Act of 1973 as amended. The planning commission shall determine on the basis of the watershed and the probable runoff, the openings needed for the stream and how close a structure may be built to the stream in order to assure adequate space for flow of flood water. However, in no case shall a building or structure be permitted within fifteen (15) feet of the top of the bank of any stream.

**414. SITE PLAN REVIEW.** In order to maintain the aesthetic characteristics of the community and protect the safety and welfare of its citizens, site plans shall be required for all new construction of park communities, multi-family housing, businesses or industries. Site plans shall also be submitted based on the intensity of land disturbance activity if the new construction exceeds 25% of the total footprint of the existing building, or 25% of the impervious surface area at the project site. Prior to the issuance of the building permit, the site plan shall be reviewed and approved by the planning commission. The plan shall be submitted to the town planner, building inspector, and all representatives who may provide utilities to the park at least fifteen (15) calendar days prior to the planning commission meeting. The written comments of any applicable utility representatives responsible for reviewing the preliminary plan shall be submitted to the town planner by the developer no less than seven (7) calendar days prior to the planning commission's upcoming meeting.

- a. At the minimum, site plans must be prepared and certified by a licensed engineer, landscape architect, architect, and/or surveyor as may be appropriate, and in accordance with state law regarding the practice of these professions. The name, address, telephone number, and certification of accuracy signed by the surveyor or other design professionals shall also be submitted. The site plan shall be at a scale of not less than 1" = 20' for small tracts and 1" = 50' for large tracts and include the following:
  - i. The name, address, and telephone number of the legal owner or agent of the property;

- ii. The name and address of the development;
- iii. A legend of monuments and location vicinity map. A vicinity map shall show streets and other general development of the surrounding area;
- iv. An indication of the date, the approximate north point, and a graphic scale no less than one inch (1) equals one hundred (100) feet;
- v. An indication of existing and adjacent zoning;
- vi. An indication of adjoining property owners, including Tax Map and Parcel Number; Deed Book and Page Number;
- vii. Citations of any legal right-of-way or easements affecting the property and the citation of the last instrument conveying title to the property owner/applicant;
- viii. Topography of existing and finished grades, including, at a minimum, spot elevations;
- ix. Location of all land subject to flooding; including a flood zone certification stating zone, community number, panel number and date;
- x. Dimensions and calls of all property lines;
- xi. Acreage of site to be developed and total acreage of disturbance. If the proposed development is to involve construction activities, such as clearing, grading and excavation, which will result in the disturbance of more than one (1) acres, the Tennessee Department of Environment and Conservation requires that a notice of intent (NOI) form be completed and filed with the State. A completed copy of this form shall also be required for submission of a site plan.
- xii. Location and dimensions, including height and grade when applicable, of all existing and proposed, permanent and temporary: structures, signs, street rights-of-way, ingress/egress, off-street parking, traffic patterns, walkways, parking lots, driveways, sidewalks, lighting plans, mechanical plans, easements, and covenants;
  - 1. Plans shall indicate the layout, arrangement, and connections to, all existing and proposed utilities including location and size of water mains, culverts, and other underground structures associated with storm water drainage, water supply, and sanitary sewer systems;
  - 2. Plans shall indicate the location, dimensions, and area of all portions of the property to be set aside for solid waste disposal, landscaping and open space, buffer strips, playgrounds, or similar uses;

3. Plans shall indicate the type of lighting systems associated with proposed off street parking facilities and pedestrian circulation systems. Handicapped parking spaces shall also be indicated on the plan and walkways must be ADA compliant.
  4. Plans shall include a cross section of proposed access roads shall indicate the depth and materials associated with both the base and the surface layer.
- b. **OPEN SPACE AND LANDSCAPING PLAN.** To obtain sufficient space between uses and buildings for adequate light, air, privacy, and amenities, the following requirements for open space and landscaping are established:
- i. Not less than 10 percent of the gross site area shall be devoted to open space or recreational facilities, generally provided in a central location. A common area, playground, or other leisure time pursuits must be available, exclusive of roadways, required yards and parking spaces. The open space can include buffer strips and stormwater ponds. Any part of the property that is not used for recreation, buildings or other structures, parking, or access ways shall be landscaped with grass trees shrubs, and pedestrian walks. Moreover, such landscaping shall be maintained to an extent which meets all Town codes
  - ii. Landscaping shall mean the planting of grass, trees, shrubs, or other comparable surface cover or decorative plazas and/or pools. Where existing landscape features exist at the site, all or part of such features may be used to meet the requirements of this section upon the approval of the Planning Commission.
  - iii. All developments shall meet the minimum yard requirements as per the appropriate zone.
  - iv. The space between a public street and parking areas shall be landscaped with berms and/or appropriate landscaping plants which shall be maintained in a healthy, growing condition through a permanent maintenance program.

**BUFFER STRIP.** A buffer strip shall be required along all lot lines adjacent to residential properties. A buffer strip shall be composed of plant material to provide an obscuring screen consisting of shrubs spaced not more than five feet apart that will grow to at least five feet in width and six feet in height after one full growing season. Other material or method of screening than that outlined above may be approved by the Planning Commission and shall take into consideration all existing and proposed utilities (power, phone, cable, water, sewer, subsurface sewage disposal systems - septic systems, etc...).

- i. **SCREENING.** This shall consist of a six foot (6') solid visual barrier fence for all frontage along a public street and when adjacent to residential properties.
  - ii. **LANDSCAPING.** Any part of the property not used for building or other structures, parking, or access ways shall be landscaped with grass, trees and shrubs.
- c. **WASTE DISPOSAL.** All waste disposal facilities are to be located to the rear of the development and shall be 100% screened by wood, vinyl, or solid brick walls, in such a way that they are not visible from any public street or adjoining properties. Any other type of alternative screening shall be approved by the Planning Commission.
- d. **MECHANICAL EQUIPMENT.** All ground mounted mechanical equipment shall be screened from view from an arterial street by the use of walls, fences, or landscaping. All roof mounted mechanical equipment shall be properly screened to minimize visual impact, where such screening will be effective. Where screening will not be effective, the color of the equipment shall be the same as the building.
- e. **SERVICE, LOADING, AND EQUIPMENT STORAGE AREAS.** Service areas, including storage, special equipment, maintenance, and loading areas, shall be 100% screened by wood, vinyl, or solid brick walls, in such a way that they are not visible from an arterial street. Any other type of alternative screening shall be approved by the Planning Commission.
- f. **OUTDOOR STORAGE AND SALES OF MERCHANDISE.** Outdoor storage and sales of merchandise shall only be permitted as an accessory use, behind the front building line and no closer than 5 feet to any right-of-way, property line, or easement. Outdoor storage space includes separate areas for travel trailers, tractor trailers, boats, and other accessory vehicles.
- i. **UTILITY LINES.** All new utility lines and service lines including sewer, water (including fire hydrants), gas, electricity, lighting, storm sewer, telephone, cable and other utilities shall be installed at the expense of the developer or owner and should be placed underground where available. Such utilities shall also be installed prior to the initiation of any road surfacing activities.
  - i. Utility easements no less than eight (8) feet wide shall be required along each side of all private access roads for the extension of existing or planned utilities.
  - ii. Vegetated drainage easements of no less than fifteen (15) feet shall be provided on each side of the top bank of a stream or other permanent water body existing on the site. Such area may be considered as part of the open space requirement.

