



Amended through April 12, 2016
Amended through September 12, 2017

Amended through July 6, 2021

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CHAPTER 1 INTRODUCTION

Section

01.01. Authority

01.02. Title

01.03. Purpose

01.04. Enactment Clause

01.01. Authority.

An ordinance, pursuant to the authority granted in Section 13-7-201 through 13-7-210 of the **Tennessee Code Annotated**, to regulate in the City of South Pittsburg, Tennessee, the location, height and size of buildings and other structures; the percentage of lot which may be occupied; the size of yards, courts, and other open spaces; the density and distribution of population; the uses of buildings and structures for trade, industry, residence, recreation, agriculture, forestry, soil conservation, water supply conservation, or other purposes. Special districts or zones may be established in those areas deemed subject to seasonal or periodic flooding, and such regulations may be applied therein as will minimize danger to life and property, and as will secure to the citizens of Tennessee the eligibility for flood insurance under Public Law 1016, 84th Congress, or subsequent related laws or regulations promulgated thereunder.

01.02. Title.

This ordinance shall be known as the *Zoning Ordinance of the City of South Pittsburg, Tennessee*. The zoning map shall be referred to as the *Official Zoning Map of the City of South Pittsburg, Tennessee*.

01.03. Purpose.

The zoning regulations and districts set forth herein have been made in accordance with a comprehensive plan for the purpose of promoting the public health, safety, morals, convenience, order, prosperity, and general welfare of the City of South Pittsburg. They have been designed to lessen congestion in the streets; to secure safety from fires, floods, panic, and other dangers; to provide adequate light and air; to prevent the overcrowding of land; to avoid undue concentration of population, to facilitate the adequate provision of transportation, water, waste water treatment, schools, parks, and other public requirements. These regulations have been made with reasonable consideration to the character of each district and its peculiar uses, and with the intent of conserving property values and encouraging the most appropriate use of land within the City of South Pittsburg, Tennessee.

01.04. Enactment Clause.

Except as hereinafter provided, no building shall be erected or structurally altered, nor shall any building or premises be utilized for any purpose, other than permitted in the zoning district in which the building or premises is located. No land or lot area shall be reduced or diminished so that the yards or open spaces shall be smaller than prescribed herein, nor shall the lot area per family be reduced in any manner except in conformity with the area regulations hereby established for the district in which such building is located.

CHAPTER 2 DEFINITIONS

Section

02.01. Scope

02.02. Definition

02.01. Scope.

In order to carry out the provisions and intent of this ordinance, certain words, terms, and phrases are to be used and interpreted as defined herein. Words used in the present tense shall include the future tense; words used in the singular number include the plural, and words in the plural number include the singular; the word "person" includes a firm, partnership, or corporation as well as an individual; the term "shall" is always mandatory and not directory; and the word "may" is permissive. The word "used" or "occupied" as applied to any land or building shall be construed to include the words "intended, arranged, or designed to be used or occupied." *(Additional definitions pertaining specifically to the Special Flood Hazard Areas are located in the Appendix of this ordinance.)*

02.02. Definitions.

The following words, terms, and phrases are hereby defined as follows and shall be interpreted as such throughout this ordinance. Terms not herein defined shall have the meaning customarily assigned to them:

Abutting. Having a common border with, or being separated from such common border by, an alley or easement.

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

Accessory Building. A subordinate building, the use of which is incidental to that of a main building and located on the same lot therewith.

Accessory Dwelling Unit, Attached. A secondary residential unit attached built as part of the principal structure or customary accessory structure such as a detached garage or workshop. Accessory Dwelling Units are 700 square feet or less. **(Added 2/11/2020)**

Accessory Dwelling Unit, Detached. A secondary, stand-alone residential unit built on the same lot as a single-family residence. Accessory Dwelling Units are 700 square feet or less. **(Added 2/11/2020)**

Accessory Facility. The permanent building(s) customarily necessary to support operations of the permanent, principal building, including garages, platforms and docks, maintenance and storage facilities, and other similar structures.

Accessory Use. A use customarily incidental, appropriate, and subordinate to the principal use of land or buildings and located upon the same lot therewith.

Addition (To An Existing Building) means an walled and roofed expansion to the perimeter of a building in which the addition is connected by common load-bearing wall other than a fire wall. Any walled and roofed addition which is connected by a fire wall or is separated by independent perimeter load-bearing walls is new construction.

Advertising. Includes any writing, printing, painting, display, emblem, drawing, sign, or other device designed, used, or intended for advertising, whether placed on the ground, rocks, trees, tree stumps, or other natural structures or on buildings, structures, signboards, billboards, fences, or other man-made structure.

Alley. A public or legally established thoroughfare, other than a street, which affords a secondary means of access to abutting property.

Apartment. A dwelling unit contained in a building comprised of more than two (2) dwelling units, each of which has an entrance to a hallway or balcony in common with at least one (1) other dwelling unit. (In the central business district an apartment may be a single dwelling unit attached to an existing business.)

Appeal. A means for obtaining review of a decision, determination, order, or failure to act pursuant to the terms of this ordinance.

Area, Building. The total areas taken on a horizontal plane at the main grade level of the principal building and all accessory buildings exclusive of uncovered porches, terraces, and steps.

Automobile Wrecking. The dismantling, storage, sale, or dumping of used motor vehicles, trailers, or parts thereof.

Automobile Wrecking, Junk, and Salvage Yards. Any lot or place which is exposed to the weather and upon which more than three (3) motor vehicles of any kind, incapable of being operated, and which it would not be economically feasible to make operative, are placed, located, or found.

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

Buffer Strip (Planted Evergreen). A greenbelt planted strip not less than ten (10) feet in width. Such a greenbelt shall be composed of one (1) row of evergreen trees, spaced not more than forty (40) feet apart and not less than two (2) rows of shrubs or hedges, spaced not more than five (5) feet after one (1) full growing season and which shrubs will eventually grow to not less than ten (10) feet.

Building Inspector. The Zoning and Codes Enforcement Officer or his authorized representative appointed by the South Pittsburg City Council.

Building, Main or Principal. A building in which is conducted the principal use of the lot on which it is situated.

Building Setback Line. A line delineating the minimum allowable distance between the property line and a building on a lot, within which no building or other structure shall be placed except as otherwise provided.

Child Care Facilities: (Added 7/9/02)

Child care center. A place or facility operated by any person or entity that provides child care for three (3) or more hours per day for at least thirteen (13) children who are not related to the primary caregiver; provided, that a child care agency shall not be classified as a “child care center” that operates as a “group child care home” and keeps three (3) additional school-age children as permitted in subdivision (10); provided, further, that all children, related or unrelated shall be counted in the adult-to-child supervision ratios and group sizes applicable to child care centers; with the exception, that if the child care center is operated in the occupied residence of the primary caregiver, children nine (9) years of age or older who are related to the primary caregiver will not be counted in determining the adult-to-child supervision ratios or group sizes applicable to child care centers if such children are provided a separate space from that occupied by the child care center. The Department of Human Services may permit children in the separate space to interact with the children in the licensed child care center in such manner as it may determine is appropriate.

Drop-in center. A place or facility operated by any person or entity providing child care, at the same time, for fifteen (15) or more children, who are not related to the primary caregiver, for short periods of time, not to exceed ten (10) hours per week and for not more than six (6) hours per day for any individual child, while the parents or other custodians of the children are engaged in short-term activities that do not include employment of the parent or other custodian of the child; provided, however, that, notwithstanding any other requirements of this part, training requirements for the staff of this class of child care agency shall be limited to basic health and safety precautions and the detection and reporting of child abuse and neglect for children in care; provided, further, that, notwithstanding any other provision of this chapter to the contrary, drop-in centers operated by not-for-profit organizations that provide child care for no more than two (2) hours per day with a maximum of ten (10) hours per week without compensation, while the parent or other custodian is engaged in short-term activities on the premises of the organization, shall register as provided casual care and shall not be deemed to be a drop-in center or regulated as a drop-in center.

Family child care home. Any place or facility which is operated by any person or entity that provides child care for three (3) or more hours per day for at least five (5) children but not more than seven (7) children who are not related to the primary caregiver; provided, that the maximum

number of children present in the family child care home, including related children of the primary caregiver shall not exceed twelve (12), with the exception that, if the family child care home is operated in the occupied residence of the primary caregiver, children related to the primary caregiver nine (9) years of age or older will not be counted in determining the maximum number of children permitted to be present in a “family child care home” if those children are provided a separate space from that occupied by the family child care home. The Department of Human Services may permit children in the separate space to interact with the children in the licensed family child care home in such manner as it may be determine is appropriate.

Group child care home. Any place or facility operated by any person or entity that provides child care for three (3) or more hours per day for at least eight (8) children who are not related to the primary caregiver; provided, however, that the maximum number of children present in a group child care home, including those related to the primary caregiver, shall not exceed twelve (12) children, with the exception that, if the group child care home is operated in the occupied residence of the primary caregiver, children related to the primary caregiver nine (9) years of age or older will not be counted in determining the maximum number of children permitted to be present in a group child care home, if those children are provided a separate space from that occupied by the group child care home; and, provided, further, that up to three (3) additional school age children, related to unrelated to the primary caregiver, may be received for child care before and after school, on school holidays, on school snow days and during summer vacation. The Department of Human Services may permit children in the separate space to interact with the children in the licensed group child care home in such manner as it may determine is appropriate.

Customary Home Occupation. (See Section 13.01. for an explanation of Customary Home Occupations.)

Dedication. The transfer of property interests from private to public ownership for a public purpose.

Developer. The legal or beneficial owner(s) of a lot or parcel of any land proposed for inclusion in a development, including the holder of an option or contract to purchase.

Development. The construction, reconstruction, conversion, structural alteration, relocation, or enlargement of any buildings; any use or change in use of any buildings or land; any extension of any use of land or any clearing; grading, or other movement of land, for which permission may be required pursuant to this ordinance.

District. Any section or sections of South Pittsburg, Tennessee, for which the regulations governing the use of land and the use density, bulk, height, and coverage of buildings and other structures are uniform.

Drainage. The removal of surface water or groundwater from land by drains, grading, or other means. Drainage includes the control of runoff to minimize erosion and sedimentation during and after development and includes the means necessary for water-supply preservation or prevention or alleviation of flooding.

Dwelling. A building or portion thereof used for residential purposes.

Dwelling, Multiple. An attached building designed for occupancy by two or more families living independently of each other.

Dwelling, Single Family. A detached building designed to be occupied exclusively by one family.

Dwelling Unit. One or more rooms and a single kitchen designed as a unit for occupancy by only one family for cooking, living, and sleeping purposes.

Easement. Authorization by a property owner of the use by another and for a specified purpose of any designated part of his property.

Erosion. The detachment and movement of soil or rock fragments by water, wind, ice, and/or gravity.

Existing manufactured home park or subdivision. A manufactured home park or subdivision for which the construction of facilities for serving the lots on which the manufactured homes are to be affixed (including, at a minimum, the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads) is completed before the effective date of this chapter. **(Added 9/10/19)**

Family. One or more persons related by blood, marriage, or adoption, or a group of persons not all related by blood or marriage, occupying the premises and living as a single non-profit housekeeping unit as distinguished from a group occupying a boarding or lodging house, hotel, club, or similar dwelling for group use.

Filling. The depositing on land, whether submerged or not, of sand, gravel, earth, or other materials of any composition whatsoever.

Floor Area. The sum of the gross floor area for each of the several stories under roof, measured from the exterior limits or faces of a building or structure.

Grade, Finished. The completed surfaces of lawns, walks, and roads brought to grades as shown on official plans or designs relating thereto.

Health Department. The Marion County Office of the Tennessee Department of Health and Environment.

Height of Building. The vertical distance from the average ground elevation or finished grade at the building line, whichever is the highest, to the highest point of the building.

Historic Structure means any structure that is:

1. Listed individually in the National Register of Historic Places (a listing maintained by the Department of Interior) or preliminary determined by the Secretary of the Interior as meeting the requirements for individual listing on the National Register;
2. Certified or preliminarily determined by the Secretary of the Interior as contributing to the historical significance of a registered historic district or a district preliminarily determined by the Secretary to qualify as a registered historic district;
3. Individually listed on a state inventory of historic places in states with historic preservation programs which have been approved by the Secretary of the Interior; or
4. Individually listed on a local inventory of historic places in communities with historic preservation programs that have been certified either:
 - a. By an approved state program as determined by the Secretary of the Interior, or
 - b. Directly by the Secretary of the Interior in states without approved programs.

Hotel/Motel. Every building or structure or enclosure or any part thereof kept, used as, maintained as, advertised as, intended for, or held out to the public as a place where sleeping accommodations are furnished - whether with or without meals - to transient guests (in contrast to a boarding, rooming, lodging, or apartment house) shall for the purpose of this ordinance be deemed a hotel and provide the customary hotel services such as maid and linen service, telephone and secretarial or desk service.

Junk Yard or Salvage Yard. A lot, land or structure, or part thereof, used primarily for the collection, storage and sale of waste paper, rags, scrap metal, or discarded material, or for the collecting, dismantling, storing and salvaging of machinery or vehicles not in running condition or for the sale of parts thereof.

Loading Space. A space within the main building or on the same lot therewith, providing for the standing, loading, or unloading of a vehicle.

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

Lot Area. The total surface area land included within lot lines.

Lot Depth. The average distance from the street line of the lot to its rear line, measured in the general direction of the side lines of the lot.

Lot Frontage. That dimension of a lot or portion of a lot abutting on a street, excluding the side dimension of a corner lot.

Lot, Interior. A lot other than a corner lot.

Lot, Lines. The boundary dividing a given lot from the street, an alley, or adjacent lots.

Lot of Record. A lot which is part of a subdivision recorded in the office of the county register of deeds, or a lot described by metes and bounds, the description of which has been recorded in

the office of the county register of deeds prior to the date of passage of the *South Pittsburg Subdivision Regulations*.

Lot Width. The width of a lot at the building setback line measured at right angles to the centerline of its depth.

Manufactured Home. A structure, transportable in one or more sections, which is built on a permanent chassis and is designed for use as a permanent dwelling unit with or without a permanent foundation when connected to the required utilities and includes the plumbing, heating, air conditioning and electrical systems contained therein. A manufactured home has the following characteristics:

- a. Designed for long-term occupancy, and containing sleeping accommodations, a flush toilet, a tub or shower, bath and kitchen facilities, with plumbing and electrical connections provided for attachment to outside systems.
- b. Designed to be transported after fabrication on its own wheels, or on a flatbed or other trailer or detachable wheels.
- c. Arriving at the site where it is to be occupied as a complete dwelling, and ready for occupancy except for minor and incidental unpacking and assembly operations, location of foundation supports, connection to utilities, and the like.

(Updated 9/10/19)

Manufactured home park or subdivision. A parcel (or contiguous parcels) of land divided into two or more manufactured home lots for rent or sale. **(Added 9/10/19)**

Medical Facilities:

Convalescent, Rest, or Nursing Home. A health facility where persons are housed and furnished with meals and continuing nursing care for compensation.

Dental Clinic or Medical Clinic. A facility for the examination and treatment of ill and afflicted human out-patients provided, however, that patients are not kept overnight except under emergency conditions.

Dental Office or Doctor's Office. Same as dental or medical clinics.

Hospital. An institution providing health services primarily for human in-patient medical or surgical care for the sick or injured and including related facilities such as laboratories, out-patient facilities, and staff offices which are an integral part of the facility.

Public Health Center. A facility primarily utilized by a health unit for the provision of public health services.

Mini-warehouse/Mini-storage. A building or group of buildings in a controlled-access and fenced compound that contains varying sizes of individual, compartmentalized, and controlled-access stalls or lockers for the dead storage of a customer's goods or wares. No sales, service, or repair activities other than the rental of dead storage units are permitted on the premises.

Nonconforming Use. A building, structure, or use of land existing at the time of enactment of this ordinance which does not conform to the regulations of the district in which it is situated. (See Section 14.02. for further explanation of non-conforming use.)

Noxious Matter. Material (in gaseous, liquid, solid, particulate, or any other form) which is capable of causing injury to living organisms, chemical reactions, or detrimental effects on the social, economic, or psychological well-being of individuals.

Open Space. An area on the same lot with a main building which is open, unoccupied, and unobstructed by structures from the ground to the sky except as otherwise provided in this ordinance. Open space lines shall coincide with or be parallel to the building setback lines on the same lot.

Owner. The person or persons having the right of legal title to, beneficial interest in, or a contractual right to purchase a lot or parcel of land.

Parking Lot. An off-street facility including parking spaces along with adequate provisions for drives and aisles for maneuvering and getting access, and for entrance and exit, designed so as to be usable.

Parking Space. An off-street space available for parking one motor vehicle and having an area of not less than two-hundred (200) square feet (10' X 20') exclusive of passageways and driveways giving access thereto, and having direct access to a street or alley.

Planning Commission. The South Pittsburg Municipal Planning Commission (SPMPC).

Principal Use. The specific primary purpose for which land or a building is used.

Public Improvement. Any improvement, facility, or service, together with customary improvements and appurtenances thereto, necessary to provide for public needs as: vehicular and pedestrian circulation systems, storm sewers, flood control improvements, water supply and distribution facilities, sanitary sewage disposal and treatment, public utility and energy services.

Public Uses. Public parks, schools, and administrative, cultural, and service buildings not including public land or buildings devoted solely to storage and maintenance of equipment and materials.

Recreational Vehicle. A vehicle which is; built on a single chassis; 400 square feet or less when measured at the largest horizontal projection; designed to be self-propelled or permanently towed by a light duty truck; and; designed primarily for temporary living quarters for recreational - seasonal use.

Recreational Vehicle Park. A lot on which campsites are established for occupancy by recreational vehicles of the general public as temporary living quarters for purposes of recreation or vacation.

Restaurant. An establishment whose principal business is the sale of food and/or beverages to customers in a ready-to-consume state including; fast-food establishments; food and beverages served by a restaurant employee at the same table or counter at which food and beverages are consumed; cafeteria-type operations and; food prepared for off-premises delivery.

Right-of-Way. The strip of land over which a public road is built.

Sanitary Sewer. A municipal or community sewerage collection, treatment, and disposal system of a type approved by the Health Department.

Side Yard. An open, unoccupied space on the same lot with a principal building located between the side of the building and the side line of the lot and extending from the rear line of the front yard to the front line of the rear yard.

Sign, Billboard, or Other Advertising Device. Any structure or part thereof or device attached thereto or represented thereon, which shall display or include any letter, words, model, banner, flag, pennant, insignia, or representation used as, or which is in the nature of an announcement, direction, or advertisement. The word "sign" does not include the flag, pennant, or insignia of any nation, state, city, or other political unit.

Single-wide manufactured home. A manufactured home constructed as a single self-contained unit and mounted on a single chassis. **(Added 9/10/19)**

SPBZA. South Pittsburg Board of Zoning Appeals.

Special Exception (Use Permitted on Appeal). Any use which is specifically permitted if the owner can demonstrate to the satisfaction of the SPBZA, that he will meet certain enumerated safeguards or qualifying conditions.

Storage Businesses. An enclosed storage facility containing independent, fully enclosed bays that are leased to individuals exclusively for long term storage of their household goods or personal property. **(Added 10/13/09)**

Storm Sewers. A municipal or community collection and disposal system for the control of storm water drainage.

Story. The 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 included between the topmost floor and the roof which is used for human occupancy or in which the floor area with eight (8) feet or more head clearance equals fifty (50) percent or more of floor area of the next story below. Provided it is not used as a dwelling unit, a top floor in which the floor area with eight (8) feet or more of head clearance equals less than (50) percent of the floor area of the story next below shall be a "half-story." A basement shall be considered a story if more than half of its height is above the average ground level from which the "height of building" is measured, or if it is used for commercial purposes.

