

ZONING ORDINANCE
OF
THE CITY OF CHARLESTON, TENNESSEE

June, 1997
Amended November 17, 2025 Ord #2025-1117

WHEREAS, sections 13-7-201 through 13-7-210 *Tennessee Code Annotated*, permit the regulation of buildings and structures within designated zones;

NOW, THEREFORE, BE IT ORDAINED by the City Commission of the City of Charleston, Tennessee that the “Zoning Ordinance of the City of Charleston, Tennessee” consisting of Sections 1 through 13 is hereby adopted in its entirety.

SECTION 1. SHORT TITLE

This ordinance shall be known as the “Zoning Ordinance of the City of Charleston, Tennessee.” The map herein referred to and entitled “Zoning Map of the City of Charleston, Tennessee” and all explanatory material thereon are hereby made a part of this ordinance.

SECTION 2. PURPOSE

The zoning regulations and districts as herein set forth have been made in accordance with a comprehensive plan of the city for the purpose of promoting the health, safety, morals, and welfare of the community and its residents. They are designed to provide for the safe, efficient, and harmonious development of the city; to encourage appropriate industrial, commercial, and residential activities; to promote the safe and efficient movement of vehicular and pedestrian traffic; to provide for adequate air, light, and open space; to lessen the potential for property damage and loss of life due to fire, flooding, and other disasters; and to improve the aesthetics of the community.

SECTION 3. DEFINITIONS

Except as specifically defined herein, all words used in this ordinance have their customary dictionary definition. For the purpose of this ordinance, words used in the present tense include the future tense, words used in the singular include the plural, and words used in the plural include the singular. The word “shall” is always mandatory.

1. Accessory Building. A building incidental and subordinate to the main or principal building.
2. Accessory Use. A use incidental, appropriate, and subordinate to the main or principal use.

3. Apartment Unit. One or more rooms with private bath and kitchen facilities comprising an independent, self-contained dwelling unit within a structure containing another dwelling unit(s).
4. Automobile Wrecking, Junk, and Salvage Yard. Any lot or place which is exposed to the weather upon which more than three (3) motor vehicles of any type incapable of being operated, and not economically feasible to make serviceable, are placed, located, or found.
5. Banner Sign. A sign intended to be hung, with or without frames, constructed from paper, plastic, or any type of fabric.
6. Bed and Breakfast. A residence in which temporary lodging or sleeping space is rented on a nightly basis and the resident owner/proprietor provides only a breakfast meal for the guests.
7. Billboard. A sign not located on the property that it advertises or a sign advertising generally ubiquitous goods or services.
8. Boarding House. A building other than a motel or hotel where lodging and meals for five (5) or more persons are served for compensation. A boarding house may also include the dwelling unit occupied by the owner or manager.
9. Building. A structure built for support, shelter, or enclosure of persons, animals, chattels, or property of any kind.
10. Customary General Farming. The cultivation of land for agriculture and the use of land for raising and breeding of domestic animals but excluding chicken houses and feed lots.
11. Customary Home Occupation. An occupation performed by a resident of a dwelling as an accessory use provided that the space used is incidental to the dwelling and that no article or service is sold or offered for sale except that which is produced at the dwelling.
12. Day Care Home. Any place, home or institution which receives up to six (6) young children and which is operated for cultivating children's normal aptitudes for exercise, play, observation and instruction, without transfer of custody.
13. Dwelling Unit. A building or portion of a building designed and constructed for occupancy by one family for cooking, living and sleeping purposes.
14. Family. One or more persons occupying a dwelling unit and living together as a single housekeeping unit. Unless all members are related by blood, marriage, or adoption no such family shall contain more than five (5) persons, except that homes for handicapped persons as provided in Section 13-14-102 *Tennessee Code Annotated*, may be up to eight (8) persons and two (2) guardians.

