

**TITLE 14**

**ZONING AND LAND USE CONTROL**

**CHAPTER**

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**CHAPTER 1**

**MUNICIPAL PLANNING COMMISSION<sup>1</sup>**

**SECTION**

- 14-101. Creation of planning commission - appointment of members - term of office - vacancies.
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**14-101. Creation of planning commission - appointment of members - term of office - vacancies.** Pursuant to the provisions of Tennessee Code Annotated §13-4-101, there is hereby created and established a municipal planning commission, hereinafter referred to as planning commission. The planning commission shall consist of seven (7) members. One of the members shall be the mayor of the municipality, or a person designated by the mayor and one of the members shall be a member of the city council. All other members shall be appointed by the mayor. All members of the commission shall serve without compensation, except membership in the zoning board of appeals. The initial commission shall be appointed for five (5), four (4), three (3), two (2) and one (1) year terms. Thereafter the terms shall be for five years, except for the term of the mayor and the councilman which terms shall expire concurrent with their term of office. Any vacancy in an appointed membership shall be filled for the unexpired term by the mayor of the municipality, who

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<sup>1</sup>Ordinance #38-17, Dec. 2002, exempts the planning director, the members of the Elizabethton Regional Planning Commission and the board of zoning appeals from the requirements of The Training and Continuing Education Act of 2002, Tennessee Code Annotated, § 13-3-101 et seq.

shall also have the authority to remove any appointed member at his (her) pleasure. (1982 Code, § 11-101)

**14-102. Organization, powers, duties, etc.** The planning commission shall have such organization, rules, staff, powers, functions, duties, and responsibilities as are prescribed in the general law relating to municipal planning commissions in Tennessee Code Annotated, title 13. (1982 Code, § 11-102)

## CHAPTER 2

### GENERAL PROVISIONS RELATING TO ZONING<sup>1</sup>

#### SECTION

- 14-201. Short title.
- 14-202. Purpose.
- 14-203. Definitions.
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- 14-211. Group housing and planned unit development.
- 14-212. Shopping centers.

**14-201. Short title.** Chapters 2 through 8 of this title shall be known as the "Zoning Ordinance of the City of Elizabethton, Tennessee," and the map herein referred to, which is identified by the title "Zoning Map of the City of Elizabethton, Tennessee," dated August, 1971, and all explanatory matter thereon are hereby adopted and made a part of chapters 2 through 8 of this title.<sup>2</sup> Also included as part of chapters 2 through 8 of this title is "Flood Control

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<sup>1</sup>Chapters 2 through 8 in this title were taken from ordinance 7-19, Elizabethton's zoning ordinance. All amendments to this ordinance to date have been incorporated into this compilation.

The format of the zoning ordinance has been changed somewhat to conform to the format of this code of ordinances. For example, sections and subsections have been renumbered and slight changes in wording have been made. No substantive changes have been made to the zoning ordinance as set forth here, however, unless authorized by ordinance.

It is the intent of the city council in adopting chapters 2 through 8 herein to continue in effect the provisions of ordinance 7-19 as amended. It is expressly not the intent of the city council hereby to enact any new zoning regulations.

<sup>2</sup>This zoning map has been amended by the following ordinances which are of record in the city clerk's office: 7-27, 7-28, 7-31, 7-32, 7-35, 8-4, 8-9, 8-15, 8-17, 8-19, 8-20, 9-1, 9-3, 9-14, 9-15, 10-1, 10-13, 10-21, 11-3, 11-4, 11-7, 11-8, 11-9, 13-10, 13-14, 14-1, 14-10, 14-12, 14-13, 14-17, 14-18, 14-20, 14-21, 15-1, 15-4, 15-11, 15-12, 16-3, 16-10, 16-11, 17-6, 18-7, 18-8, 19-10, 20-5, 20-6, 21-1, 21-7, 21-8, 21-13, 22-2, 22-8, 23-1, 23-2, 23-3, 23-5, 23-13, 24-7, 24-8, 24-12, 25-6, (continued...)

Topography," Elizabethton, Tennessee, "Local Flood Project" dated July 1968, sheets 103, 104, 105, 106, and 108. (1982 Code, § 11-201)

**14-202. Purpose.** The zoning regulations and districts as herein set forth have been made in accordance with a comprehensive plan for the purpose of promoting the health, safety, morals, and the general welfare of the community. They have been designed to lessen congestion in the streets, to secure safety from fire, flood, panic, and overcrowding of land, to avoid undue concentration of population to facilitate the adequate provisions of transportation, water, sewage, 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. (1982 Code, § 11-202)

**14-203. Definitions.** Unless otherwise stated, the following words shall, for the purpose of chapters 2 through 8 of this title, have the meaning herein indicated. Words used in the present tense include the future. The singular number includes the plural and the plural the singular. The word "shall" is mandatory, not directory. 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.

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

(2) "Adult oriented establishments." Sexually explicit establishments which cater to an exclusively or predominantly adult clientele and including but not limited to: adult book store, adult theaters, adult motion picture theaters, cabarets and other enterprises which regularly feature materials, acts, or displays involving complete nudity or exposure of human genitals, pubic regions, buttocks or female breast and/or sexual enticement or excitement.

(3) "Bed and breakfast home." A residential unit in which between one (1) and three (3) 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.

(4) "Boarding or rooming house." A building containing a single dwelling unit and not more than five guest rooms where lodging is provided with or without meals for compensation.

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<sup>2</sup>(...continued)

25-16, 27-3, 27-5, 27-12, 27-18, 28-2, 28-3, 28-6, 28-8, 28-9, 28-10, 28-13, 28-15, 28-19, 29-8, 29-14, 29-23, 30-3, 31-1, 31-5, 31-10, 31-15, 31-18, 31-22, 32-14, 32-21, and 39-3.

(5) "Buffer strip." A plant material acceptable to the building inspector which has such growth characteristics as will provide an obscuring screen not less than six feet in height.

(6) "Building." Any structure having a roof supported by columns or walls and intended for the shelter, housing, or enclosure of persons, animals, or chattel.

(a) "Principal building." A building in which is conducted the main or principal use of the lot on which said building is located.

(b) "Accessory building or use." A building or use customarily incidental and subordinate to the principal building or use and located on the same lot with such building or use.

(c) "Accessory apartment." A detached single family apartment unit either ground level or a garage apartment containing no more than 800 square feet in living area and located on the same lot with another single family residential structure.

(7) "Building height." The vertical distance measured from the finished grade at the building line to the highest point of the roof.

(8) "Business sign." Business and other advertising signs are defined in chapter 5, title 14.

(9) "Dwelling." A building designed or used as the permanent living quarters for one or more families.

(10) "Family." One or more persons occupying a premise and living together as a single housekeeping unit.

(11) "Flood." An overflow of lands not normally covered by water that results in significant adverse effects in the vicinity.

(12) "Floodway." The channel of the stream and that portion of the adjoining flood plains designated by the regulating agency reasonably to provide for the passage of flood flows.

(13) "Floodway fringe area." Areas lying outside the floodway district but within the area which would be flooded by the one percent probability flood.

(14) "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 space.

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

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

(15) "Mobile home and mobile unit." (a) A mobile home is a dwelling unit with all of the following characteristics:

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

(ii) Designed to be transported after fabrication on own wheels, or on flatbed or other trailers or detachable wheels or constructed as a single self contained unit and mounted on a single chassis.

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

(b) A mobile unit is a structure which has all of the following characteristics:

(i) Designed to be transported after fabrication on its own wheels or on flatbed or other trailer or detachable wheels or constructed as a single self contained unit and mounted on a single chassis.

(ii) 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 homes or double wide homes." Modular homes or double-wide mobile homes which have all of the characteristics, appearances, and design of a permanent home and a permanent perimeter/foundation walls of a continuous exterior masonry/concrete, meeting Southern Standard Building Code requirements plus meet the requirements of the Southern Standard Building Code and/or HUD standards for manufactured housing will not be considered mobile and will be treated as other residential structures. Provided that the structure is located on the lot in a manner that the front of the structure as designed at the factory faces the street.

"Modular units or double-wide units." Modular units or double-wide units which have all of the characteristics, appearances, and design of an office, commercial establishment, assembly hall, storage, governmental or similar structure and a permanent perimeter/foundation walls of a continuous exterior masonry/concrete, meeting Southern Standard Building Code requirements plus meet the requirements of the Southern Standard Building Code and/or HUD standards for manufactured buildings will not be considered mobile and will be treated as other office or commercial structures. Provided that the structure is located on the lot in a manner that the front of the structure as designed at the factory faces the street.

(16) "Mobile home park." Any plot of ground containing a minimum of two acres upon which two or more mobile homes are located or are intended to be located (does not include sites where unoccupied mobile homes are on display for sale).

(17) "Nonconforming uses." Any structure or land lawfully occupied by a use that does not conform to the use regulations of the district in which it is situated.

(18) "Nursing home." One licensed by the State of Tennessee.

(19) "Story." That portion of a building included between the upper surface of any floor and the upper surface of the floor next above; or any portion of a building used for human occupancy between the topmost floor and the roof. A basement not used for human occupancy other than for a janitor or domestic employee shall not be counted as a story.

(20) "Street." Any public or private way set aside for public travel. The word "street" shall include the words "road," "highway," and "thoroughfare."

(21) "Structure." Anything constructed or erected, the use of which requires location on the ground, or attachment to something having location on the ground.

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

(23) "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 chapters 2 through 8 of this title.

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

(b) "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.

(c) "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.

(24) "Homes for the mentally retarded, mentally handicapped, or physically handicapped." Any home in which eight (8) or fewer unrelated or physically handicapped persons, mentally retarded and/or mentally handicapped reside and may include two (2) additional persons acting as houseparents or guardians who need not be related to each other or to any of the mentally retarded, mentally handicapped or physically handicapped persons residing in the home shall be classified as a single family residence.

(25) "Theatre." A place of public assembly for purpose of holding dramatic or musical performances, showing motion pictures and films, holding lectures, and similar uses.

(26) "Day care home." A home operated by any person, social agency, corporation or institution, or any other group which receives a minimum of five

(5) and a maximum of twelve (12) children (and up to three [3] additional school age children who will only be present when school is not in session), provided such establishment is licensed by the state and operated in accordance with state requirements.

Day care homes that have more than fifteen (15) children shall be considered private schools for the purpose of this ordinance and shall be allowed in the same zones and under the same conditions as private schools.

(27) "Self service storage facility or mini-warehouses." A structure containing separate storage spaces of up to 600 square feet floor area per unit and designed to be leased as individual leases for the purpose of providing inside storage for property of non-hazardous, noncombustible, nontoxic nature where the structure is used solely for the purpose of storage and no other type of business or use. (1982 Code, § 11-203, as amended by Ord. #29-25, Dec. 1993; Ord. #30-1, Feb. 1994, and Ord. #34-4, April 1998)

**14-204. Establishment of districts.** For the purpose of chapters 2 through 8 of this title, the City of Elizabethton, Tennessee, is hereby divided into thirteen (13) classes of districts as follows:

Residence - R-1 District-	Low Density
Residence - R-1A District-	Low Density
Residence - R-2 District-	Medium Density
Residence - R-3 District-	High Density
Medical Residential	M-R District
Business - B-1 District-	Neighborhood Business
Business - B-2 District-	Arterial Business
Business - B-3 District-	Central Business
Business - B-4 District-	Intermediate Business
Manufacturing - M-1 District-	Restricted Manufacturing and Warehousing
Industrial - M-2 District-	Heavy Industrial
Floodway - F-1 District-	Floodway
Floodway - F-2 District-	Floodway Fringe Area

The boundaries of these districts are hereby established as shown on the map entitled "Zoning Map of the City of Elizabethton, Tennessee," dated August, 1971, and all amendments thereof, which is a part of chapters 2 through 8 of this title and which is on file in the office of the city clerk. Unless otherwise specifically indicated on the map, the boundaries of districts are lot line or the center lines of streets or alleys or such lines extended, the corporate limit line or a line midway between the main tract of a railroad or the center lines of streams or other water bodies. Questions concerning the exact locations of district boundaries shall be determined by the board of zoning appeals. (1982 Code, § 11-204, as amended by Ord. #32-9, May 1996)

**14-205. Application of regulations.** Except as herein provided:

(1) Use. No building or land shall hereafter be used and no building or part thereof shall be erected, moved, or altered unless for a use expressly permitted by and in conformity with the regulations herein specified for the district in which it is located, and after approval of a properly prepared site plan.

(2) Street frontage. No dwelling shall be erected on a lot which does not abut on at least one street for at least fifty (50) feet, except that lots fronting on cul-de-sacs may have a minimum road frontage of thirty (30) feet if the lot is at least fifty (50) feet in width at the building line. Provided, however, that when only one piece of property is being subdivided into no more than two tracts, thirty (30) feet road frontage shall be sufficient for one tract, if the tract is no larger than one-half of an acre or not smaller than one-fourth acre, provided that the other tract has a minimum of sixty (60) feet frontage and each tract or parcel meets all the other requirements of the Elizabethton Subdivision Regulations and Zoning Ordinance.