Street. Any public or private thoroughfare which affords the principal means of access to abutting property.

Structure means a walled and roofed building that is principally above ground, a manufactured home, a gas or liquid storage tank, or other man-made facilities of infrastructures.

Toxic Material. Materials (gaseous, liquid, solid, particulate, or any other form) which are capable of causing injury to living organisms by chemical reaction even when present in relatively small amounts.

Usable Floor Space. Floor space used for retail sale or display; includes permanent outdoor sales, but excludes outdoor motor vehicle sales areas.

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

Use, Temporary. A temporary use is one established for a fixed period of time with the intent to discontinue such use upon the expiration of such time. Such uses do not involve the construction or alteration of any permanent structure.

Variance. Permission to depart from the literal requirements of this ordinance.

Yard, Front. The required open space, unoccupied by buildings between the road or street right-of-way line and the principal building.

Yard, Rear. The required space, unoccupied except by a building of accessory use as herein provided, extending from the rear of the principal building to the rear lot line the full width of the lot.

Yard, Side. The required space unoccupied except as herein provided measured between the side lot line and the nearest point of the principal building and between the front yard and the rear yard.

**CHAPTER 3
ZONING DISTRICTS**

Section

03.01. Classification of Districts

03.02. Zoning Map

03.03. Zoning District Boundaries

03.01. Classification of Districts.

For the purpose of this ordinance, the following zoning districts are hereby established in the City of South Pittsburg, Tennessee:

<u>District Abbreviation</u>	<u>Zoning District</u>
R-1.....	LOW DENSITY RESIDENTIAL DISTRICT
R-2.....	MEDIUM DENSITY RESIDENTIAL DISTRICT
R-3.....	HIGH DENSITY RESIDENTIAL DISTRICT
M-1.....	MEDICAL DISTRICT
C-1.....	LOCAL HIGHWAY COMMERCIAL DISTRICT
C-2.....	GENERAL COMMERCIAL DISTRICT
C-3.....	CENTRAL BUSINESS DISTRICT
I-1	LIGHT INDUSTRIAL DISTRICT
I-2	HEAVY INDUSTRIAL DISTRICT

03.02. Zoning District Map.

The location and boundaries of the zoning districts, established by this ordinance, are shown on the map entitled *Official Zoning Map of South Pittsburg, Tennessee*. The zoning map shall be dated with the effective date of the ordinance that adopts the zoning map. Certified copies of the adopted zoning map and all zoning map amendments shall be maintained in the City Hall of the City of South Pittsburg and shall be available for inspection by the public at all reasonable times.

03.03. Zoning District Boundaries.

Unless otherwise indicated on the zoning map and zoning map amendments, the district boundaries are lot lines, center-lines of streets or alleys, or the City of South Pittsburg city limits as they exist at the time of the enactment of this zoning ordinance. Questions concerning the exact locations of district boundaries shall be determined by the South Pittsburg Board of Zoning Appeals.

Where the property on one side of a street between two intersecting streets is in a business or industrial district and the property on the intersecting street is in a residential district, the business or industrial use shall be limited to the property facing the street zoned for business and any property in the rear which faces the intersecting street shall be governed by the use prevailing on the intersecting street. In all cases of ambiguity due to the actual layout of the property or other circumstances, the Board of Zoning Appeals shall have authority to determine on which street the business or industrial use shall face so the spirit of the ordinance shall be observed.

CHAPTER 4
R-1 LOW DENSITY RESIDENTIAL DISTRICT

Section

- 04.01. District Description**
- 04.02. Uses Permitted**
- 04.03. Uses Permitted on Appeal**
- 04.04. Uses Prohibited**
- 04.05. Dimensional Regulations**
- 04.06. Off-Street Parking Space Requirements**
- 04.07. Access Control Requirements**
- 04.08. Signage Requirements**
- 04.09. Site Plan Review Requirements**
- 04.10. Off-Street Loading and Unloading Requirements**

04.01. District Description.

This residential district is intended to be used for single family residential areas with relatively low population densities. Additional permitted uses include uses and facilities normally required to provide the basic elements of a balanced and attractive residential area. These areas are intended to be defined and protected from the encroachment of uses that are incompatible to the residential environment. Internal stability, attractiveness, order, and efficiency are encouraged by providing for adequate light, air, and open space for dwellings and related facilities and through consideration of the proper functional relationship of each element.

04.02. Uses Permitted.

In the R-1 Low Density Residential District, the following uses and their accessory uses are permitted.

1. Single family dwellings, but **not including** "single-wide" manufactured homes.
2. Bed and Breakfast (**Refer to Chapter 13, Section 13.14, Standards for a Bed and Breakfast.**
(Added 2/12/08)

04.03. Uses Permitted on Appeal.

In the R-1 Low Density Residential District, the following uses and their accessory uses may be permitted subject to review and approval of the Board of Zoning Appeals in accordance with the provisions of Section 15.07.

1. Passive recreational facilities.
2. Customary home occupations as regulated in Section 13.01.
3. The following uses and their accessory uses may be permitted provided that there is a planted evergreen buffer strip and the buildings are located not less than thirty-five (35) feet from any property line:

- A. Public schools, colleges, and other public educational institutions.
 - B. Churches or similar places of worship, but **not including** temporary missions or revival tents.
4. The re-use of existing, but vacant church buildings as multi-family dwellings, provided the applicant meets the following conditions: **(Added 7/6/21)**
- A. The status of as a church must be verified by property tax records
 - B. The building must be less than 50 years old and built before January 1, 2010
 - C. The lot size must be a minimum of 7,000 square feet for two units, 10,500 square feet for three units, plus 3,500 per unit
 - D. The maximum number of units that may be approved is six (6)
 - E. Adequate off-street parking must be provided
 - F. Individual units must be a minimum of 800 square feet
 - G. A site plan showing adequate parking meeting the requirements of Section 13.02 must be approved by the Board of Zoning Appeals
 - H. Parking spaces in excess of three (3) spaces per unit or one (1) unit per bedroom, whichever is greater, must be converted to open space, recreation facility or other community facility

04.04. Uses Prohibited.

In the R-1 Low Density Residential District, all uses except those uses or their accessory uses specifically permitted or permitted upon appeal by the South Pittsburg Board of Zoning Appeal are prohibited.

04.05. Dimensional Regulations.

All uses permitted in the R-1 Low Density Residential District shall comply with the following requirements except as provided in Chapter 14.

1. **Front Yard:** The minimum building setback line for the front yard shall be twenty-five (25) feet, except as provided in Section 14.05.
2. **Rear Yard:** The minimum depth of the rear yard shall be fifteen (15) feet for the principal structure and five (5) feet for any permitted accessory structure.
3. **Side Yard:** The side yard shall be a minimum of seven (7) feet for the one and two story structures, plus five (5) additional feet of side yard for each additional story over two.
 - A. If the side yard abuts an alley, the side yard setback shall be seven (7) feet.
 - B. If the side yard abuts a local street, the side yard setback shall be fifteen (15) feet.
4. **Land Area:** No lot or parcel of land shall be reduced in size to provide separate lots or building sites of less than 7,000 square feet in area. However, where there is an existing lot of record of less than 7,000 square feet, at the time of adoption of this ordinance, this lot may be utilized for the construction of one single-family dwelling, providing the lot in question has a public water supply and sanitary sewer service and providing that said lot of record is not less than 5,000 square feet in area.

5. **Lot Width:** No lot shall be less than 50 feet wide at the building setback line.
6. **Height Requirement:** No building shall exceed forty (40) feet in height except as provided in Section 14.03.
7. **Orientation of Principal Structures:** All principal structures shall be positioned on the lot so that the front façade and front door face a dedicated local street for which an E911 address can be given. The principal structure shall be defined as the main or primary structure located on a parcel, to which all other buildings or structures are accessory. When a residential building or dwelling is present on a parcel, that residential building or dwelling shall be considered the principle structure. This section shall not apply to accessory structures.

On corner lots, one of the streets shall be designated as the front street, and the principal structure shall face this street or shall be angled toward the intersection of both streets. Under no condition shall the back of the principal structure face or angle toward a street except as provided above for corner lots.

04.06. Off-Street Parking Space Requirements.

As regulated in Section 13.02.

04.07. Access Control Requirements.

As regulated in Section 13.03.

04.08. Signage Requirements

As regulated in Section 13.04.

04.09. Site Plan Review Requirements

As regulated in Section 13.05.

04.10. Off-Street Loading and Unloading Requirements

As regulated in Section 13.06.

CHAPTER 5
R-2 MEDIUM DENSITY RESIDENTIAL DISTRICT

Section

- 05.01. District Description**
- 05.02. Uses Permitted**
- 05.03. Uses Permitted on Appeal**
- 05.04. Uses Prohibited**
- 05.05. Dimensional Regulations**
- 05.06. Off-Street Parking Space Requirements**
- 05.07. Access Control Requirements**
- 05.08. Signage Requirements**
- 05.09. Site Plan Review Requirements**
- 05.10. Off-Street Loading and Unloading Requirements**

05.01. District Description.

This residential district is intended to promote and encourage the establishment and maintenance of a suitable environment for urban residence in areas which by location and character are appropriate for occupancy by medium density, single-family and multi-family dwellings. One of the important purposes of this district is to create adequate standards of residential development in order to prevent overcrowded and unhealthy conditions. The intensity of land use should not be so great as to cause congestion of buildings or traffic or overload existing sanitary facilities. Densities should be limited to provide adequate light, air, and usable open space for occupants and adequate space for all related facilities.

05.02. Uses Permitted.

In the R-2 Medium Density Residential District, the following uses and their accessory uses are permitted:

1. All uses permitted in Section 04.02. R-1 Low Density Residential District.
2. Two-family dwellings (Duplexes).
3. Bed and Breakfast (**Refer to Chapter 13, Section 13.14 Standards for a Bed and Breakfast. (Added 2/12/08)**)

05.03. Uses Permitted on Appeal.

In the R-2 Medium Density Residential District, the following uses and their accessory uses may be permitted subject to review and approval by the South Pittsburg Municipal Board of Zoning Appeals in accordance with the provisions of Section 15.07.

1. Passive recreational facilities.
2. Three (3) and four (4) unit apartment buildings on individual lots.
3. Customary home occupations as provided in Section 13.01.

4. The following uses and their accessory uses may be permitted provided that there is a planted evergreen buffer strip and the buildings are located not less than thirty-five (35) feet from any property line:
 - A. Public schools, colleges, and other public educational institutions.
 - B. Churches or similar places of worship, but **not including** temporary missions or revival tents.

05.04. Uses Prohibited.

In the R-2 Medium Density Residential District all uses, except those uses or their accessory uses specifically permitted or permitted upon appeal by the South Pittsburg Board of Zoning Appeals are prohibited.

05.05. Dimensional Regulations.

All uses permitted in the R-2 Medium Density Residential District shall comply with the following requirements except as provided in Chapter 14.

1. **Front Yard:** The minimum building setback line for the front yard shall be twenty-five (25) feet, except as provided in Section 14.05..
2. **Rear Yard:** The minimum depth of the rear yard shall be ten (10) feet for the principal structure and five (5) feet for any permitted accessory structure.
3. **Side Yard:** The side yard shall be a minimum of seven (7) feet for the one and two story structures, plus five (5) additional feet of side yard for each additional story over two.
 - A. If the side yard abuts an alley, the side yard setback shall be seven (7) feet.
 - B. If the side yard abuts a local street, the side yard setback shall be fifteen (15) feet.
4. **Land Area:** No lot or parcel of land shall be reduced in size to provide separate lots or building sites of less than 7,000 square feet in area. However, where there is an existing lot of record of less than 7,000 square feet at the time of adoption of this ordinance, this lot may be utilized for the construction of only one (1) single-family dwelling, providing the lot in question has a public water supply and sanitary sewer service, and providing that said lot of record is not less than 5,000 square feet in area.

On lots or parcels of land where multiple-family dwellings are constructed, the following area requirements shall apply:

- 1) Two dwelling units7,000 sq. ft.
- 2) Three dwelling units10,500 sq. ft.
- 3) Four dwelling units14,000 sq. ft.
5. **Lot Width:** Minimum lot width shall be measured from the building setback line and shall be no less than the following:
 - 1) Single family 50 ft.
 - 2) Two family 75 ft.
 - 3) Three family or greater 100 ft.

6. **Height Requirement:** No building shall exceed forty (40) feet, except as provided in Section 14.03.
7. **Orientation of Principal Structures:** All principal structures shall be positioned on the lot so that the front façade and front door face a dedicated local street for which an E911 address can be given. The principal structure shall be defined as the main or primary structure located on a parcel, to which all other buildings or structures are accessory. When a residential building or dwelling is present on a parcel, that residential building or dwelling shall be considered the principle structure. This section shall not apply to accessory structures.

On corner lots, one of the streets shall be designated as the front street, and the principal structure shall face this street or shall be angled toward the intersection of both streets. Under no condition shall the back of the principal structure face or angle toward a street except as provided above for corner lots.

05.06. Off-Street Parking Space Requirements.

As regulated in Section 13.02.

05.07. Access Control Requirements.

As regulated in Section 13.03.

05.08. Signage Requirements

As regulated in Section 13.04.

05.09. Site Plan Review Requirements

As regulated in Section 13.05.

05.10. Off-Street Loading and Unloading Requirements

As regulated in Section 13.06.

CHAPTER 6
R-3 HIGH DENSITY RESIDENTIAL DISTRICT

Section

- 06.01. District Description**
- 06.02. Uses Permitted**
- 06.03. Uses Permitted on Appeal**
- 06.04. Uses Prohibited**
- 06.05. Dimensional Regulations**
- 06.06. Off-Street Parking Space Requirements**
- 06.07. Access Control Requirements**
- 06.08. Signage Requirements**
- 06.09. Site Plan Review Requirements**
- 06.10. Off-Street Loading and Unloading Requirements**

06.01. District Description.

This residential district is intended to promote and encourage the establishment and maintenance of a suitable environment for urban residence in areas which by location and character are appropriate for occupancy by high-density, single-family and multiple-family dwellings. One of the important purposes of this district is to create adequate standards of residential development in order to prevent overcrowded and unhealthy conditions. The intensity of land use should not be so great as to cause congestion of buildings or traffic or overload existing sanitary facilities. Densities should be limited to provide adequate light, air, and usable open space for occupants of apartment buildings and adequate space for all related facilities.

06.02. Uses Permitted.

Within the R-3 Residential District of South Pittsburg, the following uses shall be permitted:

1. Any use permitted in Section 04.02. R-1 Low Density Residential and Section 05.02. R-2 Medium Density Residential Districts.
2. Multi-family dwellings.
3. Single-wide manufactured homes on in existing manufactured home parks or subdivisions. **(Updated 9/10/19)**
4. Bed and Breakfast. **(Refer to Chapter 13, Section 13.14 Standards for a Bed and Breakfast. (Added 2/12/08)**

06.03. Uses Permitted on Appeal.

In the R-3 High Density Residential District, the following uses and their accessory uses may be permitted subject to review and approval by the South Pittsburg Board of Zoning Appeals in accordance with the provisions of Section 15.07.

1. Recreational facilities.
2. Customary home occupations as provided in Section 13.01.

3. Day Care Centers and Day Nurseries.
4. The following uses and their accessory uses may be permitted provided that there is a planted evergreen buffer strip and the buildings are located not less than thirty-five (35) feet from any property line:
 - A. Public schools, colleges, and other public educational institutions.
 - B. Churches or similar places of worship, but **not including** temporary missions or revival tents.
 - C. Lodge halls civic organizations, and private clubs, except a club's chief activity of which is customarily carried on as a business.
 - D. Clinics and Nursing Homes.
 - E. Funeral parlors.

06.04. Uses Prohibited.

In the R-3 Medium Density Residential District, all uses except those uses or their accessory uses specifically permitted or permitted upon appeal by the South Pittsburg Board of Zoning Appeal are prohibited.

06.05. Dimensional Regulations.

All uses permitted in the R-3 High Density Residential District shall comply with the following requirements except as provided in Chapter 14.

1. **Front Yard:** The minimum building setback line for the front yard shall be twenty-five (25) feet, except as provided in Section 14.05.
2. **Rear Yard:** The minimum depth of the rear yard shall be ten (10) feet for the principal structure and five (5) feet for any permitted accessory structure.
3. **Side Yard:** The side yard shall be a minimum of seven (7) feet for the one and two story structures, plus five (5) additional feet of side yard for each additional story over two.
 - A. If the side yard abuts an alley, the side yard setback shall be seven (7) feet.
 - B. If the side yard abuts a local street, the side yard setback shall be fifteen (15) feet.
4. **Land Area:** No lot or parcel of land shall be reduced in size to provide separate lots or building sites of less than 7,000 square feet in area. However, where there is an existing lot of record of less than 7,000 square feet at the time of adoption of this ordinance, this lot may be utilized for the construction of only one (1) single-family dwelling, providing the lot in question has a public water supply and sanitary sewer service, and providing that said lot of record is not less than 5,000 square feet in area.

On lots or parcels of land where multiple-family dwellings are constructed, the following area requirements shall apply:

- 1) Two dwelling units7,000 sq. ft.
- 2) Three dwelling units10,500 sq. ft.

- 3) Greater than three units..... 10,500 sq. ft. plus 3,500 sq. ft. for **each** unit over 3.
- 5. **Lot Width:** Minimum lot width shall be measured from the building setback line and shall be no less than the following:
 - 1) Single family 50 ft.
 - 2) Two family 75 ft.
 - 3) Three family or greater 100 ft.
- 6. **Height Requirement:** No building shall exceed forty (40) feet, except as provided in Section 14.03.
- 7. **Orientation of Principal Structures:** All principal structures shall be positioned on the lot so that the front façade and front door face a dedicated local street for which an E911 address can be given. The principal structure shall be defined as the main or primary structure located on a parcel, to which all other buildings or structures are accessory. When a residential building or dwelling is present on a parcel, that residential building or dwelling shall be considered the principle structure. This section shall not apply to accessory structures.

On corner lots, one of the streets shall be designated as the front street, and the principal structure shall face this street or shall be angled toward the intersection of both streets. Under no condition shall the back of the principal structure face or angle toward a street except as provided above for corner lots.

06.06. Off-Street Parking Space Requirements.

As regulated in Section 13.02.

06.07. Access Control Requirements.

As regulated in Section 13.03.

06.08. Signage Requirements

As regulated in Section 13.04.

06.09. Site Plan Review Requirements

As regulated in Section 13.05.

06.10. Off-Street Loading and Unloading Requirements

As regulated in Section 13.06.

CHAPTER 7
M-1 MEDICAL DISTRICT

Section

- 07.01. District Description**
- 07.02. Uses Permitted**
- 07.03. Uses Permitted on Appeal**
- 07.04. Uses Prohibited**
- 07.05. Dimensional Regulations**
- 07.06. Off-Street Parking Space Requirements**
- 07.07. Access Control Requirements**
- 07.08. Signage Requirements**
- 07.09. Site Plan Review Requirements**
- 07.10. Off-Street Loading and Unloading Requirements**

07.01. District Description.

It is intended that this district be used to provide for the unified development of medical facilities, nursing homes, and other facilities related to the health care of the citizens of the City of South Pittsburg.

07.02. Uses Permitted.

In the M-1 Medical District, the following uses and their accessory uses are permitted:

1. Public and private hospitals, clinics and other facilities which provide for the over-night care of patients, and medical and dental offices not equipped for over-night care of patients.
2. Public and private nursing homes.
3. Drug stores, medical supply establishments and like uses.
4. Child Care Centers, Family Child Care Homes, and Group Child Care Homes.(Added 7/9/02)

07.03. Uses Permitted on Appeal.

In the M-1 Medical District, the following uses and their accessory uses may be permitted subject to review and approval by the South Pittsburg Board of Zoning Appeals in accordance with the provisions of Section 15.07.