15. Flea Market. Any premises where the principal use is the occasional or periodic sale of new and used household goods, personal effects, tools, art and craft objects, small household appliances and similar merchandise, objects or equipment in small quantities, broken lots or parcels, but not in bulk, for use or consumption by the immediate purchaser. Sales of prepared foods for immediate consumption and home-baked items may also be allowed.
16. Front Yard. The yard extending across the entire width of the lot between the front lot line and the nearest part of the principal building, including covered porches.
17. Ground Sign. A sign supported by a structure or supports attached to the ground and independent from any building.
18. Health Dept. The Bradley County Office of the Tennessee Dept. of Environment and Conservation, or any successor agency.
19. Lot. A parcel of property with boundaries.
20. Lot or Property Line. The boundary dividing a lot from adjacent lots, properties, or public rights-of-way.
21. Lot of Record. A lot whose boundaries have been filed as a legal record, whether by deed or properly recorded subdivision plat.
22. Mini mall. A commercial center with a group of businesses, shops, stores, or offices planned and developed as a single unit with common parking and other elements, not exceeding three (3) acres in size.
23. Mobile (Manufactured) Home. A detached residential dwelling unit built on a single chassis and/or designed for transport to the site where it is to be installed and occupied.
24. Mobile Home Park. A lot, parcel or tract of land under single ownership which has been designed and improved for the placement of mobile homes for dwelling purposes.
25. Nonconforming Building or Structure. A building or structure which does not conform to the zoning requirements for the district in which it is located.
26. Nonconforming Use. A use of a building or land which does not conform to the zoning requirements for the district in which it is located.
27. Portable Sign. Any sign not supported by, or attached to, a permanent structure or building.
28. Principal Building. The building in which the main use of the property is conducted.

29. Principal Use. The main or principal use of a property.
30. Projecting Sign. A sign affixed to a wall or building whose leading edge extends beyond the building or wall.
31. Rear Yard. The yard extending across the entire width of a lot between the rear lot line and the nearest part of the principal building, including covered porches.
32. Side Yard. The yard on either side of the principal building between the front and rear yards.
33. Sign. Any physical surface, writing, pictorial representation, symbol, emblem, or structure used to advertise, announce, or portray information.
34. Special Event(s). Circuses, fairs, carnivals, festivals, or other types of non-recurring activities which are for one (1) day or more but not longer than two (2) weeks, unlike the customary or usual uses associated with the lot where the event(s) is to be located and conducted.
35. Story. A horizontal or level portion of a building suitable for occupancy or significant storage.
36. Structure. Something constructed or built which is located on the ground or is attached to a building or another structure.
37. Temporary Use. Any use which is not designed nor intended to be permanent in nature and unless otherwise specified in this ordinance, the use does not continue more than ninety (90) days.
38. Use. The activity conducted on a property or in a building.
39. Wall Sign. A sign parallel to or painted upon, the external face of a wall or building.
40. Yard. An open space on the same lot with a principal building which is open, unoccupied, and unobstructed by buildings from the ground to the sky.

SECTION 4. APPLICATION

- 4-1. Zoning Affects Every Building and Use.** No building, structure, or land shall hereafter be used, moved, altered, or erected unless it conforms to the requirements of these regulations for the district in which it is, or is to be, located.
- 4-2. Street Frontage.** No building permit shall be issued and no building constructed on a lot which does not front on a public street for at least twenty-five (25) feet except as may be allowed in an approved planned unit development(s) (PUD).

4-3. Principal Buildings & Structures on a Lot. (Amended 11/17/25 Ord #2025-1117)

(a) General Rule.

Only one principal building and its customary accessory building(s) may be erected on any lot, except as otherwise provided herein or as may be allowed in an approved Planned Unit Development (PUD).

(b) Multiple Residential Structures in the R-2 Medium Density Residential District.

Notwithstanding subsection (a), more than one residential structure, multifamily structure, or apartment building may be permitted on a single lot within the R-2 Medium Density Residential zoning district, provided that:

1. A site plan is submitted to and approved by the Planning Commission in accordance with the City's site plan review procedures.
2. The density of dwelling units and minimum lot area per dwelling unit meet the standards established for the R-2 zoning district.
3. All other dimensional requirements, including setbacks, open space, lot coverage, and parking standards, are satisfied.
4. Each dwelling unit complies with applicable building, fire, and utility codes.
5. Common access drives, shared infrastructure, and maintenance agreements are required where appropriate.
6. Separated buildings are of the same type and use as the other principal structures on the same lot.

(c) Multiple Principal Buildings in Commercial Zoning Districts.

