

**ZONING ORDINANCE
OF THE CITY OF
DUNLAP, TENNESSEE**

**ADOPTED
JULY 11, 1991**

(As amended through January 19, 2023)

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ZONING ORDINANCE OF THE CITY OF
DUNLAP, TENNESSEE

CHAPTER 1

INTRODUCTION

SECTION

01.01. [AUTHORITY](#)

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01.01 AUTHORITY.

An Ordinance in pursuance of the authority granted by Section 13-7-201 through Section 13-7-210 of the Tennessee Code Annotated, and for the purpose of promoting the public health, safety, morals, convenience, order, establishment of districts or zones within such districts the location, height, bulk, number of stories, and size of buildings and other structures, the percentage of the lot which may be occupied, the size of yards, courts, and other open spaces, the density of population, the uses of buildings, structures, and land for trade, industry, residence, recreation, public activities, and other purposes; to provide methods of administration of this Ordinance, and to prescribe penalties for the violation thereof.

BE IT ORDAINED BY THE BOARD OF MAYOR AND COMMISSIONERS OF DUNLAP, TENNESSEE, AS FOLLOWS:

01.02. TITLE.

This Ordinance shall be known and may be cited as the Zoning Ordinance of Dunlap, Tennessee, and the map herein referred to, which is identified by the title “Official Zoning Map, Dunlap, Tennessee,” and all explanatory matters thereon, are hereby adopted and made a part of this Ordinance. The “Official Zoning Map” shall be located in the city hall and shall be identified by the signature of the Mayor and attested by the City Recorder. The “Official Zoning Map” may be amended under the procedures set forth in Chapter 17 of this Ordinance, provided, however, that no amendment of the “Official Zoning Map” shall become effective until after such change and entry has been made by ordinance and signed by the Mayor and attested by the City Recorder.

01.03. PURPOSE.

The zoning regulations and districts as herein set forth have been made in accordance with a land use plan for the purpose of promoting the health, safety, morals, and the general welfare of the community. They have been designed to lessen congestion in the streets, to secure safety from fires, panic, and other dangers, to provide adequate light and air, to prevent the overcrowding of land, to avoid undue concentration of population, to

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facilitate the adequate provision of transportation, water, sewer, schools, parks, and other public requirements. They have been made with reasonable consideration, among other things, as to the character of each district and its peculiar suitability for particular uses, and with a view of conserving the value of buildings and encouraging the most appropriate use of land throughout the city.

CHAPTER 2

DEFINITIONS

SECTION

02.01 [SCOPE](#)

02.02 [DEFINITIONS](#)

02.01 SCOPE.

For the purpose of this Ordinance and in order to carry out the provisions and intentions as set forth herein, certain words, terms, and phrases are to be used and interpreted as defined hereinafter. 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.”

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 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.

Acre. Forty-three thousand, five hundred and sixty (43,560) square feet.

Addition (to an existing building). Any walled and roofed expansion to the perimeter of a building in which the addition is connected by a common load-bearing wall other than a

fire wall. Any walled and roofed addition which is connected by a fire wall or is separate 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, milestones, signboards, billboards, wallboard, roofboard, frames, supports, fences, or other man-made structure, and any such advertising is a structure within the meaning of the word “structure” as utilized in this Ordinance.

Advertising Sign or Structure. See sign.

Agriculture. *The tilling of soil, the raising of crops, horticulture, and gardening, including the keeping or raising of domestic animals or fowl, but not including agricultural industry or business such as fruit-packing plants, fur farms, animal hospitals, or similar uses.*

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 five (5) or more dwelling units, each of which has an entrance to a hallway or balcony in common with at least one (1) other dwelling unit.

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.

Area of Shallow Flooding. A designated AO or VO Zone on a community’s Flood Insurance Rate Map (FIRM) with base flood depths from one to three feet where a clearly defined channel does not exist, where the path of flooding is unpredictable and indeterminate, and where velocity flow may be evident.

Area of Special Flood Hazard. The land in the floodplain within a community subject to a one (1) percent or greater chance of flooding in any given year.

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.

Average Ground Elevation. The elevation of the mean finished grade at the front of a structure.

Base Flood. The flood having a one (1) percent chance of being equaled or exceeded in any given year.

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 ($\frac{1}{2}$) of its height is above the average ground elevation. When used for commercial activities, a basement shall be counted as a story.

Bed and Breakfast Inns. **(Added 7/1/10)** A residence in which temporary lodging or sleeping space is rented on a nightly basis, and the resident owner/operator provides a breakfast for only the guest(s).

Breakaway Wall. A wall that is not part of the structural support of the building and is intended through its design and construction to collapse under specific lateral loading forces without causing damage to the elevated portion of the building or the supporting foundation system.

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 or more after one (1) full growing season and which shrubs will eventually grow to not less than ten (10) feet.

Building. Any structure attached to the ground and intended for shelter, housing, enclosure of persons, animals, or chattels.

Building Inspector. The Dunlap Building Inspector or his authorized representative appointed by the Dunlap City Commission.

Building, Main or Principal. A building in which is conducted the principal use of the lot on which it is situated. In any residential district any dwelling shall be deemed to be a main building of the lot on which it is located.

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.

BZA. The Dunlap Board of Zoning Appeals.

Camping trailer. Means a vehicular portable unit mounted on wheels and constructed with collapsible partial side walls which fold for towing by another vehicle and unfold at the camp site to provide temporary living quarters for recreational, camping, or travel use. **(Added 3/4/04)**

Channel. A natural or artificial watercourse with definite bed and banks to confine and conduct continuously or periodically flowing water. The top of the banks form the dividing line between channel and the floodplain.

Child Care Facilities: (added 10/2/03)

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.

Clinic. See medical facility.

Coverage. The lot area covered by all buildings located therein, including the area covered by all overhanging roofs.

Customary Home Occupation. A customary home occupation is a gainful occupation or profession conducted by members of a family residing on the premises and conducted entirely within the principal dwelling unit (and as further defined in [Section 15.08](#) of this Ordinance).

Day Nursery. Any place, home or institution, which receives six (6) or more young children, conducted for cultivating the normal aptitude for exercise, play observation, initiation, and construction.

Dedication. The transfer of property interests from private to public ownership for a public purpose. The transfer may be of fee-simple interest or of a less than fee interest, including an easement.

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 division of a parcel of land into two (2) or more parcels; 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 Dunlap, 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, exclusive of manufactured homes as herein defined, 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.

Elevated Building. A non-basement building built to have the lowest floor elevated above the ground level by means of fill, solid foundation perimeter walls, pilings, columns (posts and piers), shear walls, or breakaway walls.

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

Existing Construction. Any structure for which the “start of construction” commenced (before the effective date of the first floodplain management code, ordinance, or standard based upon specific technical base flood elevation data which establishes the area of special flood hazard) or (specific date).

Exterior Storage. Outdoor storage of fuel, raw materials, products, and equipment. In the case of lumberyards, exterior storage includes all impervious materials stored outdoors. In the case of truck terminals, exterior storage includes all trucks, truck beds, and truck trailers stored outside.

Family. One or more persons related by blood, marriage, or adoption, or a group of not to exceed five (5) 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 board or lodging house, hotel, club, or similar dwelling for group use. A family shall not be deemed to include domestic servants employed by said family.

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

Flood or Flooding. A general and temporary condition of partial or complete inundation of normally dry land areas from the overflow of inland or tidal waters; and the unusual and rapid accumulation or runoff of surface waters from any source.

Flood Hazard Area. (The same meaning as the term “floodplain.”)

Flood Hazard Boundary Map (FHBM). An official map of a community, issued by the Federal Emergency Management Agency, where the boundaries of the areas of special flood hazard have been defined as Zone A.

Flood Insurance Rate Map (FIRM). The official map of a community on which FEMA has delineated both the Areas of Special Flood Hazard and the Risk Premium Zones applicable to the community.

Flood Insurance Study. The official report provided by the Federal Emergency Management Agency. The report contains flood profiles, as well as the Flood Boundary Floodway Map and the water surface elevation of the base flood.

1. *FLOODWAY – KEPT OPEN TO CARRY FLOODWATER, NO BUILDING OR FILL. ALLOW AGRICULTURE, OPEN USES, PARKING AND RECREATION.*
2. *FLOODWAY FRINGE – USE PERMITTED IF PROTECTED BY FILL, FLOOD PROOFED OR OTHERWISE PROTECTED.*
3. *REGULATORY FLOOD LIMIT – NO FLOOD RESTRICTIONS OUTSIDE THIS LIMIT.*

Floodplain. The relatively flat area or lowlands adjoining a watercourse or other body of water which has been or may be covered by water.

Floodway. The channel of the watercourse and those positions of the adjoining floodplain which are reasonably required to provide for the passage of flow from a regulatory flood. This area must be left unobstructed in order to preserve the flood-carrying capacity of the stream and its floodplain without increasing the height of the floodwaters. Agriculture, day time parking, recreation, and open uses are permitted in this area.

Floodway Fringe. That part of the floodplain located between the floodway and the designated outline of the regulatory flood which would be covered by floodwaters of the regulatory flood. Uses are permitted if they are protected by fill, flood-proofed, or otherwise protected.

Floor. The top surface of an enclosed area in a building (including basement), i.e., top of slab in concrete slab construction or top of wood flooring in wood frame construction. The term does not include the floor of a garage used solely for parking vehicles.

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.

Frontage. An open, unoccupied space on the same lot with a principal building, extending the full width of the lot and located between the street line and the front line of the building projected to the side lines of the lot.

Functionally Dependent Facility. A facility which cannot be used for its intended purpose unless it is located or carried out in close proximity to water, such as a docking or port facility necessary for the loading and unloading of cargo or passengers, shipbuilding, ship repair, or seafood processing facilities.

Garage. A deck or building, or part thereof, used or intended to be used for the parking and storage of motor vehicles.

Gasoline Service Station. Any area of land, including structures thereon, that is utilized for the retail sale of gasoline, oil, or automobile accessories, and incidental services including facilities for lubricating, car washing and cleaning, or otherwise servicing automobiles, but not including painting or major repair.

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

Greenhouse. An enclosed building, permanent or portable, which is used for the growth of small plants.

Hazardous Materials. Include, but are not limited to, inorganic mineral acids of sulfur, fluorine, chlorine, nitrogen, chromium, phosphorous, selenium and arsenic and their common salts; lead, nickel and mercury and their inorganic salts or metallo-organic derivatives; coal, tar, acids such as phenol and cresols and their salts and all radioactive materials.

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

Health Officer. The county or district health department having jurisdiction over the community health in a specific area, or his duly authorized representative (TDEC representative). **(Added 3/4/04)**

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

Highest Adjacent Grade. The highest natural elevation of the ground surface, prior to construction, next to the proposed walls of a building.

Hospital. See medical facilities.

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, which may include one or more lots of record, 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 Corner. A lot of which at least two adjoining sides abut their full lengths on a street, provided that the interior angle at the intersection of two such sides is less than one hundred thirty-five (135) degrees.

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.

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

Lowest Floor. The lowest floor of the lowest enclosed area (including basement). An unfinished or flood-resistant enclosure, usable solely for parking of vehicles, building access, or storage, in an area other than a basement area, is not considered a building's lowest floor, provided that such enclosure is not built so as to render the structure in violation of the applicable non-elevation design requirements of this Ordinance.

Manufactured Home. A structure, transportable in one or more sections, which is built on a permanent chassis and is designed for use with or without a permanent foundation when connected to the required utilities. For floodplain management purposes the term "manufactured home" also includes park trailers, travel trailers, and other similar vehicles placed on a site for greater than 180 consecutive days. For insurance purposes, the term "manufactured home" does not include park trailers, travel trailers, and other similar vehicles.

Manufactured Home Park. (Amended 3/4/04) Any plot of ground within the City of Dunlap on which two (2) or more manufactured homes, occupied for dwelling or sleeping purposes are located.

Manufactured Home, Single-Wide. A self contained manufactured home that is transported to the home site in one piece.

Manufactured Home Space. (Added 3/4/04) A plot of ground within a manufactured home park designated for the accommodation of one (1) manufactured home.

Manufactured Home Subdivision. (Added 3/4/04) A subdivision of land specifically created to accommodate manufactured homes on individual lots which are sold in fee simple. Such subdivisions shall meet all of the requirements of the Dunlap Subdivision Regulations.

Mean Sea Level. The average height of the sea for all stages of the tide. It is used as a reference for establishing various elevations within the floodplain. For purposes of this Ordinance, the term is synonymous with National Geodetic Vertical Datum (NGVD).

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.

Minimum Floor Elevation. The lowest elevation permissible for the construction, erection, or other placement of any flood including a basement floor.

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.

Motor Home. **(Added 3/4/04)** Means a vehicular unit designed to provide temporary living quarters for recreational, camping or travel use built on or permanently attached to a self-propelled motor vehicle chassis or on a chassis cab or van which is an integral part of the completed vehicle.

National Geodetic Vertical Datum (NGVD). As corrected in 1929 is a vertical control used as a reference for establishing varying elevations within the floodplain.

New Construction. Any structure for which the "start of construction" commenced after (the effective date of the first floodplain management code, ordinance, or standard based upon specific technical base flood elevation data which establishes the area of special flood hazard) or (specific date).

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 (and further defined in [Section 03.02](#) of this Ordinance).

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.

Nursery. An enterprise which conducts the retail and wholesale sale of plants grown on the site, as well as accessory items (but not power equipment such as gas or electric lawnmowers and farm implements) directly related to their care and maintenance. The

accessory items normally sold are clay pots, potting soil, fertilizers, insecticides, hanging baskets, rakes, and shovels.

Off-Street Parking Space. A yard, space, or area off the road right-of-way, which space shall be accessible to a road and shall be arranged and maintained for the purpose of providing standing space for vehicles while at rest or while being utilized to load or unload merchandise or other materials incidental to the occupancy.

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.

Parcel. The area within the boundary lines of a development.

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'x20') exclusive of passageways and driveways giving access thereto, and having direct access to a street or alley.

Permit (License). **(Added 3/4/04)** A permit is required for manufactured home parks and travel trailer courts. Fees charged under the permit requirement are for inspection and the administration of this ordinance, and the cost will be listed on the City of Dunlap's schedule of fees and charges.

Planned Unit Development – Commercial (CPUD). **(Added 4/1/10)** A Commercial Planned Unit Development is a completely planned commercial land use, professionally designed as a unit, and approved by the Dunlap Municipal Planning Commission, in a C-1 Zone.

Planning Commission. The Dunlap Municipal Planning Commission (DMPC).

Plat. A map, plan, or layout indicating the location and boundaries of individual properties.

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, stormsewers, 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. (Amended 3/4/04) Means a vehicular type unit primarily designed as temporary living quarters for recreational, camping, or travel use, which either has its own motive power or is mounted on or drawn by another vehicle. The basic entities classified as "recreational vehicles" are: travel trailers, camping trailers, truck campers and motor homes.

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, Fast Food. An establishment whose principal business is the sale of food and/or beverages in a ready-to-consume state for consumption (1) within the restaurant building, (2) within a motor vehicle parked on the premises, or (3) off the premises as carry-out orders, and whose principal method of operation includes the following characteristics: food and/or beverages are usually serviced in edible containers or in paper, plastic, or other disposable containers.

Restaurant, Standard. An establishment whose principal business is the sale of food and/or beverages to customers in a ready-to-consume state, and whose principal method of operation includes one or both of the following characteristics: (1) their foods and beverages are served by a restaurant employee at the same table or counter at which food and beverages are consumed; (2) a cafeteria-type operation where food and beverages generally are consumed within the restaurant building.

Right-of-Way. A strip of land acquired by reservation, dedication, forced dedication, prescription or condemnation and occupied or intended to be occupied by a road, crosswalk, railroad, electric transmission lines, oil or gas pipeline, water line, sanitary storm sewer and other similar uses.

Roadway. The actual road surface including necessary road shoulders and drainage facilities including ditches and curbing and guttering, which is utilized to transport motor vehicles.

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

Sawmill. (Added 9/6/07) A stationary machine where logs or partially processed logs are sawn, split, shaved, stripped, chipped, or otherwise processed to produce wood products or converting logs to lumber or ties for monetary gain.

Set-Up. (Added 3/4/04) The support system which is a combination of footings, piers, caps and shims that will, when properly installed, support the manufactured home.

Shopping Center. A group of commercial establishments planned, developed, and managed as a unit with off-street parking provided on the property.

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. An identification, description, illustration, or device which is affixed to or represented directly or indirectly upon a building, structure, or land, and which directs attention to a product, place, activity, person, institution, or business.

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” includes the word “billboard” or any other type of advertising device, but does not include the flag, pennant, or insignia of any nation, state, city, or other political unit.

Skirting. (Added 3/4/04) An enclosure permanently constructed from weather resistant materials, similar in nature and design to the manufactured home, which encloses the space directly beneath the manufactured home.

Special Exception. Any use which is specifically permitted if the owner can demonstrate to the satisfaction of the BZA, that he will meet certain enumerated safeguards or qualifying conditions.

Stable, Commercial. A building or land where horses are kept for remuneration, hire, sale, boarding, riding, or show.

Stable, Private. Any building, incidental to an existing residential, principal use, that shelters horses for the exclusive use of the occupants of the premises.

Start of Construction (for other than new construction or substantial improvements under the Coastal Barrier Resources Act (Pub. L. 97-348)). Includes substantial improvement, and means the date the building permit was issued, provided the actual start of construction, repair, reconstruction, placement, or other improvement was within 180 days of the permit date. The actual start means either the first placement of permanent construction of a structure on a site, such as the pouring of slab or footings, the installation of piles, the construction of columns, or any work beyond the stage of excavation; or the placement of a manufactured home on a foundation. Permanent construction does not include the installation of streets and/or walkways; nor does it include excavation for a basement, footings, piers, or foundations or the erection of temporary forms; nor does it include the installation on the property of accessory

buildings, such as garages or sheds not occupied as dwelling units or not part of the main structure.

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 fifty (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. Any combination of materials, including buildings, constructed or erected, the use of which requires location on the ground or attachment to anything having location on the ground and including among other things, signs, billboards, and fences.

Substantial Improvement. For a structure built prior to the enactment of this Ordinance, any repair, reconstruction, or improvement of a structure the cost of which equals or exceeds fifty (50) percent of the market value of the structure either (1) before the improvement or repair is started, or (2) if the structure has been damaged and is being restored, before the damage occurred. For the purposes of this definition, “substantial improvement” is considered to occur when the first alteration of any wall, ceiling, floor, or other structural part of the building commences, whether or not that alteration affects the external dimensions of the structure to comply with existing state or local health, sanitary, or safety code specifications which are solely necessary to assure safe living conditions, or any alteration of a structure listed on the National Register of Historic Places or a State Inventory of Historic Places.

Townhouse. A group of single-family residential dwellings of one or more floors, having or appearing to have a common wall with an adjacent similar unit or units.

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.

Travel Trailer. (Amended 3/4/04) Means a vehicular unit, mounted on wheels, designed to provide temporary living quarters for recreational, camping, or travel use and of such size or weight as not to require special highway movement permits when drawn by a motorized vehicle, and with a living area of less than two hundred twenty square feet (220 sq. ft.), excluding built-in equipment (such as wardrobes, closets, cabinets, kitchen units or fixtures) and bath and toilet rooms; and:

- (a) Can operate independent of connections to external sewer, water and electrical systems;
- (b) Contains water storage facilities and may contain a lavatory, kitchen sink and or bath facilities; and or
- (c) Is identified by the manufacturer as a travel trailer.
- (d) Should accommodate travelers for short periods of time not to exceed 30 days.

Travel Trailer Park. (Amended 3/4/04) Any plot of ground within the City of Dunlap on which two (2) or more travel trailers, occupied for camping or periods of short stay, are located, not to exceed 14 days.

Truck Camper. (Added 3/4/04) Means a portable unit constructed to provide temporary living quarters for recreational, travel or camping use, consisting of a roof, floor and sides, designed to be loaded onto and unloaded from the bed of a pickup truck.

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. Relief from the requirements of this Ordinance, granted by the BZA, which permits construction in a manner otherwise prohibited by this Ordinance where specific enforcement would result in unnecessary hardship.

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.

CHAPTER 3

GENERAL PROVISIONS

SECTION

- 03.01. [ZONING AFFECTS EVERY BUILDING AND USE](#)
- 03.02. [NON-CONFORMITIES](#)
- 03.03. [ERECTION OF ONE \(1\) PRINCIPAL STRUCTURE ON A LOT](#)
- 03.04. [REDUCTION IN LOT AREA PROHIBITED](#)
- 03.05. [REQUIRED YARD CANNOT BE USED BY ANOTHER BUILDING](#)
- 03.06. [REQUIREMENTS OF BUFFER STRIPS](#)
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- 03.18. [RESIDENTIAL TOWNHOUSE AND PATIO HOME \(RT-PH\) REGULATIONS](#)
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- 03.22. [SELF-SERVICE STORAGE FACILITIES \(MINI-WAREHOUSES\)](#)
- 03.23. [TINY HOME CLUSTER DEVELOPMENTS](#)

For the purpose of this Ordinance there shall be certain general provisions which shall apply to the city as a whole as follows.

03.01 ZONING AFFECTS EVERY BUILDING AND USE.

No building or land shall hereafter be used and no building or part thereof shall be erected, moved, or altered unless for a use expressly permitted by and in conformity with the regulations herein specified for the district in which it is located, whether operated for or without compensation.

3.02 NON-CONFORMITIES (Amended 11/17/2023 by Ord #292)

The lawful use, normal maintenance, and repair of any building, structure, or use of land existing at the time of the enactment of this ordinance or existing at the time of a revision to this ordinance or zoning map may be continued even though such use does not conform with the provisions of this ordinance. This section shall not be construed to mean any non-conforming use becomes grandfathered just because it was not caught or

recognized prior to an amendment to the ordinance or map, and a change to the ordinance or map does not automatically grandfather uses that were considered illegal or prohibited at the time the use or structure came into being.

A non-conforming structure or use of land and/or buildings **shall not** be:

- 1) changed to another non-conforming use;
- 2) extended or enlarged except in conformity with this ordinance; and/or
- 3) rebuilt, altered or repaired after damage exceeding fifty (50) percent of its replacement cost at the time of destruction, except in conformity with this ordinance. The value shall be computed from the amount the structure is assessed for tax purposes by the City of Dunlap and the Sequatchie County Property Assessor.

Industrial, commercial, or business establishments, structures, and/or land uses that are considered to be legally grandfathered non-conforming uses under the current zoning ordinance shall be governed by the requirements of Tennessee Code Annotated, Section 13-7-208.

In the case of legally grandfathered non-conforming residential land uses, the property may continue to be used as such regardless of the zoning district. A residential use may be enlarged at any time in compliance with the zoning district's building setbacks, or a residential structure may be completely reconstructed within 12 months if demolished, damaged, or destroyed by man or an act of God. Residential land uses may construct carports, garages, pools, and/or have customary accessory buildings on the property as would be permitted in the same residential district similar to the current use of property. However, in no case shall a residential use be allowed to increase in use intensity meaning a single-family existing structure may neither be converted into a multifamily dwelling, nor an additional separate residential structure be added to the same property. If the property is subdivided, the new lot, if vacant, shall be used only in conformity with this ordinance and the zoning district for which it is located. If a use of property or existing structure is converted into something other than residential and in conformity with the district where the property is located, then it may not go back to being used as residential (i.e. a home is converted into a business office or commercial use then it may not be used as a residence again). If the residential dwelling(s) is vacant for a period of more than eighteen (18) continuous months, then the property shall be required to be used in conformity with this ordinance and the zoning district where it is located.

Any non-conforming single-wide residential trailer shall be removed and not subject to replacement in compliance with the provisions of this Ordinance under any of the following conditions:

- 1) A mobile home is not occupied for residential use for a period of six (6) months and is not located in a zoning district permitting single-wide mobile homes.
- 2) The mobile home deteriorates to an unsafe or uninhabitable condition as determined by the Zoning or Building Official, in which case, the mobile home must be removed from the property within sixty (60) days of notice of condemnation thus requiring any new structure to be in compliance

with the zoning ordinance in an R-1 and R-2 zoning district, or it can be replaced with a newer mobile home that is structurally, physically, and visually sound in any zoning district except R-1 and R-2. In the C-1 district, a mobile home that has been deemed to be uninhabitable may be replaced by a single-family site-built residential structure or a double-wide modular home that meets the building setbacks of this district. In either case mentioned in this section, a legally existing non-conforming residential status requires a building permit to be obtained within six (6) months after the removal of the uninhabitable mobile home, and a residential structure must be placed or constructed within twelve (12) months following the application for a building permit.