1. Hotels/Motels.
2. Restaurants.
3. Other facilities which are specifically and exclusively related to the support of medical facilities.
4. Residential Uses.

07.04. Uses Prohibited.

In the M-1 Medical District, all uses except those uses or their accessory uses specifically permitted or permitted upon appeal by the South Pittsburg Board of Zoning Appeal are prohibited.

07.05. Dimensional Regulations.

All uses permitted in the M-1 Medical District shall comply with the following requirements except as provided in Chapter 14.

1. **Front Yard:** The depth of the front yard shall be thirty (30) feet from any right-of-way.
2. **Side Yard:** The width of any side yard which abuts a residence district shall be not less than twenty-five (25) feet. In all other cases each side shall be not less than ten (10) feet.
3. **Rear Yard:** Each lot shall have a rear yard of not less than ten (10) feet; the depth of a rear yard which abuts a residential district shall not be less than twenty-five (25) feet; where a medical building is serviced from the rear there shall be provided a rear yard of not less than thirty (30) feet; where a commercial building is serviced from the rear and abuts residential property the depth of the rear yard shall not be less than forty-five (45) feet.
4. **Land Area:** For areas served by a sanitary sewer system, there shall be a minimum lot area of not less than seven thousand (7,000) square feet. *In areas that are not served by a sanitary sewer system, the lot area requirements shall be determined by the Health Department.*
5. **Lot Width:** Each lot shall have a width of not less than fifty (50) feet at the building line.
6. **Height Restrictions:** No building or structure shall exceed forty (40) feet, except as provided in Section 14.03.
7. **Buffer Strip:** Where a medical building abuts a residential district at either the side or rear yard, a planted buffer strip of not less than ten (10) feet wide shall be provided.

07.06. Off-Street Parking Space Requirements.

As regulated in Section 13.02.

07.07. Access Control Requirements.

As regulated in Section 13.03.

07.08. Signage Requirements.

As regulated in Section 13.04.

07.09. Site Plan Review Requirements.

As regulated in Section 13.05.

07.10. Off-Street Loading and Unloading Requirements.

As regulated in Section 13.06.

CHAPTER 8
C-1 LOCAL HIGHWAY COMMERCIAL DISTRICT (LIMITED)

Section

- 08.01. District Description**
- 08.02. Uses Permitted**
- 08.03. Uses Permitted on Appeal**
- 08.04. Uses Prohibited**
- 08.05. Dimensional Regulations**
- 08.06. Off-Street Parking Space Requirements**
- 08.07. Access Control Requirements**
- 08.08. Signage Requirements**
- 08.09. Site Plan Review Requirements**
- 08.10. Off-Street Loading and Unloading**

08.01. District Description.

This district is established to provide areas for those amusement, specialized sales, and travel accommodations, activities which depend on visibility from or proximity to automobiles or traffic, serve travelers, cater to local residents in vehicles, or provide services essential to the movement of vehicles in major ways. It is intended that such areas have properties with lot sizes, yards, performance and development standards sufficient to ensure that activities performed on any one lot will not unduly impede the flow of traffic, will not adversely affect activities of adjoining zones, and will not infringe on the efficiency of activities or customer attractiveness to adjacent lots. It is further intended to exclude those uses which are not necessary for service to traffic, which are not dependent on traffic, and which could reasonably be located elsewhere without contributing to congestion on the major roads.

08.02 Uses Permitted.

In the C-1 Local Highway Commercial District the following uses may be permitted provided that obnoxious fumes, odors, smells, sounds and noises shall be controlled so as not to interfere with adjoining activities or properties.

1. Motels.
2. Restaurants and similar eating or drinking establishments.
3. Office buildings.
4. Food and beverage markets.
5. Gasoline service stations.
6. Automobile sales rooms and repair facilities that are enclosed.
7. Single-wide manufactured home parks and Recreational Vehicle/Travel Trailer parks
8. Pottery and novelty sales.

9. Farm equipment sales rooms and repair facilities that are enclosed.
10. Antique stores and craft shops.
11. Direct sales by farmers of produce and vegetables.

12. Commercial tourism facilities. (Added 9/11/18)

08.03. Uses Permitted on Appeal.

In the C-1 Local Highway Commercial District, the following uses and their accessory uses may be permitted subject to appeal and approval of the South Pittsburg Board of Zoning Appeals in accordance with the provisions of Section 15.07.

1. Amusement parks, amphitheaters, ball parks or stadiums, fairgrounds, and group picnic grounds.
2. Commercial activities similar to those uses permitted by right.
3. Storage Businesses (**added 10/13/09**)
4. Light manufacturing in existing buildings of a warehouse type structure of similar building that is suitable for such use or easily converted to such use provided most of the noise, odor, dust, glare and storage of raw and finished materials are confined within the enclosed building. The Board of Zoning Appeals shall determine whether or not a proposed use is suitable for the conditions upon the proposed light manufacturing operation so as to not allow a use that is incompatible with the intended uses of the C-1 Local Highway Commercial District. Buildings shall maintain a commercial façade and the property shall not give an appearance of it being used for industrial purposes as it will be located in a commercial area. (Added 9/10/19)

08.04. Uses Prohibited.

All uses, except those uses or their accessory uses specifically permitted or permitted upon appeal by the South Pittsburg Board of Zoning Appeals are prohibited.

08.05. Dimensional Regulations.

The following requirements shall apply to all uses permitted in this district:

1. **Front Yard:** The depth of the front yard shall be thirty (30) feet from any right-of-way for major structures and fifteen (15) feet for gasoline pumps.
2. **Side Yard:** The width of any side yard which abuts a residential district shall be not less than twenty-five (25) feet. In all other cases each side shall be not less than ten (10) feet.
3. **Rear Yard:** Each lot shall have a rear yard of not less than ten (10) feet; the depth of a rear yard which abuts a residential district shall not be less than twenty-five (25) feet; where a commercial building is serviced from the rear there shall be provided a rear yard of not less than thirty (30) feet; where a commercial building is serviced from the rear and

abuts residential property the depth of the rear yard shall not be less than forty-five (45) feet.

4. **Land Area:** For areas served by a sanitary sewer system, there shall be a minimum lot area of not less than seven thousand (7,000) square feet. *In areas that are not served by a sanitary sewer system, the lot area requirements shall be determined by the Health Department.*
5. **Width:** Each lot shall have a width of not less than fifty (50) feet at the building line.
6. **Height Restrictions:** No building or structure shall exceed forty (40) feet, except as provided in Section 14.03.
7. **Buffer Strip:** Where a commercial building abuts a residential district at either the side or rear yard, a planted buffer strip of not less than ten (10) feet wide shall be provided.

08.06. Parking Space Requirements.

As regulated in Section 13.02.

08.07. Access Control Requirements.

As regulated in Section 13.03.

08.08. Signage Requirements.

As regulated in Section 13.04.

08.09. Site Plan Review Requirements.

As regulated in Section 13.05.

08.10. Off-Street Loading and Unloading.

As regulated in Section 13.06.

CHAPTER 9
C-2 GENERAL COMMERCIAL DISTRICT

Section

- 09.01. District Description**
- 09.02. Uses Permitted**
- 09.03. Uses Permitted on Appeal**
- 09.04. Uses Prohibited**
- 09.05. Dimensional Regulations**
- 09.06. Off-Street Parking Space Requirements**
- 09.07. Access Control Requirements**
- 09.08. Signage Requirements**
- 09.09. Site Plan Review Requirements**
- 09.10. Off-Street Loading and Unloading**

09.01. District Description.

This district is established to provide areas for those amusement, specialized sales, and travel accommodations, activities which depend on visibility from or proximity to automobiles or traffic, serve Municipal travelers, cater to local residents in vehicles, or provide services essential to the movement of vehicles in major ways. It is intended that such areas have properties with lot sizes, yards, performance and development standards sufficient to ensure that activities performed on any one lot will not unduly impede the flow of traffic, will not adversely affect activities of adjoining zones, and will not infringe on the efficiency of activities or customer attractiveness to adjacent lots. It is further intended to exclude those uses which are not necessary for service to traffic, which are not dependent on traffic, and which could reasonably be located elsewhere without contributing to congestion on the major roads.

09.02. Uses Permitted.

The following uses and their accessory uses shall be permitted in the C-2 General Commercial District.

1. Any retail business or service directly related to serving the needs of highway traffic provided they shall front on a major thoroughfare or collector street.
2. Any retail business or service customarily serving residential neighborhoods.
3. Agricultural implement, sales, service, and repair.
4. Gasoline service stations, provided that all structures, including underground storage tanks, are placed not less than thirty (30) feet from any property line and that such use shall front on a major thoroughfare. Points of ingress and egress shall be located not less than twenty (20) feet from the intersection of street lines.

09.03. Uses Permitted on Appeal.

In the C-2 General Commercial District, the following uses and their accessory uses may be permitted subject to appeal and approval of the South Pittsburg Board of Zoning Appeals in accordance with the provisions of Section 15.07.

1. Truck stops.
2. Amusement parks, amphitheaters, ball parks or stadiums, fairgrounds, and group picnic grounds.
3. Wholesale and storage businesses, including building material yards.

09.04. Uses Prohibited.

All uses, except those uses or their accessory uses specifically permitted or permitted upon appeal and approved by the South Pittsburg Board of Zoning Appeals are prohibited.

09.05. Dimensional Regulations.

The following requirements shall apply to all uses permitted in this district:

1. **Front Yard:** The depth of the front yard shall be thirty-five (35) feet from any right-of-way.
2. **Side Yard:** The width of any side yard which abuts a residence district shall be not less than twenty-five (25) feet. Where a side yard abuts a city street, the side yard setback shall be twenty (20) feet. In all other cases each side shall be not less than ten (10) feet.
3. **Rear Yard:** Each lot shall have a rear yard of not less than ten (10) feet; the depth of a rear yard which abuts a residential district shall not be less than twenty-five (25) feet; where a commercial building is serviced from the rear there shall be provided a rear yard of not less than thirty (30) feet; where a commercial building is serviced from the rear and abuts residential property the depth of the rear yard shall not be less than forty-five (45) feet.
4. **Land Area:** For areas served by a sanitary sewer system, there shall be a minimum lot area of not less than seven thousand (7,000) square feet. *In areas that are not served by a sanitary sewer system, the lot area requirements shall be determined by the Health Department.*
5. **Lot Width:** Each lot shall have a width of not less than fifty (50) feet at the building line.
6. **Height Restrictions:** No building or structure shall exceed forty (40) feet, except as provided in Section 14.03.
7. **Buffer Strip:** Where a commercial building abuts a residential district at either the side or rear yard, a planted buffer strip of not less than ten (10) feet wide shall be provided.

09.06. Off-Street Parking Space Requirements.

As regulated in Section 13.02.

09.07. Access Control Requirements.

As regulated in Section 13.03.

09.08. Signage Requirements.

As regulated in Section 13.04.

09.09. Site Plan Review Requirements.

As regulated in Section 13.05.

09.10. Off-Street Loading and Unloading.

As regulated in Section 13.06.

CHAPTER 10
C-3 CENTRAL BUSINESS DISTRICT

Section

- 10.01. District Description**
- 10.02. Uses Permitted**
- 10.03. Uses Permitted on Appeal**
- 10.04. Uses Prohibited**
- 10.05. Dimensional Regulations**
- 10.06. Off-Street Parking Space Requirements**
- 10.07. Access Control Requirements**
- 10.08. Signage Requirements**
- 10.09. Site Plan Review Requirements**
- 10.10. Off-Street Loading and Unloading**

10.01. District Description.

This district is established to provide an area for the conduct of community and municipal retail and service business of an indoor and intensive nature, especially for those sales and service uses which require a central location, which generate substantial pedestrian traffic, and which are mutually benefited by close proximity to other uses of similar nature and requirements; and for only those small-scale industrial uses commonly associated with retail, or business, or personal service activities. It is intended that such areas have properties of size suitable for uses of a variety of scale so developed as to promote pedestrian circulation, avoid "dead" spaces between uses, and to contribute to mutual business advantage. It is further intended to exclude those commercial or industrial activities which are characterized by trucking other than stocking and delivery of retail goods, which cater exclusively to automobiles or traffic or to patrons who remain in their vehicles for service.

10.02. Uses Permitted.

The following uses and their accessory uses shall be permitted in the C-3 Central Business District:

1. Any retail business or services including those which are making products sold at retail on the premises, providing such manufacturing is incidental to the retail business or service, occupies less than forty (40) percent of the floor area and employs not more than five (5) operators.
2. Automobile sales rooms and repair garages.
3. Taxi cab stands.
4. Clubs and lodges.
5. Banks.
6. Insurance agencies
7. Newspaper and printing plants.

8. Off-street parking lots.
9. Professional offices.
10. Public uses and structures.
11. Public utility structures.
12. Radio and television stations.
13. Restaurants, bars, grills, and/or similar eating drinking establishments, excluding drive-ins.
14. Theaters, indoor.
15. Wholesale and storage businesses **excluding** building material yards.

10.03. Uses Permitted on Appeal.

In the C-3 Central Business District, the following uses and their accessory uses may be permitted subject to the review and approval by the South Pittsburg Board of Zoning Appeals in accordance with the provisions in Section 14.07 of this ordinance.

1. Hotels and motels, provided off street parking is provided.
2. Apartments subject to the following provisions.
 - A. In order to preserve the commercial character of the Central Business District, apartments shall be limited to an incidental or secondary use of the structure.
 - B. Where apartments are located in a two-story structure, those apartments are limited to the second-story only.
 - C. Where apartments are located in a single-story structure, those apartments shall be limited to the rear of the structure and shall not front the primary thoroughfare on which the structure is located.
 - D. A secondary point of egress shall be provided to allow for emergency exit.

10.04. Uses Prohibited.

In the C-1 Central Business District, all uses, except those uses specifically permitted or permitted on appeal by the South Pittsburg Board of Zoning Appeals are prohibited.

10.05. Dimensional Regulations.

All uses permitted in the C-3 Central Business District shall comply with the following requirements except as provided in Chapter 14.

1. **Front Yard:** No front yard shall be required in the C-3 Central Business District.
2. **Rear Yard:** Where a commercial building is to be serviced from the rear, there shall be provided an alleyway, service court, rear yard, or combination thereof of not less than thirty (30) feet in depth. The depth of a rear yard which abuts a residential district shall be not less than twenty-five (25) feet. In all other cases, no rear yard shall be required.

3. **Side Yard:** No side yard shall be required except that a ten (10) foot buffer strip shall be required on any side which abuts a residential district.
4. **Land Area:** For areas served by a sanitary sewer system, there shall be a minimum lot area of not less than three thousand five hundred (3,500) square feet. *Areas that are not served by sanitary sewer system shall not be zoned for the C-3 Central Business District.*
5. **Lot Width:** Each lot shall have a width of not less than twenty-five (25) feet at the building line. *(Twenty-five feet is the standard lot width in the Central Business District).*
6. **Height Requirement:** No building shall exceed forty (40) feet, except as provided in Section 14.03.
7. **Buffer Strip:** Where a commercial building abuts a residential district at either the side or rear yard, a planted buffer strip of not less than ten (10) feet wide shall be provided.

10.06. Off-Street Parking Space Requirements.

No requirement for uses permitted by right.

10.07. Access Control Requirements.

As regulated in Section 13.03.

10.08. Signage Requirements.

As regulated in Section 13.04.

10.09. Site Plan Review Requirements.

As regulated in Section 13.05.

10.10. Off-Street Loading and Unloading.

As regulated in Section 13.06.

CHAPTER 11
I-1 LIGHT INDUSTRIAL DISTRICT

Section

- 11.01. District Description**
- 11.02. Uses Permitted**
- 11.03. Uses Permitted on Appeal**
- 11.04. Uses Prohibited**
- 11.05. Dimensional Regulations**
- 11.06. Off-Street Parking Space Requirements**
- 11.07. Access Control Requirements**
- 11.08. Signage Requirements**
- 11.09. Site Plan Review Requirements**
- 11.10. Off-Street Loading and Unloading**

11.01. District Description.

The industrial district is established to provide areas in which the principal use of land is for manufacturing and assembly plants, processing, storage, warehousing, and distribution. It is the intent that permitted uses are conducted so that most of the noise, odor, dust, and glare of each operation is confined within an enclosed building. These industries may require direct access to rail, water, or street transportation routes.

These regulations are intended to prevent friction between uses within the district and also between adjoining commercial or residential uses.

11.02. Uses Permitted.

In the I-1 Light Industrial District, the following uses and their accessory uses are permitted.

1. Any manufacturers' outlet which includes the manufacturing of goods for sale at retail on the premises.
2. Tire recapping or re-treading.
3. Repair or service facilities including, but not limited to, automobile repair, appliance repair, machine shops, cabinet shops, carpentry, plumbing and welding.
4. Contractors or construction equipment dealers' yards.
5. Heating fuel or building material storage or wholesaling.
6. Radio or television towers.
7. Truck terminals.
8. Railroad installations or receiving yards.
9. Wholesale or warehouse receiving yards.
10. Bottling plants and milk distribution stations or packaging works.

11. Assembly of parts for production of finished equipment.
12. Manufacturing, fabricating, processing, or assembling processes which do not create any danger to health or safety in surrounding areas and which do not create any objectionable noise, vibration, smoke, dust, odor, heat, or glare such as, but not limited, to the following:
 - a. Bolts, nails, rivets, or similar fastenings.
 - b. Clothing.
 - c. Food products.
 - d. Pharmaceuticals.
 - e. Furniture and wood products.
 - f. Hand tools and hardware products.
 - g. Ice.
 - h. Leather goods, but not tanning.
 - i. Musical instruments, games, or toys.
 - j. Office machines.
 - k. Optical goods.
 - l. Paper products, but not paper mills.
 - m. Sporting goods.
 - n. Tobacco processing or treatment.

11.03. Uses Permitted on Appeal.

In the I-1 Light Industrial District the following uses and their accessory uses may be permitted, subject to appeal and approval of the South Pittsburg Board of Zoning Appeals, in accordance with the provisions of Section 15.07.

1. Manufacturing, fabricating, processing, or assembling processes which do not create any danger to health or safety in surrounding areas and which do not create any objectionable noise, vibration, smoke, dust, odor, heat, or glare and further provided that:
 - a. the facility shall not produce noxious or toxic compounds that could create objectionable conditions.
 - b. the facility shall conform to the general intent of the I-1 Light Industrial District.

11.04. Uses Prohibited.

All uses except those uses specifically permitted in the I-1 Light Industrial District are prohibited.

11.05. Dimensional Regulations.

All uses permitted in the I-1 Light Industrial District shall comply with the following requirements except as provided in Chapter 14.