More than one principal commercial building may be permitted on a single lot located within a commercial zoning district, subject to the following conditions:

1. A site plan shall be submitted to and approved by the Planning Commission in accordance with the City's site plan review procedures.
2. The proposed development shall comply with the maximum floor area ratio, lot coverage, and setback requirements of the applicable zoning district.
3. Adequate vehicular access, pedestrian circulation, loading areas, and off-street parking shall be provided in accordance with City standards.
4. Shared access drives and cross-easements for parking or service areas shall be required where appropriate to promote efficient site design.
5. The proposed arrangement of structures shall demonstrate functional and visual compatibility within the site and with adjacent properties.
6. The Planning Commission may impose reasonable conditions to ensure orderly development, safe circulation, and aesthetic harmony.

(d) Conformance with the Comprehensive Plan.

The Planning Commission shall consider the relationship of any proposed development under this section to the City's adopted Comprehensive Plan, ensuring consistency with the goals for land use, design, and community character.

- 4-4. Reduction of Lot Size.** No lot shall be reduced in size or area so that the yard, density, 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.
- 4-5. Yard and Other Spaces.** No part of a yard or open space required for any building shall be included as a part of a yard or open space for another building.
- 4-6. Continuance of Nonconforming Uses.** Any lawful use of any building or land existing at the time of enactment of this ordinance or prior to an amendment to this ordinance, may continue although it does not conform to the provisions of this ordinance, provided that:
- a. Any non-conforming commercial, industrial, or other business establishment may continue to operate provided no change in the use of the land is undertaken. Such establishments shall be allowed to expand, construct additional facilities, or reconstruct facilities on the property owned by the establishment provided that there is a reasonable amount of space to avoid nuisances to adjacent property owners and no change in the use of the land is undertaken. However, the expansion of said establishments through the acquisition of additional land is prohibited.
 - b. No nonconforming use may be reestablished once it has been discontinued for twelve (12) months.
 - c. Except for single and two family dwellings, no nonconforming building may be rebuilt or repaired if it has been damaged beyond seventy-five (75) percent of its appraised value for tax purposes, as determined by the building official.
 - d. A nonconforming building or building housing a nonconforming use shall be structurally altered except in conformance with the provisions of this ordinance. This provision shall not be construed so as to prevent normal maintenance, or repairs and alterations required to maintain structural safety.

SECTION 5 GENERAL PROVISIONS

- 5-1. Site Plan Requirement.** Site plans are required for all new construction except agricultural, single and two-family dwellings, and signs. Two copies of the site plan shall be submitted to the building official fifteen (15) days prior to the meeting at which it is to be reviewed. All site plans shall contain: the location and dimensions of all property lines; location dimensions, and uses of existing and proposed buildings; and the dimensions and designs of proposed ingress/egress, parking, driveways, walkways, drainage, landscaping, and other applicable data as shown on the “sample site plan.”
- 5-2. Off-Street Automobile Parking.** Off-street automobile parking is required for all uses in all zoning districts. The minimum number of parking spaces shall consist of one space for each employee on duty during peak work shift and the following requirements.

Buildings containing more than one use shall meet the minimum requirements for each use.

- a. Automobile Service and Repair Facilities: four (4) spaces for each bay or similar facility.
- b. Bowling Alleys: four (4) spaces for each alley.
- c. Churches: one (1) space for each four (4) seats in the chapel.
- d. Clubs and Lodges: one (1) space for each three hundred square feet of floor space.
- e. Dwellings: two (2) spaces for each unit.
- f. Eating and Drinking Establishments: one (1) space for each 50 square feet of space devoted to patron use.
- g. Funeral Parlors: one (1) space for each four (4) seats in the chapel or the total seats in all viewing parlors.
- h. Hospitals and Nursing Homes: one (1) space for each four (4) beds.
- i. Hotels and Motels: one (1) space for each guest room or accommodation.
- j. Industrial: one (1) space for each employee during the peak work shift.
- k. Medical Offices/Clinics: one space for each two hundred square feet of floor space.
- l. Offices: one (1) space for each four hundred (400) square feet of floor space.
- m. Recreation Establishments (indoor or outdoor): one (1) space for each four (4) customers, based on maximum service capacity.
- n. Retail: one (1) space for each two hundred (200) square feet of total floor area.
- o. Schools: elementary and middle: two (2) spaces for each classroom.
high school - ten (10) spaces for each classroom.
- p. Wholesale: one (1) space for each five thousand (5,000) square feet of floor space.