(3) Corner lots. The minimum width of a side yard along an intersecting street shall be 50 percent greater than the minimum side yard requirements of the district in which the lot is located.

(4) One principal building on a lot. Only one principal building and its customary accessory buildings may hereafter be erected on any lot. Group housing and planned unit developments or commercial developments may have more than one principal building per lot provided that a site plan has been approved by the planning commission.

(5) 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 chapters 2 through 8 of this title shall not be maintained. This section shall not apply when a portion of a lot is acquired for a public purpose.

(6) 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 chapters 2 through 8 of this title shall be included as a part of a yard or other open space required under chapters 2 through 8 of this title for another building.

(7) 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 Elizabethton Regional Planning Commission and such approval entered in writing on the plat by the secretary of the commission.

(8) Customary accessory buildings in residential districts. Accessory buildings are permitted provided they are located in rear yards and not closer than five (5) feet to any property line. Accessory buildings shall also comply

with the setback from the intersecting street and not cover more than twenty (20) percent of any required rear yard.

(9) Building area. On any lot within an R-1 Residential District, the area occupied by all buildings including accessory buildings shall not exceed thirty (30) percent of the total area of such lot. In R-2 and R-3 residential districts, lot area occupied by all buildings including accessory buildings shall not exceed thirty-five (35) percent of the total area of such lot.

(10) 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, or 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.

(11) Annexations. All territory which may hereafter be annexed to the City of Elizabethton, Tennessee, shall be considered to be in the R-1 Low Density Residential District until otherwise classified.

(12) Telephone microwave towers. Telephone microwave towers shall be set back the distance from all adjoining property lines equal to the height of the tower.

(a) Location. Tower structures shall not be permitted in R-1, R-2, R-3, and M-R Residential Zoning Districts.

(b) Setback. All support buildings and equipment, including guy wires, shall be subject to the minimum setback requirements for a primary use of the zoning district where the tower structure is located.

(c) Signs. No signs shall be located on any tower structure.

(d) Support buildings equipment. Support buildings and equipment associated with a tower structure shall have maximum height of fifteen (15) feet and a maximum square footage of two hundred (200) square feet.

(e) Inspection. If upon inspection by the chief building official or designee, a tower structure fails to comply with applicable building codes, the tower structure owner has thirty (30) days to bring it into compliance with such standards. Failure to bring it into compliance within thirty (30) days shall constitute grounds for removal by the city at the expense of the tower structure owner.

(f) Abandonment. If any tower structure is not in use for twelve (12) consecutive months, it shall be deemed abandoned by the chief building official and be removed by the owner of the tower structure. Failure to remove the tower structure within ninety (90) days shall constitute grounds for removal by the city at the expense of the tower structure owner.

(g) Site plan approval. A site plan drawn to scale indicating the location and height of the tower structure and any new improvements, including any additional site and tower structure modifications, shall be submitted to the chief building official for administrative review.

(h) Approval/denial. Within sixty (60) days of the receipt of the completed application and the required filing fee of one hundred dollars (\$100.00) the chief building official shall notify the applicant of the approval or denial of the application. In the event of a denial the reason will be stated therefor. In the event the chief building official fails to notify the applicant within sixty (60) days after receiving the completed application, the application shall be deemed approved.

(i) Special exception review. The application for the installation of a new tower, or for the installation of a replacement tower whose height exceeds the height of the existing tower, shall be subject to review by the board of zoning appeals as a special exception. The board of zoning appeals may impose additional conditions to minimize any adverse effects.

(13) Driveways and street curb cuts. (a) Definitions. For the purposes of this section, the following words and phrases shall have the meanings respectively ascribed to them by this section:

"Curb return:" The portion of a street curb or alley curb at the street or alley intersections.

"Driveway:" An area on private property where automobiles and other vehicles are operated or allowed to stand.

"Driveway approach:" Any area, construction, or facility between the roadway of a public street and private property which is used for an entrance or exit of vehicles and is intended to provide access for vehicles from the roadway of a public street to something definite on private property such as a parking area, a driveway, or a door.

(b) It shall be unlawful for any person, firm, corporation, association, or others, to cut, build, or maintain a driveway across a curb or sidewalk, or cut a curb or street, or conflict a driveway in any way to a street within the City of Elizabethton, Tennessee, without first obtaining a permit from the building official, which permit shall cost \$30.00, payable at the time the permit is obtained.

(c) All driveways and parking areas must be paved, within the setback as established by the City of Elizabethton's zoning ordinance, with either asphalt concrete or Portland cement concrete as specified by the building official. Any sidewalk section of the driveway approach shall be finished and scored as specified by the building official.

(d) No residential driveway approach shall be permitted within 25 feet of the edge of a cross street or within 5 feet of the curb return, whichever is greater. No commercial driveway approach including the curb return shall be permitted within 75 feet of the edge of a cross street or within 10 feet of the curb return, whichever is greater. See Figure 1.<sup>1</sup>

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<sup>1</sup>Ord. #28-18, which contains figure 1, is of record in the office of the city clerk.

(e) No driveway or series of driveway approaches serving other than residential property shall be permitted to be constructed in such a way that the exit from such property would be accomplished by backing vehicles into a street right of way or roadway.

(f) Not more than one (1) driveway approach shall be permitted per lot when the lot is seventy-five (75) feet or less in width fronting on any street. Additional driveway approaches for lots fronting more than 75 feet on a street shall be at the discretion of the building official. The building official shall use as the basis for judgment such factors as street design and capacity, traffic counts, surrounding land use, and other established engineering guidelines.

(g) Driveways shall not be permitted at locations hidden from the user of the public street, as where sight distance problems exist.

(h) Horizontal approach angles between the centerline of the driveway and the centerline of the public street shall be a minimum of 70 degrees.

(i) The width of a driveway approach shall not exceed the following dimensions:

(i) The maximum width for residential driveways shall be fifteen (15) feet for single driveways and twenty-four (24) feet for double driveways not including turning radii.

(ii) The maximum width for commercial driveways shall be forty (40) feet, not including turning radii. See Figure 2.<sup>1</sup> (1982 Code, § 11-205, as amended by Ord. #34-10, Aug. 1998; Ord. #35-2, March 1999; Ord. #37-17, Aug. 2001; and Ord. #39-4, May 2003)

**14-206. Continuance of nonconforming uses.** Any lawful use of any building or land existing at the time of the enactment of the provisions of chapters 2 through 8 of this title or whenever a district is changed by an amendment thereafter may be continued although such use does not conform with the provisions of chapters 2 through 8 of this title with the following limitations:

(1) No building or land containing a nonconforming use shall hereafter be extended unless such extensions shall conform with the provisions of chapters 2 through 8 of this title for the district in which it is located; provided, however, that a nonconforming use may be extended throughout those parts of building which were manifestly arranged or designed for such use prior to the time of enactment of the provisions of chapters 2 through 8 of this title.

(2) Any nonconforming building which has been damaged by fire or other causes may be reconstructed and used as before unless the building

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<sup>1</sup>Ord. #28-18, which contains figure 2, is of record in the office of the city clerk.

inspector determines 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 chapters 2 through 8 of this title.

(3) When a nonconforming use of any building or land has ceased for a period of one year, it shall not be reestablished or changed to any use not in conformity with the provisions of chapters 2 through 8 of this title. (1982 Code, § 11-206)

**14-207. Obstruction of vision at street intersections prohibited.**

In all districts except the B-3 (Central) Business District, no fence, wall, shrubbery, or other obstruction to vision between the height of three (3) feet above the street grade shall be permitted within twenty (20) feet of the intersection of the right-of-way of streets, or the intersection of streets and railroads, or of the intersection of streets and driveways. (1982 Code, § 11-207, as amended by Ord. #35-15, Nov. 1999)

**14-208. Off-street automobile parking.** Off-street automobile parking space shall be provided on every lot on which any of the following uses are hereinafter established, except in the B-3 (Central) Business District. The number of automobile parking spaces provided shall be at least as great as the numbers specified below for various uses. Each space shall be at least nine (9) feet wide and eighteen (18) feet long and shall have vehicular access to a public street. Turning space shall be provided so that no vehicle will be required to back into the street.

(1) Automobile repair garages. One space for each regular employee plus one space for each 250 square feet of floor space used for repair work.

(2) Churches. One space for each four (4) seats.

(3) Clubs and lodges. One space for each three hundred (300) square feet of floor space over one thousand square feet.

(4) Dwellings. One space for each dwelling unit, except designated housing for the elderly, in which case one (1) space for each two (2) units.

(5) Funeral parlors. One space for each four (4) seats in chapel.

(6) Gasoline service stations and similar establishments. Two (2) spaces for each bay or similar facility plus one space for each employee.

(7) Hospitals and nursing homes. One space for each two staff or visiting doctors plus one space for each two employees and one space for each four beds, computed on the largest number of employees on duty at any period of time.

(8) Hotel. One space for each four (4) employees plus one space for each two (2) guest rooms.

(9) Industry. One space for each three (3) employees computed on the largest number of persons employed at any period during day or night.

(10) Motels and tourist courts. One space for each four (4) employees plus one space for each accommodation.

(11) Offices: (a) Medical. One space for each three hundred (300) square feet of floor space.

(b) Other professional. One space for each four hundred (400) square feet of floor space.

(c) General. One space for each four hundred (400) square feet of floor space.

(12) Places of public assembly. One space for each four (4) seats in the principal assembly room or area.

(13) Recreation and amusement areas without seating capacity. One space for each five (5) customers, computed on maximum service capacity.

(14) Restaurants. One space for each four (4) employees, plus one space for each one hundred (100) square feet of floor space devoted to patron use.

(15) Retail business and similar uses. One space for each two hundred (200) square feet of gross floor space.

(16) Schools. One space for each faculty member, plus one space for each four (4) pupils except in elementary and junior high schools.

(17) Mobile home parks. Mobile home parks shall meet the requirements of the Elizabethton Mobile Home Park Ordinance.

(18) Wholesale business. One space for each three (3) employees based on maximum seasonal employment.

If off-street parking space required above cannot reasonably be provided on the same lot on which the principal use is conducted, the board of zoning appeals may permit such space to be provided on other off-street property provided such space lies within four hundred (400) feet of the main entrance to such principal use. Such vehicle parking 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.

Extension of parking spaces into a residential district. Required parking space may extend up to 120 feet into a residential zoning district, provided that:

- (a) The parking space adjoins a commercial or industrial district;
- (b) 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
- (c) Is separated from abutting properties in the residential district by a plant or fence buffer strip as determined by the building inspector. (1982 Code, § 11-208)

**14-209. 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:

- (1) Retail business. One space of at least 12 x 25 feet for each 3,000 square feet of floor area or part thereof.
- (2) Wholesale and industrial. One space of at least 12 x 50 feet for each 10,000 square feet of floor area or part thereof.
- (3) Terminals. Sufficient space to accommodate the maximum number of vehicles that will be stored and loading and unloading at the terminal at any one time. (1982 Code, § 11-209)

**14-210. Inclusion of flood plain provisions.** (1) For the purpose of chapters 2 through 8 of this title, land considered subject to flood shall be that land lying below the elevation of the one percent probable flood on the Doe and Watauga Rivers, Vicinity of Elizabethton, Tennessee (Tennessee Valley Authority, July, 1968) amended ordinance number 7-1 which chart is made a part of chapters 2 through 8 of this title.

(2) A floodway district, as shown on the zoning map of Elizabethton, Tennessee, is established to enable Doe and Watauga Rivers to carry increased flows of water in time of flood. The provisions which accompany the floodway district prevent encroachments into the district which would increase the flood

heights and property damage. In this manner loss of life and excessive property damage is lessened or prevented.

(3) Lands lying outside this floodway district, but within the area subject to flood by a one percent probability flood, are in the floodway fringe areas. These areas are subject to certain provisions which seek to lessen flood damage, in addition to being subject to the provisions of the land use district in which they lie. For example, part of a low density residential district may also be in the floodway fringe area. This part of the residential district would be subject to the provisions pertaining to the floodway fringe area. (1982 Code, § 11-210)

**14-211. Group housing and planned unit development.** A group housing project is defined as any group of two or more buildings to be constructed on one parcel of land. A planned unit development is one defined as a comprehensive residential or commercial development where project design does not include standard street, lot, and subdivision arrangements, and where shares, property, or units are to be sold. Group housing or planned unit development projects may be allowed upon review and approval by the Elizabethton Planning Commission provided that the following are met:

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

(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.

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

(4) When property is subdivided for the purpose of selling either proposed or existing townhouses, duplexes, or similar housing units, the following requirements apply: side yard setbacks will not be required where housing units connect at property lines; road frontage requirements may be reduced to thirty feet width; each parcel of land shall be treated as an individual lot and shall meet lot size requirements, density requirements, and all other provisions of the Elizabethton subdivision regulations and zoning ordinance.

(5) Public and private roads in all development in which property is to be subdivided must be constructed to standards set forth in the Elizabethton Subdivision Regulations. All common driveways and parking areas for group housing developments and planned unit developments must be paved with hot asphalt or concrete pavement prior to final approval.

(6) A plat for the conversion of rental units to condominiums must be approved by the Elizabethton Planning Commission.

(7) Preliminary or design approval and final or recording approval shall be required for all condominium developments approved by the planning

commission before any units can be sold. For condominium projects to be developed in stages or phases, preliminary or design approval shall be required on the entire project with final or recording approval required at the completion of each stage of construction before any units can be sold. (1982 Code, § 11-211)

**14-212. Shopping centers.** A shopping center is defined as a group of commercial establishments, planned, developed, owned and 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 7,500 square feet of floor area.

The owner or lessee of any shopping center shall submit to the planning commission a plan meeting all of the requirements set forth in this ordinance. The planning commission may require additions or changes to the plan prior to granting final approval. Should approval of the plans be denied by the planning commission an appeal for approval may be made to the Elizabethton City Council.

(1) The plan submitted shall be drawn to scale and shall show all roads and drainage, existing and propose, drives and parking areas, building lines enclosing the portion of the tract within which buildings are to be erected, typical groups of buildings which might be erected within the building lines shown, boundaries of tracts, proposed use of land and buildings. The relation of the project to the street system and to the surrounding property, and to surrounding use districts shall be shown. In addition the following information shall be shown:

- (a) Existing zone.
- (b) Number of parking spaces in relation to the gross leasable space or other parking criteria.
- (c) Location and size of parking spaces and direction of traffic flow.
- (d) Truck loading and unloading areas.
- (e) Proposed curb cuts.
- (f) Existing and proposed utilities and fire hydrants.
- (g) Location and type of signs.
- (h) Location of dumpster sites and construction detail showing wash down facilities when applicable.
- (i) Cross section showing pavement construction.
- (j) Surface water drainage plan showing direction of water flow ditches, culverts, catch basins, detention ponds and drainage ways and easements.
- (k) Show required setback distances and proposed setback distances from buildings to adjoining property lines.
- (l) An erosion and sedimentation control plan may be required when applicable.

(m) Plans shall be properly signed, sealed and dated by an architect or engineer.

(n) A landscaping plan shall be provided showing the location and type of landscaping proposed for the project.

(2) The plan for a shopping center shall meet as a minimum, the following specifications and requirements.

(a) The aggregate of all buildings proposed shall not exceed 30 percent of the entire lot area of the project. All buildings shall be setback not less than sixty (60) feet from all streets bounding the project area.

(b) There shall be customer parking facilities as follows:

(i) For recreation or amusement buildings, restaurants or other establishments serving food or drinks: one (1) parking space for each one hundred (100) square feet of total floor space in the building.

(ii) Theater or any place of public assembly; one (1) parking space for each six (6) seats.

(iii) Clinic or medical or dental offices: five (5) parking spaces for each professional occupant.

(iv) Hotel or motel: one (1) parking space for each guest room.

(v) Other permitted uses: five (5) parking spaces for each 1,000 square feet of gross leasable space.

(vi) Each mercantile establishment shall provide one (1) space ten (10) feet by fifty (50) feet for truck loading and unloading, for each ten thousand (10,000) square feet, or fraction thereof, in the building provided, however, that a loading space adjacent and accessible to two buildings may be used to serve both buildings if the aggregate area of both does not exceed ten thousand (10,000) square feet.

(c) The streets, parking areas and walks shall be paved with hard surface material meeting applicable specifications of the city engineer.

(d) Any part of the project area not used for buildings or other structures, parking, loading and access ways, shall be landscaped with grass, trees, shrubs or pedestrian walks. The planning commission may require additional landscaping to maintain the aesthetic characteristics of the community and enhance the appearance of the neighborhood.

(e) The shopping center buildings shall be designed as a whole unified and single project, or in stages following the approved general plan and separate building permits may be taken out for separate portions of said property after final approval has been granted.

When outparcels have their own access to public streets and the outparcel lot meets all the zoning requirements for an individual business except that it has not been subdivided from the shopping center property,

planning commission approval is not required for the development of the outparcel. If the development of the outparcel alters traffic flow or parking of the existing shopping center review by the planning commission shall be required.

- (3) A building or premises may be used only for the following purposes:
- (a) Stores and shops conducting retail business.
  - (b) Personal, business, and professional services.
  - (c) Offices, hotels, motels, and restaurants.
  - (d) Amusements and recreation.

(4) No building shall exceed three (3) stories in height, except by permission of the city council.

No structure of any kind shall exceed fifty (50) feet in height, provided that this limitation shall not apply to:

- (a) Chimneys;
- (b) Cooling towers;
- (c) Ornamental towers and spires;
- (d) Radio and television towers, antennae or aerials;
- (e) Stage towers or scenery lofts;
- (f) Water tanks and towers.

(5) Prior to approval of a shopping center plan the planning commission may make additional requirements concerning but not limited to, the limitation of uses, landscaping, lighting, signs and advertising devices, screening or planting, setback and height of buildings, paving and location of drives and parking areas, drainage and the location of access ways, taking into consideration the character of the surrounding area so as to protect adjoining residentially zoned lots or residential uses, to provide for public safety and prevent traffic congestion. (Ord. #30-16, Aug. 1994)

## CHAPTER 3

### PROVISIONS GOVERNING USE DISTRICTS

#### SECTION

- 14-301. R-1 (Low Density) Residential District.
- 14-302. R-1A (Low Density) Residential District.
- 14-303. R-2 (Medium Density) Residential District.
- 14-304. R-3 (High Density) Residential District.
- 14-305. M-R District (Medium-Residential).
- 14-306. B-1 (Neighborhood) Business District.
- 14-307. B-2 (Arterial) Business District.
- 14-308. B-3 (Central) Business District.
- 14-309. B-4 (Intermediate) Business District.
- 14-310. M-1 (Manufacturing-Warehouse) Restricted Manufacturing and Warehouse District.
- 14-311. M-2 (Industrial) District.

**14-301. R-1 (Low Density) Residential District.** 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 City of Elizabethton, Tennessee, the following uses are permitted:

- (1) Single family dwellings excluding mobile homes.
- (2) Customary general farming.
- (3) Customary home occupation provided that there is no external evidence of the occupation except on announcement sign not more than four (4) square feet in area; that only one person not a resident of the dwelling is employed; and not more than 25 percent of the total floor area of the dwelling is used.
- (4) Public owned buildings and uses, public and private schools offering general education, and churches provided that:
  - (a) The location of these uses shall first be reviewed by the Elizabethton Planning Commission;
  - (b) The buildings, except for churches, are placed not less than fifty (50) feet from the side and rear property lines; however, churches may be located with setbacks of thirty (30) foot front, ten (10) feet each side, and twenty-five (25) feet rear, as are residences in Zone R-1.
  - (c) There are planted buffer strips along side and rear property lines.
- (5) Day care homes provided that:

(a) That all land area used for outdoor activities be appropriately fenced.

(b) That an adequate loading and unloading area is provided that will allow for the safe pick up and drop off of children.

(6) Residential business sign. Residential business signs and other advertising signs are defined in chapter 5, title 14. (1982 Code, § 11-301)

**14-302. R-1A (Low Density) Residential District.** It is the intent of this district to allow for construction on the smaller lots that exist in the original neighborhoods of the city while still maintaining a low density single family residential area. 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-1A (Low Density) Residential District, as shown on the zoning map of the City of Elizabethton, Tennessee the following uses are permitted.

(1) Single family dwellings excluding mobile homes.

(2) Customary general farming.

(3) Customary home occupation provided that there is no external evidence of the occupation except one announcement sign nor more than two (2) square feet in area; that only one person, not a resident of the dwelling is employed, and not more than 25 percent of the total area of the dwelling is used.

(4) Public owned buildings and uses, public and private school offering general education, and churches provided that:

(a) The location of these uses shall first be reviewed by the Elizabethton Planning Commission.

(b) The buildings, except for churches are placed not less than fifty (50) feet from the side and rear property lines, however churches may be located with setbacks of thirty (30) foot front, ten (10) feet each side, and twenty-five (25) feet rear as are residences in zone R-1.

(c) There are planted buffer strips along side and rear property lines.

(5) Day care homes provided that:

(a) That all land area used for outdoor activities be appropriately fenced;

(b) That an adequate loading and unloading area is provided that will allow for the safe pick up and drop off of children.

(6) Residential business sign. (Ord. #32-9, May 1996)

**14-303. R-2 (Medium Density) Residential District.** It is the intent of this district to provide for single family and multi-family dwellings; to encourage development and continued use of land for residential purposes; to prohibit land use for business and/or industrial activities and other land uses which would interfere with the residential character of the district. In order to

achieve the intent of the R-2 (Medium Density) Residential District, as shown on the zoning map of the City of Elizabethton, Tennessee, the following uses are permitted:

- (1) Any use permitted in the R-1 Residential District.
- (2) Multiple family dwellings.
- (3) Funeral homes, fraternal organizations, and clubs not operated for profit, offices for doctors, lawyers, dentists, architects, real estate agencies and insurance agencies provided that:
  - (a) They shall be located on designated arterial or collector streets;
  - (b) The buildings shall be placed not less than fifty (50) feet from all property lines;
  - (c) There is a planted buffer strip erected on side and rear property lines.
- (4) Nursing homes and homes for the aged provided that:
  - (a) The location of these uses shall first be reviewed and approved by the Elizabethton Planning Commission;
  - (b) That all buildings shall be placed not less than fifty (50) feet from all property lines;
  - (c) There is a planted buffer strip erected on side and rear property lines.
- (5) Accessory apartments provided that:
  - (a) The site means all other requirements of the zoning ordinance such as the same building setback as for a principle residence, density requirements, building area to lot ratio, off street parking requirements, and any other requirements that would apply to a principle residence. No variance shall be granted to these requirements;
  - (b) Only one accessory apartment shall be allowed to locate on the same lot with a single family principal residence;
  - (c) Accessory apartments shall not be allowed on the same lot with other multi-family housing.
- (6) Boarding houses and bed and breakfast homes. (1982 Code, § 11-302, as amended by Ord. #29-25, Dec. 1993)

**14-304. R-3 (High Density) Residential District.** It is the intent of this district to provide an area for single and multi-family dwellings, to encourage development and continued use of land for residential purposes; to prohibit land use for business and/or industrial activities and other land uses which would interfere with the residential character of the district. In order to achieve the intent of the R-3 (High Density) Residential District, as shown on the zoning map of the City of Elizabethton, Tennessee, the following uses are permitted:

- (1) Any use permitted, in R-2 Residential District.

(2) Mobile home parks provided that they conform to requirements of the Mobile Home Park Ordinance of the City of Elizabethton.

(3) Mobile home subdivisions that have been approved by the Elizabethton Planning Commission and meet all requirements of the Elizabethton Subdivision Regulations and other provisions of chapters 2 through 8 of this title. (1982 Code, § 11-303)

**14-305. M-R (Medical-Residential) District.** It is the intent of this district to provide an area for residential and medical facilities and to continue the use of land within this district for this purpose; to prohibit the use of land for business and/or industrial activities and other land use which would interfere with the character of this Medical-Residential District, as shown on the Zoning Map of the City of Elizabethton, Tennessee, the following uses are permitted:

(1) Single-family dwellings, two-family dwellings, hospitals, medical and dental clinics, clinical laboratories, nursing homes, convalescent homes, drug stores, parking lots, medical offices, professional offices and business offices.

(2) Banks and lending institutions and stores and shops conducting retail business such as book shops, card shops, florist, gift shops and similar uses.

(3) Public and semi-public buildings and uses provided that public and semi-public buildings and uses shall first be reviewed by the Elizabethton Planning Commission.

(4) Business signs as defined in chapter 5, title 14. (1982 Code, § 11-304)

**14-306. B-1 (Neighborhood) Business District.** It is the intent of this district to establish business areas to serve the surrounding residential districts. The neighborhood business district is intended to discourage strip business development and to encourage the 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 City of Elizabethton, Tennessee, the following uses are permitted:

(1) Any use permitted in the R-3 (Residential) District, except for mobile home parks, day care homes, boarding houses and bed and breakfast homes.

(2) Shopping centers.

(3) Grocery stores, drug stores, hardware stores, shoe repair shops, barber and beauty shops, banks, laundromats, and laundry pick-up stations, restaurants, and similar uses.

(4) Business signs as defined in chapter 5, title 14.