- iii. Electric power lines in excess of 100 amps, 3 phase, 2500 KVA may be placed aboveground.
  - iv. Fire hydrants shall be required and shall be located no more than one thousand (1,000) feet apart and within five hundred (500) feet of any structure.
  - v. All access roads and walkways shall be lighted with security lights spaced no further than one hundred fifty (150) feet from each other, with a horizontal luminance maximum of 15 fc. Searchlights, laser source lights, or any similar high intensity light for advertising purposes shall be prohibited. Exterior lighting shall not emit any light above the roof line, nor project onto adjacent properties or streets.
- j. STORMWATER DRAINAGE.** All developments shall be located on a well-drained and flood free site as determined by the erosion control plans (drainage plans) prepared for the proposed development. In all cases, water runoff and erosion and sediment control plans shall be prepared by a licensed engineer who specializes in hydrology. At a minimum, such plans shall include:
- i. Calculation and narrative which indicate specifically how surface water runoff and erosion and sedimentation will be controlled so that offsite properties and water systems will be unaffected by the proposed development.
  - ii. Drawings, including cross sections, shall be provided which graphically demonstrate existing and proposed water flows and which include the location, dimensions and materials associated with easements, drainage structures, pipes, storm drains, detention and dissipation basins, swells, and other control measures and structures including sizes/capacities.
  - iii. The location of straw bales, rip rap, silt fences and other erosion and sediment control measures shall also be included.
  - iv. A letter which states that the hydrologist certifies that, by adhering to the design provided in the plan, post development surface water runoff will not exceed predevelopment surface water runoff for the 10 year 24 hour storm event. The amount of runoff shall not be increased, and shall be accommodated on site.
  - v. A Notice of Intent and Notice of Coverage may be required to be submitted and approved by the Tennessee Department of Environment and Conservation (TDEC) prior to Planning Commission approval and the issuance of a building permit. In cases where a development is to be completed in phases, water runoff and erosion control measures shall be established and completed for each phase prior to initiating a new phase.

**k. WALKWAYS.**

Where walkways are planned or required by the planning commission, they shall be safe, convenient and provide an adequate access for pedestrian traffic. The material of the walkway may be asphalt, concrete, gravel, or other material approved by the planning commission, as long as ADA standards of compliance are met.

- i. **COMMON WALKWAYS.** Minimum width of six (6) feet.
- ii. **INDIVIDUAL WALKWAYS.** Minimum width of three (3) feet.

**l. OFF-STREET PARKING AND ACCESS.** The off-street parking; off-street loading and unloading; vision clearance; design, construction and maintenance of off-street parking and unloading; access control; points of ingress/egress, and driveways shall be developed in accordance with the following:

- i. **PAVING MATERIAL.** All streets shall have at least a double bituminous surface, paved to a minimum of twenty-feet, and shall consist of a five (5) inch compacted crushed stone base with a two (2) inch compacted asphaltic concrete plant mix surface, well drained under normal weather conditions, unless otherwise approved by the planning commission.
- ii. **ENTRANCE DRIVES.** Entrances shall have direct connections to a public street and shall be designed to allow movement of traffic. Sole vehicular access shall not be through an alley. The location and design of entrance streets shall be approved by the planning commission. At least forty feet of public road frontage is required for all entrance drives. Entrance drives shall be a minimum twenty-four (24) foot right of way, labeled as a private drive unless otherwise accepted as a public road.
- iii. **ACCESS ROAD.** All developments shall be provided with safe and convenient vehicular access from abutting public streets to each parking space. Such access shall be provided by streets, driveways or other means. Each access road shall provide unobstructed vehicular access to a public right-of-way.
- iv. **LOOP OR CUL-DE-SAC.** Dead end access roads shall contain a paved cul-de-sac or other permanent turn around. Such permanent turn around space shall have a minimum diameter, as measured from the widest point, of at least seventy (70) feet, unless a higher standard is required for emergency vehicle access.
- v. **VISION CLEARANCE.** In all districts except the B-2 Central Business District, there shall be no plants or structures placed in or on any yard portion of a lot that would obstruct the vision of auto or pedestrian traffic using the intersecting public streets.



- vi. **INGRESS AND EGRESS.** A plan for adequate and safe ingress and egress for all land uses shall be required.
- vii. **OFF-STREET AUTOMOBILE PARKING.** Off-street automobile parking space shall be provided on every lot on which any of the following uses are hereafter established except for nonresidential uses in the B-2 (Central Business) District. The number of automobile parking spaces provided shall be at least as great as the number specified below for various uses. Each space shall have at least two hundred (200) square feet in area and shall have vehicular access to a public street. Any parking spaces separate from individual lot space are required to include spaces for the physically handicapped. Turning space shall be provided so that no vehicle will be required to back into the street.
  - 1. **AUTOMOBILE REPAIR GARAGES;** One (1) space for each regular employee plus one (1) space for each (two hundred-fifty) 250 square feet of floor space used for repair work.
  - 2. **CHURCHES:** One (1) space for each four (4) seats.
  - 3. **CLUBS AND LODGES:** One (1) space for each three hundred (300) square feet of floor space over one thousand (1000) square feet.
  - 4. **DWELLINGS:**
    - SINGLE AND DUPLEX** - one (1) space for each unit.
    - MULTI-FAMILY** - one (1) space and one half (1/2) space each unit.
  - 5. **FUNERAL PARLORS:** One (1) space for each four (4) seats in the chapel.
  - 6. **GASOLINE SERVICE STATIONS AND SIMILAR ESTABLISHMENTS:** Four (4) spaces for each bay or similar facility plus one (1) space for each employee.
  - 7. **HOSPITALS AND NURSING HOMES:** One (1) space for each two (2) staff or visiting doctors plus one (1) space for each two (2) employees and one (1) space for each (4) four beds, computed on the largest number of employees on duty at any period of time.
  - 8. **HOTEL:** One (1) space for each four (4) employees plus one (1) space for each two (2) guest rooms.

9. **INDUSTRY:** One (1) space for each three (3) employees computed on the largest number of persons employed at any period during day or night.
10. **MOTELS:** One (1) space for each four (4) employees plus one (1) space for each accommodation.
11. **OFFICES:**
  - MEDICAL** - one (1) space for each three hundred (300) square feet of floor space.
  - OTHER PROFESSIONAL** - (1) one space for each four hundred (400) square feet of floor space.
  - GENERAL** - one (1) space for each four hundred (400) square feet of floor space.
12. **PARK COMMUNITIES:** One (1) space for each unit, which shall be on the same space as the unit served.
13. **PLACES OF PUBLIC ASSEMBLY:** One (1) space for each five (5) seats in the principal assembly room or area.
14. **RECREATION AND AMUSEMENT AREAS WITHOUT SEATING CAPACITY:** One (1) space for each five (5) customers computed on maximum service capacity.
15. **RESTAURANTS:** One (1) space for each four (4) employees, plus one (1) space for each one hundred (100) square feet of floor space devoted to patron use.
16. **RETAIL BUSINESS AND SIMILAR USES:** One (1) space for each two hundred (200) square feet of gross floor space.
17. **SCHOOLS:** One (1) space for each faculty member, plus one (1) space for each four (4) pupils except in elementary and junior high schools.
18. **MOBILE HOME PARKS:** Shall meet the requirements of the Bluff City Mobile Home Park Ordinance.
19. **WHOLESALE BUSINESS:** One (1) space for each three (3) employees based on maximum seasonal employment.