- 3) If a mobile home is damaged by fire, flood, wind, or other act of God or man, it can be replaced with a newer mobile home or a single-family site-built home or double-wide modular home provided a building permits is obtained within six (6) months and constructed in twelve (12) months following the application for a building permit. A replaced single-wide or double-wide modular home must be structurally, physically, and visually sound and within the building setback lines or within the original footprint if given the approval by the Board of Zoning Appeals in situations where building setbacks could not be reasonably met.
- 4) For mobile home parks that have been discontinued for a period of 6 months, it shall not be re-established or changed to any use that is not in conformity with the provisions of this ordinance. Immediately upon the removal of a non-conforming mobile home park, the non-conformity of such structure(s) or use of land shall lapse. For non-conforming mobile home parks located in zoning districts that do not permit such use, the park may not be expanded and only existing mobile homes can be replaced with newer mobile homes; provided the mobile home being removed is replaced within six (6) months and a building permit for the newer home is obtained at the time the existing home is being removed. The property used for a non-conforming mobile home park shall not be further subdivided to create individual lots for mobile homes, and any division of vacant land within the park shall require the new lot to adhere to allowable uses for the zoning district where the property is located.
- 5) If any mobile home loses its legal non-conforming status, it shall be moved within sixty (60) days of written notice from the Zoning or Building Official or City of Dunlap.

An existing nonconforming use shall meet the requirements of the Dunlap Municipal Floodplain Zoning Ordinance if it is located in an area designated as a floodplain or floodway on the National Flood Insurance Rate Maps, and is being structurally altered or substantially improved as defined by the flood ordinance.

Any nonconforming building or nonconforming use, which is damaged by fire, flood, wind, or other act of God or man, may be reconstructed and used as before, provided a building permit has been obtained from the Dunlap Building Inspector within six (6) months of such damage or an extended period of time as may be granted by the Dunlap

Board of Zoning Appeals. After obtaining a building permit, the owner is entitled to no more than one-year (1) to complete any repairs or rebuilding, after which time a lack of progress shall require the use of land to be in conformance with the current zoning district. Any structure that will be replaced in its entirety, with the exception of mobile homes as stated above, shall be of a similar use to the proceeding structure, and it shall meet all building setbacks or must maintain the same building footprint as the previous structure if approved by the Board of Zoning Appeals. The replaced structure shall only be enlarged if portions of the structure that are outside of the original footprint can meet current building setbacks as prescribed by the zoning district where it is located.

If property of a non-conforming use is subdivided, then any subsequent lot and use of any vacant land shall be in conformity with the current zoning requirements of the specified zoning district.

03.03 ERECTION OF ONE (1) PRINCIPAL STRUCTURE ON A LOT.

Only one (1) principal building and its customary accessory building(s) may hereafter be erected on any one (1) lot. The Board of Zoning Appeals may grant a special exception to this requirement in a residential zone provided the following criteria can be met.

1. Both principal structures must have access from a public road
2. Each principal structure must meet the minimum square footage requirements independently from each other
3. Both structures must meet the minimum setback requirements of this Ordinance

03.04 REDUCTION IN LOT AREA PROHIBITED.

No lot, even though it may consist of one (1) 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.

03.05 REQUIRED YARD CANNOT BE USED BY ANOTHER BUILDING.

No part of a yard or other open space required about any building for the purpose of complying with the provisions of these regulations shall be included as a part of a yard or other open space required under these regulations for another building, except in the Central Business District (CBD).

03.06 REQUIREMENT OF BUFFER STRIPS.

Where a use is established in areas zoned C-1 General Commercial, C-2 Central Business, I-1 Light Industrial or I-2 Heavy Industrial, which abuts at any point upon property in areas zoned R-1 Low Density Residential, R-2 Medium Density Residential,

or R-3 High Density Residential, the developer of said use shall provide a buffer strip, as defined in this Ordinance, at the point of abutment.

03.07 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, center line of the street, or property line as required for adjacent properties which front on that street. In addition, any structure located within twenty-five (25) feet of that setback line shall be no closer to any side property line than the distance required for side yards on adjoining properties fronting on that street.

03.08 OBSTRUCTION OF VISION AT STREET INTERSECTION PROHIBITED.

On a corner lot not in a C-2 Central Business 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 twenty (20) feet from their intersection, there shall be no obstruction to vision between a height of three (3) feet and a height of fifteen (15) feet above the average grade of each street at the center line thereof. The requirements of this section shall not be construed to prohibit any necessary temporary retaining wall.

Any plans to build a permanent retaining wall that does not meet the requirements of this section shall be submitted to the BZA for approval, prior to the start of construction of said structure.

03.09 OFF-STREET AUTOMOBILE PARKING. (amended 1/5/06)

There shall be provided at the time of erection of any building or structure, or at the time any main building or structure is enlarged or increased in capacity by adding dwelling units, guest rooms, seats, or floor area, or before conversion from one zoning use or occupancy to another, permanent off-street parking space of at least nine (9) feet wide and eighteen (18) feet long—smaller spaces will be allowed if an area is designated for compact vehicles - with vehicular access to a street or alley for the specific uses as set forth below. For lots with no access to either a public or private alley, the city reserves the right to control ingress and egress over private rights-of-way. Off-street parking space shall be deemed to be required open space associated with the permitted use and shall not hereafter be reduced or encroached upon in any manner. All parking spaces for all uses shall be arranged in such a manner to prevent a vehicle from backing onto a public way during egress, excluding residential property.

- All parking should meet ADA requirements.
- Parking space requirements may be reduced by 10% if landscaping in an area equal in size is included in the parking design.
- Parking requirements should be considered as maximums.

1. Spaces required.

Dunlap Zoning Ordinance

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- a. Automobile Sales. One (1) space for each regular employee, plus one (1) space for each three hundred (300) square feet of floor area used for sales and/or service work
- b. Boarding or Rooming Houses. Not less than one (1) space for each room or unit occupied by boarders or roomers
- c. Funeral Homes. One (1) space for each company vehicle, plus one space for each three (3) seats in meeting rooms
- d. Gasoline Filling Stations. Three (3) spaces for each grease rack or similar facility, plus one (1) space for each attendant
- e. Hospitals and Nursing Homes. Three (3) patients' parking spaces per doctor, plus two (2) spaces per three (3) employees, plus one (1) space per staff doctor, plus one (1) space for each four (4) beds
- f. Hotels/Motels. One (1) space for each three (3) employees, plus one (1) for each guest bedroom
- g. Industrial. One (1) space for each two (2) employees on a single shift, plus one (1) space for each company vehicle operating from the premises
- h. Lodges and Clubs. One (1) space for each four hundred (400) square feet of floor space
- i. Office Buildings, Manufacturing, or Other Industrial Building or Use. Not less than one (1) space for each two (2) persons employed computed on the basis of the total number of employees on the two largest, consecutive shifts. In addition, there shall be provided vehicle storage or standing space for all vehicles used directly in the conduct of such office or industrial use
- j. Places of Amusement or Assembly Without Fixed Seats. One (1) space for each three hundred (300) square feet of floor space devoted to patron use
- k. Public Buildings. Not less than one (1) for each two hundred (200) square feet of total floor area of all floors in building, except basement, except in a C-2 Central Business District.
- l. Repair Garages (Automobile). One (1) space for each regular employee, plus one (1) space for each three hundred (300) square feet of floor area used for repair work.

- m. Residential. Not less than one (1) space for each single-family dwelling, and not less than two (2) spaces for each unit in multi-family dwellings and apartment
 - n. Restaurants. One (1) space for each four (4) seats provided for patron use, plus one (1) space for each two (2) employees
 - o. Retail Uses. In all business districts, except C-2 Central Business Districts, not less than 4.5 spaces for each one thousand (1000) square feet of gross floor area. Smaller uses such as convenience stores will be 3.5 spaces for each 100 square feet of gross floor area. **(amended 1/5/06)**
 - p. Schools. One space for each ten (10) students, except schools housing tenth grade and above, one space for each ten (10) students plus one (1) space for each employee of the school.
 - q. Theaters, Auditoriums, Stadiums, Churches, or Other Uses Designed to Draw an Assembly of Persons. Not less than one (1) space for each four (4) seats provided in such place or assembly, except in a C-2 Central Business District
 - r. Tourist Courts and Motels. One (1) space for each room of accommodation
 - s. Wholesale Business. Two (2) spaces for each employee
2. Exclusivity of Existing Parking Space. Parking space maintained in connection with an existing and continuing main building or structure on the effective date of this Ordinance up to the number required by this Ordinance shall be continued and may not be counted as serving a new structure or addition, nor may any parking space be substituted for a loading space, nor any loading space substituted for a parking space.
3. Remote Parking Space. If off-street parking space required above cannot be reasonably provided on the same lot on which the principal use is conducted, the Board of Zoning Appeals may permit such space to be provided on other off-street property provided such space lies within five hundred (500) feet of the main entrance to such principal use. Such vehicle standing space shall be deemed to be required open space associated with the permitted use and shall not hereafter be reduced or encroached upon in any manner.
4. Joint Use of Off-Street Parking. Nothing in this Ordinance shall be construed to prevent the joint use of any off-street parking area or facility by two or more buildings or uses if the total of such spaces when used

together shall not be less than the sum of the requirements for the various individual uses or buildings computed separately.

03.10 OFF-STREET LOADING AND UNLOADING SPACE.

Every building or structure used for business or trade shall provide, as indicated below, adequate space for the loading and unloading of vehicles off the street or public alley. Such space shall have access or a public alley, or if there is no alley, to a public street.

1. Retail Business. One (1) space of at least ten (10) feet by thirty-five (35) feet for each three thousand (3,000) square feet of floor area or part thereof, excluding the C-2 Central Business District.
2. Wholesale and Industrial. One (1) space of at least ten (10) feet by fifty (50) feet for each ten thousand (10,000) feet of floor area or part thereof.
3. Bus and Truck Terminals. One (1) space to accommodate each bus or truck that will be stored and loading and unloading at the terminal at any one time.

03.11 ACCESS CONTROL.

In order to promote the safety of the motorist and pedestrian and to minimize traffic congestion and conflict by reducing the points of contact, the following regulations shall apply:

1. A point of access, i.e., a drive or other opening, for vehicles onto a street shall not exceed thirty (30) feet in width
2. There shall be no more than two (2) points of access to any one public street on a lot of less than four hundred (400) feet, but more than one hundred (100) feet in width. Lots less than one hundred (100) feet in width shall have no more than one (1) point of access to any one public street
3. No point of access shall be allowed within fifteen (15) feet of the right-of-way of any public street intersection
4. Where sidewalks exist, the area existing between the street and an interior parking space or driveway parallel to the street shall have a curb at least six (6) inches in height and six (6) inches in width separating the parking area from the sidewalk to prevent encroachment of vehicles onto the sidewalk area. (Concrete parking “stops” 6” x 6” x 8’ may be substituted

for a curb but must be located at the end of each parking space that abuts the sidewalk

5. No curbs on city streets or rights-of-way shall be cut or altered without written approval of the Building Inspector
6. Cases requiring variances relative to this action and hardships not caused by the property owner shall be heard and acted upon by the Board of Zoning Appeals, provided further that no curb cuts for off-street automobile storage or parking space shall be permitted where the arrangement would require that vehicles back directly into a public street
7. Access control on property abutting state or federal highways shall be governed by official regulations of the Tennessee Department of Highways or the provisions of this Ordinance, whichever is higher

03.12 FRONTAGE ON PUBLIC STREET.

All residential uses must front on a public street for a distance of at least twenty-five (25) feet.

03.13 ALTERATION OR EXPANSION OF BUILDINGS.

No building or structure, whether conforming or non-conforming, shall be changed, expanded, or in any way altered except in conformance with all the provisions of this Ordinance. An example of a violation of this provision would be the division of a single dwelling unit into two (2) or more units except in conformance with this Ordinance.

03.14. AGRICULTURAL USES OF LAND.

Agricultural uses of land are permitted in all residential, commercial, industrial, and floodway zones. The agricultural use of land shall be limited by the requirement that no offensive odors or dust be created and that no agricultural products be sold in a residential district that are not produced on the same lot. After the adoption of this Ordinance, no new agricultural structures will be permitted unless the Board of Zoning Appeals finds the following criteria can be met:

1. The proposed structure must be in an R-1 Low Density Residential, R-2 Medium Density Residential, R-3 High Density Residential, C-1 General Commercial, I-1 Light Industrial, or I-2 Heavy Industrial zone.
2. The proposed structure shall not include space for commercial poultry and swine production, cattle feeder lots, and fur-bearing animal farms
3. The location of the structure on a lot must be such as to have a minimal impact on the adjoining properties.

03.15. CHILD CARE FACILITIES REQUIREMENTS (added 10/2/03)

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:

1. 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:
 - a. All dimensional regulations of the district shall apply.
 - b. 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.
 - c. Along the site boundary of the facility, buffering, screening, and landscaping must be provided to adequately protect any abutting residential property.
 - d. 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.
 - e. The facilities' operation and maintenance shall meet the requirements of the Tennessee Department of Human Services.
 - f. 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.
 - g. 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.
2. 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:
 - a. All dimensional regulations of the district shall apply.

- b. 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.
- c. Along the site boundary of the facility, buffering, screening, and landscaping must be provided to adequately protect any abutting residential property.
- d. 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.
- e. The facilities' operation and maintenance shall meet the requirements of the Tennessee Department of Human Services.
- f. 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.

**03.16. MANUFACTURED HOME PARK AND TRAVEL TRAILER PARK
ORDINANCE (amended 3/4/04)**

03.16.01 General Requirements

- 1. **Manufactured Home Parks.**
It shall be unlawful for any person or persons to maintain or operate any manufactured home park within the City of Dunlap, Tennessee, unless such person or persons shall have first obtained a Manufactured Home Park permit and have a site plan approved by the DMPC.
- 2. **Travel Trailer Parks.**
It shall be unlawful for any person or persons to maintain or operate any travel trailer park within the City of Dunlap, Tennessee, unless such person or persons shall have first obtained a Travel Trailer permit and have a site plan approved by the DMPC.
- 3. **Pre-Application Review.**
Whenever a manufactured home or travel trailer park is proposed on land within the city limits of Dunlap, the developer is urged to consult early and informally with the planning commission staff. The developer should submit sketch plans and data showing existing conditions within the site and in its vicinity and the proposed layout and development of the park. No fee shall be charged for this pre-application review and no formal application shall be required.

4. Application for Manufactured Home and Travel Trailer Park Permits and Planning Commission Approval.

Following the optional pre-application review of a proposed manufactured home or travel trailer park, the developer or his agent, shall apply for a Manufactured Home or Travel Trailer Park Permit from the City Building Inspector. No manufactured home or travel trailer park shall be established or maintained by any person unless such person holds a valid permit.

Applications shall be in writing, signed by the applicant and accompanied by the owner's certification and any other certification deemed necessary, as well as by a site plan of the proposed manufactured home or travel trailer park.

The developer shall notify the Dunlap Regional Planning Commission at least fifteen (15) calendar days prior to the next regular meeting of the planning commission of what it is he wishes to have on the AGENDA. At this time, the developer shall also submit copies of the site plan and any supporting documents, if any.

5. Permit Applications for Manufactured Home and Travel Trailer Parks.

Applications for a manufactured home or travel trailer park shall be filed with and issued by the City Building Inspector subject to the Planning Commission's approval of the site plan. Permit fees will be listed in the City of Dunlap's schedule of fees. Applications shall be in writing and signed by the applicant and shall be accompanied with a plan of the proposed manufactured home or travel trailer park. The plan shall contain the following information and conform to the following requirements:

- a. The plan shall be clearly and legibly drawn at a scale not smaller than one hundred (100) feet to one (1) inch;
- b. Name and address of owner of record;
- c. Proposed name of park;
- d. North point and graphic scale and date;
- e. Vicinity map showing location and acreage of manufactured home or travel trailer park;
- f. Exact boundary lines of the tract by bearing and distance;
- g. Names of owners of record of adjoining land;
- h. Existing streets, utilities, easements, and water courses on and adjacent to the tract;
- i. Proposed design including streets, proposed street names, lot lines with approximate dimensions, easements, land to be reserved or dedicated for public uses, and any land to be used for purposes other than manufactured home or travel trailer spaces;
- j. Provisions for water supply, sewerage and drainage;

- k. Such information as may be required to determine if the proposed park will comply with legal requirements; and
- l. The applications and all accompanying plans and specifications shall be filed in triplicate.

03.16.02 MANUFACTURED HOME PARK REQUIREMENTS

1. Initial Development Permit for Manufactured Home Parks.
No place or site within the City of Dunlap shall be established or maintained by any person, group of persons, or corporation as a manufactured home park unless a valid permit has been issued by the City Building Inspector in the name of such person or persons for the specific manufactured home park. The City Building Inspector is authorized to issue, suspend, or revoke permits in accordance with the provisions of this ordinance.
2. Inspections by City Building Inspector.
The City Building Inspector is hereby authorized and directed to make inspections to determine the condition of manufactured home parks, in order that he may perform his duty of safeguarding the health and safety of occupants of manufactured home parks and of the general public. The City Building Inspector shall have the power to enter at reasonable times upon any private or public property for the purpose of inspecting and investigating conditions relating to the enforcement this ordinance.
3. Length of Occupancy.
Manufactured Home Parks are not intended to accommodate transient dwellings and therefore no manufactured home space shall be rented in any manufactured home park for periods of less than sixty (60) days.
4. Certification of Minimum Standards of Manufactured Homes.
No manufactured home shall be admitted to any park unless it meets the requirements of the National Manufactured Home Construction and Safety Standards Act of 1974 (42 USC § 5401 et seq.) and the "Uniform Standards Code for Manufactured Homes and Recreational Vehicles" (TCA §68-126-201 through §68-126-215) or any state administered code ensuring equal or better plumbing, heating or electrical installations.
5. Location and Planning.
The manufactured home park shall be located on a well-drained site and shall be located so that its drainage will not endanger any water supply and shall be in conformity with a plan approved by the Dunlap Regional Planning Commission. The manufactured home park location and plan approval shall provide for adequate space, lighting, drainage, sanitary facilities, safety features, and service buildings as may be necessary to protect the public health, prevent nuisances, and provide for the convenience and welfare of the manufactured home park occupants. Manufactured home parks shall be allowed only in the R-3 High Density Residential Zone.

6. Minimum Size of Manufactured Home Park.

The tract of land for the manufactured home park shall comprise an area of not less than three (3) acres. The tract of land shall consist of a single plot so dimensioned and related as to facilitate efficient design and management.
7. Minimum Manufactured Home Space and Spacing of Manufactured Homes.

Each manufactured home space shall be adequate for the type of facility occupying the same. Manufactured homes shall be parked on each space so that there will be at least ten (10) feet of open space between manufactured homes or any attachment such as a garage or porch and at least fifteen (15) feet end to end spacing between trailers and any building or structure, twenty (20) feet between any trailer and property line and twenty-five (25) feet from the right-of-way of any public street or highway and ten (10) feet from streets within the park. In addition, each manufactured home space shall contain:

 1. A minimum lot area of four thousand (4,000) square feet when public sewage disposal is utilized and five thousand (5,000) square feet when individual septic disposal is utilized;
 2. A minimum width of at least forty (40) feet and a minimum depth of at least one hundred (100) feet;
 3. In no case shall the minimum width be less than forty (40) feet and the minimum depth less than eighty (80) feet.
8. Water Supply.

A public water supply shall be used exclusively in Manufactured Home Parks.
9. Sewage Disposal.

Public sewerage is recommended in Manufactured Home Parks and should be extended whenever a sewer line is within five hundred (500) feet measured along the street adjoining the manufactured home park. Minimum standards for individual septic tanks will be determined by the Local Health Officer (TDEC).
10. Refuse.

The storage, collection and disposal of refuse, in the park shall be so managed as to create no health hazards. All refuse shall be stored in fly proof, water tight and rodent proof containers. Satisfactory container racks or holders shall be provided. Garbage shall be collected and disposed of in an approved manner at least once per week. Where garbage pick-up is available garbage containers shall be located along the public street to allow proper pick up.

Where steel containerized dumpsters are used, a concrete pad shall be provided and an opaque fence shall be installed. Where dumpsters are utilized, they shall be provided at a rate of one (1) dumpster for each eight (8) manufactured homes, or any increment thereof. The location shall be in an area to allow room for garbage trucks.

11. Electricity.
An electrical outlet supplying at least two hundred twenty (220) volts shall be provided for each manufactured home space and shall be weather proof and accessible to the parked manufactured home. All electrical installations shall be in compliance with the National Electrical Code and Tennessee Department of Insurance and Banking Regulation No. 15, entitled "Regulation Relating to Electrical Installations in the State of Tennessee," and shall satisfy all requirements of the local electric service organization.

12. Street Requirements.
Widths of various streets within manufactured home parks shall be:

One-way, with no on-street parking.....	10 ft.
One-way, with parallel parking on one side only	18 ft.
One-way, with parallel parking on both sides	26 ft.
Two-way, with no on-street parking.....	20 ft.
Two-way, with parallel parking on one side only.....	28 ft.
Two-way, with parallel parking on both sides.....	36 ft.

Streets shall meet the same base and thickness requirements of the City of Dunlap and as noted in the Dunlap Subdivision Regulations Chapter 7. The internal streets are considered private and should be maintained by the owner of the Manufactured Home or Travel Trailer Park.

13. Parking Spaces.
Car parking spaces shall be provided in sufficient number to meet the needs of the occupants of the property and their guests without interference with normal movement of traffic. Such facilities shall be provided at the rate of at least two (2) car spaces for each manufactured home lot plus an additional car space for each four (4) lots to provide for guest parking, for two-car tenants and for delivery and service vehicles. Car parking spaces shall be located upon each manufactured home space. The size of the individual parking space shall have a minimum width of not less than ten (10) feet and a length of not less than twenty (20) feet. The parking spaces shall be located so access can be gained only from internal streets of the manufactured home park.

14. Buffer Strip.
An evergreen buffer strip shall be planted along those boundaries of the manufactured home park that are adjacent to other property, except along city streets.

15. Skirting.
The owner or operator of a manufactured home park shall require individual manufactured homes within the park to be skirted.

16. Required Recreation Area.
A centrally-located recreation area for the use of all manufactured home park residents shall be provided in all manufactured home parks having more than ten (10) manufactured home spaces. The recreation area shall contain a minimum of five hundred (500) square feet per manufactured home space. Manufactured home parks with ten (10) or less spaces shall have the option of providing a centrally located recreation area with a

minimum of three thousand (3,000) square feet, or five hundred (500) square feet per unit if this is greater; or may incorporate the recreation area into each individual lot, in which case each individual manufactured home space shall be five hundred (500) square feet more than the otherwise required minimum per individual space.

Such recreational land, when provided separately by the manufactured home park, shall be maintained in an attractive manner and shall be well-drained and usable for recreation.

17. Utilities to Each Space.
Manufactured Home Parks shall provide utility connections for each individual manufactured home space.

03.16.03 TRAVEL TRAILER PARK REQUIREMENTS

1. Unlawful Use of a Travel Trailer.
It shall be unlawful for any travel trailer to be occupied or serviced outside of any properly permitted designated travel trailer park. This provision shall not apply to the storage of travel trailers that are neither temporarily nor permanently occupied as a dwelling unit while within the city limits.
2. Permit for Travel Trailer Park.
No place or site within the City of Dunlap shall be established or maintained by any person, group of persons, or corporation as a travel trailer park unless a valid permit has been issued by the City Building Inspector in the name of such person or persons for the specific travel trailer park. The City Building Inspector is authorized to issue, suspend, or revoke permits in accordance with the provisions of this ordinance.
3. Inspections by City Building Inspector or County Health Officer.
The City Building Inspector or County Health Officer is hereby authorized and directed to make inspections to determine the condition of travel trailer parks, in order that he may perform his duty of safeguarding the health and safety of the occupants of travel trailer parks and the general public. The City Building Inspector or County Health Officer shall have the power to enter at reasonable times upon any private or public property for the purpose of inspecting and investigating conditions relating to the enforcement of this ordinance.
4. Length of Occupancy.
Travel trailer spaces shall be rented by the day or week only, and the occupant of such space shall remain in the same travel trailer park not more than thirty (30) days.
5. Location.
Travel trailer parks should be located in commercial zones only.

NOTE: Travel trailer parks, properly regulated, fit well into general commercial complexes in which a variety of complimentary facilities are available nearby - groceries, general stores, filling stations, coin operated laundries, for example, are often in demand by persons looking for trailer parks.

6. Minimum Size of Travel Trailer Park.
The tract of land designed to be used as a travel trailer park shall conform to those same minimum lot area standards as established by the Dunlap Subdivision Regulations.
7. Minimum Size of Travel Trailer Space.
Each travel trailer space shall have a minimum width of thirty (30) feet and a minimum length of fifty (50) feet. Each space, upon which the travel trailer will be located, shall be situated such that there is at least fifteen (15) feet from side-to-side and at least eight (8) feet end-to-end from the edge of one travel trailer to the edge of the next.
8. Street Requirements.
A loop or other system of internal private roads shall be built so that all travel trailer spaces take their access from such internal roads rather than directly from a public road. The use of pull-through spaces shall be allowed if the owner wants this arrangement.

The minimum widths of various streets or roads within a travel trailer park shall comply with the following:

One-way street 10 feet wide;
(with no on-street parking)

Two-way street..... 16 feet wide;
(with no on-street parking)

Parallel parking 8 ft. of addnl width;
(on one side)

Parallel parking 16 ft. of addnl width.
(on two sides)

Streets shall meet the same base and thickness requirements of the City of Dunlap and as noted in the Dunlap Subdivision Regulations Chapter 7. The internal streets are considered private and should be maintained by the owner of the Manufactured Home or Travel Trailer Park.