(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 not be less than fifteen (15) feet from intersection of street lines. (1982 Code, § 11-305, as amended by Ord. #29-25, Dec. 1993)

**14-307. B-2 (Arterial) Business District.** It is the intent of this district to establish business areas that encourage groupings of compatible business activities; reduce traffic congestion to a minimum and enhance the aesthetic atmosphere of the City of Elizabethton. In this district the following uses shall be permitted:

- (1) Any use permitted within a B-1 Neighborhood Business District.
- (2) Hotels and motels.
- (3) Auto and mobile home sales.
- (4) Restaurants.
- (5) Offices.
- (6) Places of amusement and assembly.
- (7) Funeral homes.
- (8) Public and semi-public buildings and uses.
- (9) Travel trailer parks.
- (10) Lodges and clubs.
- (11) Self service storage facilities provided that a site plan must be approved by the planning commission. (1982 Code, § 11-306)

**14-308. B-3 (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, wholesale development which do not lend themselves to pedestrian traffic. In order to achieve the intent of the B-3 (Central) Business District, as shown on the zoning map of the City of Elizabethton, Tennessee, the following uses are permitted:

- (1) Stores and shops conducting retail business.
- (2) Personal, business, and professional services.
- (3) Public and semi-public buildings, provided that public and semi-public buildings and uses shall first be reviewed by the Elizabethton Planning Commission.
- (4) Business signs, parking lots and garages.
- (5) Offices, lodges and clubs, hotels and motels, restaurants, and similar community services.
- (6) Dramatic and musical theaters.
- (7) Single and multi-family housing provided that:
  - (a) The residential units are located in a business structure. Units may be located in the basement or upper levels but shall not be located on the ground floor.

(b) No more than two units shall be allowed for each structure, however, more than two units shall be allowed when no more than one single family unit is located on each floor level.

(c) Residential units shall not contain more than 800 square feet of living space and no more than two bedrooms.

(d) Off street automobile parking shall be located at city parking lot areas during normal business hours. (1982 Code, § 11-307, as amended by Ord. #29-25, Dec. 1993, and Ord. #37-7, April 2001)

**14-309. B-4 (Intermediate) Business District.** It is the intent of this district to establish an area adjacent to the B-4 (Central) Business District which will support those uses and to encourage commercial development to concentrate to the mutual advantage of consumers as well as to provide for transactions of the district, thereby strengthening the economic base and protecting public convenience. In order to achieve the intent of the B-4 (Intermediate) Business District, as shown on the zoning map of the City of Elizabethton, Tennessee, the following uses are permitted:

- (1) Any use permitted in B-3 (Central) Business District.
- (2) Any use permitted in R-3 Residential District except mobile home parks, boarding houses, and bed and breakfast homes.
- (3) Public and semi-public uses.
- (4) Places of amusement and assembly.
- (5) Gasoline service stations, provided it is located on a designated collector or arterial streets. (1982 Code, § 11-308, as amended by Ord. #29-25, Dec. 1993)

**14-310. M-1 (Manufacturing-Warehouse) Restricted 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 noise, odor, dust, and glare of each operation is 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 Elizabethton, Tennessee. The following uses are permitted:

- (1) Any use permitted in a B-2 (Arterial) Business District except residential units.
- (2) Bakery; bottling works; building materials yards; cabinet making carpenters' shop; clothing manufacture; contractor's yard; dairy; electrical welding; feed or fuel yards; fruit canning or packing; ice plant; laundry; machine shop; milk distribution station; optical goods; paper boxes and pencil manufacturer; printing; publication, or engraving concern; tinsmith shop; trucking terminal; and warehouses.

(3) Other uses of the same general character as those listed above deemed appropriate by the Elizabethton Planning Commission.

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

(b) On lots that abut a residential district, the Elizabethton 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.

(c) Installations essential to the business operation shall be set back from the street or alley so that services rendered by the business will not obstruct a public way. (1982 Code, § 11-309)

**14-311. M-2 (Industrial) District.** It is the intent of district to establish industrial areas along with open areas which will likely develop in a similar manner. The requirements established in the district regulations are designed to protect the essential characteristics, to promote and encourage industrial, wholesaling, and business uses, and to discourage residential development. In order to achieve the intent of the M-2 (Industrial) District, as shown on the zoning map of the City of Elizabethton, Tennessee, the following uses are permitted:

(1) Any use permitted in the M-1 (Manufacturing Warehouse) District except residences and mobile home parks.

(2) Any industry which does not cause injurious or obnoxious noise, vibrations, smoke, gas, fumes, odors, dust, fire hazard, or other objectionable conditions.

(3) Adult oriented establishments. 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 will only be permitted when minimum conditions are met.

The following minimum conditions must be complied with for a site to be approved for adult entertainment activities:

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

(b) The site shall be not less than one thousand 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.

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

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

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

(f) 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 Elizabethton Zoning Map.

(g) Maps showing existing land use and zoning within one half 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. (1982 Code, § 11-310, as amended by Ord. #30-1, Feb. 1994)

## CHAPTER 4

**DIMENSIONAL REQUIREMENTS; MOBILE UNITS****SECTION**

14-401. Area, yard, and height requirements.

14-402. Mobile units.

**14-401. Area, yard, and height requirements.**

District	Minimum Lot Size, Sq. Ft.			Minimum Yard Requirement from Property Lines			Maximum Height of Structures		
	Area in Sq. Ft.	Per Additional Family	Lot Width at Building	Front	Side	Rear	Stories	Feet	Building Area Percent
R-1	10,000		75	30	10	25	3	35	30
R-1A	5,000		50	30	6	25	3	35	20*
R-2	7,5000	5,000	50	30	6	25	3	35	35
R-3**	5,000	2,500	50	25	6	20	4	50	35
M-R Residential	7,500	5,000	50	30	8	30	2	35	30
Other structures	7,500		50	25	10	20	4	50	30
B-1	Shopping center requirements** Setbacks 60' from all streets			30	10	25	3	35	30
B-2	5 pkg. sp. @ 1,000 sq. ft. of total building floor space			35	10	25	3	35	
B-3							6	75	
B-4				25	15	20	6	75	
M-1				25	10	20	6	75	
M-2				40	10	25	6	75	

\* If existing structures on the same block exceed this ratio, then a ratio that would average the ratio of the existing structures to land may be applied.

\*\*Lots of one (1) acre or greater in size may be developed for multi-family dwellings and upon and to the following standards, upon review and approval by the Elizabethton Planning Commission: One (1) bedroom units, 1,000 square feet per unit; two (2) bedroom units, 2,000 square feet; three (3) bedroom units, 3,000 square feet per unit. Corner lots; The minimum width of a side yard along an intersecting street shall be fifty percent (50%) greater than the minimum side yard requirements of the district in which the lot is located.

(1982 Code, § 11-401, as amended by Ord. #31-23, Dec. 1995, Ord. #32-9, May 1996, and Ord. #34-5, May 1998)

**14-402. Mobile units.** Mobile units may be allowed to locate within the city on a temporary basis provided that use of said mobile unit conforms to all other provisions of chapters 2 through 8 of this title and provided that the mobile unit meets all applicable building code requirements. Mobile units may be used for temporary construction site offices, seasonal retail establishments, newly established businesses that plan future construction of permanent structures, and similar type uses.

A temporary occupancy permit to allow the location of mobile units may be issued by the building official for a period of one (1) year.

The extension of an occupancy permit for a period of longer than one (1) year shall be upon the review and approval of the planning commission. (1982 Code, § 11-402)

## CHAPTER 5

### SIGNS

#### SECTION

14-501. General provisions.

14-502. Prohibited signs.

14-503. Sign definitions.

14-504. Signs.

**14-501. General provisions.** (1) No sign over 4 square feet in size shall be painted, constructed, erected, remodeled, relocated, or expanded until a sign permit has been obtained from the office of the Elizabethton Building Inspector in accordance with the provisions of this chapter.

(2) No permit for any sign shall be issued unless the sign complies with all requirements of this chapter, with the requirements of the Southern Standard Building Code as amended for sign and outdoor displays and the Elizabethton Electrical Code and is in accordance with the "Declaration of Restrictions" if the sign is located in the Urban Renewal Project area.

(3) When any sign becomes insecure, in danger of falling, or otherwise unsafe, or if any sign shall be unlawfully installed, erected or maintained in violation of any provisions of the Southern Standard Building Code or electrical code, the owner, person, or firm maintaining the sign upon written notice of the building inspector, shall within not more than ten (10) days make such sign conform to the provisions of this ordinance or remove it.

(4) No sign shall be placed where by reason of its location, position, size, shape or color it would obstruct, impair, obscure, interfere with the view of, or be confused with, any traffic control sign, signal or device, or where it may interfere with, mislead or confuse traffic.

(5) No sign shall be placed where it would obstruct access to fire, escapes, fire hydrants, fire lanes, emergency exits or similar safety areas.

(6) No sign shall be placed on publicly owned property, public right-of-way or utility poles.

(7) All signs advertising adult businesses that are in public view either on site or off site shall be limited to verbal description of material or services available on the premises. Such signs shall not include any graphic or pictorial descriptions of material or services available on the premises. The signs shall contain no language that would appear inappropriate for minors or offensive to the general public. (1982 Code, § 11-501, as amended by Ord. #30-1, Feb. 1994)

**14-502. Prohibited signs.** The following type signs are prohibited within the City of Elizabethton, Tennessee:

(1) Billboard sign.

(2) Roof signs.

- (3) Spectacular sign.
- (4) Portable sign. (1982 Code, § 11-502)

**14-503. Sign definitions.** (1) "Billboard sign" is a sign which advertises goods, products, services, or a person, firm or group not necessarily sold, performed or found on the premises which the sign is located.

(2) "Roof sign" - a sign erected, constructed or maintained above the roof of any building.

(3) "Spectacular sign" - a sign usually animated with luminous tubing or flashing lights creating an inappropriate and distracting appearance.

(4) "Portable sign" - any sign designed to be moved easily and not permanently attached to the ground or to a structure or building.

(5) "Business sign" - is a sign which directs attention to a business or profession conducted on the premises. The following types of business signs are defined below:

(a) "Wall sign" a sign that is affixed or painted flat against the wall of the building.

(b) "Free standing" a sign that is supported by uprights or braces in or upon the ground.

(c) "Projection sign" a sign that is affixed to a structure and extends beyond the structure wall more than (12) inches.

(d) "Marquee sign" a projecting sign attached to or hung from a marquee and said marquee shall be known to mean a canopy or covered structure projecting from and supported by a building, when such canopy or covered structure extends beyond the building, building line or property line.

(e) "Temporary business sign" is a sign, banner, pennant, valance or advertising display intended to be displayed for a short period of time.

(f) "Announcement or utility sign" shall mean any sign that serves to provide additional information concerning the use of the premises on which the sign is located. The term "announcement sign" includes but is not limited to entrance and exit signs, off street loading areas and the like and signs relating to customary home occupations.

(g) "Shopping center sign" a sign advertising a shopping center. In addition to the shopping center name, this sign may include advertisements for one or more businesses to be located in the shopping center.

(h) "Residential business sign" a sign advertising a business or profession located in an R-1 or R-3 residential zone.

(6) "For rent or sale sign" - a sign advertising the sale or rental of property.

(7) "Neighborhood identification sign" - a sign designating the name of a subdivision, apartment complex, mobile home park or similar neighborhood identification.

(8) "Political sign" - a sign, valance or display promoting a political view or candidate. (1982 Code, § 11-503)

**14-504. Signs.**

Type of Sign	Area-Total display surface on any single face	Height-Ground to top of sign structure	Maximum number of signs allowed	Other restrictions	Zoning
<b>Business Signs</b>					
Wall Signs	3 sq. ft. per running foot of wall frontage	Located below roof of building	One per wall		B-1, B-2, B-3, B-4, M-1, M-2, M-R
Freestanding Sign	200 sq. ft.	40 feet	One per business per street frontage	Shall not project on to street ROW; 5 ft sideyard setback	B-1, B-2, B-3, B-4, M-1, M-2, M-R
Projection Sign	40 sq. ft.	Max Hgt. 20 feet Min. Hgt. 14 feet	One per business provided no wall signs are located on same wall	Shall not project on to street ROW; except in the B-3 and B-4 zones	B-1, B-2, B-3, B-4, M-1, M-2, M-R
Marquee Sign	200 sq. ft.	16 feet	One marquee structure	Shall not project on to street ROW; except in the B-3 and B-4 zones	B-2, B-3, B-4
Temporary Sign	64 sq. ft.	20 ft.	one	Shall not be illuminated; Shall not be displayed longer than 30 days, not renewable for 60 days; 5 ft setback from all property lines	B-1, B-2, B-3, B-4, M-1, M-2, M-R

Type of Sign	Area-Total display surface on any single face	Height-Ground to top of sign structure	Maximum number of signs allowed	Other restrictions	Zoning
Announcement Sign	4 sq. ft.	4 feet	One per customary home occupation	2 ft. setback from all property lines; no permit required	All zones
Shopping Center Sign	250 sq. ft.	40 feet	One per shopping center per street frontage	Shall not project on to street ROW; 5 ft. sideyard setback	B-1, B-2, M-1, M-2
Residential Business Sign	16 sq. ft.	6 feet	One per street frontage	5 ft. setback from all property lines	R-1, R-2, R-3, M-R
For Rent or Sale Sign	9 sq. ft. in residential zones 32 sq. ft. in business or industrial zone	8 feet 12 feet	One per street frontage	5 ft. setback from all property lines; no permit required	All zones
Neighborhood Identification Sign	36 sq. ft.	6 ft.	One per entrance	5 ft. setback from all property lines	All zones
Political Sign	4 sq. ft. in residential zones 32 sq. ft. in other zones	4 feet 8 feet	One per property	5 ft. setback from all property lines; shall not be displayed longer than 90 days; no permit required	All zones

## CHAPTER 6

### EXCEPTIONS AND MODIFICATIONS

#### SECTION

- 14-601. Lot of record.
- 14-602. Adjoining and vacant lots of record.
- 14-603. Front yards.
- 14-604. Exceptions on height limits.