1. **Front Yard:** The minimum building setback line for the front yard shall be thirty-five (35) feet.
2. **Rear Yard:** The minimum depth of the rear yard shall be thirty (30) feet provided if more than one (1) lot shall be owned by one (1) person or entity and in the improvement of such lot a building shall be erected on more than one (1) lot, then the rear setback requirement on the interior lot line or lot lines shall be waived; provided further that if a part of a lot shall be sold before the approved principal building is erected, the line between the part sold and the part retained shall be the lot line to which the setback requirement shall apply.
3. **Side Yard:** The minimum depth of the side yard shall be twenty-five (25) feet provided if more than one (1) lot shall be owned by one (1) person or entity and in the improvement of such lot a building shall be erected on more than one (1) lot, then the side setback requirement on the interior lot line or lot lines shall be waived; provided further that if a part of a lot shall be sold before the approved principal building is erected, the line between the part sold and the part retained shall be the lot line to which the setback requirement shall apply.
4. **Land Area:** Where public water and sewer service are available, there shall be required a minimum land area of one-half (1/2) acres. In areas where only public water is available the minimum lot size shall be determined by the type and size of the industry and the individual sewage disposal needs of that industry. Where septic tank or other private sewage disposal is provided, health department approval shall be required. In no case shall the minimum lot size be less than one-half (1/2) acres.
5. **Lot Width:** No lot shall be less than two hundred (200) feet wide at the building setback line or exceed a three-to-one (3:1) ratio.
6. **Height Restrictions:** No building or structure shall exceed forty (40) feet, except as provided in Section 14.03.
7. **Buffer Strip:** Where an industrial building abuts a residential district at either the side or rear yard, a planted buffer strip of not less than ten (10) feet wide shall be provided.
8. **Maximum Lot Coverage:** Buildings and accessory facilities shall not cover more than fifty (50) percent of the lot; buildings, accessory facilities, parking, and materials handling and transfer facilities shall not cover more than eighty (80) percent of the lot. No building or accessory facilities above ground shall extend beyond the building setback line(s) into the setback area(s).
9. **Railroads:** Lots abutting upon a railroad lead track easement or right-of-way shall reserve sufficient space to permit construction of a side track approximately parallel to the railroad easement or right-of-way.

11.06. Off-Street Parking Space Requirements.

As regulated in Section 13.02.

11.07. Access Control Requirements.

As regulated in Section 13.03.

11.08. Signage Requirements.

As regulated in Section 13.04.

11.09. Site Plan Review Requirements.

As regulated in Section 13.05.

11.10. Off-Street Loading and Unloading Requirements.

As regulated in Section 13.06.

CHAPTER 12
I-2 HEAVY INDUSTRIAL DISTRICT

Section

12.01. District Description

12.02. Uses Permitted

12.03. Uses Permitted on Appeal

12.04. Uses Prohibited

12.05. Dimensional Regulations

12.06. Off-Street Parking Space Requirements

12.07. Access Control Requirements

12.08. Signage Requirements

12.09. Site Plan Review Requirements

12.10. Off-Street Loading and Unloading Requirements

12.01. District Description.

The industrial district is established to provide areas in which the principal use of land is for heavy manufacturing and its related uses that could possibly have an adverse affect on surrounding property, such as residential, institutional, or commercial uses. As such, these industrial uses are intended to be confined to a specific location or area where their existence will not adversely affect surrounding uses. It is also the intent of this district to provide industries convenient access to present and future arterial thoroughfares, highways, water routes, and railway lines.

12.02. Uses Permitted.

In the I-2 Heavy Industrial District, the following uses and their accessory uses are permitted subject to all state and federal environmental regulations.

1. All uses permitted in the I-1 Light Industrial District.
2. River terminals.
3. Boats.
4. Barge repair facilities.
5. Bulk storage of petroleum products in containers established either above or below grounds.
6. A retail or service use only when it serves directly or is auxiliary to the needs of industrial plants or employees thereof.
7. Alcohol manufacture.
8. Ammonia, bleaching powder, or chlorine manufacture.
9. Boiler works and tank manufacture.
10. Central mixing plant for mortar or cement and concrete or cement products manufacture.

11. Chemical manufacture.
12. Iron, steel, brass, or copper foundry or fabrication of metals.
13. Railroad freight terminals.
14. Paint, oil, shellac, turpentine, varnish, or enamel manufacture.
15. Plastic manufacture.
16. Power plants.
17. Rolling mills.
18. Coal loading and storage operations.
19. Manufacture and fabrication of rubber and related products.
20. Soap manufacture.
21. Natural resource extraction.
22. Signs and billboards as regulated in Section 13.04.

12.03. Uses Permitted on Appeal.

The following uses may be permitted on review and approval by the South Pittsburg Board of Zoning Appeals as provided in Section 15.07.

1. Extraction, reduction, crushing, storage, or distribution of mineral resources.
2. Acid manufacture.
3. Cement, lime gypsum, or plaster of Paris manufacture.
4. Distillation of bones.
5. Drop forge industries (forging with power).
6. Explosive manufacture or storage.
7. Fat rendering, except as an incidental use.
8. Fertilizer manufacture.
9. Glue manufacture.
10. Paper and pulp manufacture.
11. Petroleum refining.
12. Rock, sand, gravel, or earth extraction, crushing, or distribution.
13. Saw mills.
14. Slaughter of animals, including poultry killing or dressing.
15. Smelting of tin, copper, zinc, or iron ores.
16. Stockyards or feeding pens.

17. Tanneries or the curing or storage of raw hides.
18. Asphalt manufacture or refining.
19. Tar distillation or tar products manufacture.

12.04. Uses Prohibited.

All uses except those uses permitted or permitted subject to review and approval by the South Pittsburg Board of Zoning Appeals are prohibited in the I-2 Heavy Industrial District.

12.05. Dimensional Regulations.

All uses permitted in the I-2 Heavy Industrial District shall comply with the following requirements except as provided in Chapter 12.

1. **Front Yard:** The minimum building setback line for the front yard shall be thirty-five (35) feet.
2. **Rear Yard:** The minimum depth of the rear yard shall be thirty (30) feet provided if more than one (1) lot shall be owned by one (1) person or entity and in the improvement of such lot a building shall be erected on more than one (1) lot, then the rear setback requirement on the interior lot line or lot lines shall be waived; provided further that if a part of a lot shall be sold before the approved principal building is erected, the line between the part sold and the part retained shall be the lot line to which the setback requirement shall apply.
3. **Side Yard:** The minimum depth of the side yard shall be twenty (20) feet provided if more than one (1) lot shall be owned by one (1) person or entity and in the improvement of such lot a building shall be erected on more than one (1) lot, then the side setback requirement on the interior lot line or lot lines shall be waived; provided further that if a part of a lot shall be sold before the approved principal building is erected, the line between the part sold and the part retained shall be the lot line to which the setback requirement shall apply.
4. **Land Area:** Where public water and sewer service are available, there shall be required a minimum land area of two (2) acres. In areas where only public water is available there shall be a minimum of five (5) acres.
5. **Lot Width:** No lot shall be less than one hundred fifty (150) feet wide at the building setback line or exceed a three-to-one (3:1) ratio.
6. **Height Restrictions:** No building or structure shall exceed forty (40) feet, except as provided in Section 14.03.
7. **Buffer Strip:** Where an industrial building abuts a residential district at either the side or rear yard, a planted buffer strip of not less than ten (10) feet wide shall be provided.
8. **Maximum Lot Coverage:** No maximum lot coverage shall be imposed other than the restrictions imposed by the setback requirements.
9. **Railroads:** Lots abutting upon a railroad lead track easement or right-of-way shall reserve sufficient space to permit construction of a side track approximately parallel to the railroad easement or right-of-way.

12.06. Off-Street Parking Space Requirements.

As regulated in Section 13.02.

12.07. Access Control Requirements.

As regulated in Section 13.03.

12.08. Signage Requirements.

As regulated in Section 13.04.

12.09. Site Plan Review Requirements.

As regulated in Section 13.05.

12.10. Off-Street Loading and Unloading Requirements.

As regulated in Section 13.06.

CHAPTER 13
SUPPLEMENTARY PROVISIONS APPLYING TO ALL DISTRICTS

Section

- 13.01. Customary Home Occupations**
- 13.02. Off-Street Parking Requirements**
- 13.03. Access Control Requirements**
- 13.04. Signage Requirements**
- 13.05. Site Plan Review Requirements**
- 13.06. Off-Street Loading and Unloading Requirements**
- 13.07. Accessory Use Regulations**
- 13.08. Temporary Use Regulations**
- 13.09. General Lot Restrictions**
- 13.10. Vision at Street Intersections**
- 13.11. Gasoline Service Station Restrictions**
- 13.12. Wireless Telecommunication Towers and Antennas**
- 13.13. Child Care Facilities Requirements**
- 13.14. Standards for a Bed and Breakfast**

13.01. Customary Home Occupations.

A customary home occupation is a gainful occupation or profession conducted by a member or members of a family residing on the premises and conducted within the principal dwelling unit or in an approved accessory building. In connection with a home occupation, no stock in trade shall be displayed outside the dwelling, and no alteration to any building is being utilized in whole or in part for any purpose other than a residential unit, including permitted accessory buildings. When questions arise regarding the acceptability of specific home occupations, the Board of Zoning Appeals shall determine whether said home occupation is in compliance with these regulations and is compatible with the district in which said home occupation is located.

13.02. Off Street Parking Requirements.

The following off-street parking requirements are applicable to all zoning districts.

13.02.01. Spaces Required. Off-street automobile storage or standing space shall be provided on each lot upon which any of the following uses are hereafter established. The number of parking spaces provided shall meet the minimum requirements for the specific uses as set forth below:

1. **Dwellings:** Not less than one (1) space for each family dwelling unit.
2. **Tourist Accommodations, Motel, or Hotel:** Not less than one (1) space for each room offered for tourist accommodation.
3. **Any Auditorium, Church, Stadium, or Other Place of Public Assembly:** Not less than one (1) space for every four (4) seats provided in such places of assembly. For places of public assembly where seating is not a measure of capacity, such as clubhouses, funeral

parlors, etc., at least one (1) space for each one hundred (100) square feet of floor space devoted to that particular use shall be provided.

4. **Manufacturing or Other Industrial Use:** Not less than one (1) space for every four (4) persons employed on a single shift, with a minimum of five (5) spaces provided for any establishment.
5. **Commercial Building or Use:** One (1) space for each one hundred and seventy-five (175) square feet of usable floor space in commercial districts. (Usable floor space is to be determined by the building inspector based on the nature of the business.)
6. **Medical or Dental Clinics and Hospitals:** Four (4) spaces per doctor, plus one (1) additional space per employee.
7. **Service Stations:** Five (5) spaces for each grease rack or similar facility, plus one (1) space for each gasoline pump.
8. **Offices:** One (1) space for each two hundred (200) square feet of office space.
9. **Restaurants:** One (1) space per one hundred fifty (150) square feet of usable floor area, plus one (1) space for every two (2) employees. (For drive-in restaurants, one (1) space per fifty (50) square feet of usable floor area.)

13.02.02. Certification of Minimum Parking Requirements. Each application for a building permit shall include information as to the location and dimensions of off-street parking and loading space and the means of ingress and egress to such space. This information shall be in sufficient detail to enable the building inspector to determine whether or not the requirements of this section are met.

13.02.03. Combination of Required Parking Space. The required parking space for any number of separate uses may be combined in one lot, but the required space assigned to one use may not be assigned to another use, except that the parking space required for churches, theaters, or assembly halls whose peak attendance will be at night or on Sundays may be assigned to a use which will be closed at night or on Sundays.

13.02.04. Remote Parking Space. If the off-street parking space required by this ordinance cannot be reasonably provided on the same lot on which the principal use is located, such space may be provided on any land within six hundred sixty (660) feet of the main entrance to such principal use, provided such land is in the same ownership as the principal use. Such land shall be used for no other purpose so long as no other adequate provision of parking space, meeting the requirements of this ordinance, has been made for the principal use.

13.02.05. Requirements for Design of Parking Lots.

1. Except for parcels of land devoted to one-, two-, three- and four-family residential uses, all areas devoted to off-street parking shall be so designed and be of such size that no vehicle is required to back into a public street to obtain egress.
2. Each parking space shall be no less than two hundred (200) square feet in area (20' X 10').

3. Entrances and exists for all off-street parking lots shall comply with the requirements of Section 13.03.
4. The parking lot shall be contoured providing drainage to eliminate surface water.

13.03. Access Control Requirements.

In order to expedite the movement of traffic; to promote the safety of the motorist and pedestrian; and to minimize traffic congestion and conflict, it is necessary to reduce the points of vehicular contact. Therefore, to effectively control vehicular access on to the streets of South Pittsburg, it is necessary to classify such streets as follows:

1. major thoroughfares;
2. collectors; and
3. local streets.

The classification of each street shall be as shown on the *Major Route Plan of South Pittsburg, Tennessee*, which is kept in city hall.

13.03.01. Development Requiring Access Control Plan. All commercial and industrial establishments and apartment complexes of more than four (4) dwelling units must file an access control plan meeting all requirements of this section and must have such plan approved by the SPMPC prior to obtaining a building permit. Although access control **plans** are not required for single-family homes and duplexes and trailers, the provision of R-1, R-2, and R-3 of this section shall nevertheless be adhered to for access to these land uses.

13.03.02. General Access Regulations Applying to All Classifications of Streets.

1. **Maximum Width of All Access Points:** The maximum width of all access points shall be 30 feet measured at the property line except when the development requiring access generates high overall or high peak traffic volumes, the SPMPC may approve a wider channeled access point to allow various turning movements for greater traffic control and safety.
2. **Temporary Access Ways:** Temporary access ways may be generated by the planning commission at locations other than those specified for permanent access where it is expedient for the purpose of staged development. Temporary access ways shall be closed when permanent access to the property is completed.
3. **Off-street Parking Lanes Entirely Independent of Public Streets:** No off-street vehicular storage or parking area shall be allowed where the arrangement requires that vehicles back directly into a public street right-of-way.
4. **Access for Lots Fronting on More Than One Street:** In all commercial and industrial developments where a lot abuts more than one street, the planning commission may require that the access be provided from the street of lowest classification when necessary to lessen serious congestion on the major street. If access is allowed on to two or more streets, the number of access points shall conform to those allowed for each street classification. (See Subsection C.)

5. **Gasoline Service Stations:** Gasoline service stations shall be allowed two (2) access points on to the same street to allow proper circulation past gasoline pumps. This is regardless of lot width or street classification provided the required site plan is approved by the SPMPC.

13.03.03. Specific Number of Access Points Allowed for Each Street Classification.

Wherever topographical features, existing developmental patterns, or other factors make the construction of frontage roads unfeasible, the planning commission shall allow direct access to the existing streets according to the following minimum requirements for each street classification.

1. **Access Points for Major Thoroughfares:** In the absence of a frontage road, all lots having between 50 and 200 feet of frontage shall have no more than one (1) point of access to the major thoroughfare. For lots with over 200 feet of frontage, additional access points shall be allowed provided they are spaced at least 150 feet apart from each other and from the first access point. For development generating high overall or high peak traffic volumes, the SPMPC may lessen the distance between access points to allow improved access provided a carefully planned pattern of internal and external channelization is prepared and approved.

When a lot of record fronting a major thoroughfare has less than 100 feet of frontage, the SPMPC shall first attempt to obtain joint access with either adjacent property or access on to a frontage road. If this is not feasible, one single access point may be allowed, and should be located with consideration to the distance to the access points on the adjacent lots.

2. **Access Points for Collector Streets:** In the absence of a frontage road, all lots less than 150 feet in width shall have no more than one (1) point of access to any one public street. For lots with over 150 feet of frontage, additional access points shall be allowed provided they are spaced at least 100 feet apart from each other and from the first access point.
3. **Access Points for Local Streets:** All lots of less than 100 feet shall have no more than one (1) point of access to the local street. For lots with over 100 feet of frontage, additional access points may be allowed provided they are spaced at least 50 feet apart from each other and from the first access point. (Frontage Roads shall also be considered Local Streets in order to provide the most lenient access provisions to developers who construct these beneficial facilities.)

13.04. Signage Requirements.

The purpose of this section is to regulate the location, type and structural requirements of outdoor advertising displays in the City of South Pittsburg. The purpose of these regulations is to ensure compatible land uses, public safety, and adequate design standards.

13.04.01. General Sign Regulations Applicable to All Zoning Districts.

1. No sign shall be erected where by reason of its position, wording, illumination, size, shape or color it may obstruct, impair, obscure, interfere with the view of, or be confused with,

any authorized traffic control sign, signal or device, nor in any way obstruct pedestrian traffic;

2. The building setback for ground signs shall be one-half the customary building setbacks for the various zoning districts. In the C-3 no ground signs will be permitted on sidewalks or within street rights-of-way;
3. Temporary signs shall not be erected or otherwise fixed to any **pole, tree, stone, fence**, or any other object within the right-of-way of any street;
4. No sign shall be erected, constructed or maintained so as to obstruct any fire escape or any window or door or opening used as a means of egress;
5. All signs which extend over a sidewalk shall be at least nine (9) feet above the sidewalk;
6. Blue, red and amber beacon or blue, red and amber flashing lights are prohibited on any sign in the City of South Pittsburg;
7. The South Pittsburg Building Inspector may issue a permit for a non-illuminated temporary sign which he considers compatible with a temporary use permit. In no case shall the sign be more than thirty-two (32) square feet in size and must be removed at the termination of the temporary use permit.
8. No sign in the City of South Pittsburg, Tennessee shall exceed two hundred eighty-eight (288) square feet, unless approved by the Board of Zoning Appeals. **(Added 08-18-98)**
9. Within the city limits of South Pittsburg, no off-premise sign shall be permitted within six hundred sixty (660) feet of the intersection of any State Highway and any public street right-of-way. State Highways shall include those highways designated and known as: U.S. Highway 72, U.S. Highway 72 Bypass and State Highway 156. **(Added 08-18-98)**
10. Temporary off-premise signs, which display special events or activities, may be permitted subject to review and approval by the South Pittsburg Board of Zoning Appeals. The Board of Zoning Appeals shall determine the type and location for any temporary off-premise sign that it deems permissible. Any temporary off-premise sign permit shall expire after forty-five (45) days. The building inspector may issue an extension for an additional forty-five (45) days for a temporary off-premise sign, but only for those temporary off-premise signs which have obtained prior approval from the Board of Zoning Appeals. **(Added 08-18-98)**
11. Off-premise signs that are located in recreational areas, such as signs located on outfield walls or dugouts on ball fields or scoreboard advertising displays may be permitted subject to review and approval by the South Pittsburg Board of Zoning Appeals. The Board of Zoning Appeals shall have the authority to limit the size of off-premise signs in recreational areas. **(Added 08-18-98)**
12. No sign in the City of South Pittsburg, TN shall exceed fifty (50) feet in height. **(Added 4-12-16)**

13.04.02. Signage Classifications and Specific Requirements.

1. **Spectacular Sign:** These signs have advertising copy which is animated, wired for lights or luminous tubing, or both, with copy action controlled by the flashed circuit breakers or other electronic devices.
 - A. These signs shall be illuminated with electricity only.
 - B. All spectacular signs shall be constructed of non-combustible materials.
 - C. All spectacular signs shall comply with the applicable provisions of the National Electric Code.
2. **Ground Signs:** Any sign affixed permanently to the ground by uprights or other support structures; or when such sign is mounted upon a vehicle, trailer, or mobile structure principally used for the purpose of advertising. **(Amended 4-12-16)**
 - A. A ground sign supported by wood material shall not be at any point over twenty-four (24) feet above the ground level.
 - B. Lighting reflectors may project beyond the face of the sign.
 - C. The bottom coping shall be no less than three (3) feet above the ground which space may be filled with decorative trim or light wooden construction.
 - D. Wherever anchors or supports of wood are embedded in the soil, the wood shall be pressure-treated with an approved preservative.
 - E. The application for a permit to construct a ground sign must be accompanied by a certification from an architect or engineer stating that the sign is designed and shall be constructed in such a manner as to comply with Section 1205 - Wind Loads, of the *Standard Building Code*, Southern Building Code Congress International, Inc.
 - F. All ground signs shall be in compliance with the provisions of the Tennessee Department of Transportation Rules and Regulations for the Control of Outdoor Advertising Authorization No. 0206 and any supplements thereto.
 - G. All ground signs shall be setback from the property line one-half of the setback distance required for the applicable zoning district. **(Added 4-12-16)**
3. **Roof Signs:** Any sign erected, constructed, or maintained above the roof of any building.
 - A. All roof signs shall be so constructed as to leave a clear space of not less than six (6) feet between the roof level and the lowest part of the sign and shall have at least five (5) feet clearance between the vertical supports thereof; a portion of a roof sign structure shall not project beyond an exterior wall.
 - B. Every roof sign shall be constructed entirely of steel construction, including the upright supports and braces, except that only the ornamental lattice work may be of wood construction.