9. Sewage Disposal.
Each travel trailer park shall provide an adequate sewage disposal system approved in writing by the health officer. Each travel trailer space designed to accommodate travel trailers requiring external connections to the sewage disposal system shall have such connections approved by the health officer. A collection and disposal system for liquid waste shall also be provided within the park for those travel trailers having self-contained waste systems. The liquid disposal and collection system shall meet all health department requirements.

The developer of a travel trailer park shall first attempt to dispose of sewage through a public sewerage system. If this attempt is not feasible, then a septic tank and subsurface soil absorption system may be used provided the soil characteristics are suitable and an adequate disposal area is available.

No travel trailer shall be placed over a soil absorption field.

An officially approved treatment plant may be used instead of a public sewerage or septic tank system.

03.16.04 ADMINISTRATION AND ENFORCEMENT

1. Highest Standards Apply.
In any case where a provision of this article is found to be in conflict with a provision of any private or public act or local ordinance or code, the provision which establishes the higher standard for promotion and protection of the health and safety of the people shall prevail.
2. Enforcement.
It shall be the duty of the County Health Officer and City Building Inspector to enforce the provisions of this ordinance.
3. Dunlap Board of Zoning Appeals to Hear Appeals.
The applicability of this Ordinance or the validity or applicability of a regulation promulgated pursuant to this Ordinance, may be determined in a hearing before the Dunlap Board of Zoning Appeals. The board of zoning appeals shall grant a hearing to aggrieved persons upon request. The complainant shall file a written petition. The board of zoning appeals shall hold a hearing on the appeal within sixty (60) days of receipt of petition. The complainant and all other interested parties shall be given notice of the time and place of the hearing.

The complainant may appeal such decision of the board of zoning appeals to the Dunlap Board of Mayor and Commissioners. Such an appeal shall be in writing.
4. Variance Process.
Variance from the requirements of these regulations shall only be based upon hardship created through lot conditions necessitating such and the intent of these regulations shall not be changed. Such variances and the reason as to why granted shall be noted in the minutes of the board of zoning appeals.
5. Improper Utility Connection.
If a utility company or similar public facility corporation connects with the system of a structure or initiates service in violation of this Ordinance or the regulations promulgated hereunder, the planning commission through the city attorney shall direct such company or corporation to close the connection and discontinue service at the company's or corporation's expense.
6. Violations.
Violations of this Ordinance or the regulations promulgated hereunder shall be punishable by a fine of not less than twenty-five (25) nor more than fifty (50) dollars for each offense. Each day a violation is continued shall constitute a separate offense. Prior to the levy of a fine, written notice shall be given to the offender specifying in what manner he has

violated this Ordinance. This notice shall specify the manner and Ordinances necessary to correct conditions in violation.

7. Existing Manufactured Home Parks (Grandfather Clause).

Any manufactured home park or travel trailer park permitted pursuant to the provisions of this Ordinance, may be continued even though such use does not entirely conform with the provisions of this Ordinance provided they do not violate public health regulations and provided, however, that this Ordinance will govern:

1. Manufactured home parks or travel trailer parks re-established after a discontinuance for more than thirty (30) days;
2. The extension or enlargement of any manufactured home park or travel trailer park in existence prior to the adoption of this Ordinance; and
3. Manufactured home parks or travel trailer parks rebuilt, altered, or repaired after the effective date of this Ordinance due to damage or destruction of more than one-half (1/2) of the park's total capacity.

Note: Whenever there is an extension or enlargement any manufactured home park the new portion would be required to meet the regulations of this ordinance. The DMPC will require a site plan for the extension or enlargement and when deemed necessary require a site plan for the entire park including the grandfathered portion in determining approval.

Jurisdiction. The regulations established within this ordinance shall govern all Site Plans within the jurisdiction of the Dunlap Municipal Planning Commission. Any owner of land within this area wishing to develop where a Site Plan is necessary shall submit to the procedures outlined in this ordinance and shall make those improvements necessary to comply with the minimum standards of this ordinance. **(added 1/5/06)**

03.17. SITE PLAN / SKETCH PLAN REVIEW REQUIREMENTS. (added 1/5/06)

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.

1. a. Exceptions: The provisions of Section 03.17 shall not apply to:
 - (1) Single-family dwellings, two-family dwellings, or accessory buildings thereto
- b. Exceptions: When the following exceptions apply, only a sketch plan will be required that should meet the requirements of [Section 03.17.8.](#)
 - (1) 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

- (2) 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.
 - (3) 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 one (1) acre 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
2. Approved Site Plan Required to Erect or Enlarge Buildings. Except as provided in subsection 03.17.1., 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.
3. Approved Site Plan Required to Disturb Land. Except as provided in subsection 03.17.1., 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.
4. 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.
5. 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.
6. Site Plan Submission. Site plans shall be submitted to the planning staff at least ten (10) business days prior to a scheduled Dunlap Municipal Planning Commission meeting. Following a review by the planning staff, at least three (3) copies of the proposed site plan, prior to any site alterations, shall then be submitted to the Dunlap Municipal Planning Commission for review. The Planning Commission shall consider the site

plan in light of the provisions of this chapter and approve or disapprove the 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. **(Amended 2/1/18)**

7. Site Plan Requirements.

- a. The site plan shall show the following:
 - (1.) Name and address of development
 - (2.) Name and address or owner of record and the applicant
 - (3.) Present zoning classification of the site and abutting property
 - (4.) Date, scale, and north point with reference to source of meridian
 - (5.) Courses and distances of center lines of all streets and all property lines
 - (6.) All building restricting lines, highway setback lines, easements, covenants, reservation, and rights-of-way
 - (7.) The total land area
 - (8.) 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.
- b. The site plan shall show the location of the following when applicable:
 - (1.) Number of structures or dwelling units
 - (2.) Number of parking spaces
 - (3.) Number of loading spaces
 - (4.) Square feet of floor space
 - (5.) Number of commercial or industrial tenants and employees
 - (6.) Plans for collecting storm water and methods of treatment of natural and artificial watercourses, including a delineation of limits of flood plains

- (7.) 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
 - c. The site plan shall include an adequate erosion control plan.
 - d. Any building or structure shall be reasonably accessible to fire, police, emergency, and service vehicles. When deemed necessary for access by the Fire Chief, designated engineer or City Building Inspector, emergency vehicle easements shall be provided.
8. Sketch Plan Requirements (Updated 5/20/21 Ord#282). The application for a building permit for any structure which does not require a site plan as provided above in **03.17.1.B** shall be accompanied by a sketch or scale plan indicating:
 - a. The current zoning, tax map identifier, and property address.
 - b. The size and shape of the lot.
 - c. The shape, size, location and use of any existing or proposed buildings or structures on the site, or modifications thereto.
 - d. The distance between the structure(s) and other structures as well as front, side, and rear building setbacks and property lines.
 - e. The owner's name, the street address of the property, and telephone number.
 - f. Driveways and parking spaces where applicable.
 - g. Where applicable, location of well(s) and septic system.
 - h. The intended use of such structure.

Sketch plans will be reviewed and either approved or denied by the Dunlap Code Enforcement Officer/Building Inspector in accordance with the provisions of this zoning ordinance and any other related municipal codes. In the case of denial, appeals can be made to the Dunlap Board of Zoning Appeals. For situations where a sketch plan proposes a project that conflicts with the zoning ordinance or other municipal codes, the Code Enforcement Officer/Building Inspector may choose to submit the sketch plan to either the Dunlap Municipal Planning Commission and/or Board of Zoning Appeals for review and a ruling on the project.

9. 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 Dunlap Board of Zoning Appeals in accordance with [Section 16.06](#).

10. Penalties. As regulated in [Section 16.05](#).

03.18. RESIDENTIAL TOWNHOUSE AND PATIO HOME (RT-PH) REGULATIONS.
(added 3/6/08)

A. Purpose:

In Dunlap's residential zoning districts, fee-simple townhouses and patio homes are allowed to increase the variety of available housing choices. Within these districts townhouse units and patio homes can be developed and sold as individually-deeded lots in fee-simple to those who desire this type of low-maintenance home, provided the developer follows the specific regulations established in this section for "zero lot line" townhouse units or patio homes.

B. Definitions:

1. **RESIDENTIAL TOWNHOUSES:** A "townhouse" is defined as a single-family residential dwelling of one or more floors, having or appearing to have a common wall or adjoining roof line with an adjacent similar unit or units.
2. **PATIO HOMES:** A "patio home" for the purposes of the Dunlap Municipal Zoning Ordinance shall be defined as a single-family residential dwelling of one or more floors, which does not have any common walls shared with an adjacent unit or units, but which is located to one side of a less than standard width lot. That is, these homes have a "zero foot" setback on one side to maximize the amount of usable outdoor lot area on the other side for a patio, landscaped garden, or other outdoor living area.

C. Regulations for Townhouses:

All townhouse complexes shall incorporate the following features which have proved to provide the most attractive developments:

1. They shall contain between two (2) and six (6) units in each building;
2. Each townhouse shall have an architectural character that is individual yet compatible with its neighbors;
3. The front facades shall be off-set horizontally and the roof lines shall be off-set vertically from one another to avoid the appearance of an apartment building;
4. One story units, when used, shall be placed on the end of a building.

Since a townhouse complex involves common walls unlike the patio home, some separate requirements are necessary to each type of development. (Note: The regulations in Section E also apply to townhouses.)

5. Subdivision Plat Approval Procedure for Townhouse Construction:
(Amended 4/1/10)

Since it is intended that the land in a townhouse development be used for owner-occupied townhouses, each townhouse shall occupy a separate subdivision lot. Since the townhouses are joined or appear to be joined, they shall be built as entire units.

Therefore, to prevent the sale of individual unbuilt lots, individual lots and/or townhouse units can neither be sold nor can a deed be transferred except in accordance with the following subdivision and development process:

- a. Prepare a site plan and a preliminary major subdivision plat for the proposed townhouse development. The site plan and preliminary plat may be combined into one drawing, but it must show all proposed lot lines, building footprints, roadways and right-of-ways, waterlines and fire hydrants, sewer lines, and all other requirements as are customary with the preliminary plat requirements found in the Dunlap Subdivision Regulations and the Site Plan requirements found in [Section 3.17](#) of the Dunlap Zoning Ordinance (Major lots are those which shall each contain a row of several townhouses.)
- b. Present the site plan and the preliminary subdivision plat to the Dunlap Municipal Planning Commission and obtain approval of both. (The site plan shall be accompanied by a statement showing that no contract for rental subsidy exists with any governmental agency nor will be added in the future.)
- c. Proceed to construct the required streets, etc., and the building units according to the approved preliminary plat and site plan after obtaining all necessary building permits. The Building Inspector may issue a building permit after being presented a site plan and an approved preliminary plat. (This may be done for the entire development or may be done in two or more phases.) If a building permit is issued prior to the recording of a final plat, then a final plat shall not be approved by the Planning Commission for any lot(s) or unit(s) until a surveyor can certify that the common lot line is indeed the

dividing or common wall of the townhouse structure.

Alternative #2

The developer may seek the Planning Commission's approval of a final plat prior to the completion of the townhouse units, provided the developer submits an additional construction drawing (site plan) for each phase once a common wall has been established. The final plat under this method is subject to all of the standard requirements of subdividing property in the City of Dunlap (including the acceptance by the City of a bond or letter of credit for all incomplete infrastructure). The construction drawing must show the building(s) and the property lines, and it shall be certified by a registered land surveyor stating that the common walls were built exactly on the property line(s). The construction drawings should be submitted to the Dunlap Building Inspector for review and approval, and the construction drawing shall be recorded with the final plat in the Sequatchie County Register of Deed's Office. Should the common wall(s) not be built exactly on the property line(s), then a corrective final plat shall be resubmitted to the Planning Commission for approval. *It should be noted that in no case shall a building setback variance be granted if the end units of the townhouse building will violate exterior building setbacks (including setbacks from other townhouse buildings). It is the developer's responsibility in coordinating the location of the buildings with a registered land surveyor. The developer should be cognizant in designing the lots so that the exterior townhouse units will not border on the building setback limits. This will allow the developer some flexibility in altering the lot lines that divide the townhouse units.*

- d. Present final plat of the built-up phases to city staff for inspection and verification and then to the Dunlap Municipal Planning Commission for final subdivision approval. (The final plat shall show the individual lot lines exactly where the side walls of the individual units were built.)
- e. If all the final subdivision requirements of the Dunlap Subdivision Regulations have been met or adequate bonds posted, the planning commission shall grant final subdivision approval for the phases that have been constructed with townhouses.

- f. The developer records this final plat and can then sell these townhouse units.

6. Area and Dimensional Requirements for Townhouses:

All townhouses within Dunlap shall conform to the following measurements:

a. **Minimum Floor Area:**

<u>One Story</u>	<u>Two Story</u>	
	(1st Floor)	(Min. Total)
R-2 600 sq.ft.	500 sq.ft.	1,000 sq.ft.
R-3 600 sq.ft.	600 sq.ft.	800 sq.ft.

b. **Minimum Lot Width and Public Street Frontage**

R-2.....	20 feet
R-3.....	18 feet

c. **Minimum Lot Area:**

R-2.....	2,000 sq.ft.
R-3.....	1,800 sq.ft.

d. **Minimum Lot Depth:**

Eighty-five (85) feet provided front and back setbacks are met and minimum lot areas are met.
(Amended 2/20/2020)

e. **Minimum Building Line Setbacks:** (Amended 2/20/2020)

Front: 20 ft. from interior street right-of-way
35 ft. from exterior street right-of-way

Side: None except for end units which shall have a six (6) foot side yard from adjoining property lines with twelve (12) feet minimum separation between buildings, except where abutting property zoned R-1 then the setback shall remain at fifteen (15) feet.

Rear: At least twenty (20) feet from all other types of residential development and from non-residential districts, except where abutting property zoned R-1 then the setback shall remain at thirty (30) feet.

f. **Minimum Separation Between Building Containing Groups of Townhouses:**

End to end	6 feet (Amended 2/20/2020)
End to front	40 feet
Back to end	40 feet
Back to back.....	50 feet
Front to front.....	60 feet
Front to back	60 feet

D. **Regulations for Patio Homes:**

(Note: The regulations in Section E also apply to patio homes.)

1. **Subdivision Plat Approval Procedure for Patio Home Construction:**

To insure that each building is built within the proper area of its lot, these regulations shall be followed:

- a. Prepare a site plan and a preliminary subdivision plat for the proposed patio home development. The site plan among other requirements must indicate with a separate line the portion of each lot on which the patio houses must be built and which lot line will have a zero foot setback.
- b. After approval of the site plan, the normal subdivision review process for preliminary and final plats must be followed. The final plat will also show the buildable lot area for each lot, so that the building inspector will know if a future house plan for one of these lots complies with the intent of the approved site plan.

2. **Area and Dimensional Requirements for Patio Homes:**

All patio homes within the City of Dunlap shall conform to the following measurements:

a. **Minimum Lot Width Building Line:**

R-2.....	50 feet
R-3.....	50 feet

b. **Minimum Lot Area:**

R-2.....5,000 feet
R-3.....5,000 feet

c. **Minimum Public Street Frontage:**

Fifty (50) feet

d. **Minimum Lot Depth:**

Eighty-five (85) feet provided front and back setbacks are met and minimum lot areas are met.
(Amended 2/20/2020)

e. **Minimum Building Line Setbacks:** (Amended 2/20/2020)

Front: 20 ft. from interior street right-of-way
35 ft. from exterior street right-of-way

Side: Zero (0) feet on one side and twelve (12) feet on the other; except where a lot is on the edge of the Patio Home Development (i.e., abuts a conventional residential area, a townhouse area, a non-residential area, or a side street) in which case either E-1 or E-2 below shall apply.

Rear: 20 ft. from another patio home lot and thirty (30) feet from all other types of residential development and from non-residential districts

f. **Minimum Separation Between Patio Homes:**

Twelve (12) feet between any part of any two buildings (except for chimneys and overhangs which shall not exceed three (3) feet).
(Amended 2/20/2020)

E. **Regulations Applying to Both Townhouses and Patio Homes:**

1. **Minimum Building Setbacks for Side Yard Adjacent to Side Street on Corner Lots.**

Minimum building setbacks for side yards adjacent to side streets on corner lots shall be met as specified in Chapter 6 – 7 of the Dunlap Zoning Ordinance

2. **Minimum Side Yard Setback from Edge of RT-PH Development:**

No building shall be located less than twenty (20) feet from any boundary of the RT-PH development. (Larger front and rear setbacks have already been specified.)

3. **Site Plan Approval Required:**

The site plan referred to in items C.5.a. and D.1.a for the RT-PH development shall be prepared in accordance with the Site Plan Regulations in this ordinance.

4. **Required Utilities:**

The RT-PH development shall be provided with adequate public water and sewerage systems.

5. **Street Construction:**

All proposed streets shall be built in accordance with the requirements of the Dunlap Subdivision Regulations.

6. **Required Off-Street Parking:**

Two (2) spaces (10 feet by 20 feet in size) shall be provided for each dwelling unit. These spaces shall be located entirely upon the lot and shall be directly accessible from the public street right-of-way (a garage may count for one space).

7. **Reconstruction:**

In the event that one or more townhouse units are destroyed by fire or other cause, no structure or structures shall be placed on each vacant lot except another townhouse which must be built according to the original intent of these RT-PH regulations. If one or more zero lot line homes are destroyed, no structures shall be placed on each vacant lot except another zero lot line house also built according to the original intent of these RT-PH regulations.

8. Open Space:

The maximum lot coverage shall not exceed fifty-five (55) percent of each individual lot area. Driveways and sidewalks will be figured into the open space requirement.

SECTION 03.19 COMMERCIAL PLANNED UNIT DEVELOPMENT (CPUD)
(Added 4/1/10)

1. Purpose:

The Purpose of the Commercial Planned Unit Development (sometimes hereinafter referred to as CPUD) is to provide commercial businesses with the opportunity to create more desirable environments through the application of flexible and diversified land development standards under a comprehensive plan and program. The Commercial PUD is intended to encourage commercial growth while conserving open space areas, promoting the use of shared parking, and permitting alternative design standards that will enhance the appearance of the area. It is further intended to achieve economies in land development, maintenance, street systems, and utility networks while providing building groupings for privacy, usable and attractive open spaces, safe circulation, and the general well being of the inhabitants.

2. Classification:

A Commercial PUD shall be allowed only in the C-1 General Commercial Zoning District.

A. Permitted Principal and Accessory Uses and Structures

1. All uses permitted in a C-1 General Commercial Zone as specified in [Section 8.02 and 8.03](#).
2. College and University-owned facilities (classroom facilities, administration facilities, dormitories, sports related facilities, libraries, cafeterias and maintenance buildings).
3. Commercial Parking Lots.
4. Professional, medical or dental offices or clinics.
5. Laboratories and research centers.
6. Real Estate Offices.
7. Accessory uses for the above permitted uses.
8. Private and semi-public recreation clubs and attendant uses and facilities, including: golf, swimming and spa, athletic and health, tennis, croquet, skating, country

clubs and similar clubs as may be approved in conjunction with the master plan.

B. Ownership of Land

1. Lot(s) within the CPUD may be under a single ownership or each lot may be owned by different individuals.

C. Dimensional Regulations

1. The Standards found in Section 08.05 of the Dunlap Zoning Ordinance shall apply. For single owned developments with multiple structures and or businesses, the exterior yards of the complex must meet the setback and yard requirements of the district in which the complex is located.

D. Height Regulations

The height restrictions of the C-1 zoning district shall apply within Planned Unit Developments.

E. Access

Lots may be served by a properly dedicated public street or a private easement built to the City's Standards for the construction of streets as specified in the Subdivision Regulations of the City of Dunlap. In no case shall the dedicated right-of-way of the public or private street be less than fifty (50) feet.

Each building lot within the development shall front upon a public street or private easement for at least fifty (50) feet. All other Access Control requirements found in Section 03.11 of the Dunlap Zoning Ordinance shall apply

F. Utilities

No planned development will be approved unless public sewer and water are available. Availability of sewer will be determined by the City of Dunlap.

G. Parking and Loading

The provisions of Sections [03.09](#), [03.10](#) and [03.11](#) of this Ordinance shall apply. A private easement for parking may also be allowed which will combine the number of required parking spaces for each type of business into one shared parking lot.

H. Buffers

Buffer strips, as regulated in [Section 03.06](#) of this Ordinance, are required at district boundaries and to separate dissimilar uses within the PUD.

3. **Application and General Procedures:**

A. Preliminary Plat:

Before initiating construction, fill or grading of a tract of land for a Planned Development, the owner or lessee of the site shall submit to the Planning Commission a preliminary plat (plan) for the use and development of the entire tract that conforms to the preliminary plat specifications.

B. Final Plat:

Within one year after approval of the preliminary plat (plan), the owner or lessee shall present a final plat (plan) to the Planning Commission. The final plat (plan) shall substantially conform to the preliminary plat (plan). If a final plat (plan) is disapproved by the Planning Commission, the applicant may resubmit a final plat (plan) which substantially conforms to the approved preliminary plat (plan), or the applicant may request an amendment to the approved preliminary plat (plan) from the Planning Commission.

The final plat submitted must be in substantial conformance with the preliminary plat. Plats containing minor changes from the approved preliminary plat may be found to be in substantial conformity and approved for further processing and final action. Any increase in density or intensity of use, any decrease in common areas, or shifting of structures within the development shall be deemed to be a substantial deviation and shall require an amendment of the preliminary plat prior to further action by the Planning Commission.

C. Site Plan:

A site plan of the complex, including the information as required under [Section 03.17](#) of this ordinance shall be submitted to the Planning Commission for approval.

03.20 STANDARDS FOR BED AND BREAKFAST INNS (Added 7/1/10)

Where Bed and Breakfast operations are allowed according to this Ordinance, the following minimum standards will be used to evaluate the proposal. The Dunlap Municipal Planning Commission may require other requirements or conditions as are necessary to preserve and protect the character of the neighborhood in which the proposed use is located.

1. In any zoning district where Bed and Breakfast Inns are permitted, the location (whether an existing or new structure) shall meet the minimum requirements of the zoning district where it is located. This includes building setbacks, parking, lot sizes (and those based on the number of dwelling units), access, height, and any other requirement that is specific to that zoning district.
2. Permits – No building permit, Certificate of Zoning Compliance, or Certificate of Occupancy for such use shall be issued without written approval of the Dunlap Municipal Planning Commission.
3. Location – The Bed and Breakfast operation shall be located and conducted within the principal building only.
4. Operator Occupied – Operators of the Bed and Breakfast 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.
5. Number of Rental Units – No more than four (4) bedrooms shall be for rent at any one time at any one Bed and Breakfast establishment.
6. Length of Stay – Lodging of guests at the Bed and Breakfast Inn shall be limited to no more than thirty (30) days during any one (1) stay.
7. Food Services – Meals for other than owners and staff will be restricted to breakfast for paid house guests only. Breakfast hours are limited to from 4:00 a.m. to 11:00 a.m.
8. Site Plan – An accurately drawn plan shall be presented to the Dunlap Municipal Planning Commission at least ten (10) business days prior to the meeting. The site plan shall show the location of the principal building, proposed access, off-street automobile parking, relationship to adjoining properties and surrounding land uses, existing zoning of the proposed site, any required screening, and any other information as may be required by the Dunlap Municipal Planning Commission.
9. Appearance – The residential character and appearance of the home shall not be changed by the establishment of a Bed and Breakfast operation.
10. Advertising – The proposed use shall not be advertised by the use of signs which exceed four (4) square feet in area. The sign shall be non-illuminated and must be attached flat to the main structure or visible through a window.
11. 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 3.09](#) of the Dunlap Zoning Ordinance.

12. 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 Dunlap Municipal Planning Commission.
13. The Dunlap 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.

03.21. STANDARDS FOR FENCES AND RETAINING WALLS (Added 10-6-2011)

For the purposes of this Ordinance, this section shall apply to all properties in all zoning districts of the City of Dunlap, Tennessee. The purpose of these regulations are to allow for the construction of fences and retaining walls along property lines of private property while not encroaching on neighboring properties, thus resulting in boundary line disputes.

1. For any fence or retaining wall that is to be constructed on or along property lines, that crosses multiple parcels of property, and/or is located outside of the building setbacks, approval of the Dunlap Building Official shall be required. A permit shall be obtained from the City, and the proposed design shall be in compliance with the standards herein.
2. A survey, prepared by a professional land surveyor, shall be submitted along with the Fence and Retaining Wall Permit Application. The survey shall show the exact location of the property lines as well as the proposed location of the fence and/or retaining wall. The surveyor will also be able to assist the property owner in determining the exact location of the fence and/or retaining wall so as not to encroach on neighboring properties. A survey may not be required if all property owners adjoining the property line where the fence and/or retaining wall is to be constructed agree to its location. If a survey is not required, then all affected property owners shall submit a letter to the Building Official stating that they agree to the location of the fence and/or retaining wall, and they shall also be required to sign the permit application.
3. The “good side” or the “attractive side” of the fence and/or retaining wall shall face the neighboring properties.