**14-601. Lot of record.** Where the owner of a lot consisting of one 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 chapters 2 through 8 of this title, an application may be submitted to the board of zoning appeals for a variance from the terms of chapters 2 through 8 of this title, in accordance with variance provisions established hereby. 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. (1982 Code, § 11-601)

**14-602. Adjoining and vacant lots of record.** A plat of land consisting of one or more adjacent lots with continuous frontage in single ownership which individually are less than lot widths required by chapters 2 through 8 of this title, 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 ownership shall be subjected to the requirements of chapters 2 through 8 of this title. (1982 Code, § 11-602)

**14-603. Front yards.** The front yard requirements of chapters 2 through 8 of this title for dwellings shall not apply to any lot where the average depth of existing front yards on developed lots, located within one hundred (100) feet on each side of such lot and within the same block and zoning district and fronting on the same street as such lot, is less than the minimum required front yard depth. In such case, the minimum front yard shall be the average of the existing front yard depths on the developed lots. (1982 Code, § 11-603)

**14-604. Exceptions on height limits.** The height limitations of chapters 2 through 8 of this title shall not apply to church spires, belfries, cupolas and domes not intended for human occupancy, monuments, water towers, observation towers, transmission towers, windmills, chimneys, smokestacks, derricks, conveyors, flag poles, radio towers, mast, and aerials. (1982 Code, § 11-604)

## CHAPTER 7

### ENFORCEMENT

#### SECTION

- 14-701. Enforcing officer - right to entry.
- 14-702. Building permit required.
- 14-703. Issuance of building permit.
- 14-704. Certificate of occupancy.
- 14-705. Penalties.
- 14-706. Remedies.

**14-701. Enforcing officer - right to entry.** (1) The codes, zoning and building inspector or his duly authorized representatives shall enforce the provisions of this code and upon presentation of proper credentials and identification may enter any building, structure or premises, at all reasonable times, to perform any duty imposed upon him by this code.

(2) No person, owner or occupant of any building or premise shall fail, after proper credentials are displayed, to permit entry into any building or onto any property by the codes, zoning and building inspector or his duly authorized agent for the purpose of these inspections or preventing violations of this code.

(3) If entry is refused the codes, zoning and building inspector or his duly authorized representative shall have recourse to remedy provided by law to secure entry. (1982 Code, § 11-701)

**14-702. 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 chapter 2 through 8 of this title. Application for a building permit shall be made to the building inspector. (1982 Code, § 11-702)

**14-703. 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 chapters 2 through 8 of this title are being observed. If the proposed excavation or construction as set forth in the application are in conformity with the provisions of chapters 2 through 8 of this title, 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. (1982 Code, § 11-703)

**14-704. 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 chapters 2 through 8 of this title 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 its use shall be used until such a certificate of occupancy has been granted. (1982 Code, § 11-704)

**14-705. Penalties.** Any person, firm, corporation or agent who shall violate any provision of this code, or fail to comply therewith, or with any of the requirements thereof 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), or up to thirty (30) days imprisonment, or both. Each day such violation shall continue shall constitute a separate offense. (1982 Code, § 11-705)

**14-706. Remedies.** In case any building or structure is erected, constructed, reconstructed, repaired, converted, or maintained, or any building, structure, or land is used in violation of chapters 2 through 8 of this title, the building inspector or any other appropriate authority or any adjacent or neighboring property owner who would be damaged by such violation, in addition to other remedies, may institute injunction, mandamus, or other appropriate action in proceeding to prevent the occupancy or use of such a building. (1982 Code, § 11-706)

## CHAPTER 8

### BOARD OF ZONING APPEALS

#### SECTION

14-801. Creation and appointment.

14-802. Procedure.

14-803. Appeals--how taken; fee.

14-804. Powers.

14-805. Action of the board of zoning appeals.

**14-801. Creation and appointment.** The planning commission established in § 14-101 is hereby designated as the board of zoning appeals in accordance with Tennessee Code Annotated, § 13-7-205. The board of zoning appeals shall consist of seven (7) members appointed in accordance with § 14-101. (1982 Code, § 11-801, as amended by Ord. #31-9, July 1995)

**14-802. 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, he 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. (1982 Code, § 11-802)

**14-803. Appeals--how taken; fee.** An appeal to the board of zoning appeals may be taken by any person, firm, or corporation aggrieved or by any governmental officer, department, board, or bureau affected by any decision of the building inspector based in the whole or part on provisions of chapters 2 through 8 of this title. 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 appealed was taken. The board shall fix a reasonable time for the hearing of the appeal, give public notice thereof, as well as due notice to the parties in interest, and decide the same within a reasonable time. Upon the hearing, any party may appear in person or by agent or attorney.

Any person, firm, or association making an appeal to the board of zoning appeals wherein a request for a zoning variance is made shall file an application for the relief sought, and shall pay an application fee of \$15.00, the same to be

paid at the time the application is made, which fee shall be used in part to offset the costs of a public notice in connection with said matter. (1982 Code, § 11-803)

**14-804. Powers.** The board of zoning appeals shall have the following powers:

(1) Administrative review. To hear and decide appeals where it is alleged by the appellant that there is error in any order, requirement, permit, decision, determination, or refusal made by the building inspector or other administrative official in the carrying out or enforcement of any provision of chapters 2 through 8 of this title.

(2) Special exceptions. To hear and decide special exceptions to chapters 2 through 8 of this title as set forth in chapter 5.

(3) Variances. To hear and decide applications for variance from the terms of chapters 2 through 8 of this title, but only where by reason of exceptional narrowness, shallowness, or shape of a specific piece of property at the time of the adoption of the provisions of chapters 2 through 8 of this title was a lot of record; or where by reason of exceptional topographical conditions or other extraordinary or exceptional situations or conditions of a piece of property, the strict application or the provisions of chapters 2 through 8 of this title would result in exceptional practical difficulties to or exceptional and undue hardship upon the owner of such property, provided that such relief may be granted without substantial detriment to the public good and without substantially impairing the intent and purpose of chapters 2 through 8 of this title. In granting a variance, the board may attach thereto such conditions regarding the location, character, and other features of the proposed building, structure, or use as it may deem advisable in furtherance of the purpose of chapters 2 through 8 of this title. Before any variance is granted, it shall be shown that special circumstances are attached to the property which do not generally apply to other property in the neighborhood. (1982 Code, § 11-804)

**14-805. Action of the board of zoning appeals.** In exercising the aforementioned powers, the board of zoning appeals may, in conformity with the provisions of chapters 2 through 8 of this title, 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 chapters 2 through 8 of this title, or to authorize any variance from the terms of chapters 2 through 8 of this title. (1982 Code, § 11-805)

## CHAPTER 9

### AMENDMENT

#### SECTION

14-901. Procedure.

14-902. Approval by planning commission.

14-903. Introduction of amendment.

**14-901. Procedure.** The city council may amend the regulations, restrictions, boundaries, or any provision of chapters 2 through 8 of this title. Any member of the city council may introduce such amendment, or any official, board, or any other person may present a petition to the city council requesting an amendment or amendments to chapters 2 through 8 of this title.

(1) Application fee. Citizens wishing to have chapters 2 through 8 of this title amended shall file an application according to the regulations of the planning commission. To partially defray the administrative cost and cost of giving public notice, the applicant shall pay a filing fee to the City of Elizabethton of twenty-five dollars (\$25.00) when requesting an amendment to the zoning map and fifteen dollars (\$15.00) when requesting an amendment to the text of chapters 2 through 8 of this title.

(2) Notice to property owners. The person requesting the rezoning must submit to the planning commission letters addressed to each property owner and resident within two hundred (200) feet of the property in question containing information adequate to notify such owners and residents of the intention to rezone the area for which the application is submitted and when and where a public hearing will be held before the planning commission. Such letter should be placed in unsealed, stamped, and addressed envelopes ready for mailing by the planning commission. The return address of the planning commission must appear on the envelope, and a list of all persons to whom letters are sent must accompany the application.

(3) Amendment conditions. (a) A site development plan shall be required for all rezonings.

(b) The rezoning of property shall be conditional upon the property owner and/or developer adhering to the site development plan.

(c) The amendment of the zoning map reclassifying property from one zone to another may be done subject to certain specific conditions when in the opinion of the planning commission and/or city council the property has unique and unusual physical or topographic features that require special consideration. These conditions may include such requirements as fencing, buffer, filling or grading, type of ingress and egress, drainage and similar requirements. Permitted uses shall be those uses set forth in chapter 3 and no other conditions shall be placed on use. When the zoning map is amended on the condition that certain

requirements are met these conditions shall be filed with the Elizabethton Building Inspector and no building or occupancy permit shall be issued until these conditions are met.

(d) In the event that conditionally zoned property is transferred or sold to another owner the property shall be developed in accordance with the original site development plan or revert back to its original zoning classification. (1982 Code, § 11-901, as amended by Ord. #33-1, Feb. 1997)

**14-902. Approval by planning commission.** No such amendment shall become effective unless the same be first submitted for approval, disapproval, or suggestions to the planning commission. If the planning commission within thirty (30) days disapproves after such submission, it shall require the favorable vote of the majority of the entire membership of the city council to become effective. 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 council shall be deemed favorable. (1982 Code, § 11-902)

**14-903. Introduction of amendment.** Upon the introduction of an amendment to chapters 2 through 8 of this title or upon the receipt of a petition to amend chapters 2 through 8 of this title, the city council shall publish a notice of such request for an amendment, together with the notice of time set for hearing by city council on the requested change. Said notice shall be published in some newspaper of general circulation in the City of Elizabethton, Tennessee. Said hearing by city council shall take place not sooner than fifteen (15) days after the date of publication of such notice. (1982 Code, § 11-903)

## CHAPTER 10

### EROSION AND SEDIMENTATION CONTROL

#### SECTION

- 14-1001. Title.
- 14-1002. Site plans.
- 14-1003. Submission of plans for working agreements.
- 14-1004. Grading permit and bond.
- 14-1005. Technical assistance.
- 14-1006. Site plan and workable agreement standards.
- 14-1007. Penalties.

**14-1001. Title.** This chapter shall be known as the "Erosion and Sedimentation Control Ordinance of the City of Elizabethton, Tennessee." (1982 Code, § 11-1001)

**14-1002. Site plans.** If land is to be developed by making changes to the land contour by grading, filling, excavation, removal, or destruction of topsoil, trees, or vegetative covering thereon, the developer shall prepare a site plan for erosion and sedimentation control. This plan or workable agreement shall be approved by the city prior to the issuance of required permits. For non-subdivided developments, the plan or workable agreement shall be submitted to the building inspector for approval. For subdivision developments, the plan shall be submitted to the Elizabethton Planning Commission for approval. (1982 Code, § 11-1002)

**14-1003. Submission of plans for working agreements.** For all major subdivision developments, shopping centers, multi-family housing, industrial tracts, and similar industrial or commercial sites, a site plan shall be prepared. For small developments or single family housing construction on a lot per lot basis, a working agreement between the city and the developer shall be prepared. For proposed subdivisions, erosion and sedimentation control plans shall be submitted to the Elizabethton Planning Commission for approval at the time that the preliminary development plat is submitted for approval. For non-subdivided sites, the site plan or working agreement shall be submitted to the city building inspector for review and approval. (1982 Code, § 11-1003)

**14-1004. Grading permit and bond.** Following approval of the erosion and sedimentation control plan or workable agreement by the appropriate administrative authority, a grading permit shall not be issued until a bond or working agreement has been approved by the building inspector. Said bond or working agreement shall be released by the building inspector following

completion of construction and acceptance of erosion and sedimentation control measures. (1982 Code, § 11-1004)

**14-1005. Technical assistance.** Through a memorandum of understanding with the City of Elizabethton, Tennessee, the Carter County Soil Conservation District staff is available for consultation and advice concerning erosion and sedimentation problems to all persons planning to develop land. (1982 Code, § 11-1005)

**14-1006. Site plan and workable agreement standards.** A site plan or workable agreement for erosion and sedimentation control shall meet the following standards:

(1) Topography. The development plan should be fitted to the topography and soils in order to minimize erosion potential.