- C. The bearing plates of all roof signs shall distribute the load directly to or upon masonry walls, steel roof girders, columns or beams. The building must be designed to bear the stress of these members.
4. **Wall Sign:** Any sign that is affixed to the wall of any structure, when such sign shall project not more than twelve (12) inches from the building.
- A. Wall Signs attached to exterior walls of solid masonry, concrete or stone, shall be safely and securely attached to the same by means of metal anchors, bolts or expansion screws of not less than three-eighths (3/8) inch in diameter and shall be embedded at least five (5) inches.

Wood blocks shall not be used for anchorage, except in the case of wall signs attached to buildings with walls of wood. A wall sign shall not be supported by anchorage secured to un-braced parapet wall.
 - B. Temporary cloth signs with wood frames may be kept in place for a period not exceeding thirty (30) days.
5. **Projection Sign:** Any sign which is affixed to any building wall or structure and extends beyond the building wall, structure, more than twelve (12) inches.
- A. All projecting signs shall be constructed entirely of metal or other non-combustible material and securely attached to a building or structure by metal supports such as bolts, anchors, supports, chains.
 - B. The dead load of projecting signs, not parallel to the building or structure, and the load due to wind pressure shall be supported with chains, guy-wires, or steel rods having net cross sectional dimension of not less than three-eighths (3/8) inch in diameter. Such supports shall be erected or maintained at an angle of at least forty-five (45) degrees with the horizontal to resist the dead load and at an angle of forty-five (45) degrees or more with the face of the sign to resist the specified wind pressure. If such projecting sign exceeds thirty (30) square feet in one facial area, there shall be provided at least two (2) such supports on each side not more than eight (8) feet apart to resist the wind pressure.
 - C. All supports shall be secured to a bolt or expansion screw that will develop the strength of the supporting chain, guy-wires or steel rod, with a minimum of five-eighths (5/8) inch bolt or lag screw, by an expansion shield. Turn buckles shall be placed in all chains, guy-wires or steel rods supporting projecting signs.
 - D. Chains, cables, guy-wires or steel rods used to support the live or dead load of projecting signs may be fastened to solid masonry walls with expansion bolts or by machine screws in iron supports, but such supports shall not be attached to an un-braced parapet wall. Where the supports must be fastened to walls made of wood, the supporting anchor bolts must go through the wall and be plated or fastened on the inside in a secure manner.

- E. A projecting sign shall not be erected on the wall of any building so as to project above the roof or cornice wall or above the roof level where there is no cornice wall; except that a sign erected at a right angle to the building, the horizontal width of which sign perpendicular to such wall does not exceed eighteen (18) inches may be erected to a height not exceeding two (2) feet above the roof or cornice wall or above the roof level where there is no cornice wall. A sign attached to a corner of a building and parallel to the vertical line of such corner shall be deemed to be erected at a right angle to the building wall.
6. **Marquee Sign:** A projecting sign which is attached to or hung from a marquee.
- A. All marquee signs shall be constructed entirely of metal or non-combustible material and may be attached to, or hung from a marquee, and such signs when hung from a marquee shall be at least nine (9) feet at its lowest level above the sidewalk or ground level.
 - B. Marquee signs shall not extend outside the line of a marquee.
 - C. Marquee signs may be attached to the sides and front of a marquee, and such sign may extend the entire length and width of said marquee, provided such sign does not extend more than six (6) feet above, nor one (1) foot below such marquee.
 - D. Under no circumstances shall a marquee sign have a vertical dimension greater than eight (8) feet.
7. **Portable Sign:** Any on premise sign which is not affixed to real property in such a manner that its removal would cause serious material damage to the property and which is intended to be or can be removed at the pleasure of the owner, including, but not limited to, single or multi-faced sandwich boards and wheel mounted mobile signs.
- A. These signs shall be illuminated with electricity only.
 - B. All portable signs shall be constructed of non-combustible materials.
 - C. All portable signs shall comply with the applicable provisions of the National Electric Code.
 - D. All portable signs shall be sufficiently anchored to prevent movement from wind force or flotation.
8. **Billboard:** An off-premise sign which directs attention to a business, commodity, service or entertainment conducted, sold or offered at a location other than the premises on which the sign is located. For the purposes of this ordinance, off-premises signs do not include temporary campaign signs for elections to public office. (**Added 08-18-98**)
- A. All Billboards shall be in compliance with the provisions of the Tennessee Department of Transportation Rules and Regulations for the Control of Outdoor Advertising.
 - B. All Billboards shall be in compliance with the provisions of the Southern Building Code regarding structural elements such as stress factors and wind loads, etc.

13.04.03. Specific Outdoor Advertising Display Regulations for Each Zoning District.

1. Signage Regulations for the R-1 Zone.

- A. The following type **ground signs** are permitted in the R-1 Zone:
 - (1) Non-illuminated "For Sale" or "For Rent" signs not exceeding four (4) square feet in area.
 - (2) Non-illuminated signs not more than thirty-two (32) square feet in area giving the names of the contractors, engineers, or architect, during construction of a building.
 - (3) Ground Signs on churches, schools, park grounds, or other permitted uses which serve the purpose of identifying the particular facility. **(Amended 4-12-16)**
 - (4) All other ground signs are specifically prohibited in the R-1 zone.
- B. The following types of **wall signs** are permitted in the R-1 zone:
 - (1) Nameplates, indicating name, and house number.
 - (2) Signs noting customary home occupations provided the surface area does not exceed four (4) square feet.
 - (3) Church or school bulletin boards provided they do not exceed thirty-two (32) square feet in area.
 - (4) All other wall signs prohibited in the R-1 zone.
- C. All other types of signs are specifically prohibited in the R-1 zone.

2. Signage Regulations for the R-2 Zone.

- A. All signs which are permitted in the R-1 zone are permitted in the R-2 zone.
- B. In addition to the signs permitted in the R-1 zone, ground signs identifying three- and four-unit apartments, churches and schools are permitted provided that the sign is not larger than thirty-two (32) square feet in area.
- C. All other types of signs are specifically prohibited in the R-2 zone.

3. Signage Regulations for the R-3 Zone.

- A. All signs which are permitted in the R-2 zone are permitted in the R-3 zone.
- B. In addition to the signs permitted in the R-2 zone, ground signs identifying manufactured home parks and apartments are permitted provided they do not exceed thirty-two (32) square feet in area.

4. Signage Regulations for the M-1 Zone.

- A. All signs are permitted in the M-1 zone for those uses permitted by right.

- B. All other uses must receive approval from the SPBZA to construct signs in the M-1 zone.
5. **Signage Regulations for the C-1 Zone.**
- A. All the signs, with the exception of billboards, are permitted in C-1 zone. (**Amended 4-12-16**)
 - B. **Ground signs:** may contain up to sixty-four (64) square feet.
 - C. **Wall Signs:** may contain two square feet for each one linear foot of building frontage occupied by the establishment.
6. **Signage Regulations for the C-2 Zone.**
- A. All the signs permitted in the C-1 zone are permitted in the C-2 zone.
 - B. Billboards may be permitted, subject to the review and approval of the Board of Zoning Appeals. (**Added 08-18-98**)
7. **Signage Regulations for the C-3 Zone.**
- A. **Spectacular Signs:** are permitted in the C-3 zone.
 - B. **Ground Signs:** are permitted in the C-3 zone provided they do not exceed sixty-four (64) square feet in area.
 - C. **Roof Signs:** are permitted in the C-3 zone.
 - D. **Wall Signs:** are permitted in the C-3 zone provided that the sign is no larger than one (1) square foot for each one linear foot of building frontage occupied by the establishment.
 - E. **Projection Signs:** are permitted in the C-3 zone provided that they do not extend over the sidewalk more than two-thirds (2/3) the width of the sidewalk and no less than nine (9) feet above the sidewalk.
 - F. **Marquee Signs:** are permitted in the C-3 zone.
 - G. **Portable Signs:** one sandwich board sign per establishment is permitted in the C-3 zone. So as not to impede or endanger pedestrian movement on the sidewalk, no sandwich boards in the C-3 zone shall be larger than 48x36 inches. (**Added 4-12-16**)
 - H. No sign in the C-3 zone shall exceed thirty (30) feet in height. (**Added 4-12-16**)
8. **Signage Regulations for the I-1 Zone.**
- A. All signs permitted in the C-1 zone are permitted in the I-1 zone.
 - B. Billboards may be permitted, subject to the review and approval of the Board of Zoning Appeals. (**Added 08-18-98**)
9. **Signage Regulations for the I-2 Zone.**

- A. All signs permitted in the I-1 zone are permitted in the I-2 zone.
- B. Billboards may be permitted, subject to the review and approval of the Board of Zoning Appeals. (**Added 08-18-98**)

10. Signage Regulations for the Flood Zones.

- A. No outdoor advertising sign shall be permitted in the Floodway Zone. Outdoor signs shall be permitted in the Floodway Fringe Zone upon review and approval of the South Pittsburg Board of Zoning Appeals.

13.04.04. Building Permit Required. With the exception of "For Sale or "For Rent" signs and nameplates indicating name and house number, all new signs whether permanent or temporary must have a sign permit which shall be issued by the South Pittsburg Building Inspector. The sign permit number shall be noted in a permanent manner on each new sign.

13.04.05. Non-Conforming Signs. Outdoor advertising displays which are non-conforming at the time of the passage of this ordinance shall be permitted to remain as long as they are properly maintained and are not considered to be a safety hazard. If a non-conforming advertising display ceases to display advertising matter for a period of one year or is damaged beyond fifty (50) percent of its replacement value, such sign shall be considered illegal and subject to removal as outlined in subsection 13.04.07.

13.04.06. Outdoor Advertising Displays Must be Maintained. All outdoor advertising displays must be maintained in such a manner so as to not to endanger the public's safety. Upon finding that a sign is a safety hazard, the South Pittsburg Building Inspector shall give the owner of the property on which the sign is located a written notice which shall outline the corrective measures that must be completed in a maximum of thirty (30) days. If at the end of thirty (30) days the sign has not been brought into compliance, it shall be subject to removal as outlined in subsection 13.04.07.

13.04.07. Procedure for Removal of Illegal or Unsafe Outdoor Advertising Displays. A sign which is not in compliance with this ordinance shall be subject to removal. The procedures which the South Pittsburg Building Inspector shall follow to have the illegal sign removed include:

1. The owner of the property on which the sign in question is located shall be given a written notice which shall include:
 - A. A statement as to why the sign is illegal;
 - B. A statement that the sign must be brought into compliance with this ordinance in thirty (30) days or the city will begin necessary court action to have the sign brought in compliance; and
 - C. A statement informing the property owner that he has the right to appeal the Building Inspector's decision to the South Pittsburg Board of Zoning Appeals.
2. If, at the end of the thirty (30) day period, the sign has not been brought into compliance with this ordinance, removed, or an appeal made to the SPBZA, the South Pittsburg

Building Inspector shall turn this matter over to the city attorney who shall initiate the necessary legal steps. The building inspector shall also notify the property owner in writing that legal proceedings have been initiated to bring the sign in question into compliance with this ordinance.

13.05. Site Plan Review Requirements.

To provide for the orderly and proper development of land within the city and to protect the public health, safety, and welfare, the following requirements shall be mandatory.

13.05.01. Exceptions. The provisions of Section 13.05. shall not apply to:

- 1 Single-family dwellings, two-family dwellings, or accessory buildings thereto
- 2 Additions to buildings where the total gross floor area of the proposed addition does not exceed one-third (1/3) of the total gross floor area of the existing building or one thousand (1,000) square feet, whichever is smaller
- 3 New buildings where the total gross floor area does not exceed one thousand (1,000) square feet, provided there is no alteration of drainage flow of land or grading exceeding cut or fill of one (1) foot, the site is not in a flood plain, and the site is not in excess of ten thousand (10,000) square feet
- 4 Improvements to off-street parking to existing buildings and where access will be provided by existing driveways, when such improvement does not provide more than five (5) additional parking spaces
- 5 Grading of open area, either by excavation or fill for the sole purpose of bringing the land to a grade compatible with the surrounding area, provided that the removal of existing vegetation does not exceed three (3) acres and the designated city engineer finds, upon inspection of the site, that such grading will have no adverse effect on the land of surrounding property owners, will not encroach on or impair existing drainage channels or flood plains, and will not cause problems of erosion, ponding, and/or silting on adjoining properties

13.05.02. Approved Site Plan Required to Erect or Enlarge Buildings. Except as provided in subsection 13.05.01., it shall be unlawful for any person to construct, erect, alter or increase the floor area of any building or structure or change the land area covered by any building on any land within the city until a site plan has been submitted and approved in accordance with the provisions of this chapter.

13.05.03. Approved Site Plan Required to Disturb Land. Except as provided in subsection 13.05.01., it shall be unlawful for any person to alter the grade of any land to change the contours in excess of two (2) feet within ten (10) feet of adjacent land, or in excess of three (3) feet elsewhere; construct any streets, alleys, sidewalks, curbs, or gutters; build any retaining walls; construct any off-street parking facility; construct any drain or sewer; or change or divert the flow of storm or natural watercourses until a site plan has been submitted and approved in accordance with this chapter.

13.05.04. Development According to Site Plan. It shall be unlawful for any person to construct, erect, or alter any building or structure or to develop, change, or improve land for which an approved site plan is required by this chapter, except in accordance with the approved final site plan.

13.05.05. Permits Not to be Issued Without Approved Site Plan. No permit shall be issued to erect or alter any building or structure or alter the grade of any land that is subject to this chapter until a site plan has been submitted and approved in accordance with the provisions of this chapter.

13.05.06. Site Plan Submission. The owner or developer shall submit at least three (3) copies or of the proposed site plan five (5) days prior to his intended date of site alterations. The Planning Commission or designated city engineer shall consider the site plan in light of the provisions of this chapter and approve or disapprove same as required. The plans then shall be returned to the owner or his agent with the date of such approval or disapproval noted thereon over the signature of the Planning Commission Secretary or designated city engineer.

13.05.07. Site Plan.

1. The site plan shall show the following:

- A Name and address of development
- B Name and address or owner of record and the applicant
- C Present zoning classification of the site and abutting property
- D Date, scale, and north point with reference to source of meridian
- E Courses and distances of center lines of all streets and all property lines
- F All building restricting lines, highway setback lines, easements, covenants, reservation, and rights-of-way
- G The total land area
- H Topography of existing ground and paved areas, and elevations of streets, alleys, utilities, sanitary and storm sewers, and buildings and structures; topography to be shown by dashed lines illustrating two (2) foot or five (5) foot contours as required by the Planning Commission or designated city engineer, and by spot elevations where necessary to indicate flat areas as based on United States Conservation and Geographical Survey datum.

2. The site plan shall show the location of the following when existing:

- A Number of structures or dwelling units
- B Number of parking spaces
- C Number of loading spaces
- D Square feet of floor space

- E Number of commercial or industrial tenants and employees
 - F Plans for collecting storm water and methods of treatment of natural and artificial watercourses, including a delineation of limits of flood plains
 - G Proposed grading, surface drainage, terraces, retaining wall heights, grades on paved areas and ground floor elevations of proposed buildings and structures; proposed topography of site shall be shown by two (2) or five (5) foot contours as required by the Planning Commission or designated city engineer
3. The site plan shall include an adequate erosion control plan.
 4. Any building or structure shall be reasonably accessible to fire, police, emergency, and service vehicles. When deemed necessary for access by the Fire Chief or designated engineer, emergency vehicle easements shall be provided.

13.05.08. Appeals. If an applicant determines that his site plan has been unjustly disapproved or that the Planning Commission or designated city engineer has made requests for conformity to standards other than those set forth in this Ordinance, he may appeal the decision of the Planning Commission or designated city engineer to the South Pittsburg Board of Zoning Appeals in accordance with Section 15.06.

13.05.09. Penalties. As regulated in Section 15.11.

13.06. Off-Street Loading and Unloading Requirements.

Every building or structure hereafter constructed and used for industry, or business or trade in all districts shall provide space for the loading and unloading of vehicles off the street or public alley.

1. This space shall not be considered as part of the space requirements for off-street automobile storage.
2. Behind every building or structure used for business or trade, there shall be a rear yard not less than twenty (20) feet in depth to provide space for loading and unloading vehicles.
3. The Board of Zoning Appeals may hereafter reduce or increase this requirement in the interest of safety where unusual or special conditions merit special consideration.

13.07. Accessory Use Regulations.

The uses of land, buildings, and other structures permitted in each of the districts established by this ordinance are designated by listing the principal uses. In addition to such principal uses, accessory uses which are customarily incidental to the permitted principal uses are also permitted in each district. Each accessory use shall:

1. Be customarily incidental to the principal use established on the same lot.
2. Be subordinate to and serve such principal use.
3. Be subordinate in area, intent, and purpose to such principal use.
4. Contribute to the comfort, convenience, or necessity of users of such principal use.

13.08. Temporary Use Regulations.

The following regulations are necessary to govern the operation of certain necessary or seasonal uses non-permanent in nature. Application for a Temporary Use Permit shall be made to the building inspector. Said application shall contain a graphic description of the property to be utilized and a description of the proposed use, and sufficient information to determine yard requirements, setbacks, sanitary facilities, and parking space for the proposed temporary use. The following uses are deemed to be temporary uses and shall be subject to the specific regulations and time limits which follow and to the regulations of any district in which such use is located:

1. **Carnival or Circus:** May obtain a Temporary Use Permit in the C-1, C-2, I-1 or I-2; however, such permit shall be issued for a period of not longer than fifteen (15) days.
2. **Christmas Tree Sale:** May obtain a 30-day Temporary Use Permit for the display of Christmas Trees on open lots in the C-1, C-2, I-1 and I-2 Districts.
3. **Temporary Buildings:** In any district, a Temporary Use Permit may be issued for a contractor's temporary office and equipment sheds incidental to a construction project. Such permit shall not be valid for more than one (1) year but may be renewed for six (6) month extensions; however, not more than three (3) extensions shall be granted to a particular use. Such use shall be removed upon completion of the construction project, or upon expiration of the Temporary Use Permit, whichever occurs sooner.
4. **Real Estate Sales Office:** In any district, a Temporary Use Permit may be issued for a temporary real estate sales office in any new subdivision which has been approved by the planning commission under the South Pittsburg Subdivision Regulations. Such office shall contain no living accommodations. The permit will be valid for one (1) year, but may be granted two (2) six (6) month extensions. Such office shall be removed upon completion of the development of the subdivision or upon expiration of the Temporary Use Permit, whichever occurs sooner.
5. **Religious Tent Meetings:** In the C-1, C-2, I-1 and I-2 Districts, a Temporary Use Permit shall be issued for a tent or other temporary structures to house a religious meeting. Such permit shall be issued for not more than a 30-day period.
6. **Seasonal Sale of Farm Produce:** In all Commercial, Industrial and Floodway Fringe Districts, a Temporary Use Permit may be issued for the sale of farm produce grown locally. Structures utilized for such sales shall be removed when not in use. The permit shall be issued for a five (5) month period. All structures must be set back from the roadway a minimum of thirty-five (35) feet. The setback requirement may be waived by the building inspector for carts, pick-up trucks, trailers, or other structures not left overnight if it is deemed that these temporary "structures" will not create a traffic or other safety hazard.
7. **Miscellaneous Assemblies:** In the C-1, C-2, I-1 and I-2 Districts, a Temporary Use Permit may be issued for any assembly such as an outdoor music concert, political rally, etc. Such permit shall be issued for not more than a seven (7) day period.