03.22 Self-Service Storage Facilities (Mini-Warehouses) (Added 4-22-2016)

The following special standards shall apply to all self-service storage facilities:

- A. Parking shall be provided in parking/driving lanes adjacent to the storage buildings. These lanes shall be at least twenty (20) feet wide when storage cubicles open onto one side of the lane only and at least twenty-four (24) feet wide when cubicles open onto both sides of the lane. Said lanes may be surfaced with asphalt, concrete, or gravel. If gravel is used, then at least a thirty (30) feet long paved access drive shall be provided for the main entrance/exit of the facility.
- B. A minimum of two (2) parking spaces plus one (1) additional space for every two-hundred (200) storage cubicles or a fraction thereof shall be located adjacent to the facility’s office.

- C. No self-service storage facility shall exceed eighteen (18) feet in height.
- D. Except for the sale or auction of items foreclosed upon by the owner of the facility, the sale or auction of any item is specifically prohibited.
- E. The storage of flammable liquids, highly combustible or explosive materials, or hazardous chemicals is specifically prohibited and all rental contracts shall include clauses prohibiting such storage.
- F. The servicing or repair of motor vehicles, boats, trailers, lawnmowers or any similar equipment is specifically prohibited.
- G. Any proposed outdoor storage areas shall be shown on a site plan for the facility. Outside storage of motor vehicles, boats, trailers and lawnmowers shall be governed by the specific requirements of the zone in which the facility is located. In no case shall parking areas or driveways be used for storage. Designated parking spaces for the storage of such vehicles shall be marked and located to the side or rear of the property.
- H. All outdoor lights shall be shielded to direct light and glare only onto the self-service storage premises and may be of sufficient intensity to discourage vandalism and theft. Said lighting and glare shall be deflected, shaded, and focused away from all adjoining property.
- I. A minimum six (6) foot high opaque fence shall be provided around the perimeter of the facility.

03.23. Tiny Home Cluster Development Standards (Added 2/16/2021 Ord #277)

03.23.01 Definitions

1. **Tiny Home Cluster Development**

A parcel of land or a development occupied by two (2) or more tiny homes, which may be grouped together, and are centered around a courtyard or common greenspace or open area. Homes are located on designated spaces that are a part of a common lot, and lots/spaces may not be sold or subdivided below the minimum lot size for the zoning district in which they are located.

2. **Tiny Home**

A detached and self-contained dwelling unit with basic functional areas that support normal daily routines such as cooking, sleeping, and sanitation. It is a dwelling that is 600 square feet or less in floor area, excluding lofts, and may not have been constructed as a ready removal as defined by the State of Tennessee, which is not permitted for residential occupancy.

3. **Ready Removable**

A structure without any foundation, footings, or other support mechanisms that allow a structure to be easily relocated, but which may include electrical wiring. According to Tenn. Code Ann. § 68-126-303, ready-removable structures include, but are not limited to, stadium press boxes, guard shelters, or structures that contain only electrical, electronic, or mechanical equipment that are solely occupied for service or maintenance of such equipment. It is against state law to modify ready-removal structures for use as residential, recreational, or emergency housing in Tennessee. While these types of structures may be wired for electrical, they may not have plumbing systems.

03.23.02 General Requirements

1. Tiny Home Cluster Developments.

It shall be unlawful for any person or persons to maintain or operate any tiny home cluster development within the City of Dunlap, Tennessee, unless such person or persons shall have first obtained a Tiny Home Cluster Development permit and have a site plan approved by the Planning Commission. A permit would be required for any plot or single parcel of land which has two (2) or more tiny homes.

2. Pre-Application Review.

Whenever a tiny home cluster development is proposed on land within the city limits of Dunlap, the developer is urged to consult early and informally with the planning commission staff. The developer should submit sketch plans and data showing existing conditions within the site and in its vicinity as well as the proposed layout and development of the cluster development.

3. Application for Tiny Home Cluster Development Permits and Planning Commission Approval.

Following the pre-application review of a proposed cluster development, the developer or his agent, shall apply for a Tiny Home Cluster Development Permit from the City Building Inspector.

Applications shall be in writing, signed by the applicant and accompanied by the owner's certification and any other certification deemed necessary, as well as by a site plan of the proposed development.

The developer shall notify the Dunlap Municipal Planning Commission at least fifteen (15) calendar days prior to the next regular meeting of the planning commission of what it is he/she wishes to have on the AGENDA. At this time, the developer shall also submit copies of the site plan and any supporting documents, if any, to the Dunlap Building Inspector and Staff Planner.

4. Permit Applications for a Tiny Home Cluster Development.

Applications shall be filed with and issued by the City Building Inspector subject to the Planning Commission's approval of the site plan. Permit fees will be listed in the City of Dunlap's schedule of fees. Applications shall be in writing and

signed by the applicant and shall be accompanied with a plan of the tiny home cluster development. The plan shall contain, at least, the following information and conform to the following requirements:

- a. The plan shall be clearly and legibly drawn at a scale not smaller than one hundred (100) feet to one (1) inch;
- b. Name and address of owner of record;
- c. Proposed name of park;
- d. North point, graphic scale, and date;
- e. Vicinity map showing location and acreage of the proposed development;
- f. Exact boundary lines of the tract by bearing and distance;
- g. Names of owners of record of adjoining land;
- h. Existing streets, utilities, easements, and water courses on and adjacent to the tract;
- i. Proposed design including streets, proposed street names, lot lines with approximate dimensions, easements, land to be reserved or dedicated for public uses, and any land to be used for purposes other than tiny home lots or designated spaces;
- j. Provisions for water supply, sewerage, and storm water drainage;
- k. Other such information as may be required to determine if the proposed development will comply with legal requirements; and
- l. The applications and all accompanying plans and specifications shall be filed.

03.23.03 Tiny Home Cluster Development REQUIREMENTS

1. Initial Development Permit.
No place or site within the City of Dunlap shall be established or maintained by any person, group of persons, or corporation as a tiny home cluster development unless a valid permit has been issued by the City Building Inspector in the name of such person or persons for the specific development, which would have received approval by the Dunlap Municipal Planning Commission. The City Building Inspector is authorized to issue, suspend, or revoke permits in accordance with the provisions of this ordinance.
2. Inspections by City Building Inspector.

The City Building Inspector is hereby authorized and directed to make inspections to determine the condition of tiny homes, in order that he may perform his/her duty of safeguarding the health and safety of occupants of these dwellings and of the general public. The City Building Inspector shall have the power to enter at reasonable times upon any private or public property for the purpose of inspecting and investigating conditions relating to the enforcement this ordinance.

3. Reserved for future use

4. Certification of Minimum Standards of Manufactured Homes.

No manufactured tiny home shall be admitted to any development unless it meets the requirements of a modular home as regulated by the Tennessee Modular Buildings Act. This program is under authority of Tennessee Code Annotated 68-126-301. The Tennessee Modular Buildings Act was established in 1985 with the purpose of establishing building construction standards for factory-built structures. The program includes housing that is produced in factories and transported to building sites to be installed. The Manufacturers of such "tiny" modular homes are licensed by the State of Tennessee, regulated under the supervision of the state program, and are required to have a permanently affixed Tennessee modular building label. The label is required to be attached by means of four (4) pop rivets or drive screws, on a permanent non-removable building component as evidence of compliance with the program.

5. Location and Planning.

The tiny home cluster development shall be located on a well-drained site and shall be located so that its drainage will not endanger any water supply and shall be in conformity with a plan approved by the Dunlap Municipal Planning Commission. The development's location and plan shall provide for adequate space, lighting, drainage, sanitary facilities, safety features, and service buildings as may be necessary to protect the public health, prevent nuisances, and provide for the convenience and welfare of the cluster development's occupants.

6. Maximum Size and Location of Tiny Home Cluster Developments.

Tiny Home Cluster Developments shall only be allowed in the R-3 High Density Residential Zone, and shall not occupy more than 5 acres of land in total. The tract of land shall consist of a single unsubdivided lot so dimensioned and laid out as to facilitate efficient design and management.

7. Minimum Spacing of Tiny Homes and Individual Dwelling Units.

Each tiny home space shall be adequate for the type of facility occupying the same. Tiny homes shall be separated by at least ten (10) feet of open space between structures or any attachment such as a garage or porch and at least fifteen (15) feet end to end spacing between tiny homes and any building or structure. Additionally, tiny homes shall be at least twenty (20) feet from an exterior property line and twenty-five (25) feet from the right-of-way of any public street

or highway. Within the development, tiny homes should be at least fifteen (15) feet from streets within the development.

In addition, each tiny home space shall contain:

- a. A minimum lot area of two-thousand-five-hundred (2,500) square feet when public sewage disposal is utilized;
- b. A minimum width of at least thirty-eight (38) feet and a minimum depth of at least fifty (50) feet;

8. Water Supply.

A public water supply shall be used exclusively in Tiny Home Cluster Developments.

9. Sewage Disposal.

Adequate sewerage is required for a tiny home cluster development, and the line sizes shall be adequate to serve the number of homes proposed. In the event of no public sewage system being available, septic tanks are allowable as approved by the Tennessee Department of Health.

10. Refuse.

The storage, collection and disposal of refuse shall be so managed as not to create any health hazards. All refuse shall be stored in fly proof, watertight, and rodent proof containers. Satisfactory container racks or holders shall be provided. Garbage shall be collected and disposed of in an approved manner at least once per week. Where garbage pick-up is available garbage containers shall be located along the public street to allow proper pick up.

Where steel containerized dumpsters are used, a concrete pad shall be provided and an opaque fence shall be installed. Where dumpsters are utilized, they shall be provided at a rate of one (1) dumpster for each eight (8) tiny homes, or any increment thereof. The location shall be in an area to allow room for garbage trucks.

11. Electricity.

An electrical outlet supplying at least two hundred twenty (220) volts shall be provided for each tiny home space and shall be weatherproof and accessible to the home. All electrical installations shall be in compliance with the National Electrical Code and shall satisfy all requirements of the Sequatchee Valley Electric Cooperative.

12. Street Requirements.

Widths of various streets within manufactured home parks shall be:

- One-way, with no on-street parking.....10 ft.
- One-way, with parallel parking on one side only.....18 ft.

One-way, with parallel parking on both sides.....26 ft.
Two-way, with no on-street parking.....20 ft.
Two-way, with parallel parking on one side only.....28 ft.
Two-way, with parallel parking on both sides.....36 ft.

Streets shall meet the same base and thickness requirements of the City of Dunlap and as noted in the Dunlap Subdivision Regulations Chapter 7. The internal streets are considered private and should be maintained by the owner of the Tiny Home Development.

13. Parking Spaces.

Car parking spaces shall be provided in sufficient number to meet the needs of the occupants of the property and their guests without interference with normal movement of traffic. Such facilities shall be provided at the rate of at least two (2) car spaces for each home lot plus an additional car space for each four (4) lots to provide for guest parking, for two-car tenants and for delivery and service vehicles. Car parking spaces shall be located upon each space designated for an individual tiny home. The parking spaces shall be located so access can be gained only from internal streets of the development.

14. Buffer Strip.

An evergreen buffer strip shall be planted along those boundaries of the development that are adjacent to other property not zoned as R-3, except along city streets.

15. Foundation & Skirting.

Tiny homes may not be left on trailers with wheels attached. If block foundations are used then skirting shall be required. It is preferred to have the home sit on a concrete pad.

16. Required Recreation Area.

A centrally-located recreation area for the use of all residents shall be provided in all tiny home developments having more than ten (10) tiny home spaces. The recreation area shall contain a minimum of one-hundred-twenty-five (125) square feet per tiny home space. Tiny home developments with ten (10) or less spaces shall have the option of providing a centrally located recreation area with a minimum of one-thousand (1,000) square feet.

Such recreational land, when provided separately, shall be maintained in an attractive manner and shall be well-drained and usable for recreation.

17. Utilities to Each Space.

Tiny home developments shall provide utility connections for each individual tiny home space.

CHAPTER 4

ESTABLISHMENT OF ZONES

SECTION

04.01 CLASSIFICATION OF ZONES

04.02 BOUNDARIES OF ZONES

This chapter is established to provide zones for the various uses of land within the city and to provide boundaries for the designated zones.

04.01 CLASSIFICATION OF ZONES.

For the purpose of this Ordinance, Dunlap, Tennessee is hereby divided into nine (9) zones designated as follows:

1. [R-1 Low Density Residential Zone](#)
2. [R-2 Medium Density Residential Zone](#)
3. [R-3 High Density Residential Zone](#)
4. [C-1 General Commercial Zone](#)
5. [C-2 Central Business Zone](#)
6. [I-1 Light Industrial Zone](#)
7. [I-2 Heavy Industrial Zone](#)
8. [F-1 Floodway Zone](#)
9. [F-3 Flood Fringe Zone](#)

04.02. BOUNDARIES OF ZONES.

The boundaries of zones listed in [Section 04.01](#) of this Chapter are hereby established as shown on the zoning map entitled “Official Zoning Map of Dunlap, Tennessee,” which is a part of this Ordinance and which is on file in the City Hall.

Unless otherwise indicated on the zoning map, the boundaries are lot lines, the center lines of streets or alleys, railroad rights-of-way, or the corporate limit lines as they existed at the time of the enactment of this Ordinance. Questions concerning the exact locations of district boundaries shall be determined by the Board of Zoning Appeals.

CHAPTER 5

PROVISIONS GOVERNING THE R-1 LOW DENSITY RESIDENTIAL ZONE

SECTION

- 05.01. DISTRICT DESCRIPTION
- 05.02. USES PERMITTED
- 05.03. SPECIAL EXCEPTIONS
- 05.04. USES PROHIBITED
- 05.05. DIMENSIONAL REGULATIONS
- 05.06. OFF-STREET AUTOMOBILE PARKING
- 05.07. ACCESS CONTROL

05.01. DISTRICT DESCRIPTION.

This residential district is intended for single-family residential uses 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 not performing a function necessary 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.

05.02. 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. Nurseries or gardens and non-commercial greenhouses, provided that no greenhouse heating plant shall be operated within twenty-five (25) feet of any side or rear lot line
3. Churches or similar places of worship, *but not including temporary missions or revival tents*
4. Public schools, colleges, and other public educational institutions
5. Utility facilities necessary for the provision of public services
6. Conservation Subdivisions. (Added 5-21-2016)
The following uses are permitted on Conservation Lands:

- a. Low impact recreation activities such as picnic areas, trails, or community gardens.
- b. Playing fields, playgrounds, or other built recreation areas are permitted as long as they do not take up more than 50% of designated Secondary Conservation Lands or more than 5 acres, whichever is smaller.
- c. Easements for drainage, access, sewer or water lines, or other public purposes.
- d. Underground utilities.

05.03. SPECIAL EXCEPTIONS.

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 Dunlap Board of Zoning Appeals in accordance with the provisions of [Section 15.07](#).

1. Public golf courses, parks, country clubs, and swimming pools
2. Customary home occupations as regulated in [Section 15.08](#)
3. Two-family dwellings
4. Lodge halls, civic organizations, and private clubs, except clubs in which the chief activity is customarily carried on as a business
5. Airports or landing fields
6. Cemeteries, subject to the provisions of [Section 15.09](#)
7. Temporary permit for second residential structure, subject to the provisions of Section 15.10
8. Family Child Care Homes and Group Child Care Homes, subject to meeting the requirements of [Section 03.15](#) Child Care Facilities Requirements. **(added 10/2/03)**

05.04. USES PROHIBITED.

In the R-1 Low Density Residential District, all uses except those uses or their accessory uses specifically permitted or permitted as a special exception by the Dunlap Board of Zoning Appeals are prohibited.

05.05. DIMENSIONAL REGULATIONS. (Amended 5-21-2016)

All uses permitted in the R-1 Low Density Residential District shall comply with the following requirements.

1. Front Yard. The minimum depth of the front yard, which is measured from the front property line, shall be determined by the classification of the street on which it fronts. The following depths shall apply:
 - a. Major thoroughfares and collectors.....twenty-five (25) feet
 - b. Local streets and cul-de-sacs..... .twenty (20)
 - c. Conservation Subdivisions.....fifteen (15) feet

2. Rear Yard. The minimum depth of the rear yard, which is measured from the rear property line, shall be twenty (20) feet for the principal structure or fifteen (15) feet for the principal structure that is in an approved Conservation Subdivision. Permitted accessory structures shall be setback at least fifteen (15) feet from the rear property line.

3. Side Yard. The side yards, which are measured from the side property lines, shall be a minimum of ten (10) feet for one- and two-story structures, plus five (5) additional feet of side yard for each additional story over two (2).

If the side yard abuts a local street, alley, or cul-de-sac, the side yard setback shall be twenty (20) feet. If the side yard is part of a Conservation Subdivision, the side yard setback shall be fifteen (15) feet.

If the side yard abuts a major thoroughfare or collector road, the side yard setback shall be twenty-five (25) 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 fifteen thousand (15,000) square feet in area, except where sanitary sewer service is available, in which case the minimum lot area shall be ten thousand (10,000) square feet. However, where there is an existing lot of record of less than fifteen thousand (15,000) square feet at the time of adoption of this Ordinance, this lot may be utilized for the construction of one (1) single-family dwelling provided that the lot in question has a public water supply, and providing, further, that said lot of record is not less than seven thousand five hundred (7,500) square feet in area. Lots in a Conservation Subdivision may have a minimum size of seven-thousand-five-hundred (7,500) square feet.

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

No. of Dwelling Units	With Public Water and Sanitary Sewers	With Public Water But Without Sanitary Sewers*
1 unit	10,000 sq. ft.	15,000 sq. ft.
1 unit, Conservation	7,500 sq. ft.	10,000 sq. ft.
2 units	15,000 sq. ft.	20,000 sq. ft.
2 units, Conservation	10,000 sq. ft.	15,000 sq. ft.

*THESE ARE MINIMUM LOT SIZES. THE HEALTH DEPARTMENT MAY REQUIRE LARGER LOT SIZES BASED UPON THEIR STUDIES WHICH DETERMINE SUITABILITY OF SOILS FOR SEPTIC TANK SEWAGE DISPOSAL.

5. Maximum Lot Coverage. On any lot or parcel of land, the area occupied by all buildings, including accessory buildings, shall not exceed forty (40) percent of the total area of such lot or parcel.
6. Lot Width. No lot shall be less than seventy-five (75) feet wide at the building setback line, except in the case of a Conservation Subdivision, where lots may be fifty (50) feet wide at the building setback line.
7. Height Requirement. No building shall exceed two and one-half (2 ½) stories or thirty-five (35) feet in height, except as permitted in [Section 15.03](#).

05.06. OFF-STREET AUTOMOBILE PARKING.

As regulated in [Section 03.09](#).

05.06. ACCESS CONTROL.

As regulated in [Section 03.11](#).

CHAPTER 6

PROVISIONS GOVERNING THE R-2 MEDIUM DENSITY RESIDENTIAL ZONE

SECTION

- 06.01 DISTRICT DESCRIPTION
- 06.02 USES PERMITTED
- 06.03 SPECIAL EXCEPTIONS
- 06.04 USES PROHIBITED
- 06.05 DIMENSIONAL REGULATIONS
- 06.06 OFF-STREET AUTOMOBILE PARKING
- 06.07 ACCESS CONTROL

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 medium 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 and/or traffic or to overload existing sanitary facilities. Densities should be limited to provide adequate light, air, and usable open space for occupants of multi-family dwellings and adequate space for all related facilities.

06.02. USES PERMITTED.

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

1. Single-family, duplex, triplex, and quadraplex dwellings, *but not including single-wide manufactured homes*
2. Funeral parlors provided that there is a planted evergreen buffer strip at least ten (10) feet wide along the property lines, except the lines bordering on streets, and the buildings are located not less than thirty five (35) feet from any property line
3. Recreational facilities associated with multi-family dwellings or apartment complexes
4. Nurseries or gardens and non-commercial greenhouses, provided that no greenhouse heating plant shall be operated within twenty-five (25) feet of any side or rear lot line

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5. Churches or similar places of worship, but not including temporary missions or revival tents
6. Public schools, colleges, and other public educational institutions
7. Utility facilities necessary for the provision of public services
8. Townhouses and Patio Homes that meet the specifications in [Section 3.18 RESIDENTIAL TOWNHOUSE AND PATIO HOME \(RT-PH\) REGULATIONS](#). **(added 3/6/08)**
9. Bed and Breakfasts subject to the provisions of [Section 3.20](#) Standards for Bed and Breakfast Inns. **(Added 7/1/10)**

06.03. SPECIAL EXCEPTIONS

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 Dunlap Board of Zoning Appeals in accordance with the provisions of [Section 15.07](#).

1. Professional offices
2. Public golf courses, country clubs, and swimming pools
3. Temporary permit for second residential structure, subject to the provisions of [Section 15.10](#)
4. Lodge halls, civic organizations, and private clubs, except clubs in which the chief activity is customarily carried on as a business
5. Airports or landing fields
6. Cemeteries, subject to the provisions of [Section 15.09](#)
7. Customary home occupations as provided in [Section 15.08](#)
8. Family Child Care Homes and Group Child Care Homes, subject to meeting the requirements of [Section 03.15](#) Child Care Facilities Requirements. **(added 10/2/03)**

06.04. USES PROHIBITED.

In the R-2 Medium Density Residential District, all uses except those uses or their accessory uses specifically permitted or permitted as a special exception by the Dunlap Board of Zoning Appeals are prohibited.

06.05 DIMENSIONAL REGULATIONS

All uses permitted in the R-2 Medium Density Residential District shall comply with the following requirements, except as provided in Chapter 3.

1. Front Yard. The minimum depth of the front yard shall be determined by the classification of the street on which it fronts. The following depths shall apply:
 - a. Major thoroughfares and collectors.....thirty (30) feet
 - b. Local streets and cul-de-sacs.....twenty-five (25) feet
2. Rear Yard. The minimum depth of the rear yard shall be twenty (20) feet.
3. Side Yard. The side yards shall be a minimum of ten (10) feet for one-and two-story buildings, plus five (5) additional feet of side yard for each additional story over two (2).

If the side yard abuts a local street, alley, or cul-de-sac, the side yard setback shall be twenty-five (25) feet.

If the side yard abuts a major thoroughfare or collector road, the side yard setback shall be thirty (30) 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 fifteen thousand (15,000) square feet in area, except where sanitary sewer service is available, in which case the minimum lot area shall be seven thousand five hundred (7,500) square feet. However, where there is an existing lot of record of less than fifteen thousand (15,000) square feet at the time of the adoption of this Ordinance, this lot may be utilized for the construction of one (1) single-family dwelling provided that the lot in question has a public water supply and sanitary sewer service, and provided further that said lot of record is not less than seven thousand five hundred (7,500) square feet in area.

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

<u>No. of Dwelling Units</u>	<u>With Public Water and Sanitary Sewers</u>	<u>With Public Water But Without Sanitary Sewers*</u>
1 unit	7,500 sq. ft.	15,000 sq. ft.
2 units	10,000 sq. ft.	17,000 sq. ft.
3 units	15,000 sq. ft.	23,000 sq. ft.
4 units	20,000 sq. ft.	28,000 sq. ft.

*THESE ARE MINIMUM LOT SIZES. THE HEALTH DEPARTMENT MAY REQUIRE LARGER LOT SIZES BASED UPON THEIR STUDIES WHICH DETERMINE SUITABILITY OF SOILS FOR SEPTIC TANK SEWAGE DISPOSAL.

**FOR LOTS WITHOUT PUBLIC WATER OR SEWER SERVICE AVAILABLE, THERE MAY BE PERMITTED UP TO 5 UNITS PER ACRE. INDIVIDUAL DWELLING UNITS ON THESE LOTS MAY BE SEPARATED INTO INDIVIDUAL STRUCTURES ON A SINGLE LOT PROVIDED EACH STRUCTURE HAS AT LEAST EIGHT-THOUSAND (8,000) SQUARE FEET OF SPACE DEDICATED TO IT, AND THE SOILS WILL SUPPORT ADEQUATE SUBSURFACE SEWAGE DISPOSAL FOR ALL DWELLING UNITS AS CERTIFIED BY THE TENNESSEE DEPARTMENT OF ENVIRONMENT AND CONSERVATION. (Added 2/16/2021 Ord #278)

5. Lot Width. No lot shall be less than seventy-five (75) feet wide at the building setback line.
6. Height Requirement. No building shall exceed three (3) stories or forty (40) feet in height, except as permitted in [Section 15.03](#).

06.06 OFF-STREET AUTOMOBILE PARKING.

As regulated in [Section 03.09](#).

06.07 ACCESS CONTROL.

As regulated in [Section 03.11](#).

CHAPTER 7

PROVISIONS GOVERNING THE R-3 HIGH DENSITY RESIDENTIAL ZONE

SECTION

- 07.01 DISTRICT DESCRIPTION
- 07.02 USES PERMITTED
- 07.03 SPECIAL EXCEPTIONS
- 07.04 USES PROHIBITED
- 07.05 DIMENSIONAL REGULATIONS
- 07.06 OFF-STREET AUTOMOBILE PARKING
- 07.07 ACCESS CONTROL

07.01. 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.

07.02. USES PERMITTED.

In the R-3 High Density Residential District, the following uses and their accessory uses are permitted.