If off-street parking space required above cannot be reasonably provided on the same lot on which the principle 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.

viii. **EXTENSION OF PARKING SPACE INTO A RESIDENTIAL DISTRICT;** required parking space may extend up to one hundred-twenty (120) feet into a residential zoning district, provided that:

1. The parking space adjoins a commercial or industrial district;
2. Has its only exit to or from upon the same street as the property in the commercial or industrial district from which it provides the required parking space; and
3. Is separated from abutting properties in the residential district by a plant or fence buffer strip as determined by the Building Inspector.

ix. **OFF-STREET LOADING AND UNLOADING SPACE.** On every lot on which a business, trade, or industry use is hereafter established, space with access to a public street or alley shall be provided as indicated below for the loading and unloading of vehicles off the public street or alley.

**RETAIL BUSINESS:** One (1) space of at least 12 x 25 feet for each three thousand (3,000) square feet of floor area or part thereof.

**WHOLESALE AND INDUSTRIAL:** One (1) space of at least 12 x 50 feet for each ten thousand (10,000) square feet of floor rear or part thereof.

**BUS AND TRUCK TERMINALS:** Sufficient space to accommodate the maximum number of buses or trucks that will be stored and loading and unloading at the terminal at any one time.

m. **REQUEST FOR VARIANCES.** Variances to any provisions of the Site Plan Review regulations shall be heard and decided upon by the Board of Zoning Appeals. The reason for granting or denying any such variance(s) shall be written into the official minutes. Variances shall only be granted in reasons of exceptional narrowness, shallowness, or shape of a property which has exceptional topographic conditions not generally seen in surrounding neighborhood properties and it an undue hardship not created by the property owner and an exceptional practical difficulty can be found without a reasonable doubt.

n. **APPROVAL OF PRELIMINARY SITE PLAN.** When upon review of the application, the planning commission is satisfied that the proposed plan meets the requirements of this ordinance, a permit shall be issued. If the planning commission deems that additional information is pertinent, they may approve the preliminary site

plan subject to revisions and additional information being brought to the commission. A copy of the approved site plan shall be kept on the development site for compliance.

- o. EXPIRATION OF APPROVED SITE PLANS.** Approval of a site plan shall expire six (6) months after the date of its approval unless a building permit has been issued and substantial progress has been made toward completion of the project.
- p. APPROVAL OF FINAL SITE PLAN.** After a preliminary plan has been reviewed by the planning commission and obtained preliminary approval subject to certain specific revisions, a revised final plan may be submitted for review by the planning commission. The final plan must include a certificate for the signatures of the health officer, building inspector, fire chief, and planning commission secretary or designated staff. Final approval, necessary for the issuance of a certificate of occupancy, shall be withheld until the following specific requirements have been met:

- i. All surface water runoff and erosion and sediment control measures have been fully installed to the specifications provided in the drainage plan. Or, if certain surface water runoff control and erosion and sediment control measures are to be installed while building construction is occurring, a water runoff and erosion and sediment control bond shall be posed at the time of the application for final approval in an amount estimated by the planning commission as sufficient to secure to the City of Bluff City the satisfactory installation and maintenance of the surface water runoff and erosion control measures.

**ARTICLE V. ESTABLISHMENT OF DISTRICTS**

For the purpose of this ordinance the Town of Bluff City, Tennessee is hereby divided into classes of districts as follows:

Residential	R-1 District	Low Density
Residential	R-2 District	Medium Density
Residential	R-3 District	Medium Density
Mixed Use	R-4 District	High Density
Business	B-1 District	Neighborhood Business
Business	B-2 District	Central Business
Business	B-3 District	Arterial Business
Business	B-4 District	Urban Corridor
Industrial	M-1 District	Manufacturing/Warehouse
Industrial	M-2 District	Industrial

The boundaries of these districts are hereby established as shown on the map entitled “Zoning Map of the Town of Bluff City, Tennessee,” dated September 13<sup>th</sup>, 2019, and all amendments thereof, which is a part of this ordinance and which is on file in the office of the town recorder. Unless otherwise specifically indicated on the map, the boundaries of districts are lot lines or the center lines of streets, alleys or such lines extended, the corporate limits lines or a line midway between the main track of a railroad, or the center line of streams or other water bodies. Questions

concerning the exact locations of district boundaries, shall be determined by the Board of Zoning Appeals.

## ARTICLE VI. PROVISIONS GOVERNING USE DISTRICTS

**601. R-1 SINGLE-FAMILY RESIDENTIAL.** It is the intent of this district to establish low density residential areas along with open areas which appear likely to develop in a similar manner. The requirements for the district are designed to protect essential characteristics of the district, to promote and encourage an environment for family life and to prohibit all business activities. In order to achieve the intent of the R-1 (Low Density) Residential District, as shown on the Zoning Map of the Town of Bluff City, Tennessee, the following uses are permitted:

701.1. Single family residences;

701.2. Customary general farming;

701.3. Customary home occupations provided that:

701.3.1. there is no external evidence of the occupation except an announcement sign not more than two (2) square feet in area and placed squarely against the building;

701.3.2. That only one (1) person, not a resident of the dwelling is employee, and;

701.3.3. Not more than thirty (30%) percent of the total floor area of the dwelling is used.

701.4. Public owned buildings and uses, schools offering general education, and churches provided that the location of these uses shall first be reviewed by the Bluff City Planning Commission;

701.4.2. The buildings are placed not less than fifty (50) feet from the side and rear property lines;

701.4.3. There are planted buffer strips along all side and rear property lines.

701.5. Customary accessory buildings provided that they are located in rear yards and no closer than five (5) feet to any property line.

**603. R-2 MEDIUM DENSITY RESIDENTIAL.** It is the intent of this district to provide areas for single and multi-family dwellings; to encourage development and continued use of the land for residential purposes, to prohibit business and industrial use and other uses which would interfere with development or continuation of single or multi-family dwellings. In order to achieve the intent of the R-2 (Medium Density) Residential District, as shown on the Zoning Map of the Town of Bluff City, Tennessee, the following uses are permitted.

704.1. Any use permitted in the R-1 Residential District;

704.2. Two-Family and Multi-family dwellings;

704.3. Boarding and rooming houses.

**604. R-3 HIGH DENSITY RESIDENTIAL.** It is the intent of this district to establish high density residential areas which will provide for single and multi-family units and maintain open areas. In order to achieve the intent of the R-3 (High Density) Residential District, as shown on the Zoning Map of the Town of Bluff City, Tennessee, the following uses are permitted:

705.1. Any use permitted in the R-2 (Medium Density) Residential area.

705.2. Day care centers upon approval of a site plan by the planning commission and the issuance of a letter of approval by the Department of Human Services.