5-3. Remote Parking. If the parking space requirements cannot be provided on the same lot as the principal building, off-street parking may be provided on another lot provided the lot is under the same ownership and is within three hundred (300) feet of the main entrance to the principal building.

5-4. Parking Lot Design. All parking facilities shall meet the following requirements for the safe and efficient parking and movement of motor vehicles:

- a. Stall Dimensions - 10 feet wide, 20 feet deep.
- b. Aisle Width

<u>Aisle</u>	<u>90°</u>	<u>75°</u>	<u>60°</u>	<u>45°</u>
one way	NA	18'	16'	14'
two way	22'	20'	20'	20'
- c. Driveway Width - 12' minimum, 15' maximum.
- d. Distance between driveways on same property: residential - 25'
multi-family/commercial - 50'
- e. Distance between driveways and side property lines: residential - 10'
multi-family/commercial - 25'

5-5. Off-street Loading and Unloading Space. Off-street loading and unloading space shall be provided for every commercial and industrial use. Retail, service, and similar uses shall have at least one (1) 12' x 25' space for each three thousand (3,000) square feet of floor space. Wholesale, industrial, and similar uses shall have at least one (1) 12' x 50' space for each ten thousand (10,000) square feet of floor space.

5-6. Vision Clearance. No plants or structures shall be placed on any lot which will obstruct the vision of pedestrian and vehicular traffic. There shall be no obstruction to vision on corners and commercial driveways between the height of two and one-half feet (2½') and nine feet (9') above the average grade at the centerline of the street. This requirement shall not be construed to prevent any necessary retaining walls.

5-7 Signs.

- a. General Provisions. The following regulations shall apply to all zoning districts:
 - 1) No sign shall be placed within five (5) feet of any road right-of-way.
 - 2) No ground signs shall be erected where the distance between the ground and the sign face is less than nine (9) feet, unless the sign face does not protrude from the sign support.
 - 3) Billboards, signs using rotating or flashing lights are expressly not permitted.
 - 4) Banners, flags, similar temporary signs, and portable signs are not allowed except to advertise special events and grand opening ceremonies for a period not to exceed sixty (60) days preceding the event and must be removed within seven (7) days following the event.

- b. Residential Districts. Signs in the residential districts are governed by Section 5-7a above and the following regulations:
 - 1) Non-residential uses in the residential district are limited to one (1) sign thirty-two (32) square feet in area and ten (10) feet in height.
 - 2) Subdivisions and multi-family developments are limited to one (1) sign per entrance, not to exceed thirty-two (32) square feet in area and ten (10) feet in height.
- c. Commercial Districts. Signs in commercial districts are governed by Section 5-7a and the following regulations:
 - 1) The maximum number of signs per principal building, or use, is two (2), but not two (2) of the same type. Buildings or uses fronting on more than one(1) street may have one additional sign for each road frontage.
 - 2) The maximum height of any ground sign is twenty-five (25) feet.
 - 3) In the Commercial District the maximum sign area of any ground sign is ninety-six (96) square feet. Buildings housing more than one (1) tenant may have an additional sixteen (16) square feet of sign area, provided the total sign area does not exceed one hundred sixty (160) square feet.
 - 4) No wall sign shall cover more than twenty-five (25) percent of the wall area on which it is to be located.
- d. Industrial District. Signs in the Industrial District shall meet the requirements of the Commercial District. In addition, accessory buildings may have one wall sign not to exceed thirty-two (32) square feet in area.

SECTION 6. ESTABLISHMENT OF DISTRICTS

- 6-1. Classification of Districts.** For the purpose of this ordinance, the City of Charleston is hereby divided into four (4) districts, as follows:
 - a. R-1 Low density residential district
 - b. R-2 Medium density residential district
 - c. C Commercial district
 - d. I Industrial district
- 6-2. Boundaries of Districts** The boundaries of the zoning districts are depicted on the “Zoning Map of the City of Charleston, Tennessee.” Unless otherwise indicated on the zoning map, the boundaries are lot lines, center lines of streets, alleys, railroad rights-of-way, and the corporate limit lines as they existed at the time of adoption. Questions

regarding the exact locations of the district lines shall be determined by the Board of Zoning Appeals. (BZA).