1. Single-family and two-family dwellings
2. Single-wide manufactured homes on individual lots (see also [Section 03.16](#) Manufactured Home Park Requirements)
3. Multi-family dwellings where the sewage disposal system is approved by the Dunlap Sewer Superintendent
4. Group quarters or dormitories where public sewerage service is available
5. Recreational facilities associated with multi-family dwellings or apartment complexes
6. Nurseries or gardens and non-commercial greenhouses, provided that no greenhouse heating plant shall be operated within twenty-five (25) feet of any side or rear lot line

7. Churches or similar places of worship, but not including temporary missions or revival tents
8. Public schools, colleges, and other public educational institutions
9. Utility facilities necessary for the provision of public services
10. Townhouses and Patio Homes that meet the specifications in [Section 3.18 RESIDENTIAL TOWNHOUSE AND PATIO HOME \(RT-PH\) REGULATIONS](#). **(added 3/6/08)**
11. Bed and Breakfasts subject to the provisions of [Section 3.20](#) Standards for Bed and Breakfast Inns. **(Added 7/1/10)**

07.03. SPECIAL EXCEPTIONS.

In the R-3 High Density Residential District, the following uses and their accessory uses may be permitted subject to appeal and approval by the Dunlap Board of Zoning Appeals in accordance with the provisions of [Section 15.07](#).

1. Public golf courses, parks, country clubs, and swimming pools
2. Customary home occupations as regulated in [Section 15.08](#)
3. Lodge halls, civic organizations, and private clubs, except clubs in which the chief activity is customarily carried on as a business
4. Professional offices
5. Temporary permit for second residential structure, subject to the provisions of [Section 15.10](#)
6. Cemeteries subject to the provisions of [Section 15.09](#)
7. Family Child Care Homes and Group Child Care Homes, subject to meeting the requirements of [Section 03.15](#) child Care Facilities Requirements. **(added 10/2/03)**

07.04 USES PROHIBITED.

In the R-3 High Density Residential District, all uses except those uses or their accessory uses specifically permitted or permitted upon appeal and approval by the Dunlap Board of Zoning Appeals are prohibited.

07.05 DIMENSIONAL REGULATIONS.

All uses permitted in the R-3 High Density Residential District shall comply with the following requirements.

1. Front Yard. The minimum depth of the front yard shall be determined by the classification of the street on which it fronts. The following depths shall apply:
 - a. Major thoroughfares and collectors.....thirty (30) feet
 - b. Local streets and cul-de-sacs.....twenty-five (25) feet
2. Rear Yard. The minimum depth of the rear yard shall be twenty (20) feet.
3. Side Yard. The side yards shall be a minimum of fifteen (15) feet for one- and two-story structures, plus five (5) additional feet of side yard for each additional story over two (2).

If the side yard abuts a local street, alley, or cul-de-sac, the side yard setback shall be twenty-five (25) feet.

If the side yard abuts a major thoroughfare or collector road, the side yard setback shall be thirty (30) 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 fifteen thousand (15,000) square feet in area, except where sanitary sewer service is available in which case the minimum lot area shall be seven thousand five hundred (7,500) square feet in area.

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

No. of Dwelling Units	With Public Water and Sanitary Sewers	With Public Water But Without Sanitary Sewers*
1 unit	7,500 sq. ft.	11,500 sq. ft.
2 units	10,000 sq. ft.	17,500 sq. ft.
3 units	15,000 sq. ft.	23,000 sq. ft.
Over 3 units	15,000 sq. ft. plus 2,500 sq. ft. for each unit over 3	Determined by Health Department

*THESE ARE MINIMUM LOT SIZES. THE HEALTH DEPARTMENT MAY REQUIRE LARGER LOT SIZES BASED UPON THEIR STUDIES WHICH DETERMINE SUITABILITY OF SOILS FOR SEPTIC TANK SEWAGE DISPOSAL.

5. Maximum Lot Coverage. On any lot or parcel of land, the area occupied by all buildings, including accessory buildings, shall not exceed forty-five (45) percent of the total area of such lot or parcel.
6. Lot Width. No lot shall be less than seventy-five (75) feet wide at the building setback line.
7. Height Requirement. No building shall exceed three (3) stories or forty (40) feet, except as permitted in [Section 15.03](#).

07.06. OFF-STREET AUTOMOBILE PARKING.

As regulated in [Section 03.09](#).

07.07 ACCESS CONTROL.

As regulated in [Section 03.11](#).

CHAPTER 8

PROVISIONS GOVERNING THE C-1 GENERAL COMMERCIAL ZONE

SECTION

- 08.01. DISTRICT DESCRIPTION
- 08.02. USES PERMITTED
- 08.03. SPECIAL EXCEPTIONS
- 08.04. USES PROHIBITED
- 08.05. DIMENSIONAL REGULATIONS
- 08.06. OFF-STREET AUTOMOBILE PARKING
- 08.07. OFF-STREET LOADING AND UNLOADING SPACE
- 08.08. ACCESS CONTROL
- 08.09. SCREENING – BUFFER STRIP

08.01. DISTRICT DESCRIPTION.

This district is established to provide areas for those amusements, specialized sales, and travel accommodations activities which depend on visibility from or proximity to automobiles or traffic, to serve regional travelers, to cater to local residents in vehicles, or to 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 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 services 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.

The following uses and their accessory uses shall be permitted in the C-1 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
2. Any retail business or service customarily serving residential neighborhoods
3. Agricultural implement sales, service, and repair
4. Automobile parts sales

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5. Bakery shops, including the manufacture of products to be sold primarily on the premises
6. Bowling alleys
7. Bus terminals provided they shall front on a major thoroughfare
8. Drive-in theaters, restaurants, and indoor theaters provided they shall front on a major thoroughfare
9. 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
10. Hobby, antique, and souvenir shops
11. Hotels/Motels
12. Churches
13. Sales and service of boats, mobile homes, and travel trailers
14. Travel trailer parks
15. Automobile sales
16. Wholesale and storage businesses, including building material yards
17. Lodge halls, civic organizations, and private clubs
18. Planned shopping centers as regulated in [Section 15.06](#)
19. Utility facilities necessary for the provision of public services
20. Commercial Planned Unit Development (CPUD) **(Added 4/1/10)**
21. Bed and Breakfasts subject to the provisions of [Section 3.20](#) Standards for Bed and Breakfast Inns. **(Added 7/1/10)**
22. (Added 5/20/21 Ord#280) Food Trucks provided the following conditions are met and any other conditions set by the planning commission based on the type of business and location of operations:
 - a. An application and permit must be obtained from the City based on the following timeframes:

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- i. 1 day - \$15
 - ii. 3 days - \$25
 - iii. 1 week - \$50
 - iv. 1 month - \$100
 - v. 1 year - \$250
- b. Must have written permission to operate on private property.
 - c. Requests to operate within public street right-of-way shall have written permission from the City of Dunlap specifying the location and duration of time permitted to utilize a portion of right-of-way or public parking spaces. In no case, shall food trucks be permitted within the right-of-way of state roads unless closed for a special event and given written permission by the city.
 - d. No banners, signs, flags, or other such items shall be permitted unless attached directly onto the mobile food unit.
 - e. Food trucks shall be considered a temporary use, and permission given for a specific location does not guarantee future use of the same location for such use. There is no grand-fathered provision for this use, and once removed by the owner or at the request of the city, a request and re-review by the City is required before a food truck can be permitted at the same or a different location.
 - f. Food trucks permitted to operate at a location for more than three (3) hours shall have a written agreement that permits employees to have access to a flushable restroom within 500 feet of the vending location during the hours of operation. An exception to this requirement would be if a public restroom facility is within 500' of the food truck.
 - g. Food trucks may be permitted as a temporary use and without the requirement of a permit by the City of Dunlap for special, limited-time events such as parades, festivals, and city sponsored events.
 - h. The City of Dunlap may revoke the approval given to food truck and/or mobile food vendors at any time and for any reason determined by the city, especially if the use is unsafe, disruptive to traffic, violates health and safety codes, or causes a public nuisance.
 - i. For special circumstances where the location or use may be questionable, the City may have the approval of the permit sent to the planning commission who shall have the authority to set any other conditions to a permitted mobile food vendor use, the length of time this permission shall last, and any other condition deemed necessary to protect the integrity of this ordinance, and the health, safety, and general welfare of the public. Violations of these conditions shall cause the allowed use to be suspended and the codes enforcement

officer shall have the authority to issue a cease and desist order to the business owner and set a timeframe for the use to be removed.

08.03. SPECIAL EXCEPTIONS.

In the C-1 General Commercial District, the following uses and their accessory uses may be permitted subject to appeal and approval of the Board of Zoning Appeals in accordance with the provisions of [Section 15.07](#).

1. Truck stops
2. Amusement parks, amphitheaters, ballparks or stadiums, fairgrounds, and group picnic grounds
3. Automobile, go-cart, or similar racetracks or drag strips
4. Rifle or other gun firing range or shooting course and archery ranges
5. Zoos
6. Airports
7. Churches or similar places of worship, but not including temporary missions or revival tents
8. Cemeteries, as regulated in [Section 15.09](#)
9. Family Child Care Homes and Group Child Care Homes, subject to meeting the requirements of [Section 03.15](#) Child Care Facilities Requirements. **(added 10/2/03)**
10. Residential uses within a building being used as a legally conforming commercial use may be permitted with the approval of the Dunlap Planning Commission provided the following conditions are met **(added 1/19/2023 by Ord #290)**:
 - a. The residential use will occupy 40% or less of the building's overall square footage if a single-story structure and 50% or less of the building's overall square footage if a two-story structure. The percentage for anything over two-stories will be at the discretion of the Planning Commission.
 - b. The portion of the building being used as residential shall be secondary to the building's primary use as a commercial business, and the primary use on the main floor facing a primary street or state roadway shall be commercial.
 - c. All residential units shall be at least 500 square feet or larger.

- d. Construction of both the commercial and residential uses shall be governed by the applicable state fire codes and International Code Council Building Codes.
- e. Off-street parking that is separate from the business must be provided at the same rate as parking for single and/or multi-family dwelling units as specified in Section 03.09 of the Dunlap Zoning Code.
- f. In order to have more than 1 single-family dwelling unit, the property on which the mixed-use commercial/residential use is located shall meet the minimum square footage for the commercially zoned lot PLUS the minimum square footage of a lot in the R-3 High Density Zoning District as listed in the table basing lot sizes on the numbers of dwelling units (the base lot size in R-3 with the additional square footage added on for each dwelling unit). Minimum lots size for commercial district + minimum lot size for R-3 district + additional square footage based on the number of dwelling units as listed in R-3.
- g. The portion of the building being used for residential purposes may not be subdivided off or placed on or located on an adjoining property. Both uses must remain on the same lot.

Subject to review and approval by the Dunlap Planning Commission as part of the commercial site plan approval process.

- 11. Light manufacturing in EXISTING buildings of a warehouse type structure 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. **(Added 2/22/18)**

08.04. USES PROHIBITED.

All uses except those uses or their accessory uses specifically permitted as a special exception by the Dunlap Board of Zoning Appeals are prohibited.

08.05. DIMENSIONAL REGULATIONS.

The following requirements shall apply to all uses permitted in the C-1 General Commercial District.

- 1. Lot Area.
 - a. For those areas served by a sanitary sewer system, there shall be a minimum lot area of not less than ten thousand (10,000) square feet.
 - b. For those areas not served by a sanitary sewer system, the lot area requirements shall be determined by the Planning Commission

based on recommendations of the Health Department, but in no case shall be less than fifteen thousand (15,000) square feet.

2. Front Yard. The depth of the front yard shall be thirty-five (35) feet from any right-of-way.
3. Side Yard. The width of the side yard that abuts a public street shall be no less than thirty-five (35) feet. 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 yard shall be not less than fifteen (15) feet.
4. Rear Yard. Each lot shall have a rear yard of not less than ten (10) feet; where a commercial building is serviced from the rear there shall be provided a rear yard of not less than thirty (30) feet; the depth of a rear yard which abuts a residential district shall not be less than twenty-five (25) feet.
5. Lot Width. Each lot shall have a width of not less than seventy-five (75) feet at the building setback line.
6. Height Restriction. No building or structure shall exceed three (3) stories or forty (40) feet, except as provided in [Section 15.03](#).

08.06. OFF-STREET AUTOMOBILE PARKING.

As regulated in [Section 03.09](#).

08.07. OFF-STREET LOADING AND UNLOADING SPACE.

As regulated in [Section 03.10](#).

08.08. ACCESS CONTROL.

As regulated in [Section 03.11](#).

08.09. SCREENING – BUFFER STRIP.

As regulated in [Section 03.06](#).

CHAPTER 9

PROVISIONS GOVERNING THE C-2 CENTRAL BUSINESS ZONE

SECTION

- 09.01. DISTRICT DESCRIPTION
- 09.02. USES PERMITTED
- 09.03. USES PROHIBITED
- 09.04. DIMENSIONAL REGULATIONS
- 09.05. OFF-STREET AUTOMOBILE PARKING
- 09.06. OFF-STREET LOADING AND UNLOADING SPACE
- 09.07. ACCESS CONTROL
- 09.08. SCREENING – BUFFER STRIP
- 09.09. USES PERMITTED ON APPEAL

09.01. DISTRICT DESCRIPTION.

This district is established to provide an area for the conduct of community and regional 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, business, or personal service activities. It is intended that such area 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 and industrial activities which are characterized by trucking other than stocking and delivery of retail goods, and which cater exclusively to automobiles or traffic or to patrons who remain in their vehicles for service.

09.02. USES PERMITTED.

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

- 23. Any retail business or service, 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
- 24. Automobile sales rooms and repair garages
- 25. Taxi cab stands
- 26. Clubs and lodges

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27. Funeral parlors
28. Banks
29. Insurance agencies
30. Newspaper and printing plants
31. Off-street parking lots
32. Professional offices including but not limited to doctors, lawyers, dentists, architects, artists, engineers
33. Public uses and structures and government buildings (Added 5/20/21 Ord#280)
34. Restaurants, bars, grills, micro-breweries (Added 5/20/21 Ord#280), and similar catering and/or drinking establishments, *but not including drive-ins*
35. Schools, colleges, and churches
36. Indoor theaters
37. Lodge halls, civic organizations, private clubs, reception halls, and similar event spaces (Updated 5/20/21 Ord#280)
38. Utility facilities necessary for the provision of services, but not including bulk outdoor storage, out-buildings, commercial dumpsters, construction equipment, or overnight parking of commercial vehicles and trucks (Updated 5/20/21 Ord#280)
17. Bed and Breakfasts subject to the provisions of [Section 3.20](#) Standards for Bed and Breakfast Inns. **(Added 7/1/10)**
18. (Added 5/20/21 Ord#280) Food Trucks provided the following conditions are met and any other conditions set by the planning commission based on the type of business and location of operations:
 - a. An application and permit must be obtained from the City based on the following timeframes:
 - i. 1 day - \$15
 - ii. 3 days - \$25
 - iii. 1 week - \$50
 - iv. 1 month - \$100
 - v. 1 year - \$250

- b. Must have written permission to operate on private property.
- c. Requests to operate within public street right-of-way shall have written permission from the City of Dunlap specifying the location and duration of time permitted to utilize a portion of right-of-way or public parking spaces. In no case, shall food trucks be permitted within the right-of-way of state roads unless closed for a special event and given written permission by the city.
- d. No banners, signs, flags, or other such items shall be permitted unless attached directly onto the mobile food unit.
- e. Food trucks shall be considered a temporary use, and permission given for a specific location does not guarantee future use of the same location for such use. There is no grand-fathered provision for this use, and once removed by the owner or at the request of the city, a request and re-review by the City is required before a food truck can be permitted at the same or a different location.
- f. Food trucks permitted to operate at a location for more than three (3) hours shall have a written agreement that permits employees to have access to a flushable restroom within 500 feet of the vending location during the hours of operation. An exception to this requirement would be if a public restroom facility is within 500' of the food truck.
- g. Food trucks may be permitted as a temporary use and without the requirement of a permit by the City of Dunlap for special, limited-time events such as parades, festivals, and city sponsored events.
- h. The City of Dunlap may revoke the approval given to food truck and/or mobile food vendors at any time and for any reason determined by the city, especially if the use is unsafe, disruptive to traffic, violates health and safety codes, or causes a public nuisance.
- i. For special circumstances where the location or use may be questionable, the City may have the approval of the permit sent to the planning commission who shall have the authority to set any other conditions to a permitted mobile food vendor use, the length of time this permission shall last, and any other condition deemed necessary to protect the integrity of this ordinance, and the health, safety, and general welfare of the public. Violations of these conditions shall cause the allowed use to be suspended and the codes enforcement officer shall have the authority to issue a cease and desist order to the business owner and set a timeframe for the use to be removed.

09.03. USES PROHIBITED.

In the C-2 Central Business District, all uses except those uses specifically permitted are prohibited.

09.04. DIMENSIONAL REGULATIONS.

All uses permitted in the C-2 Central Business District shall comply with the following requirements, except as provided in Chapter 3.

1. Front Yard. No front yard shall be required in the C-2 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. Height Requirement. No building shall exceed three (3) stories or forty (40) feet, except as provided in [Section 15.03](#).

09.05. OFF-STREET AUTOMOBILE PARKING.

No requirement.

09.06. OFF-STREET LOADING AND UNLOADING SPACE.

As regulated in [Section 03.10](#).

09.07. ACCESS CONTROL.

As regulated in [Section 03.11](#).

09.08. SCREENING – BUFFER STRIP.

As regulated in [Section 03.06](#).

09.09. USES PERMITTED ON APPEAL (Added 02-07-02) (Amended 2/3/11)

Jurisdiction. The regulations established within this ordinance shall govern all Uses on Appeal in the C-2 Central Business Zone subject to appeal and approval of the Dunlap

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Board of Zoning Appeals in accordance with [Section 15.07](#). Any owner of land within this zone shall submit to the procedures outlined in this ordinance.

1. Apartments provided the following conditions are met:
 - a. Apartments shall be located above the ground floor or in the rear of the building, if a one-story building. For buildings located on Rankin Avenue only the upstairs may be used as an apartment(s) but in no case shall a one-story building on Rankin Avenue be used as an apartment in whole or in part. (Updated 5/20/21 Ord#280)
 - b. Provide a floor layout to ensure adequate space and separate outside entrance.
 - c. No more than two (2) apartments shall be allowed in any one (1) building.
 - d. One off-street parking space per apartment shall be provided.
 - e. Any apartment to be developed shall not be less than eight hundred fifty (850) square feet in area.
 - f. The character of the building as a commercial structure shall not be changed by the addition of a residential use.
 - g. A sketch plan as described in [Section 03.15](#) and floor layout shall be presented to the Planning Commission to ensure the provisions of (a.) through (g.) above are met. Detailed construction information shall be required to ensure compliance with all pertinent codes of the city. Recommendations shall be provided by the Staff Planner, Building Official and Fire Chief prior to the final decision by the Planning Commission.

CHAPTER 10

PROVISIONS GOVERNING THE I-1 LIGHT INDUSTRIAL DISTRICT

SECTION

- 10.01. DISTRICT DESCRIPTION
- 10.02. USES PERMITTED
- 10.03. USES PROHIBITED
- 10.04. DIMENSIONAL REGULATIONS
- 10.05. PARKING SPACE REQUIREMENTS
- 10.06. OFF-STREET LOADING AND UNLOADING
- 10.07. ACCESS CONTROL
- 10.08. SCREENING – BUFFER STRIP

10.01. 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, or street transportation routes.

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

10.02. USES PERMITTED.

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

1. Any retail establishment which includes the manufacturing of goods on the premises for sale at retail
2. Repair or service facilities including, but not limited to, automobile repair, appliance repair, machine shops, cabinet shops, carpentry, plumbing and welding
3. Contractors or construction equipment dealers' yards
4. Grain or feed storage or processing
5. Heating fuel or building material storage or wholesaling
6. Building materials yards

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7. Radio or television towers
8. Truck terminals
9. Railroad installations or receiving yards
10. Wholesale or warehouse receiving yards
11. Bottling plants and milk distribution stations or packaging works
12. Assembly of parts for production of finished equipment
13. 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
14. Utility facilities necessary for the provision of public services

10.03. USES PROHIBITED.

Any use which is not specifically permitted is prohibited in the I-1 Light Industrial District.

10.04. DIMENSIONAL REGULATIONS.

All uses permitted in the I-1 Light Industrial District shall comply with the following requirements.

1. Front Yard. The minimum depth of the front yard shall be thirty (30) feet.
2. Rear Yard. The minimum depth of the rear yard shall be thirty (30) feet. No yard shall be required for that portion of a lot which fronts on a railroad or rail spur line.
3. Side Yard. The side of an industrial lot which is adjacent to a residential district shall have a thirty (30) foot buffer strip between the industry and residential area.
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. No industrial land use shall be permitted in areas where a public water supply is not available except where the Planning Commission has determined that such use does not require a supply of potable water in its manufacturing operation. In such instances, the Planning Commission shall grant written approval of the use and shall establish a minimum land area which shall not be less than five (5) acres.
5. 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.
6. 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).
7. Lot Width. No lot shall be less than one hundred fifty (150) feet wide at the building setback line.

8. Height Requirement. No building or structure shall exceed three (3) stories or forty (40) feet in height, except as provided in [Section 15.03](#).

10.05. PARKING SPACE REQUIREMENTS.

As regulated in [Section 03.09](#).

10.06. OFF-STREET LOADING AND UNLOADING REQUIREMENTS.

As regulated in [Section 03.10](#).

10.07. ACCESS CONTROL.

As regulated in [Section 03.11](#).

10.08. SCREENING – BUFFER STRIP.

As regulated in [Section 03.06](#).

CHAPTER 11

PROVISIONS GOVERNING THE I-2 HEAVY INDUSTRIAL DISTRICT

SECTION

- 11.01. DISTRICT DESCRIPTION
- 11.02. USES PERMITTED
- 11.03. SPECIAL EXCEPTIONS
- 11.04. USES PROHIBITED
- 11.05. DIMENSIONAL REGULATIONS
- 11.06. PARKING SPACE REQUIREMENTS
- 11.07. OFF-STREET LOADING AND UNLOADING
- 11.08. ACCESS CONTROL
- 11.09. SCREENING – BUFFER STRIP

11.01. 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, and railway lines.

11.02. 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. Bulk storage of petroleum products in containers approved by the Tennessee Department of Health and Environment
3. A retail or service use only when it serves directly or in auxiliary to the needs of industrial plants or employees thereof
4. Alcohol manufacture
5. Boiler works and tank manufacture
6. Central mixing plant for mortar or cement and concrete or cement products manufacture

7. Railroad freight terminals
8. Power plants
9. Rolling mills
10. Tire recapping and retreading
11. Utility facilities necessary for the provision of public services

11.03. SPECIAL EXCEPTIONS.

The following uses may be permitted on appeal and approval by the Dunlap Board of Zoning Appeals.

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. Ammonia, bleaching powder, or chlorine manufacture
19. Asphalt manufacturing or refining
20. Chemical manufacture
21. Iron, steel, brass, or copper foundry or fabrication of metals
22. Paint, oil, shellac, turpentine, varnish, or enamel manufacture
23. Plastic manufacture
24. Coal loading and storage operations
25. Manufacture and fabrication of rubber and related products
26. Soap manufacture
27. Tar distillation or tar products manufacture
28. Natural resource extraction

11.04. USES PROHIBITED

Any use which is not specifically permitted or permitted as a special exception by the Board of Zoning Appeals is prohibited in the I-2 Heavy Industrial District.

11.05. DIMENSIONAL REGULATIONS

All uses permitted in the I-2 Heavy Industrial District shall comply with the following requirements.

1. Front Yard:

The minimum depth of the front yard shall be as follows:

- a. Arterials.....Forty (40) feet
- b. Collectors.....Thirty (30) 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. 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.

5. 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. No industrial land use shall be permitted in areas where a public water supply is not available except where the Planning Commission has determined that such use does not require a supply of potable water in its manufacturing operation except where the Board of Zoning Appeals shall grant written approval of the use and shall establish a minimum land area which shall not be less than five (5) acres.

6. Maximum Lot Coverage:

No maximum lot coverage shall be imposed other than the restrictions imposed by the setback requirements.

7. 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.

8. Height Requirements:

All buildings shall be limited to a height of forty (40) feet above finished grade, measured from the average elevation of the finished lot grade at the front of the building to the roof line; provided, however, that towers, tanks, fire or parapet walls, skylights, communication masts, flagpoles, chimneys, penthouses or elevator equipment, stairways, ventilating fans, or similar equipment or similar structures may exceed this height.

11.06. PARKING SPACE REQUIREMENTS.

As regulated in [Section 03.09](#).

11.07. OFF-STREET LOADING AND UNLOADING REQUIREMENTS.

As regulated in [Section 03.10](#).

11.08. ACCESS CONTROL.

As regulated in [Section 03.11](#).

11.09. SCREENING – BUFFER STRIP.

As regulated in [Section 03.06](#).

CHAPTER 12

PROVISIONS GOVERNING THE FLOOD HAZARD DISTRICTS

“Flood hazard districts as established by the Sequatchie County, Tennessee, Flood Insurance Rate Maps, dated June 4, 2010, are governed by the [Dunlap Municipal Floodplain Zoning Ordinance # 218](#). A copy of this ordinance is located in the Appendix of the Dunlap Municipal Zoning Ordinance.

CHAPTER 13
(Added 10/7/10)

**PROVISIONS GOVERNING THE SEQUATCHIE RIVER
RECREATIONAL OVERLAY DISTRICT**

SECTION

13.01. DISTRICT DESCRIPTION

13.02. USES PERMITTED

**13.03. CONDITIONS FOR USES IN THE RECREATIONAL OVERLAY
DISTRICT**

13.01. DISTRICT DESCRIPTION

For the purposes of this Ordinance, the Sequatchie River Recreational Zoning Overlay District is an area that serves the combined purposes of recreation, open space preservation, floodplain management, wildlife protection and scenic resource preservation in special flood hazard areas that are designated on the National Flood Insurance Rate Maps for Sequatchie County, Tennessee. This district is intended to protect environmentally sensitive areas along the Sequatchie River and to promote the health, safety, and general welfare of the citizens of Dunlap, Tennessee, by allowing flexibility in permitted land uses, while adhering to the general lot requirements of the underlying zoning district as well as the restrictions placed on development in special flood hazard areas. The overlay district is not meant to replace the zoning designation or requirements of the underlying district, but rather its purpose is to add additional land use options for property that is located in special flood hazard areas. All dimensional and building setback requirements are determined by the underlying zoning district.

13.02. USES PERMITTED

The following uses are permitted provided the conditions of Section 13.03 are met:

1. Camping
2. Parking & Using a Recreational Vehicle (RV) as a Temporary Dwelling
3. Picnic Pavilions
4. Gazebos

**13.03. CONDITIONS FOR USES IN THE RECREATIONAL OVERLAY
DISTRICT (Amended 2-3-2011)**

1. In R-1 zoning districts the property can only be used for one recreational vehicle that is limited to the owner's immediate family as is customary with single-family dwellings in the R-1 district. In all other zoning districts, the density is limited to the number of units allowed under "uses permitted".
2. Recreational vehicles shall not occupy any lot for more than 179 consecutive days, or more than 179 days collectively during a calendar year.

3. All permanent and non-permanent structures shall meet the requirements of the Dunlap Municipal Floodplain Zoning Ordinance.
4. All permanent and non-permanent structures shall meet building setbacks established by the underlying zoning district.
5. A building permit shall be obtained for all permanent structures with an accompanying elevation certificate as required by the Dunlap Municipal Floodplain Zoning Ordinance.
6. A temporary use permit shall be obtained for all non-permanent structures including recreational vehicles and travel trailers that are permitted under Section 13.02 and/or the underlying zoning district. The temporary use permit shall specify the length of occupancy, which shall not exceed 179 consecutive days or 179 days collectively during a calendar year. A temporary use shall not be converted to a permanent use unless it is allowed in the underlying zoning district.

CHAPTER 14

“Reserved for future use.”

(Amended 4/1/10)

CHAPTER 15

EXCEPTIONS AND MODIFICATIONS

SECTION

- 15.01. [EXISTING LOTS](#)
- 15.02. [FRONT YARD SETBACK OF DWELLINGS](#)
- 15.03. [EXCEPTIONS TO HEIGHT LIMITATIONS](#)
- 15.04. [CORNER LOTS](#)
- 15.05. [GROUP HOUSING PROJECTS](#)
- 15.06. [PLANNED SHOPPING CENTERS](#)
- 15.07. [PROCEDURES FOR AUTHORIZING SPECIAL EXCEPTIONS](#)
- 15.08. [CUSTOMARY HOME OCCUPATIONS](#)
- 15.09. [DEVELOPMENT STANDARDS FOR CEMETERIES](#)
- 15.10. [PROCEDURES FOR PERMITTING A SECONDARY RESIDENTIAL STRUCTURE](#)
- 15.11. [TELECOMMUNICATIONS STRUCTURES](#)

This chapter is established to provide relief from unnecessary hardships that may occur from the application of this Ordinance to a specific parcel of property. Further, it is intended to provide for the establishment of group project developments that could not reasonably adhere to the provisions of this Ordinance.

15.01. EXISTING LOTS.

Where the owner of a plot of land consisting of one (1) or more adjacent lots at the time of the enactment of this Ordinance did not at that time own sufficient contiguous land to enable him to conform to the minimum lot size requirements of this Ordinance; or if the topography, physical shape, or other unique features of such lots of record prevent reasonable compliance with the setback or other requirements of this Ordinance, such plot of land may nevertheless be used as a building site. The yard and other space requirements of the district in which the piece of land is located may be reduced by the smallest amount that will permit reasonable use of the property as a building site. *However, in no case shall the Building Inspector permit any lot in any residential district to be used as a building site which is less than four thousand (4,000) square feet in total area and thirty (30) feet in width, or has a front yard setback of less than fifteen (15) feet and a side yard setback of less than three (3) feet.*

15.02. FRONT YARD SETBACK OF DWELLINGS.

The front yard setback requirement of this Ordinance for dwellings shall not apply on any lot where the average setback of existing buildings located wholly or in part within one hundred (100) feet on each side of such lot within the same block and zoning district and fronting on the same side of the street is less than the minimum required setback. In such

cases, the setback on such lot may be less than the required setback, but no less than the average of the setbacks of the aforementioned existing buildings.

15.03. 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 Dunlap Fire Chief. These plans must show all of the following:
 - a. A wet standpipe riser with one and one half (1 ½) 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
 - 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, flagpoles, radio towers, masts, and aerials.

15.04. CORNER LOTS.

The side yard setback requirements for corner lots shall be the same as the front setback requirements for the next adjacent lot fronting on the street that the side yard of the corner lot faces.

15.05. GROUP HOUSING PROJECTS.

A group public housing project of two (2) or more buildings to be constructed on a plot of land of at least two (2) acres not subdivided into customary streets and lots, and which will not be so subdivided, may be constructed provided:

1. Uses are limited to those permitted within the district in which the project is located
2. Building heights do not exceed the height limits permitted in the district in which the project is located
3. The overall density of land use is no higher and the standard of open space is no lower than that permitted in the district in which the project is located
4. The distance of every building from the nearest property line shall meet the front yard setback and side yard requirements of the district in which the project is located

15.06. PLANNED SHOPPING CENTERS.

A planned shopping center consisting of one (1) or more buildings to be constructed on a plot of land containing at least two (2) acres not subdivided into customary streets and lots may be constructed provided:

1. It is located adjacent to a primary street and uses permitted are the same as the C-1 and C-2 districts
2. Off-street automobile parking space requirements for the proposed uses are provided on the lot
3. Where the project abuts a residential district, there shall be a ten (10) foot planted evergreen buffer strip along the rear and side lot lines adjacent to the residential district

15.07. PROCEDURE FOR AUTHORIZING SPECIAL EXCEPTIONS.

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.

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 Board of Zoning Appeals may require.
2. Restrictions. In the exercise of its approval, the Board of Zoning Appeals may impose such conditions upon the proposed uses of building 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 Board of Zoning Appeals shall constitute certification of the part of the applicant that the proposed use shall conform to such regulations at all times.
4. Time Limit. All applications reviewed by the Board of Zoning Appeals 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. CUSTOMARY HOME OCCUPATIONS. (Amended 4-7-2016)

A home occupation is a gainful occupation or profession conducted by 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 or trade shall be displayed outside the dwelling, and no alteration shall be made to the exterior of the structure that would indicate a use other than as a residential dwelling; this shall also include accessory buildings.

Those wishing to establish a customary home occupation must first complete a zoning compliance application. If the use complies with the following standards then the Dunlap Codes Enforcement and/or the BZA will make a determination as to whether or not the use is acceptable for the zoning district in which the home occupation will be located.

A business license may not be issued for a customary home occupation operating in a residential district until a zoning compliance form has been approved by the City of Dunlap. The customary home occupation must comply with the following standards:

1. NO more than one person other than members of the family residing on the premises shall be engaged in such occupation.
2. The use of the dwelling unit for the home occupation shall be clearly incidental and subordinate to its use for residential purposes by its occupants. Not more than twenty-five (25) percent of the floor area of the dwelling unit shall be used in the conduct of the home occupation.
3. There shall be no change in the outside appearance of the building or premises, no outdoor storage of any type, and no other visible evidence of the conduct of such home occupation.

4. No traffic shall be generated by such home occupation in greater volume than would normally be expected in a residential neighborhood, and any need for parking generated by the conduct of such home occupation shall be off-street in areas other than the front yard. This paragraph is not intended to prohibit home occupations that would generate minor amounts of traffic that would not be out of character with a residential neighborhood such as: a one-chair hair salon, in-home teaching of piano lessons, in-home photography, book keeping, typing, or similar services where customers or clients may come to the home in small numbers throughout the workday.
5. No equipment or process shall be used in such home occupation which increases noise, vibration, glare, fumes, odors, or electrical interference detectable to the normal senses on neighboring properties.
6. The home occupation shall not increase the type or volume of solid waste for curb-side disposal beyond what a typical household would produce.
7. Vehicles used in a resident's line of work such as buses, heavy trucks, machinery, etc. shall be parked on the lot of the customary home occupation and not on a city street. The vehicle(s) shall be parked on a paved or graveled surface to the side or rear of the principal residential structure. The owner shall be limited in the number of vehicles and/or equipment that can be parked on the property, and if questions arise over what is considered reasonable then the Dunlap BZA shall make a ruling on a case by case basis. Determining a reasonable number of vehicles and/or equipment allowed on the property of a customary home occupation should at least be based on the following: 1.) the lot must be suitable to accommodate said vehicles and/or equipment within the bounds of the lot, 2.) parking of vehicles and/or equipment shall not impose any undue nuisances on neighboring property owners, 3.) the use for parking shall not create smells, odors, or any liquid runoff onto neighboring properties, and 4.) the size of the property and proximity to neighboring properties may be taken into consideration in determining the maximum number of vehicles and/or equipment. This section does not permit the storage of junk vehicles, repossessed or impounded vehicles, vehicles offered for sale by a licensed dealer, or vehicles that are inoperable.
8. A change in ownership or rental status on the property of an approved customary home occupation does not permit future owners or tenants to continue the use as a customary home occupation. New owners or tenants must complete a zoning compliance application.

Any seemingly compliant customary home occupation may be issued a compliance permit by the Dunlap Codes Enforcement Officer for businesses that do not generate any traffic or involve customers coming to the home. *For home occupations that do generate customer traffic or when questions arise regarding the legality of specific home occupations, the Board of Zoning Appeals shall determine whether said home occupation is in compliance with the above restrictions and is compatible with the district in which said home occupation is located.* However, activities such as dancing instruction, band instrument instruction (except piano instruction), tea rooms, tourist homes, real estate offices, convalescent homes, mortuaries, animal clinics, retail sales businesses, automotive or small engine repair shops, daycares for more than four (4) children or adults, or any other activity deemed by the BZA

to be incompatible with the district or a potential nuisance to the surrounding area shall not constitute an acceptable home occupation.

15.09. DEVELOPMENT STANDARDS FOR CEMETERIES.

1. Development Standards. The following standards shall be imposed upon the development and construction of cemeteries in the City of Dunlap.
 - a. The site proposed for a cemetery shall not interfere with the development of a system of collector and larger streets in the vicinity of such site. In addition, such site shall have direct access to a thoroughfare.
 - b. Any new cemetery shall be located on a site containing not less than twenty (20) acres.
 - c. All structures, including, but not limited to, mausoleums, permanent monuments, or maintenance buildings shall be set back not less than twenty-five (25) feet from any property line or street right-of-way line.
 - d. All graves or burial lots shall be set back not less than twenty-five (25) feet from any property line or street right-of-way line.
2. Application for Cemetery Permit. No person shall develop, construct, or maintain a cemetery in the City of Dunlap until he has secured a permit from the Dunlap Board of Zoning Appeals. An application for said permit shall be filed in accordance with [Section 15.07](#) of this Ordinance and shall be accompanied by a detailed site plan, a schedule for construction, and other information herein required. Said application shall be processed in the following manner.
 - a. The written application, plans, schedules, and other information as herein required shall be submitted to the Dunlap Municipal Planning Commission. The Planning Commission shall duly review the materials and submit its recommendation to the Dunlap Board of Zoning Appeals.
 - b. The Dunlap Board of Zoning Appeals shall grant final approval or disapproval of the permit after reviewing the Planning Commission's recommendations. If the decision of the Board of Zoning Appeals is contrary to the recommendations of the Dunlap Planning Commission, then a favorable vote of a majority of the entire Board membership shall be required before a permit may be granted or refused.

15.10. PROCEDURE FOR PERMITTING A SECONDARY RESIDENTIAL STRUCTURE. (Amended 6/1/06)

The requirements in the following sections must be met in order for an applicant to obtain a temporary permit to use a manufactured home as a temporary second residential structure on a lot.

1. Eligibility. Eligibility will be determined by the Dunlap Board of Zoning Appeals (BZA) based on the following.
 - a. The immediate family member of the owner-occupant that is to be housed in this temporary structure must be physically or mentally incapacitated to the point that twenty-four (24) hour supervision and care are required.
 - b. The immediate family member requiring care must provide medical documentation to his/her present physical or mental condition and show proof that his/her condition requires twenty-four (24) hour supervision and care. The family member's name should be listed on the application.
 - c. The owner-occupant's need for close proximity to the primary structure is an absolute necessity, and the owner-occupant can prove that the existing residential structure is insufficient in size to house the immediate family member.

2. Permit Procedure.
 - a. Owner-occupant must file an application with the Dunlap Board of Zoning Appeals for review. Said application must show applicant's name, applicant's parcel and how it is zoned; the location of the temporary mobile home on the lot; the names of the adjoining property owners, and the surrounding land uses. Adjoining property owners will be notified by mail of the BZA hearing by the City of Dunlap. The application should be completely filled out and turned in to the Building Inspector, along with a \$25 fee to cover cost of mail and administration.
 - b. Applications reviewed by the Dunlap Board of Zoning Appeals shall be decided within thirty (30) days of the date of the application, and the applicant shall be provided with a written notice of approval or denial.

- c. The owner should provide a sketch plan of the property showing all structures with setbacks, and the temporary mobile home must meet all setback requirements. The setback between structures must be twice the side setback of the zoning district where the property is located. Setback requirements will vary depending upon which residential district the applicant is located in.
- d. The temporary mobile home must meet all the requirements of the Sequatchie County Health Department concerning septic tank and field lines for the temporary structure, or have access to municipal wastewater (sewer).
- e. If granted, the length of the permit shall be one (1) year and can be renewed annually upon review by the board of Zoning Appeals.
- f. The Building Inspector can at any time review the property to verify that the property owner and/or temporary resident has not changed and the situation remains the same as what the BZA approved. Upon request of the Building Inspector, the BZA should hold a hearing within 30 days of the request to review a temporary structure. The Building Inspector upon a ruling to terminate by the BZA can terminate the temporary structure permit.
- g. When a decision to terminate has been made or the original situation no longer exists to require the temporary structure and it becomes necessary for the City of Dunlap to initiate proceedings to force removal of any non-conforming structures, the property owner will be responsible for and will reimburse the City of Dunlap for any cost for enforcement, removal of structure, and legal fees. Such shall apply even if the property owner has transferred the subject property during the period of the approved exemption if the non-conforming use extends past the approved time period.
- h. When the original situation no longer exists as stated on the application or the BZA rules to terminate a permit, the property owner will have a maximum of three months to remove the temporary structure.

15.11. Telecommunications Structures. (Added 2019 Ord. #269)

The purpose of this ordinance is to establish general guidelines for the siting of wireless communication towers and antennas, commercial radio and television towers. The goals of this ordinance are to (1) protect residential areas and land uses from potential adverse impacts of towers and antennas; (2) encourage the location of towers in non-residential areas; (3) minimize the total number of towers throughout the community; (4) and, strongly encourage the joint use of new and existing tower sites as a primary option rather than construction of additional single-use towers.

Telecommunication Structures are not allowed in the corporate limits unless within a permitted zone. Telecommunication Structures, where allowed as a permitted use or use on appeal by the Dunlap Municipal Zoning Ordinance, are subject to the following requirements:

1. Setback

- a. All towers and accessory structures that are not constructed within a utility easement shall be setback from the property lines a distance equal to twenty (20) percent of the tower height or the district yard requirement, whichever is greater.
- b. In instances when a tower and accessory structures are constructed within a utility easement on an existing utility structure, the tower and accessory structures shall adhere to a setback from the easement lines equal to twenty (20) percent of the tower height.
- c. In instances when a tower and accessory structures are constructed adjacent to a residential district, either immediately adjacent to such property or across a public way, the minimum setback from a residential lot line, residential district, or residential structure measured from the base of the tower, shall be equal to 1.25 times (1.25x) the tower height.

2. Shared Use

- a. The shared use of existing towers shall be required throughout the community. The applicant's proposal for a new wireless transmission facility shall not be approved unless the applicant can prove through documentation, that the proposed equipment cannot be accommodated on an existing or approved tower located within a minimum distance of one mile of the proposed tower due to one (1) of the following reasons:
 - i. The planned equipment would exceed the structural capacity of the existing and approved towers and

- said towers do not have the capability to be upgraded.
 - ii. The planned equipment would cause radio frequency (RF) interference with other existing or planned equipment.
 - iii. The planned equipment would not function effectively and reasonably on an existing tower.
 - iv. Geographic service requirements would prevent the co-use of an existing tower or structure.
 - b. The feasibility of the shared use of any proposed tower in the future shall be addressed at the time of application. As a minimum, a tower shall be designed for the co-use of a minimum of three (3) fully sectored antenna arrays unless such tower is proposed for co-use on an existing utility structure. The applicants shall provide a letter of intent committing the tower owner and any successive owners to providing for the shared use of the tower, if a future applicant agrees, in writing, to pay any reasonable rate for the shared use.
- 3. **Type** All new towers shall be monopole type structure. No lattice type towers or antennas shall be permitted in the City of Dunlap.
- 4. **Structural Requirements** Prior to the approval of any application for a tower or the co-use of an existing tower or utility structure, the applicant shall provide written certification from a registered structural engineer that the tower is able to withstand winds of a minimum of seventy (70) miles per hour with one-half (.5) inch radial ice.
- 5. **Buffering and Landscaping**
 - a. For all ground structures and buildings special care shall be taken to minimize the effects on the adjacent residential areas.
 - b. All ground structures shall be buffered in a manner which consists of a minimum of an eight (8) foot wide landscaped strip around the perimeter of the security fencing. The buffered strip shall consist of a combination of trees, shrubs, vines and or ground covers that blends and enhances the appearance of the ground structures within the surrounded area. The buffer shall be installed for the permanent year-round protection of adjacent property by visually shielding internal activities from adjoining property to a height of eight (8) feet or the height of the proposed accessory structures, whichever is greater. The landscaping provisions of this section may be varied or reduced if the proposed plan provides for unique and innovative landscaping treatment or physical features that meet the intent and purpose of this section.

6. **Height**
 - a. No tower shall exceed a height of two hundred and fifty (250) feet.
 - b. In instances when a tower is to be co-located upon an existing utility structure, which is defined as an existing power line structure or an existing water tower, the maximum height shall not exceed the height of the structure plus (+) twenty (20) feet.
7. **Location**
 - a. No towers shall be located in the Central Business District.
 - b. No towers shall be located within 350' of Highway 127, State Route 28, Highway 111, or Main Street.
8. **Co-located Towers and Antennas** The co-location of towers and antennas shall only be permitted on existing and proposed telecommunication towers and public utility structures consisting of power line structures or water towers in excess of thirty-five (35) feet in height.
9. **Vehicle Access Control** The location and design of driveways and/or access easements to the facility from a public street shall be depicted on the site plan and shall be approved by the planning commission in accordance with these regulations.
10. **Lighting**
 - a. Structures: Outside lighting of structures, if required for safety and security purposes, shall be of a sensory fashion in which illumination occurs only when the site is approached. The lighting shall be arranged to minimize glare and reflection on adjacent residential properties and public streets and does not exceed 0.4 foot candles measured at the property line, easement line or abutting properties zoned for residential use.
11. **Security** The cellular tower facility shall be fully secured through the installation of a security fencing/wall system of a minimum height of eight (8) feet or the height of the accessory structures whichever is greater. Additional fencing shall be required by the Dunlap Planning Commission on the outside of the security fencing as an aesthetic buffer which shall be incorporated into the buffering requirement in E. of this Section.

12. Aesthetics

Towers and antennas shall meet the following requirements:

- a. Towers shall either maintain a galvanized steel finish or, subject to any applicable standards of the FAA (Federal Aviation Association), be painted a neutral color so as to reduce obtrusiveness.
- b. 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.
- c. If an antenna is installed on a structure other than a tower, the antenna and supporting electrical and mechanical equipment must be of 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.

13. Removal of Obsolete Towers

- a. Any tower that is no longer in use for its original communications purpose shall be removed at the owner's expense. The owner shall provide the City with a copy of the notice of intent to the FCC to cease operations and shall be given ninety (90) days from the date of ceasing operations to remove the obsolete tower and accessory structure(s), provided another operator has not submitted a request for a tower during that time period. Additional time may be granted by the Dunlap BZA provided an acceptable plan and timeframe has been given in writing by the tower owner. In the case of multiple operators sharing a single tower, this provision shall not become effective until all users cease operations.
- 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 shall serve to ensure prompt removal of the tower once it ceases to operate, shall be provided by all users. The amount of the surety instrument shall be determined by the City's designated official and then approved by the planning commission during the site plan review process.

- 14. Site Plan Requirements** Prior to the issuance of a building permit, the construction of a tower or the utilization of an existing structure for telecommunications or television transmission purposes, the submission of a site plan in accordance with the following provisions and all other provisions of this Ordinance shall be required.

- a. If the proposed tower is a new tower not on an existing utility structure, the site plan shall show the location of the initial users accessory structure and the location of two (2) future accessory structures.
- b. A letter of intent from the owner and any successive owners allowing for the shared use of the tower.
- c. A letter from a professional engineer certifying that the towers height and design complies with these regulations and all applicable structural standards and, also, describes the tower's capacity which includes the number and type of antennas that can be accommodated.
- d. A letter indicating why existing towers within one (1) mile of the proposed towers location cannot be utilized.
- e. A site plan, per Section 03.17 of the Dunlap Zoning Ordinance, reviewed and approved by the Dunlap Planning Commission.

15. Fees

A non-refundable fee of one thousand (\$1,000) dollars must accompany any site plan submitted for purposes of securing a building permit under the terms of this Ordinance. The fee will cover all engineering and other costs associated with the review of a site plan request for a communication tower.

16. Variances

The Dunlap Board of Zoning Appeals will serve as the appellate body for requests for variances from the terms of this Ordinance. In considering variance requests, the Board of Appeals will give due consideration to the reasons stated for the request, but will also adhere as closely as possible to the requirements of this Ordinance in terms of height, setback, or other standards. The feasibility of shared use for a new tower request will be handled at the time of the request through the site plan approval process set forth in Section 15.11 Number 14. of this Ordinance. The decision of the Planning Commission on shared use requirements is not appealable to the Board of Appeals.

CHAPTER 16

ADMINISTRATION, ENFORCEMENT, AND PENALTIES

SECTION

- 16.01. [BUILDING PERMIT REQUIRED](#)
- 16.02. [CONSTRUCTION PROGRESS](#)
- 16.03. [THE ENFORCEMENT OFFICER](#)
- 16.04. [REMEDIES](#)
- 16.05. [PENALTIES FOR VIOLATIONS](#)
- 16.06. [CITY BOARD OF ZONING APPEALS](#)
- 16.07. [VARIANCES](#)
- 16.08. [APPEAL TO THE COURT](#)

The intent of this chapter is to provide for suitable and proper administration and enforcement of the provisions of this Ordinance; to designate the enforcing officer, and to outline the proper steps to be undertaken by parties interested in constructing, erecting, or modifying a structure or other land use to include a means whereby appeals can be made; and to set forth the penalties for violating the provisions of this Ordinance.

16.01. BUILDING PERMIT REQUIRED.

No building or other structure shall be located, erected, moved, enlarged, or structurally altered—with a cost exceeding TWO THOUSAND DOLLARS (\$2,000)—without a building permit issued by the Building Inspector. No building permit shall be issued except in conformity with the provisions of this Ordinance. The Dunlap Building Inspector is authorized to request any information which he feels is necessary in order to make a decision on the issuance of a permit. The Building Inspector shall issue or deny a building permit within five (5) working days from the filing of an application for a permit.

16.02. CONSTRUCTION PROGRESS.

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 the work authorized by the permit is suspended or discontinued for a period of one (1) year.

16.03. THE ENFORCEMENT OFFICER.

The provisions of this Ordinance shall be administered by the Dunlap Building Inspector who shall be appointed by the Dunlap City Commission. The Building Inspector shall administer and enforce this Ordinance, and, in addition, he shall:

1. Issue all building permits and make and maintain records thereof

2. Maintain and keep current zoning maps and records to amendments thereto
3. 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 authorized duties.