705.3. Mobile homes on single lots

705.4. Mobile home parks

705.5. Medical clinics and hospitals, funeral homes, fraternal organizations and clubs not operated for profit, nursing homes, offices for doctors, lawyers, dentists, architect, real estate agencies, insurance agencies and similar uses provided that;

704.5.1. They shall be located on arterial or collector streets;

704.5.2. The buildings shall be placed not less than fifty (50) feet from all property lines;

704.5.3. There is a planted buffer strip erected on side and rear property lines.

705.6. Existing buildings may be utilized provided that the provisions of this ordinance are met as closely as possible and that:

704.6.1. No parking shall be allowed in front yards;

705.6.2. A site plan is reviewed and approved by the building inspector.

705.7. Publicly supported low income housing for the elderly shall be allowed and exempt from the density of use and off-street parking requirements of this ordinance provided that:

705.7.1. A site plan is reviewed and approved by the planning commission;

705.7.2. All buildings shall meet front, side, and rear yard requirements;

705.7.3. The site shall be located on arterial or collector streets;

705.7.4. The site shall be separated from abutting properties by a plant or fence buffer strip as determined by the Planning Commission.

705.7.5. Parking facilities shall be provided and such facilities shall be approved by the planning commission.

**606. R-4 MIXED USE HIGH DENSITY DISTRICT.** It is the intent of this district to establish a mixed use area of compatible commercial and residential use, particularly those containing recreation and cluster housing. The district regulations are intended to provide a designated area where park communities may develop, while maintaining harmony with adjacent land uses and providing adequate open space, protection of the environment, a walkable community, expanded housing choice, and general improvements of the area. In order to achieve the intent of the R-4 Mixed Use High Density District, as shown on the Zoning Map of the Town of Bluff City, Tennessee, the following uses are permitted.

606.1 Tiny homes on individual lots, provided they are on perm foundation

606.2 Tiny home communities

606.3 Mobile homes on single lots

606.4 Mobile home Park

606.6 Commercial Campgrounds

606.7 RV's or travel trailer parks.

606.8 Parks and recreational facilities

606.9 Public owned buildings and uses, schools offering general education, and churches provided that the location of these uses shall first be reviewed by the Bluff City Planning Commission;

The buildings are placed not less than fifty (50) feet from the side and rear property lines; there are planted buffer strips along all side and rear property lines. Customary accessory buildings provided that they are located in rear yards and no closer than five (5) feet to any property line.

**606. B-1 NEIGHBORHOOD BUSINESS DISTRICT.** It is the intent of this district to establish business areas to serve the surrounding residential districts. The district regulations are intended to discourage strip business development and encourage grouping of uses in which parking and traffic congestion is reduced to a minimum. In order to achieve the intent of the B-1 (Neighborhood Business) District, as shown on the Zoning Map of the Town of Bluff City, Tennessee, the following uses are permitted.

707.1. Any use permitted in the R-2 Residential District;

707.2. Shopping centers provided that they shall conform to all requirements of the shopping center regulations of the Town of Bluff City, Tennessee;



707.3. Grocery stores, drug stores, hardware stores, shoe repair shops, barber and beauty shops, laundromats, and laundry pick up stations, restaurants, and similar uses;

707.4. Business signs provided that all signs, except one detached sign allowable shall be erected flat against front or side of a building or within eighteen (18) inches thereof. All signs shall not project above buildings nor have flashing intermittent or moving illumination.

707.5. Gasoline service stations provided that all structures, including underground storage tanks, shall be placed not less than twenty (20) feet from all property lines. Points of ingress and egress shall be not less than fifteen (15) feet from intersection of street lines.

**607. B-2 CENTRAL BUSINESS DISTRICT.** It is the intent of this district to establish an area for concentrated general business development that the general public requires. The requirements are designed to protect the essential characteristics of the district by promotion of business and public uses which serve the general public and to discourage industrial, and wholesale development which do not lend themselves to pedestrian traffic. In order to achieve the intent of the B-2 (Central Business) District, as shown on the Zoning Map of the Town of Bluff City, Tennessee, the following uses are permitted.

708.1. Two-family and Multi-family dwellings;

708.2. Stores and shops conducting retail business;

708.3. Personal, business, and professional services;

708.4. Public buildings and uses upon review of the Board of Zoning Appeals;

708.5. Semi-public uses upon approval of a site plan by the Planning Commission.

708.6. Business signs, parking lots and garages, and advertising signs.

708.7. Lodges and clubs, hotels and motels, restaurants and similar services.

**608. B-3 ARTERIAL BUSINESS DISTRICT.** It is the intent of this district to establish business areas that encourage the groupings of compatible business activities in which parking and traffic congestion can be reduced to a minimum. In order to achieve the intent of the B-3 (Arterial Business) District, as shown on the Zoning Map of the Town of Bluff City, Tennessee, the following uses are permitted:

709.1. Any business uses permitted in the B-1 or B-2 District;

709.2. Hotels and motels;

709.3. Auto and mobile home sales provided that all automobiles are placed a minimum of five (5) feet from all property lines and mobile homes are placed a minimum of twenty (20) feet from the front property line and ten (10) feet from all side property lines.

- 709.4. Restaurants;
- 709.5. Offices;
- 709.6. Places of amusement and assembly;
- 709.7. Funeral homes;
- 709.8. Public buildings upon approval by the planning commission;
- 709.9. Semi-public buildings and uses;
- 709.11. Lodges and clubs;
- 709.12. Mini warehouses upon review and approval by the planning commission of a site plan providing for necessary driveways, water run-off controls, and if needed, adequate screening.
- 709.13. Auto repair garages and similar operations.

**613. B-4 URBAN CORRIDOR DISTRICT.** It is the intent of this district to encourage the use of property for commercial and residential purposes and to provide for special protection to areas not in the district but highly influenced by its development.

709.2 Uses permitted include:

- 709.2.1. Any use permitted in the R-3 (High Residential) District except manufactured homes and manufactured home parks.
- 709.2.2. Shopping centers, grocery stores, drug stores, hardware stores, shoe repair shops, barber and beauty shops, restaurants and similar uses as determined by the Bluff City Planning Commission.
- 709.2.3 Stores and shops conducting retail business
- 709.2.4. Public and semi-public buildings and uses.
- 709.2.5 Hotels and motels, and similar services.

709.1 Site plans shall be required for all new construction. The site plan shall be reviewed and approved by the Bluff City Planning Commission. Development of property in this district shall be subject to the following standards:

- 709.1.1. The rear yard setback requirement on parcels of one (1) acre or less shall be thirty (30) feet.

709.1.2. The rear yard setback requirement on parcels greater than one acre shall be forty (40) feet.

709.1.3. There shall be a minimum of twenty (20) foot natural landscape buffer on the rear perimeter of parcels of one (1) acre or less and a minimum thirty (30) foot side yard setback requirements on parcels of more than one (1) acre. A twenty (20) foot natural landscape buffer shall be maintained and meet the same standards as provided for in Section C.

709.1.4. There shall be a minimum of thirty (30) foot side yard setback requirements on parcels of more than one (1) acre. A twenty (20) foot natural landscape buffer shall be maintained and meet the same standards as provided for in Section C.

709.1.5 There shall be no more than one (1) freestanding sign on each parcel. The sign shall not exceed twelve (12) feet in height. Sign face area shall not exceed a proposed maximum of seventy (70) square feet. The Bluff City Board of Zoning Appeals will consider applications for a variance from this standard for shopping centers. All other standards of Bluff City Sign Ordinance shall be met.