SECTION 7. PROVISIONS GOVERNING USE DISTRICTS

- 7-1. R-1 Low Density Residential District.** This residential district is intended for use by single- and two-family homes with low population densities. This district is to encourage residential use and prevent incompatible activities which may adversely affect the residential character of the district. The following, and only the following uses, are permitted:
- a. Single and two-family dwellings, excluding mobile homes.
 - b. Customary general farming.
 - c. Customary accessory buildings provided they are located in rear yards and not less than ten (10) feet from any property line.
 - d. Customary home occupations provided that:
 - 1) There is no external evidence of the home occupation other than announcement sign not exceeding four (4) square feet in area.
 - 2) That no more than one (1) person is employed who is not a resident of the dwelling.
 - 3) No more than 33 percent of the dwelling's floor space is used or that such use is confined to an accessory building not exceeding four hundred (400) square feet in area.
 - e. Day care homes, with the same conditions as for customary home occupations.
 - f. Public and semi-public buildings and uses including public schools, parks, utility substations, libraries, churches, and golf courses provided that:
 - 1) A site plan is submitted as for Sections 5-1 and 5-8 above and approved by the planning commission.
 - 2) No building is located less than thirty feet from any side or rear property line.
 - 3) Any such use shall be accessed directly by a state highway or a collector street.
 - 4) A natural or planted buffer strip shall be provided along rear and side property lines.

7-2. R-2 Medium Density Residential District. This residential district is intended to promote and encourage the establishment and maintenance of a suitable environment for medium density residential uses. It also is designed to provide for certain professional and recreational services compatible with a medium density residential area. The following uses, and only the following uses, are permitted:

- a. Any use permitted in the R-1 district, with the same regulations.
- b. Multi-family dwellings with an approved site plan.
- c. Mobile homes and mobile home parks, with an approved site plan for mobile home parks.
- d. Bed and breakfast.
- e. Barber shops, beauty shops, day care centers, cemeteries, fraternal organizations and clubs that are not operated for profit or resemble a commercial business; and professional offices and funeral homes provided the exterior of the structure is compatible with and resembles a residence. Where the structure exceeds 2,000 square feet a site plan is required.

7-3. Commercial District. This district is established to provide an area for business activities to serve neighboring residential area and those which require visibility and accessibility. The district is to encourage the location of commercial activities in areas of good accessibility and high convenience for local residents and shoppers within the region. The following uses, and only the following uses, are permitted:

- a. Personal service establishments including barber and beauty shops, laundromats, dry cleaners, shoe repair, tailors, indoor recreation except for pool halls and video arcades, day care centers, restaurants and fast-food stores, professional offices, photography, dance, and martial arts studios; and assisted living centers.
- b. Retail sales establishments including grocery stores, drug stores and pharmacies, video rental and sales stores, discount stores, clothing sales, convenience stores, florists, office supply, computer supplies and equipment, books, audio and video sales; music and musical instruments, building supplies, hardware, garden and lawn supplies and equipment; auto parts, jewelry stores, appliances, photography, radio, television and audio supplies, equipment and repair; hobby stores, sporting goods, antique stores, souvenirs, pets, pet supplies and accessories, bakeries, and mini-malls, but excluding adult oriented entertainment and sales.
- c. Banks, financial services, insurance agencies, and business offices.

- d. Hospitals, medical clinics, doctor's offices, chiropractors, therapists, medical laboratories, ambulance and rescue services, and nursing homes; veterinarians and kennels.
- e. Gasoline service stations provided all structures, buildings and underground tanks are located at least thirty (30) feet from all property lines, automobile servicing and repair, except for body and paint work.
- f. Hotels, motels, lodges, clubs and similar activities.
- g. Outdoor recreation facilities, excluding travel trailer parks and campgrounds.
- h. Churches, schools, government buildings, cultural centers, museums,
- i. Wholesale activities not to exceed 33 percent of the area of the structure or outdoor yard.
- j. Multi-family apartments, condominiums and townhouses. Provided however, residential uses are allowed within structures containing commercial and office uses as a PUD; or a single dwelling unit within a commercial/office building is permitted as an accessory use.
- k. Customary accessory buildings provided they are located in side or rear yards and not closer than ten (10) feet to any property line.