(2) Development coordination. Erosion and sedimentation control measures shall be coordinated with the required steps in construction, and appropriate control measures installed prior to the start of construction.

(3) Sequential control measures. Land shall be developed in increments of workable size, on which adequate controls of erosion and sedimentation can be provided and maintained during the construction period. Operations shall be staged so that the area being developed is not exposed for a long period of time without stabilization and so that the first disturbed areas are completely controlled before the next section is opened. The developer shall be required to schedule sequentially phased controls of erosion and sedimentation stages, shall specify in detail precisely which areas will be cleared first, and how long these areas will be exposed to the elements. No exposure period will be planned in excess of 180 days. This period may be extended if satisfactory control measures are established and maintained.

(4) Runoff controls. Provisions shall be made to accommodate the increased runoff caused by changed soil and surface conditions during and following development. Runoff must be intercepted and safely conveyed to storm drains or natural outlets where it will not erode or flood land. The drainage system for the development shall be completed and made operational as quickly as possible during construction.

(5) Cover. Wherever feasible, natural vegetation shall be retained and protected. Temporary vegetation and/or mulching shall be used to protect areas exposed during development where necessary.

(6) Sediment basins (debris basins, desilting basins, or silt traps). Sediment basins shall be installed and maintained to collect sediment from runoff waters from land undergoing development. Storm sewer inlets with debris guards and micro-silt basins to trap sediment and to avoid possible damage by blockage shall be provided.

(7) Final vegetation and structures. The permanent vegetation and structures shall be installed as soon as practical in the development.

(8) Paved areas. Streets, parking lots, and other areas shall be paved as quickly as practical. (1982 Code, § 11-1006)

**14-1007. Penalties.** Any person violating any provisions of this chapter shall be guilty of a misdemeanor. (1982 Code, § 11-1007)

## CHAPTER 11

### SHOPPING CENTERS

#### SECTION

- 14-1101. Shopping center district regulations.
- 14-1102. Application and general procedure.
- 14-1103. Preliminary plan.
- 14-1104. Minimum standards.
- 14-1105. Use regulations.
- 14-1106. Height regulations.
- 14-1107. Limitations.
- 14-1108. Approved general plan.
- 14-1109. Permits and licenses.
- 14-1110. Enforcement, violations, and penalty.

**14-1101. Shopping center district regulations.** The regulations set forth in this chapter when referred to in this chapter, are the regulations in the shopping center districts.

From and after the adoption of this chapter, no shopping center shall be developed unless located in a shopping center district. A shopping center is defined as a group of commercial establishments, planned, developed, owned and 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 7,500 square feet of floor area. (1982 Code, § 11-1101)

**14-1102. Application and general procedure.** The owner or lessee of any tract of land comprising an area of not less than two (2) acres may submit to the city council and planning commission a preliminary plan for the use and development of all or part of the tract for the purpose of and meeting the requirements set forth in this chapter. This preliminary plan shall be referred to the planning commission for study and recommendation. If the planning commission approves the preliminary plan, the applicant shall then submit the approved general plan in accordance with the provisions of § 14-1108, which shall then be submitted to the city council for consideration and action. The approval and recommendations of the planning commission may be accompanied by a report stating the reasons for approval and that the application meets the requirements of the shopping center districts as set forth in this chapter. (1982 Code, § 11-1102)

**14-1103. Preliminary plan.** The preliminary plan submitted shall be drawn to scale and shall show all roads and drainage, existing and proposed,

drives and parking areas, building lines enclosing the portion of the tract within which buildings are to be erected, typical groups of buildings which might be erected within the building lines shown, boundaries of tracts, proposed use of land and buildings. The relation of the project to the street system and to the surrounding property, and to surrounding use districts shall be shown. (1982 Code, § 1103)

**14-1104. Minimum standards.** The plan for a shopping center district shall meet as a minimum the following specifications and requirements:

(1) The aggregate of all buildings proposed shall not exceed thirty percent (30%) of the entire lot area of the project. All buildings shall be set back not less than sixty (60) feet from all streets bounding the project area.

(2) There shall be customer parking facilities as follows:

(a) For recreation or amusement buildings, restaurants, or other establishments serving food or drinks: One (1) parking space for each one hundred (100) square feet of total floor space in the building.

(b) Theater or any place of public assembly: One (1) parking space for each six (6) seats.

(c) Clinic, or medical or dental offices: Five (5) parking spaces for each professional occupant.

(d) Hotel or motel: One (1) parking space for each guest room.

(e) Other permitted uses: Five (5) parking spaces for each 1,000 square feet of gross leasable space.

(f) Each mercantile establishment shall provide one (1) space ten (10) feet by fifty (50) feet for truck loading and unloading, for each ten thousand (10,000) square feet, or fraction thereof, in the building provided, however, that a loading space adjacent and accessible to two buildings may be used to serve both buildings if the aggregate area of both does not exceed ten thousand (10,000) square feet.

(3) The streets, parking areas, and walks shall be paved with hard surface material meeting applicable specifications of the city engineer.

(4) Any part of the project area not used for buildings or other structures, parking, loading, and access ways, shall be landscaped with grass, trees, shrubs, or pedestrian walks.

(5) The shopping center buildings shall be designed as a whole unified and single project, or in stages following the approved general plan, as described in § 14-1108, and separate building permits may be taken out for separate portions of said property. (1982 Code, § 11-1104)

**14-1105. Use regulations.** A building or premises may be used only for the following purposes:

(1) Stores and shops conducting retail business.

(2) Personal, business, and professional services.

(3) Offices, hotels, motels, and restaurants.

(4) Amusements and recreation.

(5) Business signs, provided they are erected flat against the front or side wall of a building or within eighteen (18) inches thereof. Such signs shall have no flashing, intermittent, or moving illumination and shall not project above the building, and no sign which faces a dwelling district shall be illuminated.

(6) One (1) detached business sign advertising the shopping center may be erected. In addition to the shopping center name, the sign may include advertisements for one or more businesses to be located in the shopping center; however, the total display surface shall not exceed two hundred fifty (250) square feet.

(7) One detached business sign not to exceed two hundred square feet in any single face or plane may be erected at each shopping center outside.

(8) Business signs located at shopping centers shall meet all the other requirements for business signs as set forth in the Elizabethton Sign Ordinance. The sign regulations shall be administered by the Elizabethton Building Inspector. (1982 Code, § 11-1105)

**14-1106. Height regulations.** (1) No building shall exceed three (3) stories in height, except by permission of the city council.

(2) No structure of any kind shall exceed fifty (50) feet in height, provided that this limitation shall not apply to:

- (a) Chimneys.
- (b) Cooling towers.
- (c) Ornamental towers and spires.
- (d) Radio and television towers, antennae, or aerials.
- (e) Stage towers or scenery lofts.
- (f) Water tanks and towers. (1982 Code, § 11-1106)

**14-1107. Limitations.** Before recommending approval of a plan within the shopping center district, the planning commission may make reasonable additional requirements concerning but not limited to the limitation of uses, landscaping, lighting, signs and advertising devices, screening or planting, setback and height of buildings, paving and location of drives and parking areas, drainage, and the location of access ways, taking into consideration the character of the surrounding area so as to protect adjoining residentially zones lots or residential uses, to provide for public safety, and prevent traffic congestion. (1982 Code, § 11-1107)

**14-1108. Approved general plan.** A general plan embodying all additional requirements imposed by the planning commission shall be prepared and submitted by the applicant in the same manner as a plan of a subdivision. This plan, to be known as the approved general plan, shall be drawn to scale and shall show, in addition to requirements set forth in §§ 14-1103 and 14-1104, the

boundaries of the entire district and a certificate by an engineer or surveyor that said boundaries have been surveyed and are correct. In addition, said plan shall bear a form for certificate of approval by the city council and a certificate of the owner and trustee of the mortgagee, if any, that they adopted said plan and that the premises are not encumbered by delinquent taxes. After approval by the city council, said plans shall be placed on record with the city engineer.

Provided further, that the public health, safety, morals, and general welfare of the city shall be taken into full consideration by the planning commission and/or the city council in any action coming before it in regard to the matters herein set forth. (1982 Code, § 11-1108)

**14-1109. Permits and licenses.** The boundaries of the shopping center district shall be established upon the approval by the city council. However, no building permit, use and occupancy permit, nor license to operate a business on the premises shall be issued until after the approval by the city council of the plan for the shopping center district or that portion thereof upon which said permit or license is sought. (1982 Code, § 11-1109)

**14-1110. Enforcement, violations, and penalty.** All things shown on the approved general plan, upon final approval by the city council, become part of the zoning regulations of the district, and nothing in conflict therewith shall be done on the premises shown on the plan. Enforcement and penalties for violations shall be as herein provided as to other zoning regulations. (1982 Code, § 11-1110)

## CHAPTER 12

### AIRPORT ZONING ORDINANCE

#### SECTION

- 14-1201. Short title.
- 14-1202. Definitions.
- 14-1203. Establishing airport hazard area.
- 14-1204. Airport reference point.
- 14-1205. Airport elevation.
- 14-1206. Zones.
- 14-1207. Primary surface.
- 14-1208. Criteria to govern height limitations.
- 14-1209. Use restrictions.
- 14-1210. Non-conforming uses.
- 14-1211. Permits.
- 14-1212. Enforcement.
- 14-1213. Board of zoning appeals.
- 14-1214. Appeals.

**14-1201. Short title.** This chapter shall be known and may be cited as the airport zoning ordinance of the Elizabethton Municipal Airport and the map herein referred to, identified by the title, Airport Zoning Plan, shall be further identified by the signature of the mayor and attested by the city clerk. (1982 Code, § 11-1201)

**14-1202. Definitions.** The following definitions shall apply to this chapter unless the context otherwise requires:

- (1) "Airport" means Elizabethton Municipal Airport.
- (2) "Airport elevation" means the established elevation of the highest point on the usable landing area.
- (3) "Airport reference point" means the point established as the approximate geographic center of the airport landing area.
- (4) "Airport hazard" means any structure, tree, or use of land which obstructs the airspace required for or is otherwise hazardous to the flight of aircraft in landing or taking off at the airport.
- (5) "Board of zoning appeals" means a board consisting of five (5) members appointed by the city council as provided in this chapter.
- (6) "Height limitation" means the maximum elevation for the highest part that a structure may be altered, erected, or a tree allowed to grow.
- (7) "Instrument runway" means a runway equipped or to be equipped with electronic or visual air navigation aids adequate to permit the landing of aircraft under restricted visibility conditions.

(8) "Landing strip" means the area of the airport used for the landing, takeoff, or taxiing of aircraft.

(9) "Non-conforming use" means any structure, tree, or use of land which is lawfully in existence at the time the regulation is prescribed in the ordinance or an amendment thereto becomes effective and does not then meet the requirements of said regulation.

(10) "Non-instrument runway" means a runway other than an instrument runway.

(11) "Person" means an individual, firm, partnership, corporation, company, association, joint stock association, or body politic, and includes a trustee, receiver, assignee, administrator, executor, guardian, or other representative.

(12) "Structure" means an object constructed or installed by man, including, but without limitation, buildings, towers, smokestacks, and overhead transmission lines.

(13) "Runway" means the paved surface of an airport landing strip.

(14) "Tree" means any object of natural growth.

(15) "Political subdivision" means any municipality, city, town, village, or county.

(16) "Map" means the airport zoning map of Elizabethton Municipal Airport dated \_\_\_\_\_. (1982 Code, § 11-1202)

**14-1203. Establishing airport hazard area.** For the purpose of this chapter, an area of land and water within a radius of 8000 feet of the airport reference point hereinafter described and established, and within the limits of the airport approach-departure and transitional zones of the runways, is hereby declared to be the airport hazard area and the whole of such area is made subject thereto. (1982 Code, § 11-1203)

**14-1204. Airport reference point.** The airport reference point for this chapter is hereby declared to be La. 36° 22' 15" - Long. 82° 10' 26". (1982 Code, § 11-1204)

**14-1205. Airport elevation.** The airport elevation for this chapter is hereby declared to be 1584.75 MSL. (1982 Code, § 11-1205)

**14-1206. Zones.** In order to carry out the provisions of this chapter, the airport hazard area is hereby divided into separate zones which include all of the land lying within the instrument approach-departure zone, non-instrument approach-departure zone, transitional zone, horizontal zone, and conical zone. The limits of these zones are hereby established as shown on the airport zoning map of Elizabethton Municipal Airport, which is hereby made a part of this chapter and the same may be amended and supplemented. The various zones are hereby established and defined as follows:

(1) Non-instrument approach-departure zone. This zone is established at each of the non-instrument runways for non-instrument landings and take-offs. The non-instrument approach-departure zone shall have a width of 250 feet at a distance of 200 feet beyond each end of the runway, widening thereafter uniformly to a width of 2250 feet at a distance of 10,200 feet beyond each end of the runway, its centerline being the continuation of the centerline of the runway.