**609. M-1 LIGHT MANUFACTURING AND WAREHOUSE DISTRICT.** This industrial district is established to provide areas in which the principal use of land is for light manufacturing and warehousing. It is the intent that permitted uses are conducted so that any excessive noise, odor, dust and glare of an operation be completely confined within an enclosed building. These regulations are intended to prevent frictions between uses within the district and also to protect nearby residential districts, as shown on the zoning map of the City of Bluff City, Tennessee, the following uses are permitted:

710.1. Any use permitted in a Business District except residential units.

710.2. Bakers, bottling works, cabinet making, carpenters' shop, clothing manufacture; dairy, electrical welding, fruit making or packing, ice plant, laundry, machine shop, milk distribution stations, optical goods, paper boxes and pencil manufactures, printing, publication or engraving concern, tinsmith shop, trucking terminal, and warehouses.

710.3. Other uses of the same general character as those listed above deemed appropriate by the Bluff City Planning Commission.

710.3.1. No yard will be required for that part of the lot which fronts on a railroad siding.

710.3.2. On lots that abut a residential district the Bluff City Planning Commission may require all buildings and improvements be properly screened and shall be located so as to comply with the side yard requirements of the adjacent residential district.

710.3.3. Any structure or equipment essential to the operation shall be set back so as not to visually or physically obstruct a public way.

**610. M-2 (INDUSTRIAL) DISTRICT.** It is the intent of this district to establish areas which, unless closely regulated, might cause a detrimental effect upon and be injurious to surrounding areas. This district was created therefore for heavy types industries and uses, and to discourage noise, odor, dust and other objectionable conditions.

711.1. Any use permitted in a business district except residences;

711.2. Terminals;

711.3. Wholesale businesses;

711.4. Warehouses;

711.5. Outdoor storage yards and buildings and similar uses;

711.6. Any industry which does not cause injurious or obnoxious noise, fire hazards or other objectionable conditions as determined by the Planning Commission.

711.7 Uses Permitted Upon Review:

711.7.1. Adult Oriented Establishments.

711.7.2 Methadone Treatment Clinic or Facility, Substance Abuse Treatment Facilities

711.7.3 Wireless Transmission Facilities

**ARTICLE VII. AREA YARD AND HEIGHT REQUIREMENTS**

<u>Zone</u>	<u>Use</u>	<u>Lot Area Sq. Ft.</u>	<u>Lot Width</u>	<u>Front Yard</u>	<u>Side Yard</u>	<u>Rear Yard</u>	<u>Lot Coverage</u>	<u>Maximum Height</u>
R-1	Single Family	15,000	80'	30'	15'	30'	30%	35'
	Non-Residential	20,000	80'	30'	20'	30'	30%	35'
R-2	Single Family	12,000	70'	25'	10'	25'	30%	35'
	Multi-Family	+ 3,000 per additional family	70'	30'	8' per story	25'	35%	35'
	Non-Residential	15,000	80'	30'	20'	30'	30%	35'

R-3	Single Family	10,000 + 2,000 per additional family	70'	20'	8'	25'	30%	35'
	Multi-Family		70'	30'	8' per story	25'	35%	35'
	Non-Residential	15,000	80'	30'	20'	30'	30%	35'
R-4	Park Communities	1 acre	50'	30'	20'	30'		35'
	Single-Wide on individual lot	5,000	50'					35'
	Double-Wide on individual lot	7,500	50'					35'
	Tiny House on individual lot	2,250	50'					35'
	Other uses	8,000						
B-1				30'	10'	25'		35'
B-2								70'
B-3				30'	10'	25'		70'
M-1				30'	20'	25'		70'
M-2				30'	20'	25'		70'

## ARTICLE VIII. SPECIAL EXCEPTIONS AND MODIFICATIONS

**801. CONTINUANCE OF NONCONFORMING USES.** Any lawful use of any building or land existing at the time of the enactment of this ordinance or whenever a district is changed by an amendment thereafter may be continued although such use does not conform to the provisions of this ordinance with the following limitations:

- 801.1. No building or land containing a nonconforming use shall hereafter be extended unless such extensions shall conform with the provisions of this ordinance for the district in which it is located; provided however, that a nonconforming use may be extended throughout those parts of a building which were manifestly arranged or designed for such use prior to the time of enactment of this ordinance;
- 801.2. Any nonconforming building which has been damaged by fire or other causes, may be reconstructed and used as before unless the Building Inspector determined that the building is damaged to the extent of more than seventy-five (75%) percent of its appraised value for tax purposes in which case any repair or reconstruction shall be in conformity with the provisions of this ordinance;
- 801.3. When a nonconforming use of any building or land has ceased for a period of thirty months (30) months, it shall not be re-established or changed to any use not in conformity with the provisions of this ordinance;
- 801.4. All nonconforming outdoor advertising signs, junk yards, commercial animal yards, and lumber yards not on the same lot with a plant or factory shall be required to conform to the provisions of this ordinance upon official notification by the Building Inspector.

**802. LOT OF RECORD.** Where the owner of a lot consisting of one (1) or more adjacent lots of official record at the time does not own sufficient land to enable him to conform to the yard or other requirements of this ordinance, an application may be submitted to the board of zoning appeals for a variance from the terms of this ordinance, in accordance with Article XI. 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.

**803. ADJOINING AND VACANT LOTS OF RECORD.** A plat of land consisting of one (1) or more adjacent lots with continuous frontage in single ownership which individually are less than lot widths required by this ordinance, such groups of lots shall be considered as a single lot or several lots of minimum permitted size and the lot or lots in one (1) ownership shall be subject to the requirements of this ordinance.

**804. 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.

**805. EXCEPTION ON HEIGHT LIMITS.** The height limitations of this ordinance shall not apply to church spires, belfries, cupolas, and homes not intended for human occupancy, monuments, water towers, observation towers, transmission towers, windmills, chimneys, smokestacks, derricks, conveyors, flag poles, radio towers, masts and aerials.

**806. SPECIAL CARPORT CONSTRUCTION.** In housing constructed prior to 1950 where no provision was made for the off-street parking of automobiles, carports may be constructed in rear and side yards provided the intent and purpose of this ordinance are met as closely as possible and where in the opinion of the building inspector no objectionable condition to the community will result with construction of the carport.

**807. ADDITIONS ATTACHED TO EXISTING BUILDINGS.** No building or part thereof shall be erected, moved or altered without first obtaining a permit to do such and also conforming with the regulations specified by the Bluff City Zoning Ordinance for the district in which it is located. For an addition to be considered attached to an existing building, one of the following conditions must be met:

807.1. The addition must share at least one wall common with the existing building for half the distance of the addition wall. The new addition roof must tie into the existing building roof or wall and be of the same type construction and material as the existing building roof.

807.2. The addition can be connected with a roofed breezeway. The breezeway must be at least eight (8) feet wide and can be no longer than ten (10) feet from connection to principal building to additional building. The breezeway and addition shall be constructed of the same type construction as the principal building and have the same roofing material tied into the principal building and addition building according to the Building Code.

**808. GROUP HOUSING PROJECTS.** A group housing project is defined as any group of two (2) or more buildings to be constructed on one (1) parcel of land not subdivided into the customary streets and lots and which will not be so subdivided or where the existing or contemplated street and lot layouts make it impracticable to apply the requirements of the ordinance to the individual building units in such projects. Group housing projects may be allowed upon review and approval by the Bluff City Planning Commission provided that the following conditions are met:

808.1. A site plan showing the location of proposed buildings, roads, drives, parking, utilities, drainage, and other information necessary for review must be presented to the planning commission.

808.2. In no case shall the planning commission approve a use prohibited, or a smaller lot area per family than the minimum required or a greater height, or a larger lot coverage than permitted in the district where the project is located.

808.3. A one (1) acre minimum lot size is required where two (2) or more structures are to be constructed on a single lot.

**809. BED AND BREAKFAST FACILITIES.** A Bed and Breakfast Facility is allowed in all Zoning Districts as a permitted use, except the M-1 Zoning District, however the facility shall meet the minimum standards detailed below:

- 809.1. The house in which the Bed and Breakfast is to be located shall have a minimum of at least 1,800 square feet and must be owner/innkeeper occupied. The minimum lot size for the facility shall be 10,000 square feet except where a lot of record exists.
- 809.2. The serving of meals for compensation in the house is limited to breakfast for registered guests
- 809.3. A minimum of one bathroom is to be provided for every two guest rooms. Bathrooms are to be located on the same floor. A bathroom is to be completed with a minimum of a bathtub or shower, one toilet and one sink.
- 809.4. There shall be no more than twelve (12) registered guests at any one time with guests staying not more than fourteen (14) days, and the owner/innkeeper shall keep a current guest register.
- 809.5. Each guest room is considered a single unit and is limited to two (2) adults per unit.
- 809.6. A buffer strip shall be required on any site plan adjacent to residential properties. A buffer strip shall be composed of plant material to provide an obscuring screen consisting of shrubs or trees spaced not more than five feet apart that will grow to at least five feet in width and six feet in height after one full growing season. Other material or method of screening than that outlined above may be approved by the Planning Commission.
- 809.7. No street parking will be permitted. Off-street parking consisting of one (1) space for the owner/innkeeper plus one (1) space for each guest room shall be provided.
- 809.8. Signs shall be limited to one sign not exceeding three square feet, which must be attached to the building.
- 809.9. The site plan for the facility must be reviewed and approved by the planning commission.
- 809.10. The facility must be reviewed and approved by the State Health Department and local Fire Marshal.

**810. WIRELESS TRANSMISSION FACILITIES.** All Wireless Transmission Facilities must follow the steps outlined in the Wireless Telecommunication Towers and Antennas Ordinance in the Appendices.

**811. ADULT ORIENTED ESTABLISHMENT.** Because adult oriented establishments have a deteriorating effect on property values, create higher crime rates in the area, create traffic congestion and depress nearby residential neighborhoods and retail districts, these activities must receive a special exception permit from the Board of Zoning Appeals and are permitted only when all the following provisions are met:



811.1 A site plan must be submitted for review and approval by the planning commission.

811.2 The site shall be not less than one thousand (1,000) feet from any residentially zoned property at the time of approval for an adult entertainment activity.

811.3. The site shall be not less than one thousand (1,000) feet from the site of any public amusement or entertainment activity, including, but not limited to, the following: arcades, motion picture theaters, bowling alleys, marinas, golf courses, playgrounds, ice skating or roller skating rinks or arenas, zoos, community centers and similar amusements offered to the general public. "Amusement or entertainment activities" in this section shall not include adult oriented establishments, and shall not reduce the distance requirements otherwise dictated by this section.

811.4 The site shall be not less than one thousand (1,000) feet from any area devoted to public recreation activity.

811.5 The site shall be not less than one thousand (1,000) feet from any school, library, day care center, park, church, mortuary or hospital.

811.6 The site shall be not less than one-half mile from any other adult entertainment business site.

811.7 Measurement shall be made from the nearest recorded property line of the lot on which the adult oriented establishment is situated to the nearest property line or boundary of the above mentioned uses, measuring a straight line on the Bluff City Zoning Map.

811.8 Maps showing existing land use and zoning within one-half (1/2) mile of the proposed site should be submitted with an application for Use on Review approval along with site plans, surveys or other such special information as might reasonably be required by the Planning Commission for use in making a thorough evaluation of the proposal.

**812. METHADONE TREATMENT CLINIC OR FACILITY, SUBSTANCE ABUSE**

**TREATMENT FACILITIES.** A special use permit must be obtained by the Board of Zoning Appeals for a methadone treatment clinic or facility and substance abuse treatment facility and shall be contingent upon the receipt of the appropriate license and certificate of need by the State of Tennessee. The following items must be met and shown on a site plan:

812.1. Maps showing existing land use and zoning within one-quarter (1/4) mile of the proposed site should be submitted with an application for Use of Review approval along with the license of the applicant, certificate of need,

site plan, survey, or other information deemed reasonable by the Board of Zoning Appeals for use in making a thorough evaluation of the proposal.

812.2 The clinic or facility shall be located on and have access to a Principal Arterial Street.

812.3 Measurement shall be made in a straight line on the Bluff City Zoning Map from the nearest property line of the lot on which the methadone treatment clinic or facility and substance abuse treatment facility is situated to the nearest property line of the following uses:

- a. The clinic or facility shall not be located within one thousand (1,000) feet of a school, day care facility, park, church, synagogue, mosque, mortuary or hospital.
- b. The clinic or facility shall not be located within one thousand (1,000) feet of any establishment that sells alcoholic beverages for either on or off premises consumption.
- c. The clinic or facility shall not be located within one thousand (1,000) feet of any area devoted to public recreation activity.
- d. The clinic or facility shall not be located within one thousand (1,000) feet of any amusement catering to family entertainment.
- e. The site shall not be less than one thousand (1,000) feet of any residential dwelling at the time of approval.
- f. The site shall not be less than one (1) mile from any other methadone treatment clinic or facility and substance abuse treatment facility.

**813. PARK COMMUNITIES.** No units in a park community shall be used for commercial, industrial, or other nonresidential uses, except that one (1) unit may be used to house a management office or service buildings that are necessary to provide facilities for mail distribution, storage space for supplies, maintenance materials and equipment, lavatories, shower houses, and/or laundry facilities equipped with washing machines and dryers. Additional service buildings for recreational uses may be approved by the planning commission. In addition to a site plan submission, the following items must be met for all park communities:

813.1 An indication of the type, number, location, dimensions, and areas of all proposed or existing lot spaces, including announcement signs for lot numbers, the distance between proposed spaces, and the duration of each type of visit.

813.2 Plans, location, and details for hook ups to water, sewer, electricity, gas lines, if applicable.

813.3 Number, location, and type of acceptable firefighting equipment and facilities for refuse disposal.

813.4 Each lot space shall also include driveways, off street parking spaces (not including those for travel trailers and similar structures), accessory building space, and required front, side and rear yards. Cabanas, travel trailers and other similar enclosed structures are allowed provided they are kept in areas which are separate from lot spaces. These units shall be limited to a period of two (2) weeks not to exceed four (4) times a year.

813.5 In each park community, the duly authorized attendant or caretaker shall be charged at all times to keep its facilities and equipment in a clean, orderly, safe and sanitary condition.

#### 813.6 TINY HOUSES

813.6.1. AS AN ACCESSORY DWELLING UNIT (ADU.) This is incidental and subordinate to the primary residence. These are usually considered to be mother-in-law-suites, caregiver suites, backyard cottages, or guest quarters. These are not rented. Lots must have at least 5,000 Square feet to qualify for an ADU, and only one is allowed per lot. The ADU can be attached or separate from the primary residence, but must not be within 5 feet of any property line. ADUS are allowed in the rear and side yards only unless otherwise approved by the planning commission. Tiny houses on permanent foundations are allowed in residential districts only. If any tiny houses are planned for a campground, it should be noted on the site plan and receive special exception approval by the BZA.

813.6.2AS A PRIMARY RESIDENCE. Tiny houses on permanent foundations are allowed anywhere single-family residences are allowed, but this is not to include a cluster of tiny homes. Minimum lot size requirements may be relaxed to allow a Tiny House as a single-family primary residence, if approved by the planning commission, and the minimum lot size is no less than 2,250 square feet.

813.6.3AS A RECREATIONAL VEHICLE. Tiny Houses on Wheels which are built to ANSIA119.5:Park Model Recreation Vehicle Standards are not considered Tiny Houses and are only allowed in RV Parks and Campgrounds.

813.6.4AS A COMMUNITY. Tiny Houses are permitted to be clustered together on one lot and shall be considered a Tiny House Community, provided that a site plan is submitted to the Bluff City Planning Commission for review and approval. Tiny Home Communities are allowed in the R-4 Park Community District. The Tiny House community shall contain at least 2,550 square feet per unit. Each unit space shall be a minimum width of 30 feet and the

minimum depth of the lot shall be no less than 85 feet. Other arrangements may be approved by the planning commission if the topography or the land poses exceptional practical difficulties or undue hardship which is not generally associated with other properties in the area. Each Tiny House shall be set back a minimum of twenty (20) feet from any public street and a minimum of fifteen (15) feet in the rear. Side setbacks are 10 feet. In no case shall the minimum distance between two Tiny Houses be less than twenty feet unless otherwise approved by the planning commission.

### 813.7MOBILE HOMES

813.7.1SINGLE-WIDE. All existing single-wide trailers shall be considered legal-non conforming. The minimum lot area per mobile home space shall be five thousand (5,000) square feet. The replacement of single-wide mobile homes that are built prior to 1976 and/or other dilapidated units may be replaced with a manufactured tiny home if it is built to standards outlined in Appendix Q of the 2018 International Building Code.

813.7.2DOUBLE-WIDE. Allowed anywhere single family residences are allowed if they are placed on a permanent foundation with a non-combustible, corrosive resistant skirt extending from the bottom of the mobile home to the mobile home space pad foundation. Said skirt shall be provided with an access way with a door measuring at least eighteen (18) inches by twenty-four (24) inches; and further, said skirt shall be constructed so as to prohibit insect and rodent infestation. For double wide mobile homes, the minimum lot area shall be seven thousand - five hundred (7,500) square feet

813.7.3MOBILE HOME PARKS. Existing mobile home parks are considered grandfathered in their current zoned. New mobile home parks must apply to Re-zone property to R-4 Park Community District and shall not be exposed to objectionable smoke, noise, odors, insect, or rodent harborage or other adverse influences. There shall be a front yard setback of at least ten (10) feet from all access roads within the mobile home park. Mobile homes shall be placed on each space so that there shall be at least a twenty (20) foot clearance between mobile homes. No unit shall be located closer than twenty (20) feet from any building within the mobile home park. Each mobile home space shall be at least forty (40) feet wide and such space shall be clearly marked by permanent markers.

813.8COMMERCIAL CAMPGROUNDS. Short term rentals and long term stays are allowed in campgrounds by-right. There is no additional application or approval as long as the commercial campground allows these types of stays and the owner/lessee keeps record of the duration of the stay and the campground receive a permit from the State Health Department. The permit letter shall be included in the submission to the planning commission. The site

must be a minimum of one acre of land and suitable to accommodate all safety regulations, including setbacks.

- i. **Physiography:** Condition of soil, ground water level, drainage and topography shall not create hazards to the property or the health or safety of the occupants. The site shall not be exposed to objectionable smoke, dust, noise, odors or other adverse influences, and no portion subject to predictable sudden flooding, or erosion and shall not be used for any purpose which would expose persons or property to hazards. If the area is partially in a flood zone, a safety area must be located on site in case of flash flood.
- ii. **Area:** Each campsite shall be a minimum of 400 square feet for primitive campsites and 600 square feet for RV sites.
- iii. **Aisles.** All campsite spaces must be located fifteen (15) feet or more apart in clearly marked spaces.
- iv. **Buffer Strips:** A buffer strip is required along all lot lines and shall be arranged so that the park is entirely enclosed, with the exception of driveways and space required for front yards.
- v. **Signs:** One freestanding sign shall be allowed per each public right-of-way frontage and shall not exceed eight (8) feet in height and twenty-four 24 square feet in area.
- vi. **Service Buildings:** Shall be of permanent construction, adequately ventilated and lighted and built in conformity to all city codes and ordinances. All service buildings shall be convenient to the spaces which they solely serve and shall be maintained in a clean and sanitary condition.
- vii. **Waste management.** Adequate trash receptacles shall be placed throughout the site. If animals are permissible, waste disposal stations shall be provided.
- viii. **Lighting.** All public areas and sleeping structures shall be lighted for safety.
- ix. **Fire Safety.** Smoke Detectors, fire alarms, and portable fire extinguishers shall be provided per the State Fire Marshall and Health Department. Exit and Evacuation plans shall be clearly marked in all permanent and semi-permanent structures.
- x. **Swimming areas.** Per 1200-01-05, "Natural swimming areas shall have no drop-offs, potholes, rock outcroppings, stumps, other obstacles, heavy vegetative growth or pollution. Depths and boundaries shall be conspicuously marked and lifesaving

equipment, as required for public swimming pools, shall be available.”

- xi. Restroom Facilities. Restrooms, including water closets, urinals, lavatories, and showers, must be provided per the number of camping spaces on site that do not have connections to sewage tanks, such as primitive camps and recreational vehicle lots. Otherwise, the following table applies:

1-15 spaces or sites	2 water closets	2 lavatories	2 showers
16-30 spaces or sites	3 water closets	5 lavatories	2 showers
31-45 spaces or sites	4 water closets	7 lavatories	2 showers
46-60 spaces or sites	5 water closets	8 lavatories	4 showers
61-80 spaces or sites	7 water closets	10 lavatories	4 showers
81-100 spaces or sites	9 water closets	10 lavatories	showers

**813.9 CAMPING ON IMPROVED PROPERTIES.** This is not to include more than one established campsite, organized camps, commercial campgrounds, or an individual mobile unit being stored on a lot where the owner of the property is the same as the mobile unit. If the stored mobile unit is hooked up to utilities, it shall be considered camping on improved properties.

813.9.1 Property owners who have improved their property to include a permanent residence, with a permanent water supply and wastewater treatment system, will be permitted to allow non-paying guests and family members to camp on their property as long as there is no commercial activity associated with the camping and the property owners or legal representatives are on site for the duration of the stay.

813.9.2 Temporary events on improved property involving more than twenty (25) non-paying guests or family members and more than two camping units such as a family re-union or other social gathering, require a Camping Permit from the Town of Bluff City municipal office.

813.9.3 Camping on improved property by one or more various different campers will be limited to up to fourteen (14) consecutive days, and no more than thirty (30) days total during any six (6) month period.

813.9.4 The Town of Bluff City reserves the right to review and restrict this camping use if nuisance complaints are appropriately filed with The Town by neighboring property owners.