16.04. REMEDIES.

If any building or structure is erected, constructed, repaired, converted, or maintained, or any building, structure, or land is used in violation of this Ordinance, the Building Inspector or other appropriate authority or any adjacent or other property owner who would be damaged by such violation, in addition to other remedies, may institute injunction, mandamus, or other appropriate action in proceeding to stop the violations in the case of such building, structure, or land.

16.05. PENALTIES FOR VIOLATIONS.

Upon conviction, any person violating any provision of this Ordinance shall be fined not less than twenty-five dollars (\$25.00) nor more than fifty dollars (\$50.00) for each offense. Each day such violations continue shall constitute a separate offense.

16.06. CITY BOARD OF ZONING APPEALS.

A Dunlap Board of Zoning Appeals is hereby established in accordance with Sections 13-7-205 through 13-7-207 of Tennessee Code Annotated. The Board of Zoning Appeals, appointed by the Dunlap Board of Mayor and City Commissioners, shall consist of five (5) members, two (2) shall be from either the Dunlap Municipal Planning Commission or the Board of Mayor and City Commissioners or any combination thereof at their time of appointment to the Board of Zoning Appeals and three (3) members shall be at-large appointments from citizens within the corporate limits of the City of Dunlap. Furthermore, the three (3) members appointed from the community at-large shall not be members of either the Dunlap Municipal Planning Commission or the Board of Mayor and City Commissioners at the time of their appointment to the BZA. The Board members shall be appointed to five (5) year terms; however, the initial appointment shall be arranged so that the term of one (1) member will expire each year.

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

2. Appeals to the Board. An appeal to the Dunlap 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 a notice of appeal specifying the grounds thereof with the Board of Zoning Appeals.

The Building Inspector shall transmit to the Board all papers constituting the record upon which the action appealed was taken. The Board shall fix a reasonable time for the hearing of the appeal, give public notice thereof, as well as due notice to the parties in interest, and decide the same within a reasonable time. Upon the hearing, any person or party may appear in person, by agent, or by attorney.

3. Powers of the Board. The Board of Zoning Appeals shall have the following powers.
 - a. Administrative Review: To hear and decide appeals where it is allowed by the appellant that there is error in any order, requirement, permit, decision, determination, or refusal made by the Building Inspector or other administrative official in the carrying out or enforcement of any provision of this Ordinance.
 - b. 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.
 - c. Variances: To hear and decide applications for variances as described in [Section 16.07](#).

16.07. VARIANCES.

The purpose of this subsection 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 a ten dollar (\$10.00) fee, the BZA 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 Board shall consider and decide all applications for variances within thirty (30) days of such hearing and in accordance with the standards provided [Section 16.07](#) as set forth below.
3. Standards for Variances. In granting a variance, the BZA shall ascertain that the following criteria are met.
 - a. Variances shall be granted only where special circumstances or conditions, fully described in the findings of the BZA, 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 set fully forth in the findings of the BZA, the aforesaid circumstances or 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 in 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

16.08. APPEAL TO THE COURT.

Any person or persons, or any board, taxpayer, department, or bureau of the city aggrieved by any decision of the Board of Zoning Appeals may seek review by a court of record of such decision in a manner provided by the laws of the State of Tennessee.

CHAPTER 17

AMENDMENTS

SECTION

17.01. [AMENDMENTS](#)

17.02. [ENACTMENT](#)

This chapter is established to provide a means whereby certain desirable changes and additions can be made to the Zoning Ordinance from time to time.

17.01. AMENDMENTS.

This Zoning Ordinance may be amended from time to time by the Board of Mayor and Commissioners of the City of Dunlap, but no amendment shall become effective unless it shall have been proposed by or *shall have first been submitted to the Dunlap Municipal Planning Commission for review and recommendation.* The Planning Commission shall have thirty-five (35) days within which to submit its report. If the Planning Commission disapproves the amendment within thirty-five (35) days, it shall require the favorable vote of the majority of the Board of Mayor and Commissioners to become effective. If the Planning Commission fails to submit a report within the thirty-five (35) day period, it shall be deemed to have approved the proposed amendment.

Before enactment of an amendment to this Ordinance, the Board of Mayor and Commissioners of Dunlap shall hold a public hearing thereon, at least fifteen (15) days' notice of the time and place of which shall be published in a newspaper of general circulation in the City of Dunlap.

No change or departure from the text or maps certified by the Planning Commission shall be made, unless such change or departure be first submitted to the Planning Commission and approved by it, or, if disapproved, receive the favorable vote of a majority of the Dunlap Board of Mayor and Commissioners.

17.02. ENACTMENT.

This Ordinance shall take effect upon final adoption by the Dunlap Board of Mayor and Commissioners, the public welfare requiring it.

Effective Date _____

Mayor

APPENDIX

ORDINANCE NO. 218

MUNICIPAL FLOODPLAIN ZONING ORDINANCE

AN ORDINANCE ADOPTED FOR THE PURPOSE OF AMENDING THE CITY OF DUNLAP, TENNESSEE MUNICIPAL ZONING ORDINANCE REGULATING DEVELOPMENT WITHIN THE CORPORATE LIMITS OF DUNLAP, TENNESSEE, TO MINIMIZE DANGER TO LIFE AND PROPERTY DUE TO FLOODING, AND TO MAINTAIN ELIGIBILITY FOR PARTICIPATION IN THE NATIONAL FLOOD INSURANCE PROGRAM.

ARTICLE I. STATUTORY AUTHORIZATION, FINDINGS OF FACT, PURPOSE AND OBJECTIVES

Section A. Statutory Authorization

The Legislature of the State of Tennessee has in Sections 13-7-201 through 13-7-210, Tennessee Code Annotated delegated the responsibility to local governmental units to adopt regulations designed to promote the public health, safety, and general welfare of its citizenry. Therefore, the City of Dunlap, Tennessee, Board of Mayor and Commissioners, do ordain as follows:

Section B. Findings of Fact

1. The City of Dunlap, Tennessee, Mayor and its Legislative Body wishes to maintain eligibility in the National Flood Insurance Program (NFIP) and in order to do so must meet the NFIP regulations found in Title 44 of the Code of Federal Regulations (CFR), Ch. 1, Section 60.3.
2. Areas of the City of Dunlap, Tennessee are subject to periodic inundation which could result in loss of life and property, health and safety hazards, disruption of commerce and governmental services, extraordinary public expenditures for flood protection and relief, and impairment of the tax base, all of which adversely affect the public health, safety and general welfare.
3. Flood losses are caused by the cumulative effect of obstructions in floodplains, causing increases in flood heights and velocities; by uses in flood hazard areas which are vulnerable to floods; or construction which is inadequately elevated, floodproofed, or otherwise unprotected from flood damages.

Section C. Statement of Purpose

It is the purpose of this Ordinance to promote the public health, safety and general welfare and to minimize public and private losses due to flood conditions in specific areas. This Ordinance is designed to:

1. Restrict or prohibit uses which are vulnerable to flooding or erosion hazards, or which result in damaging increases in erosion, flood heights, or velocities;
2. Require that uses vulnerable to floods, including community facilities, be protected against flood damage at the time of initial construction;
3. Control the alteration of natural floodplains, stream channels, and natural protective barriers which are involved in the accommodation of floodwaters;
4. Control filling, grading, dredging and other development which may increase flood damage or erosion;
5. Prevent or regulate the construction of flood barriers which will unnaturally divert flood waters or which may increase flood hazards to other lands.

Section D. Objectives

The objectives of this Ordinance are:

1. To protect human life, health, safety and property;
2. To minimize expenditure of public funds for costly flood control projects;
3. To minimize the need for rescue and relief efforts associated with flooding and generally undertaken at the expense of the general public;
4. To minimize prolonged business interruptions;
5. To minimize damage to public facilities and utilities such as water and gas mains, electric, telephone and sewer lines, streets and bridges located in floodprone areas;
6. To help maintain a stable tax base by providing for the sound use and development of floodprone areas to minimize blight in flood areas;
7. To ensure that potential homebuyers are notified that property is in a floodprone area;
8. To **maintain** eligibility for participation in the NFIP.

ARTICLE II. DEFINITIONS

Unless specifically defined below, words or phrases used in this Ordinance shall be interpreted as to give them the meaning they have in common usage and to give this Ordinance its most reasonable application given its stated purpose and objectives.

"Accessory Structure" means a subordinate structure to the principal structure on the same lot and, for the purpose of this Ordinance, shall conform to the following:

1. Accessory structures shall only be used for parking of vehicles and storage.
2. Accessory structures shall be designed to have low flood damage potential.
3. Accessory structures shall be constructed and placed on the building site so as to offer the minimum resistance to the flow of floodwaters.
4. Accessory structures shall be firmly anchored to prevent flotation, collapse, and lateral movement, which otherwise may result in damage to other structures.
5. Utilities and service facilities such as electrical and heating equipment shall be elevated or otherwise protected from intrusion of floodwaters.

"Addition (to an existing building)" means any walled and roofed expansion to the perimeter or height of a building.

"Appeal" means a request for a review of the local enforcement officer's interpretation of any provision of this Ordinance or a request for a variance.

"Area of Shallow Flooding" means a designated AO or AH Zone on a community's Flood Insurance Rate Map (FIRM) with one percent or greater annual chance of flooding to an average depth of one to three feet where a clearly defined channel does not exist, where the path of flooding is unpredictable and indeterminate; and where velocity flow may be evident. Such flooding is characterized by ponding or sheet flow.

"Area of Special Flood-related Erosion Hazard" is the land within a community which is most likely to be subject to severe flood-related erosion losses. The area may be designated as Zone E on the Flood Hazard Boundary Map (FHBM). After the detailed evaluation of the special flood-related erosion hazard area in preparation for publication of the FIRM, Zone E may be further refined.

"Area of Special Flood Hazard" see **"Special Flood Hazard Area"**.

"Base Flood" means the flood having a one percent chance of being equaled or exceeded in any given year. This term is also referred to as the 100-year flood or the one (1)-percent annual chance flood.

"Basement" means any portion of a building having its floor subgrade (below ground level) on all sides.

"Building" see **"Structure"**.

"Development" means any man-made change to improved or unimproved real estate, including, but not limited to, buildings or other structures, mining, dredging, filling, grading, paving, excavating, drilling operations, or storage of equipment or materials.

"Elevated Building" means a non-basement building built to have the lowest floor of the lowest enclosed area elevated above the ground level by means of solid foundation perimeter walls with openings sufficient to facilitate the unimpeded movement of

floodwater, pilings, columns, piers, or shear walls adequately anchored so as not to impair the structural integrity of the building during a base flood event.

"Emergency Flood Insurance Program" or **"Emergency Program"** means the program as implemented on an emergency basis in accordance with Section 1336 of the Act. It is intended as a program to provide a first layer amount of insurance on all insurable structures before the effective date of the initial FIRM.

"Erosion" means the process of the gradual wearing away of land masses. This peril is not "per se" covered under the Program.

"Exception" means a waiver from the provisions of this Ordinance which relieves the applicant from the requirements of a rule, regulation, order or other determination made or issued pursuant to this Ordinance.

"Existing Construction" means any structure for which the "start of construction" commenced before the effective date of the initial floodplain management code or ordinance adopted by the community as a basis for that community's participation in the NFIP.

"Existing Manufactured Home Park or Subdivision" means a manufactured home park or subdivision for which the construction of facilities for servicing the lots on which the manufactured homes are to be affixed (including, at a minimum, the installation of utilities, the construction of streets, final site grading or the pouring of concrete pads) is completed before the effective date of the first floodplain management code or ordinance adopted by the community as a basis for that community's participation in the NFIP.

"Existing Structures" see **"Existing Construction"**.

"Expansion to an Existing Manufactured Home Park or Subdivision" means the preparation of additional sites by the construction of facilities for servicing the lots on which the manufactured homes are to be affixed (including the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads).

"Flood" or "Flooding" means a general and temporary condition of partial or complete inundation of normally dry land areas from:

1. The overflow of inland or tidal waters.
2. The unusual and rapid accumulation or runoff of surface waters from any source.

"Flood Elevation Determination" means a determination by the Federal Emergency Management Agency (FEMA) of the water surface elevations of the base flood, that is, the flood level that has a one percent or greater chance of occurrence in any given year.

"Flood Elevation Study" means an examination, evaluation and determination of flood hazards and, if appropriate, corresponding water surface elevations, or an examination, evaluation and determination of mudslide (i.e., mudflow) or flood-related erosion hazards.

"Flood Hazard Boundary Map (FHBM)" means an official map of a community, issued by FEMA, where the boundaries of areas of special flood hazard have been designated as Zone A.

"Flood Insurance Rate Map (FIRM)" means an official map of a community, issued by FEMA, delineating the areas of special flood hazard or the risk premium zones applicable to the community.

"Flood Insurance Study" is the official report provided by FEMA, evaluating flood hazards and containing flood profiles and water surface elevation of the base flood.

"Floodplain" or **"Floodprone Area"** means any land area susceptible to being inundated by water from any source (see definition of "flooding").

"Floodplain Management" means the operation of an overall program of corrective and preventive measures for reducing flood damage, including but not limited to emergency preparedness plans, flood control works and floodplain management regulations.

"Flood Protection System" means those physical structural works for which funds have been authorized, appropriated, and expended and which have been constructed specifically to modify flooding in order to reduce the extent of the area within a community subject to a "special flood hazard" and the extent of the depths of associated flooding. Such a system typically includes hurricane tidal barriers, dams, reservoirs, levees or dikes. These specialized flood modifying works are those constructed in conformance with sound engineering standards.

"Floodproofing" means any combination of structural and nonstructural additions, changes, or adjustments to structures which reduce or eliminate flood damage to real estate or improved real property, water and sanitary facilities and structures and their contents.

"Flood-related Erosion" means the collapse or subsidence of land along the shore of a lake or other body of water as a result of undermining caused by waves or currents of water exceeding anticipated cyclical levels or suddenly caused by an unusually high water level in a natural body of water, accompanied by a severe storm, or by an unanticipated force of nature, such as a flash flood, or by some similarly unusual and unforeseeable event which results in flooding.

"Flood-related Erosion Area" or **"Flood-related Erosion Prone Area"** means a land area adjoining the shore of a lake or other body of water, which due to the composition of the shoreline or bank and high water levels or wind-driven currents, is likely to suffer flood-related erosion damage.

"Flood-related Erosion Area Management" means the operation of an overall program of corrective and preventive measures for reducing flood-related erosion damage, including but not limited to emergency preparedness plans, flood-related erosion control works and floodplain management regulations.

"Floodway" means the channel of a river or other watercourse and the adjacent land areas that must be reserved in order to discharge the base flood without cumulatively increasing the water surface elevation more than a designated height.

"Freeboard" means a factor of safety usually expressed in feet above a flood level for purposes of floodplain management. "Freeboard" tends to compensate for the many unknown factors that could contribute to flood heights greater than the height calculated for a selected size flood and floodway conditions, such as wave action, blockage of bridge or culvert openings, and the hydrological effect of urbanization of the watershed.

"Functionally Dependent Use" means a use which cannot perform its intended purpose unless it is located or carried out in close proximity to water. The term includes only docking facilities, port facilities that are necessary for the loading and unloading of cargo or passengers, and ship building and ship repair facilities, but does not include long-term storage or related manufacturing facilities.

"Highest Adjacent Grade" means the highest natural elevation of the ground surface, prior to construction, adjacent to the proposed walls of a structure.

"Historic Structure" means any structure that is:

1. Listed individually in the National Register of Historic Places (a listing maintained by the U.S. Department of Interior) or preliminarily 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 the Tennessee inventory of historic places and determined as eligible by states with historic preservation programs which have been approved by the Secretary of the Interior; or
4. Individually listed on the **City of Dunlap**, Tennessee inventory of historic places and determined as eligible by communities with historic preservation programs that have been certified either:
 - a. By the approved Tennessee program as determined by the Secretary of the Interior or
 - b. Directly by the Secretary of the Interior.

"Levee" means a man-made structure, usually an earthen embankment, designed and constructed in accordance with sound engineering practices to contain, control or divert the flow of water so as to provide protection from temporary flooding.

"Levee System" means a flood protection system which consists of a levee, or levees, and associated structures, such as closure and drainage devices, which are constructed and operated in accordance with sound engineering practices.

"Lowest Floor" means the lowest floor of the lowest enclosed area, including a basement. An unfinished or flood resistant enclosure used solely for parking of vehicles, building access or storage in an area other than a basement area is not considered a building's lowest floor; provided, that such enclosure is not built so as to render the structure in violation of the applicable non-elevation design requirements of this Ordinance.

"Manufactured Home" means a structure, transportable in one or more sections, which is built on a permanent chassis and designed for use with or without a permanent foundation when attached to the required utilities. The term "Manufactured Home" does not include a "Recreational Vehicle".

"Manufactured Home Park or Subdivision" means a parcel (or contiguous parcels) of land divided into two or more manufactured home lots for rent or sale.

"Map" means the Flood Hazard Boundary Map (FHBM) or the Flood Insurance Rate Map (FIRM) for a community issued by FEMA.

"Mean Sea Level" means the average height of the sea for all stages of the tide. It is used as a reference for establishing various elevations within the floodplain. For the purposes of this Ordinance, the term is synonymous with the National Geodetic Vertical Datum (NGVD) of 1929, the North American Vertical Datum (NAVD) of 1988, or other datum, to which Base Flood Elevations shown on a community's Flood Insurance Rate Map are referenced.

"National Geodetic Vertical Datum (NGVD)" means, as corrected in 1929, a vertical control used as a reference for establishing varying elevations within the floodplain.

"New Construction" means any structure for which the "start of construction" commenced on or after the effective date of the initial floodplain management Ordinance and includes any subsequent improvements to such structure.

"New Manufactured Home Park or Subdivision" means a manufactured home park or subdivision for which the construction of facilities for servicing 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 on or after the effective date of this ordinance or the effective date of the initial floodplain management ordinance and includes any subsequent improvements to such structure.

"North American Vertical Datum (NAVD)" means, as corrected in 1988, a vertical control used as a reference for establishing varying elevations within the floodplain.

"100-year Flood" see **"Base Flood"**.

"Person" includes any individual or group of individuals, corporation, partnership, association, or any other entity, including State and local governments and agencies.

"Reasonably Safe from Flooding" means base flood waters will not inundate the land or damage structures to be removed from the Special Flood Hazard Area and that any subsurface waters related to the base flood will not damage existing or proposed structures.

"Recreational Vehicle" means a vehicle which is:

1. Built on a single chassis;
2. 400 square feet or less when measured at the largest horizontal projection;
3. Designed to be self-propelled or permanently towable by a light duty truck;
4. Designed primarily not for use as a permanent dwelling but as temporary living quarters for recreational, camping, travel, or seasonal use.

"Regulatory Floodway" means the channel of a river or other watercourse and the adjacent land areas that must be reserved in order to discharge the base flood without cumulatively increasing the water surface elevation more than a designated height.

"Riverine" means relating to, formed by, or resembling a river (including tributaries), stream, brook, etc.

"Special Flood Hazard Area" is the land in the floodplain within a community subject to a one percent or greater chance of flooding in any given year. The area may be designated as Zone A on the FHBM. After detailed ratemaking has been completed in preparation for publication of the FIRM, Zone A usually is refined into Zones A, AO, AH, A1-30, AE or A99.

"Special Hazard Area" means an area having special flood, mudslide (i.e., mudflow) and/or flood-related erosion hazards, and shown on an FHBM or FIRM as Zone A, AO, A1-30, AE, A99, or AH.

"Start of Construction" includes substantial improvement, and means the date the building permit was issued, provided the actual start of construction, repair, reconstruction, rehabilitation, addition, placement, or other improvement was within 180 days of the permit date. The actual start means either the first placement of permanent construction of a structure (including a manufactured home) on a site, such as the pouring of slabs or footings, the installation of piles, the construction of columns, or any work beyond the stage of excavation; and includes the placement of a manufactured home on a foundation. Permanent construction does not include initial land preparation, such as clearing, grading and filling; nor does it include the installation of streets and/or walkways; nor does it include excavation for a basement, footings, piers, or foundations or the erection of temporary forms; nor does it include the installation on the property of accessory buildings, such as garages or sheds, not occupied as dwelling units or not part of the main structure. For a substantial improvement, the actual start of construction means the first alteration of any wall, ceiling, floor, or other structural part of a building, whether or not that alteration affects the external dimensions of the building.

"State Coordinating Agency" the Tennessee Department of Economic and Community Development's, Local Planning Assistance Office, as designated by the Governor of the State of Tennessee at the request of FEMA to assist in the implementation of the NFIP for the State.

"Structure" for purposes of this Ordinance, means a walled and roofed building, including a gas or liquid storage tank, that is principally above ground, as well as a manufactured home.

"Substantial Damage" means damage of any origin sustained by a structure whereby the cost of restoring the structure to its before damaged condition would equal or exceed fifty percent (50%) of the market value of the structure before the damage occurred.

"Substantial Improvement" means any reconstruction, rehabilitation, addition, alteration or other improvement of a structure in which the cost equals or exceeds fifty percent (50%) of the market value of the structure before the "start of construction" of the initial improvement. This term includes structures which have incurred "substantial damage", regardless of the actual repair work performed. The market value of the structure should be (1) the appraised value of the structure prior to the start of the initial

improvement, or (2) in the case of substantial damage, the value of the structure prior to the damage occurring.

The term does not, however, include either: (1) Any project for improvement of a structure to correct existing violations of State or local health, sanitary, or safety code specifications which have been pre-identified by the local code enforcement official and which are the minimum necessary to assure safe living conditions and not solely triggered by an improvement or repair project or; (2) Any alteration of a "historic structure", provided that the alteration will not preclude the structure's continued designation as a "historic structure".

"Substantially Improved Existing Manufactured Home Parks or Subdivisions" is where the repair, reconstruction, rehabilitation or improvement of the streets, utilities and pads equals or exceeds fifty percent (50%) of the value of the streets, utilities and pads before the repair, reconstruction or improvement commenced.

"Variance" is a grant of relief from the requirements of this Ordinance.

"Violation" means the failure of a structure or other development to be fully compliant with the community's floodplain management regulations. A structure or other development without the elevation certificate, other certification, or other evidence of compliance required in this Ordinance is presumed to be in violation until such time as that documentation is provided.

"Water Surface Elevation" means the height, in relation to the National Geodetic Vertical Datum (NGVD) of 1929, the North American Vertical Datum (NAVD) of 1988, or other datum, where specified, of floods of various magnitudes and frequencies in the floodplains of riverine areas.

ARTICLE III. GENERAL PROVISIONS

Section A. Application

This Ordinance shall apply to all areas within the incorporated area of the City of Dunlap, Tennessee.

Section B. Basis for Establishing the Areas of Special Flood Hazard

The Areas of Special Flood Hazard identified on the City of Dunlap, Tennessee, as identified by FEMA, and in its Flood Insurance Study (FIS) and Flood Insurance Rate Map (FIRM), Community 47153C Panel Number(s) 0092, 0094, 0095, 0111, 0113, 0157, 0159, 0160, 0176, 0178, dated June 4, 2010, along with all supporting technical data, are adopted by reference and declared to be a part of this Ordinance.

Section C. Requirement for Development Permit

A development permit shall be required in conformity with this Ordinance prior to the commencement of any development activities.

Section D. Compliance

No land, structure or use shall hereafter be located, extended, converted or structurally altered without full compliance with the terms of this Ordinance and other applicable regulations.

Section E. Abrogation and Greater Restrictions

This Ordinance is not intended to repeal, abrogate, or impair any existing easements, covenants or deed restrictions. However, where this Ordinance conflicts or overlaps with another regulatory instrument, whichever imposes the more stringent restrictions shall prevail.

Section F. Interpretation

In the interpretation and application of this Ordinance, all provisions shall be: (1) considered as minimum requirements; (2) liberally construed in favor of the governing body and; (3) deemed neither to limit nor repeal any other powers granted under Tennessee statutes.

Section G. Warning and Disclaimer of Liability

The degree of flood protection required by this Ordinance is considered reasonable for regulatory purposes and is based on scientific and engineering considerations. Larger floods can and will occur on rare occasions. Flood heights may be increased by man-made or natural causes. This Ordinance does not imply that land outside the Areas of Special Flood Hazard or uses permitted within such areas will be free from flooding or flood damages. This Ordinance shall not create liability on the part of the **City of Dunlap**, Tennessee or by any officer or employee thereof for any flood damages that result from reliance on this Ordinance or any administrative decision lawfully made hereunder.

Section H. Penalties for Violation

Violation of the provisions of this Ordinance or failure to comply with any of its requirements, including violation of conditions and safeguards established in connection with grants of variance shall constitute a misdemeanor punishable as other misdemeanors as provided by law. Any person who violates this ordinance or fails to comply with any of its requirements shall, upon adjudication therefore, be fined as prescribed by Tennessee statutes, and in addition, shall pay all costs and expenses involved in the case. Each day such violation continues shall be considered a separate offense. Nothing herein contained shall prevent the **City of Dunlap**, Tennessee from taking such other lawful actions to prevent or remedy any violation.

ARTICLE IV. ADMINISTRATION

Section A. Designation of Ordinance Administrator

The **Building Official** is hereby appointed as the Administrator to implement the provisions of this Ordinance.