(2) Transitional zone. These zones extend outward from both sides of the primary surface and the approach-departure zones to an intersection with the inner horizontal, conical, and outer horizontal zones or other transitional zones.

(3) Horizontal zone. This zone is established as the area within a circle with its center at the airport reference point and having a radius of 5000 feet. This zone does not include the instrument and non-instrument approach-departure zones and the transitional zones.

(4) Conical zone. This zone is established commencing at the periphery of the horizontal zone and extending to a distance of 8000 feet from the airport reference point. This zone does not include the instrument and non-instrument approach-departure zones and the transitional zones. (1982 Code, § 11-1206)

**14-1207. Primary surface.** This surface is symmetrically located with respect to the centerline of the landing strip. The transverse profile of primary surface is horizontal; whereas, its longitudinal profile may vary throughout its length. The elevation of any point on the longitudinal profile of the primary surface is determined by the highest ground elevation along the width of the landing strip. The primary surface for this chapter is hereby established as follows: Primary surface. This surface is 250 feet wide and 3900 feet in length for runway 6-24 and begins 200 feet outward from each end of said runway. (1982 Code, § 11-1207)

**14-1208. Criteria to govern height limitations.** Except as otherwise noted in this chapter, no structure or tree shall be erected, altered, allowed to grow, or maintained in any zone created by this chapter to a height in excess of the height limit herein established from such zone. Such height limitations are computed from imaginary surfaces referenced to the airport elevation. The imaginary surface established for each of the zones in question is as follows:

(1) Approach-departure surface. This surface slopes one (1) foot in height for each 20 feet in horizontal distance beginning at an elevation of 1584.75 and a distance of 200 feet outward from the end of runway 6. This surface slopes outward and upward from its beginning, symmetrically about the extended centerline of the landing strip to an elevation of 2084.75 at a distance of 10,200 feet beyond the end of the runway.

Approach-departure surface. This surface slopes one (1) foot in height for each 20 feet in horizontal distance beginning at an elevation of 1555.55 and a distance of 200 feet outward from the end of runway 24. This surface slopes outward and upward from its beginning, symmetrically about the extended centerline of the landing strip, to an elevation of 2055.55 at a distance of 10,200 feet beyond the end of the runway.

(2) Transitional surface. This surface extends outward and upward at a slope of one (1) foot in height for each seven (7) feet in horizontal distance. The maximum elevation for structures or trees located thereunder shall be the elevation of the adjacent point on the primary surface or the approach-departure surface plus one-seventh (1/7) of the distance which separates the structure or tree from the edge of the primary or approach-departure surface. The distance shall be measured in feet along the perpendicular to the landing strip or its extended centerline.

(3) Horizontal surface. This surface is at a height of 150 feet above the established airport elevation. The maximum elevation of structures or trees located thereunder shall be 1734.75 mean sea level.

(4) Conical surface. This surface extends outward and upward at a slope of one (1) foot in height for each twenty (20) feet in horizontal distance. The maximum elevation of structures or trees located thereunder shall be 1734.75 plus one-twentieth (1/20) of the distance which separates the structure or tree from the periphery of the horizontal surface. The distance shall be measured in feet along the radial from the airport reference point.

Nothing in this chapter shall be construed as prohibiting the growth, construction, or maintenance of any tree or structure to a height up to 50 feet above the surface of the land. (1982 Code, § 11-1208)

**14-1209. Use restrictions.** Notwithstanding any other provisions of this chapter, no use may be made of land within any zone established by this chapter in such a manner as to create electrical interference with radio communication between the airport and aircraft, make it difficult for flyers to distinguish between airport lights and others, result in glare in the eyes of flyers using the airport, impair visibility in the vicinity of the airport or otherwise endanger the landing, taking-off, or maneuvering of aircraft. (1982 Code, § 11-1209)

**14-1210. Non-conforming uses.** (1) Regulations not retroactive. The regulations prescribed by this chapter shall not be construed to require the removal, lowering, or other change or alteration of any structure or tree not conforming to the regulations as of the effective date of this chapter, or otherwise interfere with the continuance of any non-conforming use. Nothing herein contained shall require any change in the construction, alteration, or intended use of any structure the construction or alteration of which was begun prior to the effective date of this chapter, and is diligently prosecuted.

(2) Marking and lighting. Notwithstanding the preceding provision of this section, the owner of any non-conforming structure or tree is hereby required to permit the installation, operation, and maintenance thereon of such markers and lights as shall be deemed necessary by the city building inspector to indicate the presence of such airport hazards to the operators of aircraft in the vicinity of the airport. Such markers and lights shall be installed, operated, and maintained at the expense of the City of Elizabethton. (1982 Code, § 11-1210)

**14-1211. Permits.** (1) Future uses. Except as specifically provided in paragraphs (1), (2), and (3) of this section, no material change shall be made in the use of land and no structure or tree shall be erected, altered, planted, or otherwise established in any zone hereby created unless a permit therefor shall have been applied for and granted. Each application for a permit shall indicate the purpose for which the permit is desired, with sufficient particularity to permit it to be determined whether the resulting use, structure, or tree would conform to the regulations herein prescribed. If such determination is in the affirmative, the permit shall be granted.

(a) In the area lying within the limits of the horizontal zone and the conical zone, no permit shall be required for any tree or structure less than 75 feet of vertical height above the ground, except when because of terrain, land contour, or topographic features such tree or structure would extend above the height limits prescribed for such zone.

(b) In the areas lying within the limits of the non-instrument approach-departure zone, but at a horizontal distance of not less than 4,200 feet from each end of the runways, no permit shall be required for any tree or structure less than 50 feet of vertical height above the ground, except when such tree or structure would extend above the height limit prescribed for such non-instrument approach-departure zone.

(c) In the areas lying within the limits of the transitional zones beyond the perimeter of the horizontal zone, no permit shall be required for any tree or structure less than 75 feet of vertical height above the ground except when such tree or structure, because of terrain, land-contour, or topographic features would extend above the height limit prescribed for such transitional zones.

Nothing contained in any of the foregoing exceptions should be construed as permitting or intending to permit any construction, alteration, or growth of any structure or tree in excess of any of the height limits established by this chapter except as set forth herein.

(2) Existing uses. No permit shall be granted that would allow the establishment or creation of an airport hazard or permit a non-conforming use, structure, or tree to be made or become higher, or become a greater hazard to air navigation, than it was on the effective date of this chapter or any

amendments thereto or than it is when the application for a permit is made. Except as indicated, all applications for such permit shall be granted.

(3) Non-conforming uses abandoned or destroyed. Whenever the city building inspector determines that a non-conforming structure or tree has been abandoned or more than eighty percent (80%) torn down, physically deteriorated, or decayed, no permit shall be granted that would allow such structure or tree to exceed the applicable height limit or otherwise deviate from the zoning regulations.

(4) Variances. Any person desiring to erect or increase the height of any structure, or permit the growth of any tree, or use his property not in accordance with the regulations prescribed in this chapter may apply to the board of zoning appeals for a variance from such regulations. Such variances shall be allowed where it is duly found that a literal application or enforcement of the regulations would result in practical difficulty or unnecessary hardship and the relief granted would not be contrary to the public interest but will do substantial justice and be in accordance with the spirit of this chapter.

(5) Hazard marking and lighting. Any permit or variance granted may, if such action is deemed advisable to effectuate the purpose of this chapter and reasonable in the circumstances, be so conditioned as to require the owner of the structure or tree in question to permit the City of Elizabethton at its own expense to install, operate, and maintain thereon such markers and lights as may be necessary to indicate to flyers the presence of an airport hazard. (1982 Code, § 11-1211)

**14-1212. Enforcement.** It shall be the duty of the city building inspector to administer and enforce the regulations prescribed herein. Applications for permits and variances shall be made to the city building inspector upon a form furnished by him. Applications required by this chapter to be submitted to the city building inspector shall be promptly considered and granted or denied by him. Applications for action by the board of zoning appeals shall be forthwith transmitted by the city building inspector. (1982 Code, § 11-1212)

**14-1213. Board of zoning appeals.** (1) There is hereby created a board of zoning appeals to have and exercise the following powers:

(a) To hear and decide appeals from any order, requirement, decision, or determination made by the city building inspector in the enforcement of this chapter.

(b) To hear and decide special exceptions to the terms of this chapter upon which such board of zoning appeals under such regulations may be required to pass;

(c) To hear and decide specific variances.

(2) The board of zoning appeals shall consist of five (5) members appointed by the mayor and confirmed by a majority vote of the city council.

The term of membership shall be five (5) years, except that the initial individual appointments to the board shall be the terms of one (1), two (2), three (3), four (4), and five (5) years, respectively.

(3) The board of zoning appeals shall adopt rules for its governance and procedures in harmony with the provisions of this chapter. Meetings of the board of zoning appeals shall be held at the call of the chairman and at such other times as the board of zoning appeals may determine. The chairman, or in his absence the acting chairman, may administer oaths and compel the attendance of witnesses. All hearings of the board of zoning appeals shall be public. The board of zoning appeals shall keep minutes of its proceedings showing the vote, indicating such fact, and shall keep records of its examinations and other official actions, all of which shall immediately be filed in the office of the building inspector and shall be a public record.

(4) The board of zoning appeals shall make written findings of fact and conclusions of law giving the facts upon which it acted and its legal conclusions from such facts in reversing, affirming, or modifying any order, requirement, decision, or determination which comes before it under the provisions of this chapter.

(5) The concurring vote of a majority of the members of the board of zoning appeals shall be sufficient to reverse any order, requirement, decision, or determination of the building inspector or to decide in favor of the applicant on any matter upon which it is now required to pass under this chapter, or to effect any variation in this chapter. (1982 Code, § 11-1213)

**14-1214. Appeals.** (1) Any person aggrieved, or any taxpayer affected by any decision of the building inspector made in his administration of this chapter, if of the opinion that a decision of the building inspector is an improper application of these regulations, may appeal to the board of zoning appeals.

(2) All appeals hereunder must be taken within a reasonable time as provided by the rules of the board of zoning appeals, by filing with the building inspector a notice of appeal specifying the ground thereof. The building inspector shall forthwith transmit to the board of zoning appeals all the papers constituting the record upon which the action appealed from was taken.

(3) An appeal shall stay all proceedings in furtherance of the action appealed from unless the building inspector certifies to the board of zoning appeals, after the notice of appeal has been filed with it, that by reason of the facts stated in the certificate a stay would, in his opinion, cause imminent peril to life or property. In such case, proceedings shall not be stayed except by order of the board of zoning appeals on notice to the agency from which the appeal is taken and on due cause shown.

(4) The board of zoning appeals shall fix a reasonable time for hearing appeals, give public notice and due notice to the parties in interest, and decide the same within a reasonable time. Upon the hearing any party may appear in person or by agent or by attorney.

(5) The board of zoning appeals may, in the conformity with the provisions of this chapter, reverse or affirm, in whole or in part, or modify the order, requirement, decision, or determination appealed from and may make such order, requirement, decision, or determination as may be appropriate under the circumstances. (1982 Code, § 11-1214)

## CHAPTER 13

### TRAILERS AND TRAILER COURTS

#### SECTION

- 14-1301. Definitions.
- 14-1302. Permits.
- 14-1303. Inspections.
- 14-1304. Location, space, and general layout required for trailer courts.
- 14-1305. Trailer court facilities required.
- 14-1306. Single trailer coaches.
- 14-1307. Alterations and additions.
- 14-1308. Registration.
- 14-1309. Enforcement.

**14-1301. Definitions.** When used in this chapter, the following words and phrases shall have the meanings indicated:

(1) "Trailer court" shall mean any plot of ground upon which two (2) or more trailer coaches are located or are intended to be located (does not include sites where unoccupied trailers are on display for sale).

(2) "Trailer coach" shall mean any mobile structure intended for or capable of being driven, propelled, or towed without a change in structure or design (does not include transport trucks or vans without sleeping space).

(3) "Dependent trailer coach" shall mean a trailer coach that does not have a toilet and a bathtub or shower.

(4) "Independent trailer coach" shall mean a trailer coach that has a toilet and a bathtub or shower.

(5) "Trailer coach space" shall mean a plot of ground within a trailer court designated for the accommodation of one trailer coach.

(6) "Health officer" shall mean the health officer of the City of Elizabethton, Tennessee, or his authorized representative.

(7) "Building inspector" shall mean the building inspector of the City of Elizabethton, Tennessee, or his authorized representative.

(8) "Plumbing inspector" shall mean the plumbing inspector of the City of Elizabethton, Tennessee, or his authorized representative.

(9) "Electrical inspector" shall mean the electrical inspector of the City of Elizabethton, Tennessee, or his authorized representative. (1982 Code, § 8-401)

**14-1302. Permits.** It shall be unlawful to construct, maintain, operate, or alter any trailer or trailer court within the limits of the City of Elizabethton, Tennessee, without a valid permit issued by the building inspector for the specific trailer or trailer court. Applications for permits shall be in writing, signed by the applicant, and accompanied by an affidavit of the applicant as to

the truth of the application, and shall contain the name and address of the applicant, the location and legal description of the trailer court or single trailer coach space, and for a trailer court, a complete plan, showing compliance with all the provisions of this chapter. Such plan shall show the area and dimensions of the trailer court site; the numbers, location, and size of all trailer coach spaces; the location, width, and proposed surfacing of all roadways and walkways; the location and dimensions of any proposed structures; the location of all water and sewer lines; and the location of all equipment and facilities for refuse disposal or other trailer court improvements.

For a single trailer coach, there is required a sketch showing compliance with all provisions of this chapter and showing the dimensions of the lot, proposed location of the trailer coach, location and dimensions of all buildings and structures on the lot, and location and dimensions of proposed sewer, water, and electrical connections to the trailer coach.

Whenever, upon inspection of any trailer coach or trailer court, the building inspector or health officer finds that conditions or practices exist which are in violation of any provision of this chapter, he shall give notice thereof in writing to the person to whom the permit was issued. Unless such conditions or practices are corrected within a reasonable period of time, the permit shall be suspended. The building inspector or health officer shall then give notice in writing that the permit has been suspended. Upon receipt of such notice of suspension, operation or use of the trailer coach or trailer court shall cease.

No trailer court permit shall be issued without the written approval of the board of zoning appeals as required by the Elizabethton zoning ordinance.

An annual permit for the construction and/or operation of a trailer court shall be issued by the building inspector upon annual payment of a permit fee of \$500.00 provided such trailer court meets all pertinent provisions of this chapter.

Temporary one-month permits for single trailer coaches as permitted by the Elizabethton zoning ordinance shall be issued by the building inspector without fee. (1982 Code, § 8-402, as amended by Ord. #35-16, Nov. 1999)

**14-1303. Inspections.** The health officer, building inspector, plumbing inspector and electrical inspector are hereby authorized and directed to make inspections to determine the condition of trailer coaches and trailer courts located within the limits of the City of Elizabethton, Tennessee, in order to perform their duties of safeguarding the health and safety of the occupants and of the general public. (1982 Code, § 8-403)

**14-1304. Location, space, and general layout required for trailer courts.** The trailer court site shall be located on a well-drained site, properly graded to insure proper drainage. All trailer courts shall be located in areas free from marshes, swamps, stagnant pools, or other potential breeding places for insects or rodents.

The area of the trailer court site shall be large enough to contain at least ten (10) trailer coach spaces and other space as required in this chapter and to meet the yard and building area requirements of the Elizabethton zoning ordinance. There shall be a minimum of 3,000 square feet of total site area for each trailer coach located or intended to be located in the trailer court.

A trailer court site shall front on a public street with at least a thirty (30) foot right-of-way, and there shall be two separate roadways, surfaced at least twenty (20) feet wide, for ingress and egress to the site.

Each trailer coach space shall contain a minimum of 1,200 square feet, shall be at least thirty (30) feet wide, and shall abut on a driveway with unobstructed access to a public street. Each space shall be clearly marked. There shall be a minimum of twenty (20) feet between adjacent trailer coaches.

One (1) auto parking space of 200 square feet, separate from roadways, shall be provided for each trailer coach space. Such parking spaces may be provided within the trailer coach space or in a common parking area.

Each trailer camp site shall include common space for outside drying, playgrounds, and other common facilities totaling at least 1,000 square feet per trailer coach space in addition to the area required for trailer coach spaces, roadways, and parking spaces.

It shall be illegal to allow any trailer coach to remain in a trailer court unless a trailer coach space is available.

It shall be illegal to park a trailer coach so that any part of such coach will obstruct any roadway or walkway. (1982 Code, § 8-404)

**14-1305. Trailer court facilities required.** It shall be illegal to park or use a dependent trailer coach in any trailer court within the limits of the City of Elizabethton, Tennessee.

Municipal water supply connections shall be provided to each trailer coach space. Piping and connections shall be as specified and approved by the plumbing inspector.

Municipal sanitary sewer connections shall be provided to each trailer coach space. Piping and connections shall be as specified and approved by the plumbing inspector. When not in use, any sewer connection shall be covered by an odor-free and fly-tight cap.

A laundry room with laundry trays or tubs and hot water may be provided. If provided, all piping and heating equipment shall be as specified and approved by the plumbing inspector. No service building shall be located less than twenty (20) feet from any trailer coach space. Service buildings shall be of permanent construction, adequately ventilated and lighted, and built as specified and approved by the building inspector.

A refuse container meeting the requirements of § 17-106 in this code shall be provided for each trailer coach space and all refuse shall be stored, collected and disposed of in accordance with title 17, chapter 1.

Accumulations of debris, weeds, or other conditions favoring the breeding of insects and rodents shall not be permitted in the trailer court. The court operator shall carry out all measures proposed by the health officer for insect and rodent control.

A 110 volt weatherproof electrical outlet shall be provided for each trailer coach space as specified and approved by the electrical inspector. All power lines shall be installed either underground or at least eighteen (18) feet above the ground.

Liquefied petroleum gas for cooling purposes shall not be used at individual trailer coach spaces unless the containers are properly connected by copper or other suitable metallic tubing as specified and approved by the plumbing inspector. No gas container shall be located in the trailer coach nor within five (5) feet of a trailer coach door. Fires shall be made only in suitable stoves. No refuse shall be burned on the trailer court site. Fire hydrants shall be located within 500 feet of each trailer coach space. The trailer court operator shall carry out all fire prevention measures recommended by the Elizabethton fire department. (1982 Code, § 8-405)

**14-1306. Single trailer coaches.** Occupied independent trailer coaches shall be permitted only in approved trailer courts and, on a temporary basis, in certain areas as specified in the Elizabethton zoning ordinance. Occupied dependent trailer coaches shall not be permitted within the limits of the City of Elizabethton. Single independent trailer coaches outside approved trailer court shall be connected to the municipal water and sanitary sewer systems as specified and approved by the plumbing inspector. Electrical connections shall be as specified and approved by the electrical inspector.

Any single trailer coach must meet the area, yard, setbacks, and other requirements of the Elizabethton zoning ordinance. (1982 Code, § 8-406)

**14-1307. Alterations and additions.** No permanent additions of any kind shall be built onto nor become a part of any trailer coach, whether inside or outside a trailer court. Skirting of coaches is permissible, but such skirting shall not attach the coach permanently to the ground, provide a harbor for rodents, nor create a fire hazard.

The wheels of a trailer coach shall not be removed except as necessary for repairs. Jacks or stabilizers may be placed under the frame of the coach. (1982 Code, § 8-407)

**14-1308. Registration.** Each trailer court operator shall keep a complete and permanent register listing each car license number and state; names, age, and sex of occupants of each trailer; and dates of admission and departure from the court. The health officer shall be notified immediately of communicable diseases in trailer courts. (1982 Code, § 8-408)

**14-1309. Enforcement.** These regulations shall be enforced by the building inspector or health officer. Any person who shall willfully neglect or refuse to comply with any of the provisions of these regulations shall be deemed guilty of a misdemeanor and upon conviction for such violation shall be fined under the general penalty clause in the adopting ordinance for this municipal code of ordinances. (1982 Code, § 8-409)

CHAPTER 14

**FLOOD DAMAGE PREVENTION ORDINANCE**

**SECTION**

14-1401. Flood damage control to be governed by flood damage prevention ordinance.

14-1401. **Flood damage control to be governed by flood damage prevention ordinance.** Regulations governing flood damage control within the City of Elizabethton shall be governed by Ordinance Number 30-15, titled "Flood Damage Prevention Ordinance" and any amendments thereto.<sup>1</sup>

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<sup>1</sup>Ordinance No. 30-15, and any amendments thereto, are published as separate documents and are of record in the office of the city clerk.

## CHAPTER 15

### MOBILE HOME PARK REGULATIONS

#### SECTION

- 14-1501. General plan.
- 14-1502. Minimum standards.
- 14-1503. Operating procedures.
- 14-1504. Dimensional requirements for parks.
- 14-1505. Dimensional requirements for mobile home spaces.

**14-1501. General plan.** In any district in which mobile home parks are permitted, the following regulations shall apply:

The owner or lessee of the land parcel proposed for a mobile home park shall submit a plan for development to the Elizabethton Planning Commission for approval. The plan shall show:

- (1) The park plan drawn to scale.
- (2) The area and dimensions of the proposed park.
- (3) The location and width of all roadways and walkways.
- (4) The location and dimensions of any proposed service buildings and structures.
- (5) The location of all water and sewer lines. If public sewer is not available a certificate signed by the health officer shall be affixed to the plans.
- (6) The location of all equipment and facilities for refuse disposal and other park improvements.
- (7) A plan for drainage of the park.
- (8) A certificate of accuracy signed by the surveyor or engineer that the engineering work is correct.
- (9) Certificates and signatures of the building and codes official.
- (10) A certificate of planning commission approval.
- (11) Any other information deemed pertinent by the planning commission. (Ord. #31-11, July 1995)

**14-1502. Minimum standards.** (1) The site shall be located on a well drained and flood free site with proper drainage.

- (2) The site shall not be exposed to objectionable smoke, noise, odors, insect or rodent harborage or other adverse influences.
- (3) The site shall be located with direct access to an open public street.
- (4) The planning commission may require buffer strips along the side, rear and front lot lines of the park.
- (5) The mobile home park shall contain not more than six (6) individual mobile homes spaces per gross acre.
- (6) Service buildings shall be of permanent construction, adequately ventilated and lighted and built in conformity to all city codes and ordinances.

(7) Municipal water supply and sanitary sewer shall be provided to each mobile home space. Piping and connections shall be as specified and approved by the plumbing inspector. If public sewer is not available the property must be approved for subsurface sewage disposal by the health department.

(8) A separate water meter shall be required for each mobile home space.

(9) Each mobile home park shall provide a common area for playgrounds. The area shall contain a minimum of 500 square feet for each mobile home space exclusive of roadways, mobile home spaces and parking spaces.

(10) All service buildings shall be convenient to the spaces which they solely serve and shall be maintained in a clean and sanitary conditions.

(11) The drives, walks, and parking areas shall be paved with hard surface material which shall be not less than two inches of hot asphalt.

(12) Roadways shall be minimum of 20 feet in width.

(13) Entrances and exits to the mobile home park shall be designed for safe and convenient movement of traffic into and out of the park, and shall be located and designed as prescribed by the city engineer of the City of Elizabethton.

(14) Any part of the park area not used for buildings or other structures, parking, or access ways shall be landscaped with grass, trees, shrubs, and pedestrian walks.

(15) The park shall be adequately lighted.

(16) Each mobile home shall be set back a minimum of 30 feet from any public street and a minimum of 15 feet from all property lines.

(17) Each mobile home park shall provide at least two off street parking spaces for each mobile home unit. The parking spaces shall be located for convenient access to mobile home units. (Ord. #31-11, July 1995)

**14-1503. Operating procedures.** (1) No space shall be rented for residential use of a mobile home in any such park except for periods of 30 days or more, and no mobile home shall be admitted to any park unless it can be demonstrated that it meets the requirements of the building and codes department of Elizabethton, Tennessee.

(2) All roads within the mobile home park shall be private roads and shall not be accepted as public roads.

(3) All mobile homes shall be neatly underpinned with attractive and suitable materials.

(4) Mobile homes shall not be used for commercial, industrial, or other non-residential uses within the mobile home park, except that one (1) mobile home in the park may be used to house a rental office. (Ord. #31-11, July 1995)

**14-1504. Dimensional requirements for parks.** (1) Each mobile home park shall have a front yard setback of thirty (30) feet extending for the full width of the parcel devoted to said use.

(2) Each mobile home park shall provide rear and side yard setbacks of not less than twenty-five (25) feet, from the parcel boundary.

(3) In instances where a side or rear yard abuts a public street, said yard shall not be less than thirty (30) feet. (Ord. #31-11, July 1995)

**14-1505. Dimensional requirements for mobile home spaces.** Each mobile home space shall be of sufficient size that, in addition to the mobile home, the following space shall be provided:

(1) Each mobile home space shall be at least fifty (50) feet wide and such space shall be clearly defined by permanent markers.

(2) There shall be a front yard setback of twenty (20) feet from all access roads within the mobile home park.

(3) Each mobile home shall have a minimum side yard setback of not less than fifteen (15) feet and a rear yard setback of not less than fifteen (15) feet.

(4) There shall be at least two (2) paved off street parking spaces for each mobile home space, which shall be on the same site as the mobile homes served, and may be located in the rear or side yard of said mobile home space. (Ord. #31-11, July 1995)