8. **Recreational Vehicles:** In the R-2 and R-3 district, Recreational Vehicles are allowed as the sole use on a vacant, individual lot on a temporary basis for storage purposes only. The maximum cumulative amount of time such a vehicle may occupy a lot is limited to ninety days in a given year with the year being calculated beginning at the date of initial approval by the Building Inspector. The RV must adhere to the dimensional regulations of its respective zoning district. An applicant shall reapply each year for renewal of the temporary use. Failure to reapply or any violation of this provision will result in immediate enforcement by the Building Inspector. Nothing in this section is meant to allow use of a RV for residential purposes at any time.

13.09. General Lot Restrictions.

The following general lot restrictions shall be applicable in all districts:

13.09.01. One (1) Principal Structure for Each Lot. Only one (1) principal building and its customary accessory buildings may be erected on any lot.

13.09.02. Public Road Frontage Requirement. No building shall be erected on a lot which does not abut at least one (1) street for its entire frontage. No building shall be erected on a lot with less than fifty (50) foot frontage, except in the C-3 zone where a twenty-five (25) foot frontage is permissible. Such building shall conform to the lot and yard requirements of the district in which it is located.

13.09.03. Open Space Limitations. No yard or other open space provided about any building for the purpose of complying with these regulations shall be considered as providing a yard or other open space for any other building.

13.09.04. Reductions in Lot Area Prohibited. No lot, even though it may consist of one or more adjacent lots of record, shall be reduced in area so that yards, lot area per family, lot width, building area, or other requirements of this ordinance are not maintained. This section shall not apply when a portion of a lot is acquired for a public purpose.

13.09.05. Rear Yard Abutting a Public Street. When the rear yard of a lot abuts a public street, all structures built in that rear yard shall observe the same setback from the street line or property line as required for adjacent properties which front on that street. In addition, any structure located within twenty-five (25) feet of that setback line shall be no closer to any side property line than the distance required for side yards on adjoining properties fronting on that street.

13.10. Vision at Street Intersections.

On a corner lot in any district, within the area formed by the center-lines of the intersecting or intercepting streets and a line joining points on such center-lines at a distance of seventy-five (75) feet from their intersection, there shall be no obstruction to visions between the height of two and one-half (2 1/2) feet and a height of ten (10) feet above the average grade of each street at the centerline thereof. The requirements of this section shall not be construed to prohibit any necessary retaining wall, nor the provisions of the C-3 zone.

13.11. Gasoline Service Station Restrictions.

The following regulations shall apply to all gasoline service stations:

1. There shall be a building setback from all street right-of-way lines of a distance of not less than forty (40) feet, except for canopies designed to cover the gasoline pump islands.
2. Gasoline pumps shall not be located closer than twenty-five (25) feet to any street right-of-way line.
3. Sign requirements as established in Section 13.04, shall be met.

13.12. Wireless Telecommunication Towers and Antennas. (Added 05-11-99)

1. Purpose.

The purpose of this ordinance is to establish general guidelines for the siting of wireless communication towers and antennas. The goals of this ordinance are to: (1) protect residential areas and land uses from potential adverse impacts of towers and antennas; (2) encourage location of towers in non-residential areas; (3) minimize the total number of towers throughout the community; (4) strongly encourage the joint use of new and existing tower sites as a primary option rather than construction of additional single-use towers; (5) encourage user of towers and antennas to locate them, to the extent possible, in areas where the adverse impact on the community is minimal; (6) encourage users of towers and antennas through careful design, siting, landscape screening, and innovative camouflaging techniques; (7) enhance the ability of providers of telecommunications services to provide such services to the community quickly, effectively, and efficiently; (8) consider the public health and safety of communication towers; and (9) avoid potential damage to adjacent properties from tower failure through engineering and careful siting of tower structures. In furtherance of these goals, the Board of Mayor and Commissioners shall give due consideration to the City of South Pittsburg's master plan, zoning map, existing land uses, and environmentally sensitive areas in approving sites for the location of towers and antennas.

2. Definitions.

As used in this ordinance, the following terms shall have the meanings set forth below:

- (a) Alternative Tower Structure means man-made trees, clock towers, bell steeples, light poles and similar alternative-design mounting structures that camouflage or conceal the presence of antennas or towers.
- (b) Antenna means any exterior transmitting or receiving device mounted on a tower, building or structure and used in communications that radiate or capture electromagnetic waves, digital signals, analog signals, radio frequencies (excluding radar signals), wireless telecommunications signals or other communication signals.

- (c) Backhaul Network means the lines that connect a provider's towers/cell sites to one or more cellular telephone switching office, and/or long distance providers, of the public switched telephone network.
- (d) FAA means the Federal Aviation Administration.
- (e) FCC means the Federal Communications Commission.
- (f) Height means, when referring to a tower or other structure, the distance measured from the finished grade of the parcel to the highest point on the tower or other structure, including the base pad and any antenna.
- (g) Tower means any structure that is designed and constructed primarily for the purpose of supporting one or more antennas for telephone, radio and similar communication purposes, including self-supporting lattice towers, guyed towers, or monopole towers. The term includes radio and television transmission towers, microwave towers, common-carrier towers, cellular telephone towers, alternative tower structures, and the like. The term includes the structure and any support thereto.

3. Applicability

- (a) New Towers and Antennas. All new towers or antennas in the City of South Pittsburg shall be subject to these regulations, except as provided in Sections 3(b) through (d), inclusive.
- (b) Amateur Radio Station Operator/Receive Only Antennas. Article IV shall not govern any tower, or the installation of any antenna, that is under forty feet in height and is owned and operated by a radio station operation or is used exclusively for receive only antennas. All other applicable regulations to towers 40' and found within this ordinance shall continue to apply.
- (c) Preexisting Towers or Antennas. Preexisting tower and preexisting antennas shall not be required to meet the requirements of this ordinance, other than the requirements of Sections 4(f) and 4(g).
- (d) AM Array. For purposes of implementing this ordinance, an AM array, consisting of one or more tower units and supporting ground system which functions as on AM broadcasting antenna, shall be considered one tower. Measurements for setbacks and separation distances shall be measured from the outer perimeter of the towers included in the AM array. Additional tower units may be added within the perimeter of the AM array by right.

4. General Requirements

- (a) Principal or Accessory Use. Antennas and towers may be considered either principal or accessory uses. A different existing use of an existing structure on the same lot shall not preclude the installation of an antenna or tower on such lot.

- (b) Lot Size. For purposes of determining whether the installation of a tower or antenna complies with district development regulations, including but not limited to setback requirements, lot-coverage requirements, and other such requirements, the dimensions of the entire lot shall control, even though the antennas or towers may be located on leased parcels within such lot.
- (c) Inventory of Existing Sites. Each applicant for an antenna and/or tower shall provide to the Building Inspector an inventory of its existing towers, antennas, or sites approved for towers or antennas, that are either within the jurisdiction of the City of South Pittsburg or within South Pittsburg's planning region thereof, including specific information about the location, height, and design of each tower. The Building Inspector may share such information with other applicants applying for administrative approvals or special use permits under this ordinance or other organizations seeking to locate antennas within the jurisdiction of the City of South Pittsburg, provided, however, that the Building Inspector is not, by sharing such information, in any way representing or warranting that such sites are available or suitable for tower construction.
- (d) Aesthetics. Towers and antennas shall meet the following requirements:
 - (1) Towers shall either maintain a galvanized steel finish or, subject to any applicable standards of the FAA, be painted a neutral color so as to reduce visual obtrusiveness.
 - (2) At a tower site, the design of the buildings and related structures shall, to the extent possible, use materials, colors, textures, screening, and landscaping that will blend them into the natural setting and surrounding buildings.
 - (3) If an antenna is installed on a structure other than a tower, the antenna and supporting electrical and mechanical equipment must be of a neutral color that is identical to, or closely compatible with, the color of the supporting structure so as to make the antenna and related equipment as visually unobtrusive as possible.
- (e) Lighting. Towers shall not be artificially lighted, unless required by the FAA or other applicable authority. If lighting is required, the lighting alternatives and design chosen must cause the least disturbance to the surrounding views.
- (f) State or Federal Requirements. All towers must meet or exceed current standards and regulations of the FAA, the FCC, and any other agency of the state or federal government with the authority to regulate towers and antennas. If such standards and regulations are changed, then the owners of the towers and antennas governed by this ordinance shall bring such towers and antennas into compliance with such revised standards and regulations within six (6) months of the effective date of such standards and regulations, unless a different compliance schedule is mandated by the controlling state or federal agency. Failure to bring towers and

antennas into compliance with such revised standards and regulations shall constitute grounds for the removal of the tower or antenna at the owner's expense.

- (g) Building Codes: Safety Standards. To ensure the structural integrity of towers, the owner of a tower shall ensure that it is maintained in compliance with standards contained in applicable state or local building codes and the applicable standards for towers that are published by the Electronic Industries Association, as amended from time to time. If, upon inspection, the City of South Pittsburg concludes that a tower fails to comply with such codes and standards and constitutes danger to persons or property, then upon notice being provided to the owner of the tower, the owner shall have thirty (30) days to bring such tower into compliance with such standards. Failure to bring such tower into compliance within said thirty (30) days shall constitute grounds for the removal of the tower or antenna at the owner's expense.
- (h) Measurement. For the purposes of measurement, tower setbacks and separation distances shall be calculated and applied to facilities located in the City of South Pittsburg irrespective of municipal and county jurisdictional boundaries.
- (i) Franchises. Owners and/or operators of towers or antennas shall certify that all franchises required by law for the construction and/or operation of a wireless communication system in the City of South Pittsburg have been obtained and shall file a copy of all required franchises with the City.
- (j) Public Notice. For purposes of this ordinance, any special use request, variance request, or appeal of an administratively approved use or special use shall require public notice to all abutting property owners and all property owners of properties that are located within the corresponding separation distance listed in Section 7(b)(5)(ii), Table 2, in addition to any notice otherwise required by the Zoning Ordinance.
- (k) Signs. No signs shall be allowed on an antenna or tower.
- (l) Buildings and Support Equipment. Buildings and support equipment associated with antennas or towers shall comply with the requirements of Section 8.
- (m) Multiple Antenna/Tower Plan. The City of South Pittsburg encourages the users of towers and antennas to submit a single application for approval of multiple towers and/or antenna sites. Applications for approval of multiple sites shall be given priority in the review process.

5. Exceptions.

- (a) The provisions of this part shall not apply to:
 - (1) antennas or towers located on property owned, leased, or otherwise controlled by the City and under 40' in height

- (2) antennas or towers located on property owned, leased, or otherwise controlled by the City and over 40' in height, and in accordance with Section 6(a) and (b) of this part.

6. Administratively Approved Uses

- (a) General. The following provisions shall govern the issuance of administrative approvals for towers and antennas.
 - (1) The Building Inspector may administratively approve the uses listed in this Section.
 - (2) Each applicant for administrative approval shall apply to the Building Inspector providing the information set forth in Sections 7(b)(1) and 7(b)(3) of this ordinance and a nonrefundable fee as established by resolution of the City Council to reimburse the City of South Pittsburg for the costs of reviewing the application.
 - (3) The Building Inspector shall review the application for administrative approval and determine if the proposed use complies with Sections 4, 7(b)(4) and 7(b)(5) of this ordinance.
 - (4) The Building Inspector shall respond to each application within sixty (60) days after receiving it by either approving or denying the application. If the Building Inspector fails to respond to the applicant within said sixty (60) days, then the application shall be deemed to be approved.
 - (5) In connection with any such administrative approval, the Building Inspector may, in order to encourage the use of monopoles, administratively allow the reconstruction of an existing tower to monopole construction.
 - (6) If an administrative approval is denied, the applicant shall file an application for special use permit pursuant to Section 7 of this part and other applicable provisions of the special use permit found in Article IV of this ordinance.
- (b) List of Administratively Approved Uses. The following uses may be approved by the Building Inspector after conducting an administrative review (which administrative review shall include, but shall not be limited to a review of a scaled site plan provided by the applicant):
 - (1) Locating antennas on existing structures or towers consistent with the terms of subsections (a) and (b) below:
 - (a) Antennas on existing structures. Any antenna which is not attached to a tower may be approved by the Building Inspector as an accessory use to any commercial, industrial, professional, institutional, or multi-family structure of eight or more dwelling units, provided:

- (i) The antenna does not extend more than thirty (30) feet above the highest point of the structure; and
 - (ii) The antenna complies with all applicable FCC and FAA regulations; and
 - (iii) The antenna complies with all applicable building codes.
- (b) Antennas on existing towers. An antenna which is attached to an existing tower may be approved by the Building Inspector and, to minimize adverse visual impacts associated with the proliferation and clustering of towers, collocation of antennas by more than one carrier on existing towers shall take precedence over the construction of new towers, provided such collocation is accomplished in a manner consistent with the following:
- (i) A tower which is modified or reconstructed to accommodate the collocation of an additional antenna shall be of the same tower type as the existing tower, unless Building Inspector allows reconstruction as a monopole.
 - (ii) Height:
 - (a) An existing tower may be modified or rebuilt to a taller height, not to exceed thirty (30) feet over the tower's existing height, to accommodate the collocation of an additional antenna.
 - (b) The height change referred to in subsection (ii)(a) may only occur one time per communication tower.
 - (c) The additional height referred to in subsection (ii)(a) shall not require an additional distance separation as set forth in Section 7. The tower's remodification height shall be used to calculate such distance separations.
 - (iii) Onsite location:
 - (a) A tower which is being rebuilt to accommodate the collocation of an additional antenna may be moved onsite within fifty (50) feet of its existing location.
 - (b) After the tower is rebuilt to accommodate collocation, only one tower may remain on the site.
 - (c) A relocated onsite tower shall continue to be measured from the original tower location for purposes of calculating separation distances between towers pursuant to Section 7(b)(5). The

relocation of a tower hereunder shall in no way be deemed to cause a violation of Section 7(b)(5).

- (d) The onsite relocation of tower which comes within the separation distances to residential units or residentially zoned lands as established in Section 7(b)(5) shall only be permitted when approved by the Building Inspector.
- (2) Locating any Alternative Tower Structure in a zoning district other than industrial or heavy commercial that in the judgment of the Building Inspector is in conformity with the goals set forth in Section 1 of this ordinance.
- (3) Installing a cable microcell network through the use of multiple low-powered transmitters/receivers attached to existing wireline systems, such as conventional cable or telephone wires, or similar technology that does not require the use of towers.

7. Special Use Permits

- (a) General. The following provisions shall govern the issuance of special use permits for towers or antennas by the Board of Zoning Appeals.
 - (1) If the tower or antenna is not a permitted use under Section 5 of this ordinance or permitted to be approved administratively pursuant to Section 6 of this ordinance, then a special use permit shall be required for the construction of a tower or the placement of an antenna in all zoning district classifications.
 - (2) Applications for special use permits under this Section shall be subject to the procedures and requirements of this ordinance, except as modified in this part.
 - (3) In granting a special use permit, the Board of Zoning Appeals may impose conditions to the extent the Board of Zoning Appeals concludes such conditions are necessary to minimize adverse effects of the proposed tower on adjoining properties.
 - (4) Any information of an engineering nature that the applicant submits, whether civil, mechanical, or electrical, shall be certified by a licensed professional engineer under the guidelines of the State of Tennessee for such certifications.
 - (5) An applicant for a special use permit shall submit the information described in this Section and a non-refundable fee as established by resolution of the City Council to reimburse the City of South Pittsburg for the costs of reviewing the application.

(b) Towers.

- (1) Information required. In addition to any information required for applications for special use permits pursuant to Article IV of this ordinance, applicants for a special use permit for a tower shall submit the following information:
- (i) A scaled site plan clearly indicating the location, type and height of the proposed tower, on-site land uses and zoning, adjacent land uses and zoning (including when adjacent to other municipalities), Master Plan classification of the site and all properties within the applicable separation distances set forth in Section 7(b)(5), adjacent roadways, proposed means of access, setbacks from property lines, elevation drawings of the proposed tower and any other structures, topography, parking, data confirming compliance with the collocation requirements of Section 7(b)(8) and other information deemed by the Building Inspector to be necessary to assess compliance with this ordinance.
 - (ii) Legal description of the parent tract and leased parcel (if applicable).
 - (iii) The setback distance between the proposed tower and the nearest residential unit, platted residentially zoned properties, and unplatted residentially zoned properties.
 - (iv) The separation distance from other towers described in the inventory of existing sites submitted pursuant to Section 4(c) shall be shown on an updated site plan or map. The applicant shall also identify the type of construction of the existing tower(s) and the owner/operator of the existing tower(s), if known.
 - (v) A landscape plan showing specific landscape materials.
 - (vi) Method of fencing, and finished color and, if applicable, the method of camouflage and illumination.
 - (vii) A description of compliance with Sections 4(c), (d), (e), (f), (g), (j), (l), and (m), 7(b)(4), 7(b)(5) and all applicable federal, state or local laws.
 - (viii) A notarized statement by the applicant as to whether construction of the tower will accommodate the collocation of additional antennas as required in Section 7(b)(8).
 - (ix) A description of the suitability of the use of existing towers, other structures or alternative technology not requiring the use of towers or structures to provide the services to be provided through the use of the proposed new tower.

- (x) A description of the feasible location(s) of future towers or antennas within the City of South Pittsburg based upon existing physical, engineering, technological or geographical limitations in the event the proposed tower is erected.
- (2) Factors Considered in Granting Special Use Permits for Towers. In addition to any standards for consideration of special use permit applications pursuant to Article IV, the Board of Zoning Appeals shall consider the following factors in determining whether to issue a special use permit, although the Board of Zoning Appeals may waive or reduce the burden on the applicant of one or more of these criteria if the Board of Zoning Appeals concludes that the goals of this ordinance are better served thereby:
- (i) Height of the proposed tower;
 - (ii) Proximity of the tower to residential structures and residential district boundaries;
 - (iii) Nature of uses on adjacent and nearby properties;
 - (iv) Surrounding topography;
 - (v) Surrounding tree coverage and foliage;
 - (vi) Design of the tower, with particular reference to design characteristics that have the effect of reducing or eliminating visual obtrusiveness;
 - (vii) Proposed ingress and egress; and
 - (viii) Availability of suitable existing towers, other structures, or alternative technologies not requiring the use of towers or structures, as discussed in Section 7(b)(3) of this ordinance.
- (3) Availability of Suitable Existing Towers, Other Structures, or Alternative Technology. No new tower shall be permitted unless the applicant demonstrates to the reasonable satisfaction of the Board of Zoning Appeals that no existing tower, structure or alternative technology that does not require the use of towers or structures can accommodate the applicant's proposed antenna. An applicant shall submit information requested by the Board of Zoning Appeals related to the availability of suitable existing towers, other structures or alternative technology. Evidence submitted to demonstrate that no existing tower, structure or alternative technology can accommodate the applicant's proposed antenna may consist of any of the following:
- (i) No existing towers or structures are located within the geographic area which meet applicant's engineering requirements.

- (ii) Existing towers or structures are not of sufficient height to meet applicant's engineering requirements.
 - (iii) Existing towers or structures do not have sufficient structural strength to support applicant's proposed antenna and related equipment.
 - (iv) The applicant demonstrates that there are other limiting factors that render existing towers and structures unsuitable.
 - (v) The applicant demonstrates that an alternative technology that does not require the use of towers or structures, such as a cable microcell network using multiple low-powered transmitters/receivers attached to a wireline system, is unsuitable. Costs of alternative technology that exceed new tower or antenna development shall not be presumed to render the technology unsuitable.
- (4) Setbacks. The following setback requirements shall apply to all towers for which a special use permit is required; provided, however, that the Board of Zoning Appeals may reduce the standard setback requirements if the goals of this ordinance would be better served thereby:
- (i) Towers must be set back a distance equal to at least seventy-five percent (75%) of the height of the tower from any adjoining lot line.
 - (ii) Guys and accessory buildings must satisfy the minimum zoning district setback requirements.
- (5) Separation. The following separation requirements shall apply to all towers and antennas for which a special use permit is required; provided, however, that the Board of Zoning Appeals may reduce the standard separation requirements if the goals of this ordinance would be better served thereby.
- (i) Separation from off-site uses/designated areas.
 - (a) Tower separation shall be measured from the base of the tower to the lot line of the off-site uses and/or designated areas as specified in Table 1, except as otherwise provided in Table 1.
 - (b) Separation requirements for towers shall comply with the minimum standards established in Table 1.

Table 1:

Off-site Use/Designated Area	Separation Distance
Single-family or duplex residential units ¹	200 feet or 300% height of tower whichever is greater
Vacant single-family or duplex residentially zoned land which is either platted or has preliminary subdivision plan approval which is not expired	200 feet or 300% height of tower ² whichever is greater
Vacant unplatted residentially zoned lands ³	200 feet or 200% height of tower whichever is greater
Existing multi-family residential units greater than duplex units	200 feet or 100% of height of tower whichever is greater
Non-residentially zoned lands or non-residential uses	None; only setbacks apply

(ii) Separation distances between towers.

- (a) Separation distances between towers shall be applicable for and measured between the proposed tower and preexisting towers. The separation distances shall be measured by drawing or following a straight line between the base of the existing tower and the proposed base, pursuant to a site plan, of the proposed tower. The separation distances (listed in linear feet) shall be shown in Table 2.

¹ Includes modular homes and mobile homes used for living purposes.

² Separation measured from base of tower to closest building setback line.

³ Includes any unplatted residential use properties without a valid preliminary subdivision plan or valid development plan approval and any multi-family residentially zoned land greater than duplex.

Table 2: EXISTING TOWERS-TYPES

	Lattice	Guyed	Monopole 75 ft in Height or Greater	Monopole Less Than 75 ft in Height
Lattice	5,000	5,000	1,500	750
Guyed	5,000	5,000	1,500	750
Monopole 75 ft in Height or Greater	1,500	1,500	1,500	750
Monopole Less Than 75 ft in Height	750	750	750	750

- (6) Security Fencing. Towers shall be enclosed by security fencing not less than six feet in height and shall also be equipped with an appropriate anti-climbing device; provided, however, that the Board of Zoning Appeals may waive such requirements, as it deems appropriate.
- (7) Landscaping. The following requirements shall govern the landscaping surrounding towers for which a special use permit is required; provided, however, that the Board of Zoning Appeals may waive such requirements if the goals of this ordinance would be better served thereby.
 - (i) Tower facilities shall be landscaped with a buffer of plant materials that effectively screens the view of the tower compound from property used for residences. The standard buffer shall consist of a landscaped strip at least four (4) feet wide outside the perimeter of the compound.
 - (ii) In locations where the visual impact of the tower would be minimal, the landscaping requirement may be reduced or waived.
 - (iii) Existing mature tree growth and natural land forms on the site shall be preserved to the maximum extent possible. In some cases, such as towers sited on large, wooded lots, natural growth around the property perimeter may be sufficient buffer.
- (8) Collocation Requirements. New communication towers of a height of more than one-hundred (100) feet and less than two-hundred (200) feet must be designed and built to accommodate three (3) or more personal

communication system carrier applications and must be made available upon reasonable terms for collocation to at least three (3) additional single antenna applications such as paging, 911, two-way and emergency management communications. Additionally, the site must be sufficiently large to accommodate at least three (3) telecommunication equipment shelters, cabinets or additions to existing structures. New communication towers of a height of two-hundred (200) feet or more must be designed and built to accommodate at least three (3) personal communication system applications and at least three (3) additional single antenna applications plus at least one (1) additional personal communication system application and at least one (1) additional single antenna application for each additional fifty (50) feet in height, to be made available upon reasonable terms for collocation.

8. Buildings or Other Equipment Storage

- (a) Antennas Mounted on Structures or Rooftops. The equipment cabinet or structure used in association with antennas shall comply with the following:
- (1) The cabinet or structure shall not contain more than 100 square feet of gross floor area or be more than 12 feet in height. In addition, for buildings and structures which are less than sixty-five (65) feet in height, the related unmanned equipment structure, if over 100 square feet of gross floor area or 12 feet in height, shall be located on the ground and shall not be located on the roof of the structure.
 - (2) If the equipment structure is located on the roof of a building, the area of the equipment structure and other equipment and structures shall not occupy more than 10 percent of the roof area.
 - (3) Equipment storage buildings or cabinets shall comply with all applicable building codes.
- (b) Antennas Mounted on Utility Poles or Light Poles. The equipment cabinet or structure used in association with antennas shall be located in accordance with the following:
- (1) In residential districts, the equipment cabinet or structure may be located:
 - (i) In a front or side yard provided the cabinet or structure is no greater than 12 feet in height or 100 square feet of gross floor area and the cabinet/structure is located a minimum of 40 feet from all lot lines. The cabinet/structure shall be screened by an evergreen hedge with an ultimate height of at least 42-48 inches and a planted height of at least 36 inches.

- (ii) In a rear yard, provided the cabinet or structure is no greater than 12 feet in height or 100 square feet in gross floor area. The cabinet/structure shall be screened by an evergreen hedge with an ultimate height of eight (8) feet and planted height of at least 36 inches.
- (c) Antennas Located on Towers. The related unmanned equipment structure shall not contain more than 100 square feet of gross floor area or be more than 12 feet in height, and shall be located no closer than 40 feet from all lot lines.
- (d) Modification of Building Size Requirements. The requirements of Sections 8(a) through (c) may be modified by the Building Inspector in case of administratively approved uses or by the Board of Zoning Appeals in case of uses permitted by special use to encourage collocation.

9. Removal of Abandoned Antennas and Towers and Bond Requirement

- (a) Any antenna or tower that is not operated for a continuous period of twelve (12) months shall be considered abandoned, and the owner of such antenna or tower shall remove the same within ninety (90) days of receipt of notice from the City of South Pittsburg notifying the owner of such abandonment. Failure to remove an abandoned antenna or tower within said ninety (90) days shall be grounds to remove the tower or antenna at the owner's expense. If there are two or more users of a single tower, then this provision shall not become effective until all users abandon the tower.
- (b) Prior to the issuance of a permit for any tower, co-use of any tower or co-use of any utility structure, a surety instrument (i.e. letter of credit or bond which is approved by the City Administrator as to financial adequacy and the City Attorney as to legal enforceability), which shall serve to ensure prompt removal of the tower once it ceases to operate, shall be provided by all users.

10. Nonconforming Uses

- (a) Not Expansion of Nonconforming Use. Towers that are constructed, and antennas that are installed, in accordance with the provisions of this ordinance shall not be deemed to constitute the expansion of a nonconforming use or structure.
- (b) Preexisting Towers. Preexisting towers shall be allowed to continue their usage as they presently exist. Routine maintenance (including replacement with a new tower of like construction and height) shall be permitted on such preexisting towers. New construction other than routine maintenance on a preexisting tower shall comply with the requirements of this ordinance.
- (c) Rebuilding Damaged or Destroyed Nonconforming Towers and Antennas. Notwithstanding Section 9, bona fide nonconforming towers or antennas that are damaged or destroyed may be rebuilt without having to first obtain administrative approval or a special use permit and without having to meet the separation

requirements specified in Sections 7(b)(4) and 7(b)(5). The type, height, and location of the tower onsite shall be of the same type and intensity as the original facility approval. Building permits to rebuild the facility shall comply with the then applicable building codes and shall be obtained within 180 days from the date the facility is damaged or destroyed. If no permit is obtained or if said permit expires, the tower or antenna shall be deemed abandoned as specified in Section 9.

11. No Towers Permitted in Residential Zones

Notwithstanding any other provision of this Ordinance to the contrary, no tower shall be permitted in the R-1 (Low Density Residential District), R-2 (Medium Density Residential District) or R-3 (High Density Residential District) zones.

13.13. Child Care Facilities Requirements (Added 7/9/02)

Whenever a Child Care Facility, as defined in the Definitions Section 2.02, is established in an allowed Zoning District the following requirements should be met:

13.13.01 Child Care Facilities.

In districts where Child Care Facilities are allowed, a permit for such use shall not be issued until a plan including a sketch of the site is submitted to the Board of Zoning Appeals for review, and further subject to the following minimum standards:

1. All dimensional regulations of the district shall apply.
2. A fenced play area of not less than fifty (50) square feet of open space per child shall be provided. The fence shall be at least five (5) feet in height.
3. Along the site boundary of the facility, buffering, screening, and landscaping must be provided to adequately protect any abutting residential property.
4. All outdoor play activities shall be conducted within the fenced play area. The fenced play area shall not be located within any required front yard.
5. The facilities' operation and maintenance shall meet the requirements of the Tennessee Department of Human Services.
6. Off-street parking shall be provided at the rate of one space for Family Day Care Homes, two spaces for Group Day Care Homes, and three spaces for Day Care Centers caring for up to fifteen children with an extra space for every five children accommodated above fifteen, plus the specific required space(s) for the district in which the facility is located.

7. In order that the Board of Zoning Appeals may make an accurate determination of the character of the proposed use, the applicant shall submit an accurately and legibly drawn site plan showing existing and proposed buildings, fences, landscaping, parking and access facilities.

13.13.02 Child Care Facilities as Accessory uses to Churches.

In any district where a church is established as a permitted use or a use permissible on appeal, Day Care Facilities, as defined by the Municipal Zoning Ordinance, may be approved by the Board of Zoning Appeals as an accessory use to said church, provided that the Day Care Facility is operated and maintained by said church, on the church premises and further provided the following conditions are met, as determined by the Board of Zoning Appeals:

1. All dimensional regulations of the district shall apply.
2. A fenced play area of not less than fifty (50) square feet of open space per child shall be provided. The fence shall be at least five (5) feet in height.
3. Along the site boundary of the facility, buffering, screening, and landscaping must be provided to adequately protect any abutting residential property.
4. All outdoor play activities shall be conducted within the fenced play area. The fenced play area shall not be located within any required front yard.
5. The facilities' operation and maintenance shall meet the requirements of the Tennessee Department of Human Services.
6. Off-street parking shall be provided at the rate of one space for Family Day Care Homes, two spaces for Group Day Care Homes, and three spaces for Day Care Centers caring for up to fifteen children with an extra space for every five children accommodated above fifteen, plus the specific required space(s) for the district in which the facility is located.

13.14 Standards for a Bed and Breakfast (ADDED 2/12/08)

Bed and Breakfast operations are a permitted use in the R-1, R-2 and R-3 Residential Zones. The South Pittsburg Municipal Planning Commission may require such conditions as are necessary to preserve and protect the character of the neighborhood in which the proposed use is located.

1. Permits – No building permit or Certificate of Occupancy for such use shall be issued without written approval of the South Pittsburg Municipal Planning Commission.

2. Location – The Bed and Breakfast operation shall be located and conducted in the principal building only.
3. Operator Occupied – Proprietors of the Bed and Breakfast operation shall be permanent residents of the dwelling in which it is located. As permanent residents they shall keep separate and distinct sleeping quarters from Bed and Breakfast guests. No more than two (2) paid assistants may be employed.
4. Number of Rental Units – No more than three (3) bedrooms shall be for rent at any one time at any one Bed and Breakfast establishment.
5. Length of Stay – Lodging of guests at the Bed and Breakfast establishment shall be limited to no more than ten (10) days during any one (1) stay.
6. Food Services – Meals for other than owners and staff will be restricted to breakfast for paid houseguests only. Breakfast hours are limited to from 4:00 a.m. to 11:00 a.m.
7. Site Plan – An accurately drawn plan shall be presented to the South Pittsburg Municipal Planning Commission at least ten (10) days prior to the meeting. The site plan shall show the location of the principal building, off-street automobile parking, relationship to adjoining properties and surrounding land use, existing zoning of the proposed site, any required screening, and any other information as may be required by the South Pittsburg Municipal Planning Commission.
8. Appearance – The residential character and appearance of the home shall not be changed by the establishment of a Bed and Breakfast operation.
9. Advertising – The proposed use shall not be advertised by the use of signs, which exceed two (2) square feet in area. The sign shall be non-illuminated and must be attached flat to the main structure or visible through a window.
10. Parking – Off-street parking facilities shall be provided at the rate of at least one space per room for rent in addition to at least two spaces for the household. Parking will comply with Section 9.03 of the South Pittsburg Zoning Ordinance.
11. All applicable Federal, State, and Municipal codes, including municipal fire, building, and electrical codes shall be complied with as a condition of approval by the South Pittsburg Municipal Planning Commission.
12. The South Pittsburg Municipal Planning Commission may also attach other conditions on the use of the structure or site which will be necessary

to carry out the intent of the Zoning Ordinance. Consideration will be given to the impact on adjoining properties. Landscaping, fencing, screening and other methods might be required to mitigate anticipated impacts to the neighborhood.

13.15 Standards for Accessory Dwelling Units (Added 2/11/2020)

1. Intent and Applicability

The intent of this section is to provide regulations for development of Accessory Dwelling Units (ADUs) in a manner which provides for an efficient use of land and provides small-scale infill on lots with single-family dwellings. The intent is also to provide standards which will foster compatibility with surrounding development and reduce impacts of new ADUs on adjacent properties. ADUs are intended to provide for a larger range of housing options while maintaining residential character of neighborhoods.

2. Zones

Site Built Accessory Dwelling Units shall be permitted in any zone that allows residential uses on any parcel suitable for a single-family dwelling. Manufactured ADUs may be permitted on appeal in R-2 and R-3 zones. ADUs may be permitted on appeal in commercial zones (C-1, C-2 and C-3).

3. Height and Area Regulations

a. Height: Detached ADUs cannot exceed twenty-four feet or two stories maximum. Attached ADUs must meet existing height restrictions by zone.

b. Location: Attached ADUs must be incorporated into the main principal dwelling unit or an existing accessory use (such as garage or workshop) in the rear or side yard. Detached ADUs are permitted in the rear and side yards only. ADUs must be located on the same lot as the primary structure.

c. Size

i. Attached ADU: The maximum size of an ADU shall not exceed 30% of the Principal Dwelling Unit or 700 square feet, whichever is less.

ii. Detached ADU: The maximum size of a detached ADU is 50% of the principal dwelling unit or 700 square feet, whichever is less.

iii. The Board of Zoning Appeals can grant an exception to the above if an existing building or residence is being modified.

d. Setbacks:

a. Front: Accessory Dwelling Units are not permitted in the front yard between the Principal Dwelling Unit and the front property line.

b. Side and Rear setbacks must follow the setback requirements for accessory uses as required by zone.

c. Detached ADUs must be a minimum of five (5) feet from the principal dwelling.

- e. Lot Coverage: Total lot coverage for the entire lot including the Principal Dwelling Unit and the Accessory Dwelling Unit shall not exceed 30% of the total lot area. The building footprint shall be measured from the outer building wall.
4. Ownership
- a. No more than one Accessory Dwelling Unit shall be permitted on a single lot in conjunction with the Principal Dwelling Unit.
 - b. The Accessory Dwelling unit shall be owned by the same person as the Principal Dwelling Unit and cannot be subdivided or otherwise separated in ownership such that the ADU is located on a different lot than the principal Dwelling Unit. Under no circumstances shall the property be converted into a horizontal ownership regime (timeshare) or a fee simple condominium.
 - c. One of the two dwellings on the property shall be owner occupied. With respect to Accessory Dwelling Units, “owner occupancy” means a property owner, as reflected in real property records, who makes his or her legal residence at the site, as evidenced by voter registration, property deed, or similar means and resides at the site more than six months out of any given year. Owner occupancy may also include a named natural person with an ownership or benefit in a private trust. The Building Inspector may waive this requirement for temporary absences of greater than six months for military service, employment sabbatical, or family medical leave qualified absences.
5. Health and safety requirements.
- a. Site-built and permanently installed ADUs must meet all standards of South Pittsburg including any applicable building codes. Manufactured homes must meet the Uniform Standards Code for Manufactured Homes and Recreational Vehicles Act, Tennessee Modular Building Act, Tennessee Manufactured Home Installation Act, and National Manufactured Housing Construction and Safety Standards Act of 1974, as may be applicable.
 - b. Plumbing must be connected to an approved subsurface sewage disposal system or public sewer system. Composting toilets, incinerating toilets, and other disposal methods are prohibited. Temporary storage tanks are only allowed in recreational vehicles located within a campground.
 - c. Site-installed features such as stairs, decks, handrails, and landings must meet all code requirements of South Pittsburg.
6. Design
- a. Shipping containers shall not be permitted as an Accessory Dwelling Unit upon any lot where an Accessory Dwelling Unit is a permitted use.
 - b. The Accessory Dwelling Unit shall be of a similar architectural design, style, appearance and character of the Principal Dwelling Unit on the lot including but

not limited to, matching façade color and building materials; roof form and pitch; and windows. Manufactured ADUs must also meet these requirements.

7. Parking

A minimum of one parking space per dwelling unit must be provided. Any additional parking space(s) required for an accessory dwelling unit may be provided as tandem parking on an existing driveway. Off-street parking shall be permitted in setback areas consistent with the underlying zoning district requirements

8. Permit Application

Property owners must apply for a permit to build and install an Accessory Dwelling Unit.

- a. The application shall require architectural drawings and a dimensional floor plan showing cooking, bath and living areas. The drawings must show the inside and outside of the ADU.
- b. The ADU permit must be issued prior to applying for a building permit.
- c. A deed restriction shall be recorded with the register's office covenanting that the structure is being established as an accessory dwelling unit and may only be used under the conditions expressed herein. **(Added 7/6/21)**
- d. Prior to the issuance of a permit, a floor plan and/or architectural renderings must be submitted showing the proposed interior and exterior of the ADU. **(Added 7/6/21)**
- e. Verification from the state of Tennessee Department of Environment/Division of Ground Water Protection that the individual on-site wastewater treatment or septic system has the capacity to serve the ADU. Also, verification that the ADU can adequately be served by water and electric service providers must be provided. **(Added 7/6/21)**

CHAPTER 14
EXCEPTIONS AND MODIFICATIONS

Section

14.01. Scope

14.02. Nonconforming Uses

14.03. Exceptions to Height Limitations

14.04. Lots of Record

14.05. Exceptions to Front Yard Setback Requirements

14.06. Absolute Minimum Lot Size

14.01. Scope.

Chapter 14 of this ordinance is devoted for the necessary exceptions and modifications to the specific zoning district provisions and the supplementary provisions provided for in Chapter 13.

14.02. Nonconforming Uses.

It is the intent of this ordinance to recognize that the elimination, as expeditiously as is reasonable, of the existing buildings and structures or uses that are not in conformity with the provisions of this ordinance is as much a subject of health, safety, and welfare as is the prevention of the establishment of new uses that would violate the provisions of this ordinance. It is also the intent of this ordinance to so administer the elimination of non-conforming uses, buildings, and structures as to avoid an unreasonable invasion of established private property rights.