7-4. I. Industrial District. It is the intent of this district to provide area for industrial, wholesale and certain commercial activities to have good accessibility yet not adversely affect other residential and commercial uses. This district is to encourage the clustering of compatible industrial and commercial activities and to exclude uses which are incompatible. The following uses, and no other uses, are permitted:

- a. Any industry which does not cause injurious or obnoxious noise, fire hazards, fumes or other objectionable conditions as determined by the Board of Zoning Appeals.
- b. Wholesale businesses, warehouses, storage yards and facilities, and mini storage.
- c. Automobile, truck, equipment, agricultural implements, and mobile home/recreational vehicle sales and repair; sales and service of boats.
- d. Outdoor recreational activities including recreational vehicle campgrounds.
- e. Personal services including convenience stores, restaurants and fast-food stores, branch banks and financial institutions, gasoline service stations, pawn shops, laundries, cleaners, laundromats, and flea markets.

- f. Transportation and truck terminals.
- g. Customary accessory buildings provided they are located in side or rear yards and not closer than ten (10) feet to any property line.

SECTION 8. AREA, YARD, AND HEIGHT REQUIREMENTS

8-1. Purpose. For the purpose of this ordinance area, yard, and height requirements for the district classifications are established as follows:

8-2. Minimum Requirements.

<u>District</u>	<u>Lot Size</u> ^①	<u>Front Yard</u>	<u>Rear Yard</u>	<u>Side Yard</u>	<u>Maximum Height</u>
R-1	12,500 ^② sf	30'	25'	10' ^③	35'
R-2	7,500 ^②	20'	25'	10' ^③	35'
C	-	20' ^④	30'	20' ^④	35'
I	-	40'	30'	20'	40'

① Lots without public sewer must meet the minimum lot size requirements of the Tennessee Dept. of Environment and Conservation/Bradley County Health Dept.

② Plus 3,000 square feet for each additional dwelling unit.

③ Plus 5 feet for each additional story.

④ With an approved PUD and certain other, limited circumstances the planning commission may approve up to zero lot lines on the front and side yard(s).

SECTION 9. EXCEPTIONS AND MODIFICATIONS

9-1. Adjoining and Vacant Lots of Record. Where two or more substandard lots are adjacent and in single ownership, the planning commission may require they be combined to form a standard lot or lots, to meet the requirements of this ordinance.

9-2. Front Yards. The front yard requirements of this ordinance shall not apply to any lot where the average depth of developed lots on the same side of the street and within one hundred (100) feet of the lot are less than the requirement for that district. In such case, the minimum front yard shall be the average of the depths of the front yards.

9-3. Absolute Minimum Lot Size and Setbacks. Where a lot of record or a combination of said lots under one ownership, does not contain sufficient land to conform to the yard or setback requirements of this ordinance, the Board of Zoning Appeals may permit such lot(s) to be used as building site provided the yard setbacks and other requirements of the district are complied with as closely as is possible in the judgment of the Board, and

further provided that in no case shall the Board permit a detached residence on a lot whose total area is less than 5,000 square feet.

- 9-4. Height Limits.** The height limitations of this ordinance shall not apply to church steeples, radio towers, flag poles transmission towers, masts, and similar structures not intended for human occupancy.

SECTION 10. ENFORCEMENT

- 10-1. Enforcing Officer.** The provisions of this ordinance shall be enforced by the zoning/building official. The official shall have the right to enter any premises at reasonable times, such as normal business hours, as may be necessary to carry out his duties in the enforcement of this ordinance.
- 10-2. Building Permit Required.** A building permit is required prior to the excavation, site preparation, alteration, construction, or moving of any structure, building, or parking lot.
- 10-3. Issuance of Building Permit.** Except for single and two-family dwellings, agricultural buildings, and signs a building permit shall not be issued by the zoning/building official unless a site plan containing the information required by Section 5-1 has been approved by the planning commission and the proposed construction meets the requirements of the applicable building and fire codes. The zoning/building official may require a sketch plan prior to the issuance of permits for single and two-family dwellings, agricultural buildings, and signs. Where the building official determines that all requirements of this ordinance and applicable building codes have been met, a building permit shall be issued. In the event a building permit is denied, the reasons(s) for denial shall be entered in writing upon the application.
- 10-4. Certificate of Occupancy.** Upon completion of any construction or other activity requiring a building permit, an application shall be made to the zoning/building official for a certificate of occupancy. The certificate shall be issued if the zoning/building official determines the provisions of this ordinance, applicable building and fire codes, and conditions of the permit are satisfied. No building or land shall hereafter be occupied unless a certificate of occupancy has been issued. In the event a certificate of occupancy is denied, the reason(s) for the denial shall be entered in writing upon the application.
- 10-5. Penalties.** Any person(s) violating any provision of this ordinance shall be guilty of a misdemeanor, and upon conviction shall be fined not less than ten (\$10.00) dollars nor more than one hundred dollars (\$100.00) for each offense. Each day such violation continues shall constitute a separate offense.
- 10-6. Remedies.** In the event the occupation, excavation, site preparation, alteration, construction, or moving of any structure, building or parking lot is initiated in violation of this ordinance, the zoning/building official or any other appropriate authority or affected property owner may institute injunction, mandamus, or other appropriate action to prevent the occupancy or use of said building or property.