**813.10 CAMPING ON VACANT PROPERTY.** THIS is not considered a campground when only one campsite is present. A temporary use permit is required for stays longer than a two week period and application must include

a narrative detailing the duration and purpose of the camping. The narrative must include the property owner information and written permission from the property owner if the camper is not the property owner as long as no commercial activity is associated with the camping. The property must be registered with local 911 and the address must be visible from the road. If utilizing a recreational vehicle (RV), camp trailer, or 5th wheel, that unit must meet licensing and registration requirements and be in an operable, road worthy condition. The narrative must include details for obtaining potable water supply and plans for off-site sewage disposal unless an approved public or private sewer hookup is available on the property. Trash must be managed on-site, and removed from the site regularly during camping and upon completion of camping.

## ARTICLE IX. ENFORCEMENT

**901. Enforcing Officer.** The provisions of this ordinance shall be administered and enforced by the Municipal Building Inspector. This official shall have the right to enter upon any premises necessary to carry out his duties in the enforcement of this ordinance.

**902. Building Permit Required.** It shall be unlawful to commence the excavation for or 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 for such work a building permit including a statement that the plans, specifications and intended use of such building in all respects conform with the provisions of this ordinance. Application for a building permit shall be made to the building inspector.

**903. Issuance of Building Permit.** In applying to the building inspector for a building permit the applicant shall submit a dimensioned sketch or scale plan indicating the shape, size, height, and location 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 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, 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 cause.

**904. Certificate of Occupancy.** Upon the completion of the construction or alteration of a building or structure for which a building permit has been granted application shall be made to the building inspector for a certificate of occupancy. Within three days of such application, the building inspector shall make a final inspection of the property in question, and shall issue a certificate of occupancy if the building or structure is found to conform to the provisions of the ordinance and the statements made in the application for the building permit. If such a certificate is refused, the building inspector shall state such refusal in writing with the cause. No land or building hereafter erected or altered in this use, shall be used until such a certificate of occupancy has been granted.

**905. Penalties.** Any person violating any provision of this ordinance shall be guilty of a misdemeanor, and upon conviction shall be fined not less than two dollars (\$2.00) nor more than fifty dollars (\$50.00) for each offense. Each day such violation shall continue shall constitute a separate offense.

**906. Remedies.** In case any building or structure is erected, constructed, reconstructed, repaired, converted or maintained, or any building, structure of land is used in violation of this ordinance, the building inspector or any other appropriate authority of 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.

## ARTICLE X. BOARD OF ZONING APPEALS



**1001. 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 Bluff City Planning Commission is hereby designated as the board of zoning appeals and the terms of the members of the board of zoning appeals shall be concurrent with the terms of the members of the Bluff City Planning Commission.

**1002. Procedure.** Meetings of the board of zoning appeals shall be held at the call of the chairman or by a majority of the membership and at such other times as the board may determine. Such chairman, or in his absence, the acting chairman, may administer oaths and compel the attendance of witnesses. All meetings of the board shall be open to the public. The board shall keep minutes of its proceedings, showing the vote of each member upon each question, or, if absent or failing to vote, indicating such fact; shall take all evidence necessary to justify or explain its action, and shall keep records of its examinations and of other official action, all of which shall be immediately filed in the office of the board and shall be a public record.

**1003. 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, and board of bureau affected by any decision of the building inspector based in the whole or part on provisions of this ordinance. Such appeal shall be taken within a reasonable time, as provided by the rules of the board, by filing with the building inspector and with the board of zoning appeals a notice of appeal, specifying the grounds thereof. The building inspector shall transmit forthwith to the board all papers constituting the record upon which the action appeals 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. Upon hearing, any party may appear in person or by agent or attorney.

**1004. Powers.** The board of zoning appeals shall have the following powers;

**1104.1. Administrative Review.** To hear and decide appeals where it is alleged by the appellant that there is error in any order requirements, 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.

**1104.2. Special Exceptions.** To hear and decide special exceptions to this ordinance as set forth in Article IX.

**1104.3. Variance.** To hear and decide applications for variance from the terms of this ordinance, but only by reasons of:

1. Exceptional narrowness, shallowness or shape of a piece of property which was a lot of record at the time of the adoption of this ordinance which does not generally apply to another property in the neighborhood.
2. Exceptional topographical conditions or other exceptional conditions of a piece of property result in an undue hardship not created by the personal circumstances of the owners or user of the property when such circumstances

3. Provided that such relief may only be granted if No substantial detriment to the public good will occur and the intent of this ordinance will not be substantially impaired.

**1005. Action of the Board of Zoning Appeals.**

In exercising the aforementioned powers, the board of zoning appeals may attach thereto such conditions regarding the location, character and other features of the proposed building, structure or use as it may be deemed advisable in furtherance of the purpose of this ordinance and in conformity with the provisions of this ordinance, reverse or affirm, wholly or partly, or may modify the order, requirement, decision or determination appealed from, and to that end shall have all powers of the building inspector. The concurring vote of a majority of the board shall be necessary to reverse any order, requirement, decision or determination of any such administrative official, or to decide in favor of the applicant on any matter upon which it is required to pass under this ordinance or to authorize any variance from the terms of this ordinance.

## ARTICLE XI. AMENDMENT

**1101. Authority and Application.** The Board of Mayor and Aldermen may amend the regulations, boundaries, or any provision of this ordinance after receiving a recommendation either for approval or denial from the Planning Commission. Any member of the town may introduce such amendment to the Zoning Ordinance or Zoning Ordinance map by presenting an application to the Planning Commission 15 days prior to the next regularly scheduled meeting. A fee might be charged to offset the cost of the required public notice.

**1102. Introduction of Amendment and Procedure.** Upon receipt of application and the introduction of an amendment to this ordinance, it will then be reviewed and approved by the Planning Commission prior to being sent to the chief legislative body.

**1104. Approval by Planning Commissions.** Upon the Planning Commission's approval or denial of the amendment, the amendment request must go before the Board of Mayor and Alderman for two readings. The first reading does not require a public notice but the second reading requires a public notice of at least 15 days. If the planning commission neither approves nor disapproves such proposed amendment within forty-five (45) days after such submission, the action of such amendment by said board shall be deemed favorable and final decision will go before the Board of Mayor and Alderman for two readings with notices as outlined above.

**ARTICLE XII. LEGAL STATUS PROVISIONS**

**1201. Conflict with Other Ordinances.** In case of conflict between this ordinance or any part thereof, and the whole or part of any existing or future ordinance of the Town of Bluff City, the most restrictive shall in all cases apply.

**1202. Validity.** In 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.

**1203. Effective Date.** This ordinance shall take effect and be in force fifteen (15) days from and after its passage, the public welfare demanding it.

Certified by Planning Commission:

7/11/23

Passed on First Reading:

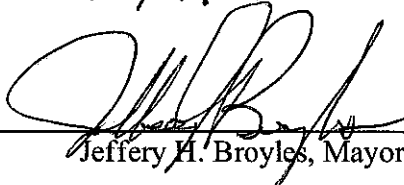
8/1/23 / 10/24/23

Passed upon Public Hearing:


11/7/23

Date of Public Hearing:

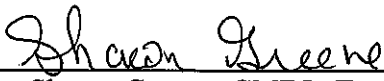
11/7/23

  
Jeffery H. Broyles, Mayor

Approved as to Form:

  
J. Paul Frye, Town Attorney

Attest:

  
Sharon Greene, CMFO, Town Recorder