Lawful non-conforming uses, buildings, and structures existing at the time of the passage of this ordinance or any amendment thereto, shall be allowed to remain subject to the following provisions:

1. An existing non-conforming use of a building may be changed to a conforming use or to another non-conforming use of the same or higher classification, providing, however, that the establishment of another non-conforming use of the same or higher classification shall be subject to the written approval of the Board of Zoning Appeals and subject to such conditions as the Board of Zoning Appeals may require in order to protect the area.
2. A non-conforming use of land shall be restricted to the area occupied by such use as of the effective date of this ordinance. A non-conforming use of a building or buildings shall not be enlarged to either additional land or buildings after the effective date of this ordinance.
3. When a non-conforming use of any structure of land, excepting non-conforming manufactured homes or mobile home parks has been discontinued for a period of six (6) months, it shall not be re-established or changed to any use not in conformity with the provisions of this ordinance. Immediately upon the removal of a non-conforming manufactured home or discontinuance of a non-conforming manufactured home park, the nonconformity of such structure and use of land shall lapse.

4. Any non-conforming building or non-conforming use, which is damaged by fire, flood, wind, or other act of God or man, may be reconstructed and used as before, if it be done within six (6) months of such damage, unless damaged to extent of more than sixty (60) percent of its fair market value immediately prior to damage in which case any repair or reconstruction shall be in conformity with the provisions of this ordinance.
5. **A non-conforming building or building housing a non-conforming use shall not be structurally altered except in conformance with the provisions of this ordinance.** This provision shall not be construed to prevent normal maintenance and repairs of alterations required for structural safety.
6. An existing non-conforming use or building which is located within the Floodway District and/or Floodway Fringe Floodway Fringe District shall meet the requirements of those districts.

14.03. Exceptions to Height Limitations.

The height limitations of this ordinance can be exceeded provided the following conditions are met.

1. The developer must present, at the time he applies for a building permit, a copy of the building plans which have been approved by the South Pittsburg Fire Chief. These plans must show all of the following:
 - A. A wet standpipe riser with one and one-half (1 1/2) inch fire hose connections,
 - B. A wet automatic sprinkler protection system for the entire building
 - C. Enclosed exit stairways,
 - D. Smoke and heat detection units, and
 - E. Any other fire protection and prevention requirements which the fire chief feels are necessary for the building.

The design and installation of these fire protection measures must be in conformance with the National Fire Protection Association Standards (NFPA).

2. Before the building can be occupied, the developer must secure a statement from the fire chief that the fire protection systems have been installed according to the plans and that the system is functioning properly.
3. The height limitations of this ordinance shall not apply to church spires, belfries, cupolas, and domes not intended for human occupancy; monuments, water towers, silos, grain elevators, observation towers, transmission towers, windmills, chimneys, smokestacks, derricks, conveyors, flag poles, radio towers, masts, and aerials.

14.04. Lots of Record.

The following provisions shall apply to all existing lots of record:

1. Where the owner of a lot consisting of one or more adjacent lots or official record at the time of the adoption of this ordinance does not own sufficient land to enable him to conform to the yard or other requirements of this ordinance, an application may be submitted to the **Board of Zoning Appeals for a variance from the terms of this ordinance**. 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 in the opinion of the Board of Zoning Appeals is possible.
2. No lot which is not or hereafter built upon shall be so reduced in area that the yards and open space will be smaller than prescribed by this ordinance, and no yard, court, or open space provided around any building for the purpose of complying with the provisions hereof, shall again be considered as a yard, court, or other open space for another building.
3. Where two or more lots of record with a continuous frontage are under the same ownership, or where a substandard lot of record has continuous frontage with a larger tract under the same ownership, such lots shall be combined to form one or more building sites meeting the minimum requirements of the district in which they are located.

14.05. Exceptions to Front Yard Setback Requirements.

The front setback requirement of this ordinance for structures shall not apply to any lot where the average depth of existing setbacks on the developed lots located within one hundred (100) feet on each side of such lot is less than the minimum required front yard depth. In such cases, the front yard setback may be less than required but not less than the average of the existing depth for front yards on developed lots within one hundred (100) feet on each side of the lot. In residential districts, however, the setback shall in no case be less than fifteen (15) feet from the street right-of-way line.

14.06. Absolute Minimum Lot Size.

In no case shall the Board of Zoning Appeals permit a residence to be erected on a lot whose width at the building setback line is less than fifty (50) feet and/or whose total lot area is less than five thousand (5,000) square feet.

CHAPTER 15
ADMINISTRATION AND ENFORCEMENT

Section

- 15.01. Administration of the Ordinance**
- 15.02. The Enforcement Officer**
- 15.03. Building Permits**
- 15.04. Temporary Use Permits**
- 15.05. Certificate of Occupancy**
- 15.06. Board of Zoning Appeals**
- 15.07. Procedure for Authorizing Uses Permitted on Appeal**
- 15.08. Variances**
- 15.09. Amendments to the Ordinance**
- 15.10. Remedies**
- 15.11. Penalties for Violations**
- 15.12. Conflict with Other Regulations**
- 15.13. Separability**
- 15.14. Effective Date**

15.01. Administration of the Ordinance.

Except as otherwise provided, no structure or land shall after the effective date of this ordinance be used and no structure or part thereof shall be erected, altered, or moved unless in conformity with the regulations herein specified for the district in which it is located. In their interpretation and application, the provisions of this ordinance shall be considered minimum requirements adopted for the promotion of public health, safety, morals, convenience, order, prosperity, and general welfare of the community. Where other ordinances, resolutions, or regulations heretofore adopted or which may be adopted hereafter impose greater restrictions than those specified herein, compliance with such other ordinances, resolutions, or regulations is mandatory.

15.02. The Enforcement Officer.

The provisions of this ordinance shall be administered and enforced by the South Pittsburg Building Inspector. The building inspector shall administer and enforce this ordinance and, in addition, he/she shall:

1. Issue all Building Permits and make and maintain records thereof.
2. Issue all Certificates of Occupancy and make and maintain records thereof.
3. Issue and renew, where applicable, all Temporary Use Permits and make and maintain records thereof.
4. Maintain and keep current zoning maps, and records of amendments thereto.
5. Conduct inspections as required in this ordinance and such other inspections as are necessary to ensure compliance with the various other general provisions of this ordinance.

The building inspector shall possess the right to enter upon any premises for the purpose of making inspections of buildings or premises necessary to carry out his/her authorized duties.

6. Administer and enforce the city's flood plain management program.

15.03. Building Permits.

Any owner, authorized agent, or contractor who desires to construct, enlarge, alter, repair, move, demolish, or change the occupancy of a building or structure, fill or excavate land lying within any flood hazard areas, or to erect or construct a sign of any description, or to install or alter fire-extinguishing apparatus, elevators, engines, or to install a steam boiler, furnace, heater, incinerator, or other heat producing apparatus, or other appurtenances, the installation of which is regulated by this code, or to cause any such work to be done, in excess of one thousand (\$1,000.00) dollars shall first make application to the building official and obtain the required permit therefore.

A general permit shall carry with it the right to install in any building or structure, or part thereof, heating apparatus, elevators, sidewalk elevators, vaults, chutes, coal holes, lifts, cranes, derricks, steam power boilers, steam, oil, gas or vapor engines, provided the same are shown on the drawings and set forth in the specifications filed with the application for the permit; but where these are not shown on the drawings and covered by the specifications submitted with said application, special permits shall be required.

Minor repairs may be made with the approval of the building official without a permit; provided that such repairs shall not violate any of the provisions of this code.

Any building permit issued becomes invalid if work authorized by it is not commenced within six (6) months of the date of issuance or if work authorized by the permit is suspended or discontinued for a period of one (1) year.

15.04. Temporary Use Permits.

It shall be unlawful to commence construction or development of any use of a temporary nature until a permit has been secured from the South Pittsburg Building Inspector. Application for a Temporary Use Permit shall be made in writing to the building inspector on forms provided for that purpose.

15.05. Certificate of Occupancy.

No land or building or their structure or part thereof hereafter erected, moved, or altered in its use shall be used until the building inspector shall have issued a Certificate of Occupancy stating that such land, structure, or part thereof is found to be in conformity with the provisions of this ordinance. Within three (3) working days after notification that a building or premises or part thereof is ready for occupancy or use, it shall be the duty of the building inspector to make a final inspection thereof, and to issue a Certificate of Occupancy, if the building or premises or part thereof is found to conform with the provisions of this ordinance; of, if such certificate is refused, to state the refusal in writing with the cause for such refusal.

15.06. Board of Zoning Appeals.

A South Pittsburg Board of Zoning Appeals (SPBZA) is hereby established in accordance with Section 13-7-205 through 13-7-207 of the Tennessee Code Annotated. The Board of Zoning Appeals shall consist of five (5) members of the South Pittsburg Planning Commission, excluding the Mayor and appointed Commissioner. The SPBZA members' terms shall coincide with their terms as members of the Planning Commission. **(Amended 1-12-16)**

15.06.01. Procedure. Meetings of the Board of Zoning Appeals shall be held at the call of the chairman, and at such other times as the SPBZA may determine. Such chairman or, in his absence, the acting chairman, may administer oaths and compel the attendance of witnesses. All meetings of the SPBZA shall be open to the public. The SPBZA shall adopt rules of procedure and shall keep records of applications and action taken thereon which shall be public records.

15.06.02. Appeals to the SPBZA. An appeal to the South Pittsburg Board of Zoning Appeals may be taken by any person, firm, or corporation aggrieved, or by any governmental office, department, board, or bureau affected by any decision of the building inspector based in whole or in part upon the provisions of this ordinance. Such appeal shall be taken by filing an application (see appendix) with the Board of Zoning Appeals a notice of appeal specifying the grounds thereof. The building inspector shall transmit to the SPBZA all papers constituting the record upon which the action appealed was taken. The SPBZA 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 person or party may appear in person by agent, or by attorney.

15.06.03. Powers of the SPBZA. The South Pittsburg Board of Zoning Appeals shall have the following powers as empowered by **Tennessee Code Annotated 13-7-207.**

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 of enforcement of any provision of this ordinance.
2. **Special Exceptions:** To hear and decide applications for special exceptions as specified in this ordinance, hear requests for interpretation of the zoning map, and for decision on any special questions upon which the Board of Zoning appeals is authorized to pass.
3. **Variances:** To hear and decide applications for variances from the terms of this ordinance.

15.07. Procedure for Authorizing Uses Permitted on Appeal.

The following procedure is established to provide procedures for appeal of a proposed use by the Board of Zoning Appeals. the procedure shall be the same whether review is required by this ordinance or whether a review is requested by the building inspector to determine whether a proposed use is potentially noxious, dangerous, or offensive. This procedure shall also be used in submitting special exceptions to the Board of Zoning Appeals.

1. **Application.** An application shall be filed with the Board of Zoning Appeals for review. Said application shall show the location and intended use of the site, the names of the property owners, and existing land uses within two hundred (200) feet, and any other

material pertinent to the request which the SPBZA may require. Application for a building permit shall be made in writing to the building inspector on forms provided for that purpose. It shall be unlawful for the building inspector to approve the plans or issue a building permit for any excavation, filling or construction until such plans have been inspected in detail and found to be in conformity with this ordinance. To this end, the application for a building permit for excavation, filling, construction, moving, or alteration, shall be accompanied by a plan or plat drawn to a scale showing the following in sufficient detail to enable the building inspector to ascertain whether the proposed excavation, filling, construction, moving, or alteration is in conformance with this ordinance:

- A. The actual shape, location, and dimensions of the lot to be built upon;
- B. The shape, size, and location of all buildings or other structures to be erected, altered, or moved and of buildings or other structures already on the lot;
- C. The existing and intended use of all such buildings or other structures;
- D. Location and design of off-street parking areas and off-street loading areas. Such other information concerning the lot or adjoining lots as may be essential for determining whether the provisions of this ordinance are being observed.
- E. In areas that are subject to flooding, the following additional information is required:
 1. Elevation in relation to mean sea level (MSL) of the lot;
 2. MSL elevation of the lowest floor (including basement) of all structures;
 3. MSL elevation to which any nonresidential structure is proposed to be flood-proofed.
- F. The location of the foregoing in relation to any stream within the vicinity.

If the proposed excavation, filling, construction, moving, or alteration as set forth in the application is in conformity with the provisions of this ordinance, the building inspector shall issue a building permit for such excavation or construction. If an application for a building permit is not approved, the building inspector shall state in writing on the application the cause for such disapproval. Issuance of a permit shall in no case be construed as waiving any provisions of this ordinance, and building permits shall be void after six (6) months from date of issue, unless substantial progress on the project has been made by that time.

2. **Restrictions.** In the exercise of its approval, the planning commission may impose such conditions upon the proposed uses of buildings or land as it may deem advisable in the furtherance of the general purposes of this ordinance.
3. **Validity of Plans.** All approved plans, conditions, restrictions, and rules made a part of the approval of the planning commission shall constitute certification on the part of the applicant that the proposed use shall conform to such regulations at all times.

4. **Time Limit.** All application reviewed by the planning commission shall be decided within sixty (60) days of the date of application, and the applicant shall be provided with either a written notice of approval or denial.

15.08. Variances.

The purpose of the variance provision is to modify the strict application of the specific requirements of this ordinance in the case of exceptionally irregular, narrow, shallow, or steep lots, or other exceptional **physical conditions**, whereby such strict application would result in practical difficulty or unnecessary hardship which would deprive an owner of **the reasonable use of his land**. The variance shall be used only where necessary to overcome some obstacle which is preventing an owner from using his property under this ordinance.

1. **Application.** After written denial of a permit, a property owner may make application for a variance, using the standard form made available by the Board of Zoning Appeals.
2. **Hearings.** Upon receipt of an application and ten (\$10.00) dollar fee, the SPBZA shall hold a hearing to decide whether a variance to the ordinance provisions is, in fact, necessary to relieve unnecessary hardships which act to deprive the property owner of the reasonable use of his land. The SPBZA shall consider and decide all applications for variances within thirty (30) days of such hearing and in accordance with the standards provided below.
3. **Standards for Variances.** In granting a variance, the SPBZA shall ascertain that the following criteria are met as outlined in Subsection 3 of **Tennessee Code Annotated** Section 13-7-207.
 - A. Variances shall be granted only where special circumstances or conditions, fully described in the finding of the SPBZA, do not apply generally in the district;
 - B. Variances shall not be granted to allow a **use** otherwise excluded from the particular district in which requested;
 - C. For reasons fully set forth in the findings of the SPBZA, the aforesaid circumstances of conditions are such that the strict application of the provisions of this ordinance would deprive the applicant of any reasonable use of his land. Mere loss of value shall not justify a variance. There must be a deprivation of beneficial use of land.
 - D. The granting of any variance shall be in harmony with the general purposes and intent of this ordinance and shall not be injurious to the neighborhood, detrimental to the public welfare, or in conflict with the comprehensive plan for development;
 - E. In reviewing an application for a variance, the burden of showing that the variance should be granted shall be upon the person applying therefore.
4. **Factors to Consider within Flood Hazard Areas.** Consult the Appendix of this ordinance.

15.09. Amendments to the Ordinance.

1. **General.** The city council may, from time to time, amend this ordinance by changing the boundaries of districts or by changing any other provisions wherever it is alleged that there was an error in the original zoning ordinance or whenever the public necessity, convenience, and general welfare require such amendment. However, no amendment shall become effective unless it be first submitted to and approved by the planning commission, or if disapproved, shall receive the favorable vote of a majority of the entire membership of the chief legislative body.
2. **Initiation of Amendment.** Amendments may be initiated by the city council, the planning commission, or by all of the owners of property affected by the proposed amendment. An application by an individual for an amendment shall be accompanied by a fee of twenty-five (\$25.00) dollars payable to the City of South Pittsburg. The application shall be made on the form in the appendix and shall also be accompanied by maps, drawings, two (2) petitions signed by the adjoining property owners, and data necessary to demonstrate that the proposed amendment is in general conformance with the General Plan of the City of South Pittsburg and that public necessity, convenience, and general welfare, require the adoption of the proposed amendment. An accurate legal description and scale drawing of the land and existing buildings shall be submitted with the application.
3. **Review and Recommendation by the Planning Commission.** The planning commission shall review and make recommendations to the city council on all proposed amendments to the ordinance.
4. **Grounds for an Amendment.** The planning commission in its review and recommendation, and the city council in its deliberations, shall make specific findings with regard to the following grounds for an amendment and shall note the same in the official record as follows:
 - A. The amendment is in agreement with the general plan for the area.
 - B. It has been determined that the legal purposes for which zoning exists are not contravened.
 - C. It has been determined that there will be adverse effects upon adjoining property owners unless such adverse affect can be justified by the overwhelming public good or welfare.
 - D. It has been determined that no one property owner or small group of property owners will benefit materially from the change to the detriment of the general public.
 - E. It has been determined that conditions affecting the area have changed to a sufficient extent to warrant an amendment to the area's general plan, and consequently, the zoning map.
6. **Public Hearing and Notice of Hearing.** A public hearing shall be held on all proposed amendments to this ordinance. Notice of such hearing shall be in a newspaper of general circulation within the City of South Pittsburg at least fifteen (15) days, but not more than

thirty (30) days prior to the public hearing. This notice shall specify the location, current and proposed zoning classification, and it may contain a graphic illustration of the area.

7. **Notice of Enactment.** Upon enactment of an amendment to the ordinance, a written notice of such shall be published in a newspaper of general circulation within the City of South Pittsburg within five (5) working days following such enactment announcing the new zoning classification of property affected. The change shall become effective upon the date of the announcement.
8. **Amendments Affecting Zoning Map.** Upon enactment of an amendment to the zoning map which is part of this ordinance, the zoning administrator shall cause such amendment to be placed upon the zoning map. Such amendment shall not become effective until this action is accomplished.
9. **Effect of Denial of Application.** Whenever an application for an amendment to the text of this ordinance or for a change in the zoning classification of any property is denied, the application for such amendment shall not be eligible for reconsideration for one (1) year following such denial, except in the following cases.
 - A. Upon initiation by the city council, or planning commission;
 - B. When the new application, although involving all or a portion of the same property, is for a different zoning district than that for which the original application was made;
 - C. When the previous application was denied for the reason that the proposed zoning would not conform with the general plan, and the general plan has subsequently been amended in a manner which will allow the proposed zoning.

15.10. Remedies.

In case any building or other structure is erected, constructed, altered, repaired, converted, or maintained, or any building, structure, or land is used in violation of this ordinance, the building inspector or any other appropriate authority or any adjacent or neighborhood property owner who would be specifically damaged by such violation, in addition to other remedies, may institute injunction, mandamus, or other appropriate action or proceeding to prevent such unlawful erection, construction, reconstruction, alteration, repair, conversion, maintenance, or use; or to correct or abate such violation; or to prevent occupancy of such building, structure, or land.

15.11. Penalties for Violations.

Upon conviction, any person violating any provision of this ordinance shall be fined not less than two (\$2.00) dollars nor more than fifty (\$50.00) dollars for each offense. Each day such violations continue shall constitute a separate offense.

15.12. Conflict with Other Regulations.

Whenever the regulations of this ordinance require more restrictive standards than are required in or under any other statute; the requirements of this ordinance shall govern. Whenever the provisions of any other statute require more restrictive standards that are required by this ordinance, the provisions of such statute shall govern.

15.13. Separability.

Should any action or provisions of this ordinance be declared invalid or unconstitutional by any court of competent jurisdiction, such declaration shall not affect the facility of the ordinance as a whole or any part thereof which is not specifically declared to be invalid or unconstitutional.

15.14. Effective Date.

This ordinance shall take effect and be in force from and after the date of its adoption, the public welfare demanding it.

Ordinance Adopted on Final Reading - December 24, 1993