Section B. Permit Procedures

Application for a development permit shall be made to the Administrator on forms furnished by the community prior to any development activities. The development permit may include, but is not limited to the following: plans in duplicate drawn to scale and showing the nature, location, dimensions, and elevations of the area in question; existing or proposed structures, earthen fill placement, storage of materials or equipment, and drainage facilities. Specifically, the following information is required:

1. Application stage
 - a. Elevation in relation to mean sea level of the proposed lowest floor, including basement, of all buildings where Base Flood Elevations are available, or to certain height above the highest adjacent grade when applicable under this Ordinance.
 - b. Elevation in relation to mean sea level to which any non-residential building will be floodproofed where Base Flood Elevations are available, or to certain height above the highest adjacent grade when applicable under this Ordinance.
 - c. A FEMA Floodproofing Certificate from a Tennessee registered professional engineer or architect that the proposed non-residential floodproofed building will meet the floodproofing criteria in Article V, Sections A and B.
 - d. Description of the extent to which any watercourse will be altered or relocated as a result of proposed development.

2. Construction Stage

Within AE Zones, where Base Flood Elevation data is available, any lowest floor certification made relative to mean sea level shall be prepared by or under the direct supervision of, a Tennessee registered land surveyor and certified by same. The Administrator shall record the elevation of the lowest floor on the development permit. When floodproofing is utilized for a non-residential building, said certification shall be prepared by, or under the direct supervision of, a Tennessee registered professional engineer or architect and certified by same.

Within approximate A Zones, where Base Flood Elevation data is not available, the elevation of the lowest floor shall be determined as the measurement of the lowest floor of the building relative to the highest adjacent grade. The Administrator shall record the elevation of the lowest floor on the development permit. When floodproofing is utilized for a non-residential building, said certification shall be prepared by, or under the direct supervision of, a Tennessee registered professional engineer or architect and certified by same.

For all new construction and substantial improvements, the permit holder shall provide to the Administrator an as-built certification of the lowest

floor elevation or floodproofing level upon the completion of the lowest floor or floodproofing.

Any work undertaken prior to submission of the certification shall be at the permit holder's risk. The Administrator shall review the above-referenced certification data. Deficiencies detected by such review shall be corrected by the permit holder immediately and prior to further work being allowed to proceed. Failure to submit the certification or failure to make said corrections required hereby, shall be cause to issue a stop-work order for the project.

Section C. Duties and Responsibilities of the Administrator

Duties of the Administrator shall include, but not be limited to, the following:

1. Review all development permits to assure that the permit requirements of this Ordinance have been satisfied, and that proposed building sites will be reasonably safe from flooding.
2. Review proposed development to assure that all necessary permits have been received from those governmental agencies from which approval is required by Federal or State law, including Section 404 of the Federal Water Pollution Control Act Amendments of 1972, 33 U.S.C. 1334.
3. Notify adjacent communities and the Tennessee Department of Economic and Community Development, Local Planning Assistance Office, prior to any alteration or relocation of a watercourse and submit evidence of such notification to FEMA.
4. For any altered or relocated watercourse, submit engineering data/analysis within six (6) months to FEMA to ensure accuracy of community FIRM's through the Letter of Map Revision process.
5. Assure that the flood carrying capacity within an altered or relocated portion of any watercourse is maintained.
6. Record the elevation, in relation to mean sea level or the highest adjacent grade, where applicable, of the lowest floor (including basement) of all new and substantially improved buildings, in accordance with Article IV, Section B.
7. Record the actual elevation, in relation to mean sea level or the highest adjacent grade, where applicable to which the new and substantially improved buildings have been floodproofed, in accordance with Article IV, Section B.
8. When floodproofing is utilized for a nonresidential structure, obtain certification of design criteria from a Tennessee registered professional engineer or architect, in accordance with Article IV, Section B.
9. Where interpretation is needed as to the exact location of boundaries of the Areas of Special Flood Hazard (for example, where there appears to be a conflict between a mapped boundary and actual field conditions), make

the necessary interpretation. Any person contesting the location of the boundary shall be given a reasonable opportunity to appeal the interpretation as provided in this Ordinance.

10. When Base Flood Elevation data and floodway data have not been provided by FEMA, obtain, review, and reasonably utilize any Base Flood Elevation and floodway data available from a Federal, State, or other sources, including data developed as a result of these regulations, as criteria for requiring that new construction, substantial improvements, or other development in Zone A on the **City of Dunlap**, Tennessee FIRM meet the requirements of this Ordinance.
11. Maintain all records pertaining to the provisions of this Ordinance in the office of the Administrator and shall be open for public inspection. Permits issued under the provisions of this Ordinance shall be maintained in a separate file or marked for expedited retrieval within combined files.

ARTICLE V. PROVISIONS FOR FLOOD HAZARD REDUCTION

Section A. General Standards

In all areas of special flood hazard, the following provisions are required:

1. New construction and substantial improvements shall be anchored to prevent flotation, collapse and lateral movement of the structure;
2. Manufactured homes shall be installed using methods and practices that minimize flood damage. They must be elevated and anchored to prevent flotation, collapse and lateral movement. Methods of anchoring may include, but are not limited to, use of over-the-top or frame ties to ground anchors. This requirement is in addition to applicable State of Tennessee and local anchoring requirements for resisting wind forces.
3. New construction and substantial improvements shall be constructed with materials and utility equipment resistant to flood damage;
4. New construction and substantial improvements shall be constructed by methods and practices that minimize flood damage;
5. All electrical, heating, ventilation, plumbing, air conditioning equipment, and other service facilities shall be designed and/or located so as to prevent water from entering or accumulating within the components during conditions of flooding;
6. New and replacement water supply systems shall be designed to minimize or eliminate infiltration of flood waters into the system;
7. New and replacement sanitary sewage systems shall be designed to minimize or eliminate infiltration of flood waters into the systems and discharges from the systems into flood waters;

8. On-site waste disposal systems shall be located and constructed to avoid impairment to them or contamination from them during flooding;
9. Any alteration, repair, reconstruction or improvements to a building that is in compliance with the provisions of this Ordinance, shall meet the requirements of "new construction" as contained in this Ordinance;
10. Any alteration, repair, reconstruction or improvements to a building that is not in compliance with the provision of this Ordinance, shall be undertaken only if said non-conformity is not further extended or replaced;
11. All new construction and substantial improvement proposals shall provide copies of all necessary Federal and State permits, including Section 404 of the Federal Water Pollution Control Act amendments of 1972, 33 U.S.C. 1334;
12. All subdivision proposals and other proposed new development proposals shall meet the standards of Article V, Section B;
13. When proposed new construction and substantial improvements are partially located in an area of special flood hazard, the entire structure shall meet the standards for new construction;
14. When proposed new construction and substantial improvements are located in multiple flood hazard risk zones or in a flood hazard risk zone with multiple Base Flood Elevations, the entire structure shall meet the standards for the most hazardous flood hazard risk zone and the highest Base Flood Elevation.

Section B. Specific Standards

In all Areas of Special Flood Hazard, the following provisions, in addition to those set forth in Article V, Section A, are required:

1. Residential Structures

In AE Zones where Base Flood Elevation data is available, new construction and substantial improvement of any residential building (or manufactured home) shall have the lowest floor, including basement, elevated to no lower than one (1) foot above the Base Flood Elevation. Should solid foundation perimeter walls be used to elevate a structure, openings sufficient to facilitate equalization of flood hydrostatic forces on both sides of exterior walls shall be provided in accordance with the standards of this section: "Enclosures".

Within approximate A Zones where Base Flood Elevations have not been established and where alternative data is not available, the administrator shall require the lowest floor of a building to be elevated to a level of at least three (3) feet above the highest adjacent grade (as defined in Article II). Should solid foundation perimeter walls be used to elevate a structure, openings sufficient to facilitate equalization of flood hydrostatic forces on both sides of exterior walls shall be provided in accordance with the standards of this section: "Enclosures"

2. Non-Residential Structures

In AE Zones, where Base Flood Elevation data is available, new construction and substantial improvement of any commercial, industrial, or non-residential building, shall have the lowest floor, including basement, elevated or floodproofed to no lower than one (1) foot above the level of the Base Flood Elevation. Should solid foundation perimeter walls be used to elevate a structure, openings sufficient to facilitate equalization of flood hydrostatic forces on both sides of exterior walls shall be provided in accordance with the standards of this section: “Enclosures”

In approximate A Zones, where Base Flood Elevations have not been established and where alternative data is not available, new construction and substantial improvement of any commercial, industrial, or non-residential building, shall have the lowest floor, including basement, elevated or floodproofed to no lower than three (3) feet above the highest adjacent grade (as defined in Article II). Should solid foundation perimeter walls be used to elevate a structure, openings sufficient to facilitate equalization of flood hydrostatic forces on both sides of exterior walls shall be provided in accordance with the standards of this section: “Enclosures”

Non-Residential buildings located in all A Zones may be floodproofed, in lieu of being elevated, provided that all areas of the building below the required elevation are watertight, with walls substantially impermeable to the passage of water, and are built with structural components having the capability of resisting hydrostatic and hydrodynamic loads and the effects of buoyancy. A Tennessee registered professional engineer or architect shall certify that the design and methods of construction are in accordance with accepted standards of practice for meeting the provisions above, and shall provide such certification to the Administrator as set forth in Article IV, Section B.

3. Enclosures

All new construction and substantial improvements that include fully enclosed areas formed by foundation and other exterior walls below the lowest floor that are subject to flooding, shall be designed to preclude finished living space and designed to allow for the entry and exit of flood waters to automatically equalize hydrostatic flood forces on exterior walls.

- a. Designs for complying with this requirement must either be certified by a Tennessee professional engineer or architect or meet or exceed the following minimum criteria.
 - 1) Provide a minimum of two openings having a total net area of not less than one (1) square inch for every square foot of enclosed area subject to flooding;
 - 2) The bottom of all openings shall be no higher than one (1) foot above the finished grade;

- 3) Openings may be equipped with screens, louvers, valves or other coverings or devices provided they permit the automatic flow of floodwaters in both directions.
 - b. The enclosed area shall be the minimum necessary to allow for parking of vehicles, storage or building access.
 - c. The interior portion of such enclosed area shall not be finished or partitioned into separate rooms in such a way as to impede the movement of floodwaters and all such partitions shall comply with the provisions of Article V, Section B.
4. Standards for Manufactured Homes and Recreational Vehicles
- a. All manufactured homes placed, or substantially improved, on: (1) individual lots or parcels, (2) in expansions to existing manufactured home parks or subdivisions, or (3) in new or substantially improved manufactured home parks or subdivisions, must meet all the requirements of new construction.
 - b. All manufactured homes placed or substantially improved in an existing manufactured home park or subdivision must be elevated so that either:
 - 1) In AE Zones, with Base Flood Elevations, the lowest floor of the manufactured home is elevated on a permanent foundation to no lower than one (1) foot above the level of the Base Flood Elevation or
 - 2) In approximate A Zones, without Base Flood Elevations, the manufactured home chassis is elevated and supported by reinforced piers (or other foundation elements of at least equivalent strength) that are at least three (3) feet in height above the highest adjacent grade (as defined in Article II).
 - c. Any manufactured home, which has incurred “substantial damage” as the result of a flood, must meet the standards of Article V, Sections A and B.
 - d. All manufactured homes must be securely anchored to an adequately anchored foundation system to resist flotation, collapse and lateral movement.
 - e. All recreational vehicles placed in an identified Special Flood Hazard Area must either:
 - 1) Be on the site for fewer than 180 consecutive days;
 - 2) Be fully licensed and ready for highway use (a recreational vehicle is ready for highway use if it is licensed, on its wheels or jacking system, attached to the site only by quick disconnect type utilities and security devices, and has no permanently attached structures or additions), or;

- 3) The recreational vehicle must meet all the requirements for new construction.
5. Standards for Subdivisions and Other Proposed New Development Proposals

Subdivisions and other proposed new developments, including manufactured home parks, shall be reviewed to determine whether such proposals will be reasonably safe from flooding.

- a. All subdivision and other proposed new development proposals shall be consistent with the need to minimize flood damage.
- b. All subdivision and other proposed new development proposals shall have public utilities and facilities such as sewer, gas, electrical and water systems located and constructed to minimize or eliminate flood damage.
- c. All subdivision and other proposed new development proposals shall have adequate drainage provided to reduce exposure to flood hazards.
- d. In all approximate A Zones require that all new subdivision proposals and other proposed developments (including proposals for manufactured home parks and subdivisions) greater than 50 lots or 5 acres, whichever is the lesser, include within such proposals Base Flood Elevation data (See Article V, Section E).

Section C. Standards for Special Flood Hazard Areas with Established Base Flood Elevations and With Floodways Designated

Located within the Special Flood Hazard Areas established in Article III, Section B, are areas designated as floodways. A floodway may be an extremely hazardous area due to the velocity of floodwaters, debris or erosion potential. In addition, the area must remain free of encroachment in order to allow for the discharge of the base flood without increased flood heights and velocities. Therefore, the following provisions shall apply:

1. Encroachments are prohibited, including earthen fill material, new construction, substantial improvements or other development within the regulatory floodway. Development may be permitted however, provided it is demonstrated through hydrologic and hydraulic analyses performed in accordance with standard engineering practices that the cumulative effect of the proposed encroachments or new development shall not result in any increase in the water surface elevation of the Base Flood Elevation, velocities, or floodway widths during the occurrence of a base flood discharge at any point within the community. A Tennessee registered professional engineer must provide supporting technical data, using the same methodologies as in the effective Flood Insurance Study for the **City of Dunlap**, Tennessee and certification, thereof.
2. New construction and substantial improvements of buildings, where permitted, shall comply with all applicable flood hazard reduction provisions of Article V, Sections A and B.

Section D. Standards for Areas of Special Flood Hazard Zones AE with Established Base Flood Elevations but Without Floodways Designated

Located within the Special Flood Hazard Areas established in Article III, Section B, where streams exist with base flood data provided but where no floodways have been designated (Zones AE), the following provisions apply:

1. No encroachments, including fill material, new construction and substantial improvements shall be located within areas of special flood hazard, unless certification by a Tennessee registered professional engineer is provided demonstrating that the cumulative effect of the proposed development, when combined with all other existing and anticipated development, will not increase the water surface elevation of the base flood more than one (1) foot at any point within the community. The engineering certification should be supported by technical data that conforms to standard hydraulic engineering principles.
2. New construction and substantial improvements of buildings, where permitted, shall comply with all applicable flood hazard reduction provisions of Article V, Sections A and B.

Section E. Standards for Streams without Established Base Flood Elevations and Floodways (A Zones)

Located within the Special Flood Hazard Areas established in Article III, Section B, where streams exist, but no base flood data has been provided and where a Floodway has not been delineated, the following provisions shall apply:

1. The Administrator shall obtain, review, and reasonably utilize any Base Flood Elevation and floodway data available from any Federal, State, or other sources, including data developed as a result of these regulations (see 2 below), as criteria for requiring that new construction, substantial improvements, or other development in approximate A Zones meet the requirements of Article V, Sections A and B.
2. Require that all new subdivision proposals and other proposed developments (including proposals for manufactured home parks and subdivisions) greater than 50 lots or 5 acres, whichever is the lesser, include within such proposals Base Flood Elevation data.
3. Within approximate A Zones, where Base Flood Elevations have not been established and where such data is not available from other sources, require the lowest floor of a building to be elevated or floodproofed to a level of at least three (3) feet above the highest adjacent grade (as defined in Article II). All applicable data including elevations or floodproofing certifications shall be recorded as set forth in Article IV, Section B. Openings sufficient to facilitate automatic equalization of hydrostatic flood forces on exterior walls shall be provided in accordance with the standards of Article V, Section B.

4. Within approximate A Zones, where Base Flood Elevations have not been established and where such data is not available from other sources, no encroachments, including structures or fill material, shall be located within an area equal to the width of the stream or twenty feet (20), whichever is greater, measured from the top of the stream bank, unless certification by a Tennessee registered professional engineer is provided demonstrating that the cumulative effect of the proposed development, when combined with all other existing and anticipated development, will not increase the water surface elevation of the base flood more than one (1) foot at any point within the **City of Dunlap**, Tennessee. The engineering certification should be supported by technical data that conforms to standard hydraulic engineering principles.
5. New construction and substantial improvements of buildings, where permitted, shall comply with all applicable flood hazard reduction provisions of Article V, Sections A and B. Within approximate A Zones, require that those subsections of Article V Section B dealing with the alteration or relocation of a watercourse, assuring watercourse carrying capacities are maintained and manufactured homes provisions are complied with as required.

Section F. Standards For Areas of Shallow Flooding (AO and AH Zones)

Located within the Special Flood Hazard Areas established in Article III, Section B, are areas designated as shallow flooding areas. These areas have special flood hazards associated with base flood depths of one (1) to three (3) feet where a clearly defined channel does not exist and where the path of flooding is unpredictable and indeterminate; therefore, the following provisions, in addition to those set forth in Article V, Sections A and B, apply:

1. All new construction and substantial improvements of residential and non-residential buildings shall have the lowest floor, including basement, elevated to at least one (1) foot above as many feet as the depth number specified on the FIRM's, in feet, above the highest adjacent grade. If no flood depth number is specified on the FIRM, the lowest floor, including basement, shall be elevated to at least three (3) feet above the highest adjacent grade. Openings sufficient to facilitate automatic equalization of hydrostatic flood forces on exterior walls shall be provided in accordance with standards of Article V, Section B.
2. All new construction and substantial improvements of non-residential buildings may be floodproofed in lieu of elevation. The structure together with attendant utility and sanitary facilities must be floodproofed and designed watertight to be completely floodproofed to at least one (1) foot above the flood depth number specified on the FIRM, with walls substantially impermeable to the passage of water and with structural components having the capability of resisting hydrostatic and hydrodynamic loads and the effects of buoyancy. If no depth number is specified on the FIRM, the structure shall be floodproofed to at least three (3) feet above the highest adjacent grade. A Tennessee registered professional engineer or architect shall certify that the design and methods of construction are in accordance with accepted standards of practice for

meeting the provisions of this Ordinance and shall provide such certification to the Administrator as set forth above and as required in accordance with Article IV, Section B.

3. Adequate drainage paths shall be provided around slopes to guide floodwaters around and away from proposed structures.

Section G. Standards For Areas Protected by Flood Protection System (A-99 Zones)

Located within the Areas of Special Flood Hazard established in Article III, Section B, are areas of the 100-year floodplain protected by a flood protection system but where Base Flood Elevations have not been determined. Within these areas (A-99 Zones) all provisions of Article IV and Article V shall apply.

Section H. Standards for Unmapped Streams

Located within the **City of Dunlap**, Tennessee, are unmapped streams where areas of special flood hazard are neither indicated nor identified. Adjacent to such streams, the following provisions shall apply:

1. No encroachments including fill material or other development including structures shall be located within an area of at least equal to twice the width of the stream, measured from the top of each stream bank, unless certification by a Tennessee registered professional engineer is provided demonstrating that the cumulative effect of the proposed development, when combined with all other existing and anticipated development, will not increase the water surface elevation of the base flood more than one (1) foot at any point within the locality.
2. When a new flood hazard risk zone, and Base Flood Elevation and floodway data is available, new construction and substantial improvements shall meet the standards established in accordance with Articles IV and V.

ARTICLE VI. VARIANCE PROCEDURES

Section A. Municipal Board of Zoning Appeals

1. Authority

The **City of Dunlap**, Tennessee Municipal Board of Zoning Appeals shall hear and decide appeals and requests for variances from the requirements of this Ordinance.

2. Procedure

Meetings of the Municipal Board of Zoning Appeals shall be held at such times, as the Board shall determine. All meetings of the Municipal Board of Zoning Appeals shall be open to the public. The Municipal Board of Zoning Appeals shall adopt rules of procedure and shall keep records of applications and actions thereof, which shall be a public record. Compensation of the members of the Municipal Board of Zoning Appeals shall be set by the Legislative Body.

3. Appeals: How Taken

An appeal to the Municipal Board of Zoning Appeals may be taken by any person, firm or corporation aggrieved or by any governmental officer, department, or bureau affected by any decision of the Administrator based in whole or in part upon the provisions of this Ordinance. Such appeal shall be taken by filing with the Municipal Board of Zoning Appeals a notice of appeal, specifying the grounds thereof. In all cases where an appeal is made by a property owner or other interested party, a fee of **fifty** dollars (**\$50**) for the cost of publishing a notice of such hearings shall be paid by the appellant. The Administrator shall transmit to the Municipal Board of Zoning Appeals all papers constituting the record upon which the appeal action was taken. The Municipal Board of Zoning Appeals shall fix a reasonable time for the hearing of the appeal, give public notice thereof, as well as due notice to parties in interest and decide the same within a reasonable time which shall not be more than **thirty (30)** days from the date of the hearing. At the hearing, any person or party may appear and be heard in person or by agent or by attorney.

4. Powers

The Municipal Board of Zoning Appeals shall have the following powers:

a. Administrative Review

To hear and decide appeals where it is alleged by the applicant that there is error in any order, requirement, permit, decision, determination, or refusal made by the Administrator or other administrative official in carrying out or enforcement of any provisions of this Ordinance.

b. Variance Procedures

In the case of a request for a variance the following shall apply:

- 1) The **City of Dunlap**, Tennessee Municipal Board of Zoning Appeals shall hear and decide appeals and requests for variances from the requirements of this Ordinance.
- 2) Variances may be issued for the repair or rehabilitation of historic structures as defined, herein, upon a determination that the proposed repair or rehabilitation will not preclude the structure's continued designation as a historic structure

and the variance is the minimum necessary deviation from the requirements of this Ordinance to preserve the historic character and design of the structure.

- 3) In passing upon such applications, the Municipal Board of Zoning Appeals shall consider all technical evaluations, all relevant factors, all standards specified in other sections of this Ordinance, and:
 - a) The danger that materials may be swept onto other property to the injury of others;
 - b) The danger to life and property due to flooding or erosion;
 - c) The susceptibility of the proposed facility and its contents to flood damage;
 - d) The importance of the services provided by the proposed facility to the community;
 - e) The necessity of the facility to a waterfront location, in the case of a functionally dependent use;
 - f) The availability of alternative locations, not subject to flooding or erosion damage, for the proposed use;
 - g) The relationship of the proposed use to the comprehensive plan and floodplain management program for that area;
 - h) The safety of access to the property in times of flood for ordinary and emergency vehicles;
 - i) The expected heights, velocity, duration, rate of rise and sediment transport of the flood waters and the effects of wave action, if applicable, expected at the site;
 - j) The costs of providing governmental services during and after flood conditions including maintenance and repair of public utilities and facilities such as sewer, gas, electrical, water systems, and streets and bridges.
- 4) Upon consideration of the factors listed above, and the purposes of this Ordinance, the Municipal Board of Zoning Appeals may attach such conditions to the granting of variances, as it deems necessary to effectuate the purposes of this Ordinance.
- 5) Variances shall not be issued within any designated floodway if any increase in flood levels during the base flood discharge would result.

Section B. Conditions for Variances

1. Variances shall be issued upon a determination that the variance is the minimum relief necessary, considering the flood hazard and the factors listed in Article VI, Section A.
2. Variances shall only be issued upon: a showing of good and sufficient cause, a determination that failure to grant the variance would result in exceptional hardship; or a determination that the granting of a variance will not result in increased flood heights, additional threats to public safety, extraordinary public expense, create nuisance, cause fraud on or victimization of the public, or conflict with existing local laws or Ordinances.
3. Any applicant to whom a variance is granted shall be given written notice that the issuance of a variance to construct a structure below the Base Flood Elevation will result in increased premium rates for flood insurance (as high as \$25 for \$100) coverage, and that such construction below the Base Flood Elevation increases risks to life and property.
4. The Administrator shall maintain the records of all appeal actions and report any variances to FEMA upon request.

ARTICLE VII. LEGAL STATUS PROVISIONS

Section A. Conflict with Other Ordinances

In case of conflict between this Ordinance or any part thereof, and the whole or part of any existing or future Ordinance of the City of Dunlap, Tennessee, the most restrictive shall in all cases apply.

Section B. Severability

If any section, clause, provision, or portion of this Ordinance shall be held to be invalid or unconstitutional by any court of competent jurisdiction, such holding shall not affect any other section, clause, provision, or portion of this Ordinance which is not of itself invalid or unconstitutional.

Section C. Effective Date

THEREFORE BE IT FURTHER ORDAINED, that this ordinance shall become effective fifteen (15) days after final reading and passage by the Dunlap Board of Mayor and City Commissioners, **THE PUBLIC WELFARE REQUIRING IT.**

Approved and adopted by the City of Dunlap, Tennessee, Board of Mayor and Commissioners.

4.15.10
Date

/s/
George Dwain Land, Mayor

Attest: /s/
Norman D. Hatfield, City Recorder

April 1st, 2010
Date of Public Hearing

1st Reading February 4th, 2010 Ayes 5 Nays 0

2nd Reading March 4th, 2010 Ayes 5 Nays 0

3rd Reading April 1st, 2010 Ayes 5 Nays 0

March 11th, 2010
Date of Publication of
Caption and Summary