Section 11. BOARD OF ZONING APPEALS

- 11-1. Creation and Appointment.** A board of zoning appeals is hereby established in accordance with Section 13-7-205 of the *Tennessee Code Annotated*. The Charleston Municipal Planning Commission is hereby designated as the board of zoning appeals. The terms of the members of the board of zoning appeals shall be concurrent with the terms of the members of the Charleston Municipal Planning Commission.
- 11-2. Procedure.** Meetings of the board of zoning appeals shall be held at the call of the chairman or by a majority of the membership or at such other times as the board may determine. All meetings shall be open to the public. The chairman, or in his absence, the acting chairman, shall direct the meetings and may administer oaths and compel attendance of witnesses. The board shall keep minutes of its meetings. Said minutes shall be a public record and shall record the actions of the board and the individual votes of the members.
- 11-3. Appeals: How Taken.** An appeal to the board of zoning appeals may be made by any aggrieved person, firm, or corporation or by any governmental officer, department, board, or agency affected by any decision of the zoning/building official regarding the enforcement of this ordinance. The zoning /building official shall provide the board with all appropriate papers and information pertaining to the appeal. The board shall hear and decide on an appeal within a reasonable time. A public notice of the time, date and place of the hearing shall be published, posted and provided to the appellant.
- 11-4. Powers.** The board of zoning appeals shall have the following powers:
- a. **Administrative Review.** To hear and decide appeals where it is alleged by the appellant that there is error in any order, requirement, decision, or refusal made by the zoning/building official or any other administrative official in carrying out the enforcement of any provision of this ordinance.
 - b. **Special Exceptions.** To hear and decide special exceptions as set forth in this ordinance.
 - c. **Variances.** To hear and decide application for variances from the terms of this ordinance where by reason of exceptional narrowness, shallowness, or shape of a piece of property at the time of enactment of the zoning regulations or by reason of exceptional topographical conditions or other extraordinary or exceptional situation or condition of such a piece of property, the strict application of this ordinance would result in peculiar and exceptional practical difficulties or exceptional or undue hardship upon the owner of such property, provided that such relief may be granted without substantial detriment to the public good and without substantially impairing the intent and purpose of this ordinance.

SECTION 12. AMENDMENTS

- 12-1. Procedure.** The Charleston City Commission may amend this ordinance, including the zoning map, provided that any proposed amendment is first submitted to the planning commission for review and recommendation. If the planning commission does not recommend the amendment, a favorable vote of the majority of the City Commission’s membership is required before the amendment becomes effective.
- 12-2. Public Hearing.** A public hearing is required prior to the adoption of any ordinance to amend the text of the zoning ordinance or the zoning map. A public hearing notice stating the time, place, and date of the public hearing shall be placed in a the *Cleveland Daily Banner* at least fifteen (15) days prior to the hearing.

SECTION 13. LEGAL STATUS PROVISIONS

- 13-1. Conflict with Other Ordinances.** Should there be conflict between sections of this ordinance or between this and another ordinance, the more restrictive regulations shall apply.
- 13-2. Validity.** If any section, clause, provision or portion of this ordinance shall be held to be invalid by a court of competent jurisdiction, such holding shall not affect any other section, clause, provision, or portion of this ordinance which is not in itself invalid or unconstitutional.
- 13-3. Effective Date.** This ordinance shall take effect from and after its passage, the public welfare requiring it.

Recommended by the planning commission:

Date
City Recorder Mayor

Passed on first reading:

Passed on second reading:

Passed on reading:

Public hearing held: