

**JEFFERSON CITY
TENNESSEE**

**ZONING
ORDINANCE**

2014

AS AMENDED THROUGH JUNE 2014



TABLE OF CONTENTS

| <u>ARTICLE</u> | | <u>Page</u> |
|----------------|---|-------------|
| I | AUTHORITY | 1 |
| | 100 Statutory Delegation | 1 |
| II | TITLE AND PURPOSE | 1 |
| | 200 Title | 1 |
| | 210 Zoning Map | 1 |
| | 222 Purpose | 1 |
| III | DEFINITIONS | 2 |
| | 300 General Terms | 2 |
| | 310 Specific Definitions | 2 |
| IV | GENERAL PROVISIONS | 8 |
| | 400 Continuance of Nonconforming Uses | 8 |
| | 410 Off-Street Automobile Parking | 9 |
| | 420 Off-Street Loading and Unloading Space | 14 |
| | 430 Visibility Clearance at Intersections | 14 |
| | 440 Ingress and Egress | 14 |
| | 450 Landscape Buffering | 14 |
| | 460 Mineral Exception | 15 |
| | 470 Boarding and Rooming Houses | 15 |
| | 475 Mobile Home Park Standards | 15 |
| | 480 Mobile Homes | 19 |
| | 490 Tourist Residential | 19 |
| | 491 Site Plan Requirements | 19 |
| | 494 Sign Regulations | 21 |
| | 495 Development Standards for Telecommunication Towers | 22 |
| V | APPLICATION OF REGULATIONS | 24 |
| | 500 Use | 24 |
| | 510 Street Frontage | 24 |
| | 520 Corner Lots | 24 |
| | 530 One Principal Building on a Lot | 24 |
| | 540 Reduction of Lot Size | 24 |

| | | |
|------|---|----|
| 550 | Yard and Other Spaces | 24 |
| 560 | Conformity to Subdivision Regulations | 24 |
| 570 | Height and Density | 25 |
| 580 | Restrictions on Rezoning Applications | 25 |
| 590 | Temporary Residential Uses | 25 |
| VI | PLANNED UNIT DEVELOPMENT | 25 |
| 600 | Statement of Purpose and Intent | 25 |
| 610 | General Provisions | 25 |
| 620 | Development Standards | 26 |
| 625 | Site Improvements | 27 |
| 630 | Site Plan Approval Process | 29 |
| 633 | Administrative Procedures | 29 |
| 634 | Abandonment of PUD Concept | 30 |
| VII | PROVISIONS GOVERNING USE DISTRICTS | 30 |
| 700 | R-1 Single Family Residential District | 30 |
| 710 | R-2 Multiple Family Residential District | 32 |
| 720 | P-1 Professional and Civic District | 33 |
| 723 | P-2 Professional and Civic District | 34 |
| 724 | R-3 High Density Planned Residential Development District | 35 |
| 730 | B-1 Neighborhood Business District | 36 |
| 740 | B-2 Central Business District | 37 |
| 750 | B-3 Highway Business District | 38 |
| 760 | M-1 Light Industrial District | 39 |
| 770 | M-2 Heavy Industrial District | 40 |
| 780 | B-4 General Commercial District | 41 |
| 790 | AF-1 Agricultural-Forestry District | 47 |
| VIII | MINIMUM YARD DIMENSIONS | 49 |
| IX | EXCEPTIONS AND MODIFICATIONS | 50 |
| 900 | Lot of Record | 50 |
| 910 | Adjoining and Vacant Lots of Record | 50 |
| 930 | Group Housing Projects | 50 |
| 940 | Exception on Height Limits | 50 |
| 950 | Permanent Accessories to Mining Operations | 51 |
| 960 | Conformity to Front Setbacks | 51 |

| | | |
|------|--|----|
| X | ENFORCEMENT | 51 |
| | 1000 Enforcing Officer | 51 |
| | 1010 Building Permit Required | 51 |
| | 1020 Issuance of Building Permit | 51 |
| | 1030 Certificate of Occupancy | 52 |
| | 1040 Penalties | 52 |
| | 1050 Remedies | 52 |
| XI | BOARD OF ZONING APPEALS | 53 |
| | 1100 Creation and Appointment | 53 |
| | 1110 Procedure | 53 |
| | 1120 Appeals: How Taken | 53 |
| | 1130 Powers | 53 |
| | 1140 Action of the Board of Zoning Appeals | 54 |
| XII | AMENDMENT | 55 |
| | 1200 Authority to Amend | 55 |
| | 1212 Notice to Property Owners | 55 |
| | 1213 Posting Requirements for Rezoning Requests | 55 |
| XIII | LEGAL STATUS PROVISIONS | 56 |
| | 1300 Conflict with Other Ordinances | 56 |
| | 1310 Validity | 56 |
| | 1320 Effective Date | 56 |

ARTICLE I

AUTHORITY

100. Statutory Delegation. This ordinance is authorized pursuant to Sections 13-701 through 13-710 of the Tennessee Code Annotated.

ARTICLE II

TITLE AND PURPOSE

200. Title. This ordinance shall be known as the "Zoning Ordinance of the City of Jefferson City, Tennessee."

210. Zoning Map. The location and boundaries of the zoning districts established by this ordinance are abounded and defined as shown on the map entitled "Zoning Map of Jefferson City, Tennessee," adopted March 2, 1981, readopted on December 2, 1996 and certified by the city recorder. This map with all explanatory matter thereon is hereby adopted and made a part of this ordinance.

222. Purpose. The purpose of this ordinance, as enumerated in Section 13-7-201 through 13-7-202 of the Tennessee Code Annotated, is to promote the public health, safety, morals, convenience, order, prosperity and general welfare; to provide for the establishment of districts in the territory lying within the corporate limits of the City of Jefferson City, Tennessee; to regulate, within such districts; the location, height, bulk, number of stories and size of buildings and structures, the percentage of the lot which may be occupied, the sizes of yards, courts and other open spaces, the density of population and the uses of buildings, structures, and land for trade, industry, residence, recreation, public activities and other purposes within view of conserving the value of buildings and encouraging the most appropriate use of land throughout the city. Special districts or zones may be established in those areas deemed subject to seasonal or periodic flooding, and such regulations may be applied therein as will minimize danger to life and property, and as will secure to the citizens of Jefferson City. The eligibility for flood insurance under Public Law 1016, 85th Congress or

subsequent related laws or regulations promulgated thereunder.

ARTICLE III

DEFINITIONS

300. Unless otherwise expressly stated the following terms shall, for the purpose of this ordinance, have the meaning indicated.

301. Words in the singular number include the plural number and those in the plural number include the singular number.

302. Words in the present tense include the future tense.

303. The words "should" and "may" are permissive; the words "shall" and "will" are mandatory and directive.

304. The word "person" includes "corporation," "co-partnership," "association," or other legal entity as well as an individual.

305. The words "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.

310. Other terms or words used herein shall be interpreted or defined as follows:

311. Arterial Street. A street that provides for traffic movement between areas and across portions of the city and secondarily for direct access to abutting land, as shown on the Zoning Map of the City of Jefferson City, Tennessee.

312. Boarding or Rooming House. A building containing a single dwelling unit and not more than five guest rooms where lodging is provided with or without meals for compensation.

313. Buffer Strip. A plant material acceptable to the building inspector which has such growth characteristics as will ultimately provide an obscuring screen not less than six (6) feet in height.

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

314.1. Principal Building. A building in which is conducted the main or principle use of the lot on which said building is located.

314.2. Accessory building or use. A building or use customarily incidental and subordinate to the principal building or use and located on the same lot with such building or use.

315. Building Height. The vertical distance measured from the finished grade at the building line to the highest point of the roof.

316. Business Sign. A sign which directs attention to a business or profession conducted on the premises. A "For Sale" sign or a "To Let" sign for the property on which it is displayed shall be deemed a business sign.

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

318. Clinic. A structure used in providing medical services for outpatients only.

319. Club. Buildings or facilities owned or operated by a corporation, an association, or person for a social, or recreational purpose, but not operated primarily for profit or to render a service which is customarily carried on as a business.

320. Collector Street. A street providing for traffic movement within the town as shown on the Zoning Map of the City of Jefferson City, Tennessee.

321. Condominium. A multi-unit structure offering individual ownership of said units.

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

323. Development. Any manmade change to improved or unimproved real estate, including but not limited to buildings or other structures, mining, dredging, filling, grading, paving, excavating, or drilling operations. Agricultural activities such as plowing or cultivating and gardening activities are not included in this definition of development.

324. Dwelling, Single-Family. A building designed, constructed and used for one dwelling unit.

325. Dwelling, Two-Family or Duplex. A building designed, constructed, or reconstructed and used for two dwelling units, that are connected by a common structural wall.

326. Dwelling, Multi-Family. A building designed, constructed or reconstructed and used for more than two dwelling units, with each dwelling unit having a common structural wall with any other dwelling on the same floor.

327. Family. One or more persons occupying a dwelling and living together as a single housekeeping unit.

328. Flood. A general and temporary condition of partial or complete inundation or normally dry land areas from the overflow of rivers or streams or the unusual and rapid accumulation or runoff or surface waters from any sources.

329. Floodplain. A relatively flat or low area adjoining a river or stream which is periodically subject to partial or complete inundation by floodwaters, or a low area

subject to the unusual and rapid accumulation of runoff of surface waters from any source.

330. Floodproofing. Any combination of structural or nonstructural additions, changes, or adjustments which reduces or eliminates flood damage to real estate, improved real property, water supply and sanitary sewer facilities, electrical systems, and structures and their contents.

331. Floodway. The stream channel and the portion of the adjacent floodplain which must be reserved solely for the passage of floodwaters in order to prevent an increase in upstream flood heights of more than one (1) foot above the predevelopment conditions.

332. Floodway Fringe Areas: Lands lying outside a designated floodway but within the area subject to inundation by the Regional Flood or Structure Profile whichever is higher.

333. Home Occupation. Any use customarily conducted at home for gain or support, which use is clearly incidental and secondary to the uses of the dwelling and which activity does not constitute more than thirty percent (30%) of the total home floor area of the dwelling including garages, carports or accessory buildings. Individuals not a resident of the dwelling shall not be employed for assistance purposes, and activity catering to retail trade with the general public shall be prohibited. (Changed by Ordinance 83-495).

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

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

334.2. Lot of record. A lot, the boundaries of which are filed as legal record.

335. Mobile Home. A detached residential dwelling unit built on a chassis and designed for transportation after fabrication on streets or highways on its own wheels or on flatbed or other trailers, and arriving at the site where it is to be occupied as a dwelling complete and ready for

occupancy except for minor and incidental unpacking and assembly operations, location or jacks or other temporary or permanent foundations, connections to utilities, and the like. A travel trailer is not to be considered as a mobile home.

336. Mobile Home Park. A parcel or tract of land under single ownership which has been planned and improved for the placement of mobile homes for dwelling purposes.

337. Nonconforming Use. Any structure or land lawfully occupied by a use that does not conform to the use regulations of the district in which it is situated.

338. Nursing Home. One licensed by the State of Tennessee.

339 Outdoor Advertising. An attached, freestanding or structural poster panel or painted or lighted sign for the purpose of conveying some information, knowledge or idea to the public.

340. Planned Unit Development. A planned residential, commercial, or industrial development, professionally designed as a unit, and approved by the Jefferson City Board of Zoning Appeals, on a site of not less than one (1) acres, and located in those areas zoned for its use. (Changed by ordinance 81-463).

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

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

343. Street. A public right-of-way set aside for public travel which: (a) has been accepted for maintenance by the City of Jefferson City; (b) has been established as a public street prior to the date of adoption of this ordinance; or (c) has been dedicated to the City of Jefferson City for public travel by the recording of a street plat or a plat of a subdivision which has been approved by the planning commission.

344. Structure. Anything constructed or erected, the use of which requires location on the ground, or attachment to something having location on the ground.

345. Substantial Improvement. 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 repair or improvement, or (2) before the damage occurred. For the purposes of this ordinance, substantial improvement is considered to occur when the 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. The term does not, however, include either (1) any project for improvement of a structure to comply with existing state or local health, sanitary, or safety code specifications which are solely necessary to ensure safe living conditions, or (2) any alteration or restoration of a structure listed on the National Register of Historic Places or a State Inventory of Historic Places.

346. Total Floor Area. The area of all floors of a building including finished attic, finished basement and covered porches.

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

348. Travel Trailer. Any vehicle used, or so constructed as to permit its being used as conveyance upon the public streets or highways and duly licensable as such, and constructed in such a manner as will permit occupancy thereof as a dwelling or sleeping place for one (1) or more persons, and designed for short-term occupancy, for frequent and/or extensive travel, and for recreational and

vacation use, including camper trucks and self-propelled campers, etc.

349. Travel Trailer Park. Any plot of land upon which two or more travel trailers are located and used as temporary living or sleeping quarters. The occupants of such parks may not remain in the same trailer park more than 30 days.

352. Tourist Residence. A dwelling or part thereof in which sleeping accommodations are provided or offered on a daily or weekly basis to transient guests for compensation. (Changed by ordinance 82-474)

350. Watercourse. Any depression serving to give direction to a flow of water, having a bed and well-defined banks, where the drainage area above the same is twenty-five (25) acres or more in extent, provided that it shall, upon the rule or order of the planning commission also include other generally or specifically designated areas where flooding may occur. The flow of water need not be on a continuous basis but may be intermittent resulting from the surface runoff of precipitation.

351. Yard. An open space on the same lot with a principal building, open, unoccupied and unobstructed by buildings from the ground to the sky except as otherwise provided in this ordinance.

351.1. 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.

351.2. Rear yard: The yard extending across the entire width of the lot between the rear lot line and the nearest part of the principal building, including covered porches.

351.3. Side yard: A yard extending along the side lot line from the front yard to the rear yard, and lying between the side lot line and the nearest part of the principal building, including covered porches.

ARTICLE IV

GENERAL PROVISIONS

400. Continuance of Nonconforming Uses. Any lawful use of any building or land existing at the time of the enactment of this ordinance or whenever a district is changed by an amendment thereafter may be continued although such use does not conform with the provisions of this ordinance with the following limitations:

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

402. Any nonconforming building which has been damaged by fire or other causes, may be reconstructed and used as before unless the Building Inspector determines that the building is damaged to the extent of more than seventy-five (75) percent of its appraised value for tax purposes in which case any repair or reconstruction shall be in conformity with the provisions of this ordinance;

403. When a nonconforming use of any building or land has ceased for a period of one year, it shall not be reestablished or changed to any use not in conformity with the provisions of this ordinance.

404. All nonconforming outdoor advertising signs, junkyards, commercial animal yards, and lumber yards not on the same lot with a plant or factory shall be required to conform to the provisions of this ordinance upon official notification by the Building Inspector.

405. Mobile homes on individual lots may be replaced provided that:

- a. The mobile home was annexed into the city and was pre-existing in the county;

- b. The mobile home is replaced with a newer home that is certified to meet the Southern Standard Building Code;
- c. The mobile home is the only structure on the lot, excluding accessory structures such as sheds, garages for storage of cars, and similar out-buildings.

410. Off-Street Automobile Parking. Off-street automobile parking space shall be provided on every lot on which any of the following uses are hereafter established except for nonresidential uses in the B-2 (Central Business) District. The number of automobile parking spaces provided shall be at least as great as the number specified below for various uses. Each space shall have vehicular access to a public street. Turning space shall be provided so that no vehicle will be required to back into the street.

410.1. Automobile repair garages: One (1) space for each regular employee, plus one (1) space for each two hundred and fifty (250) square feet of floor space used for repair work.

410.2. Churches: One space for each four (4) seats.

410.3. Clubs and lodges: One space for each two hundred (200) feet of floor space up to one thousand square feet and one (1) space for each three hundred (300) square feet over one thousand square feet of floor space.

410.4. Dwellings:

410.4.1. Single-family dwellings and duplexes: two (2) spaces for each dwelling unit. (Ordinance 99-9)

410.4.2. Duplex and Multi-Family Dwellings:
One Bedroom = 2 parking spaces
Two Bedroom and over = 3 parking spaces
(Ordinance 2010-17)

410.4.3. Boarding and rooming houses - one space for each bedroom for rent. (Changed by ordinance 82-463)

410.5. Funeral parlors: One (1) space for each four (4) seats in the chapel.

410.6. Gasoline service stations and similar establishments: Four (4) spaces for each bay or similar facility, plus one (1) space for each employee.

410.7. Hospitals and nursing homes: One (1) space for each two (2) staff or visiting doctors plus one (1) space for each two (2) employees, and one (1) space each four (4) beds, computer on the largest number of employees on duty at any period of time.

410.8. Hotel: One (1) space for each four (4) employees plus one (1) space for each two (2) guest rooms.

410.9. Industry: One (1) space for each three (3) employees, computed on the largest number of persons employed at any period during day or night.

410.10. Motels: One (1) space for each four (4) employees plus one (1) space for each accommodation.

410.11. Offices:

410.11.1. Medical - one (1) space for each three hundred (300) square feet of floor space.

410.11.2. Other professional - one (1) space for each four hundred (400) square feet of floor space.

410.11.3. General - one (1) space for each four hundred (400) square feet of floor space.

410.12. Places of public assembly: One (1) space for each four (4) seats in the principal assembly room or area.

410.13. Recreation and amusement areas without seating capacity: One (1) space for each five (5) customers, computed on a maximum service capacity.

410.14. Restaurants: One (1) space for each four (4) employees, plus one (1) space for each one hundred (100) square feet of floor space devoted to patron use.

410.15. Retail business and service establishments: One (1) space for each two hundred (200) square feet of gross floor space.

410.16. Schools: One (1) space for each faculty member, plus one space for each four (4) pupils except in elementary and junior high schools.

410.17. Mobile home parks: One (1) space for each mobile home.

410.18. Wholesale business: One (1) space for each three (3) employees based on maximum seasonal employment.

410.19. 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 four hundred (400) feet of the main entrance to such principal use. Such vehicle standing space shall be deemed to be required open space associated with the permitted use and shall not thereafter be reduced or encroached upon in any manner.

410.20. Extension of parking space into a residential district: Required parking space may extend up to one hundred twenty (120) feet into a residential zoning district, provided that: (1) the parking space adjoins a commercial, professional, or industrial district; (2) has its only access to the property from the same street as in the commercial, professional or industrial district for which it provides the required parking space; and (3) is separated from abutting

properties in the residential district by a planted buffer strip as determined by the Building Inspector.

411. Parking Lot Design Requirements. The following regulations shall apply to all proposed uses in all zoning districts except single and two family residences and agricultural uses.

411.1. Site Plan: The planning commission shall be provided with a site plan drawn at a scale of not less than 1" = 20' and depicting the following information: locations and dimensions of all property lines; locations, dimensions, and uses of all existing and proposed buildings; and the dimensions and designs of proposed ingress/egress, parking layout, traffic flow, drainage, and landscaping.

411.2. Ingress and Egress: Driveways providing ingress, egress, or combined ingress/egress shall be required for all proposed parking lots. In no case shall traffic be allowed to exit by backing directly from a parking lot onto a public roadway. Driveways shall meet the minimum design requirements of Section.411.8.

411.3. Landscaping: Landscaping shall be required for all unused portions of any parking lot having an area greater than twenty-five (25) square feet. Minimum landscaping requirements shall consist of a residential grade grass cover. Wood chips, crushed stone, or similar materials may be allowed as ground cover underneath trees, shrubs, or other major landscaping vegetation.

411.4. Drainage: All parking facilities shall be designed and constructed to eliminate surface water. Drainage swales, rip-raps, culverts, and other storm drainage facilities may be required by the planning commission. In no case shall surface water be directed or diverted onto public streets or adjacent buildings.

411.5. Curbing: Curbing may be required in conjunction with landscaping to properly delineate ingress, egress, and non-parking areas.

411.6. Markings: All parking lots shall be adequately marked to identify individual parking spaces, ingress, egress, direction of traffic flow, and no parking zones.

411.7. Handicapped Parking Facilities: The number, location and design of handicapped parking spaces and related accessory facilities shall be in accordance with current state or local codes. In the event of a conflict between these documents and/or this ordinance, the more strict regulations shall apply.

411.8. Design Standards: All parking lots shall be designed to allow for the safe and efficient parking and movement of motor vehicles. Minimum standards of design are established in the following table and corresponding illustration. The planning commission may require deviations from these standards depending on the characteristics of the site and the nature of the traffic to be handled.

A. Stall Depth - 19 feet

B. Stall Width - 9 feet

C. Aisle Width (450 600 750 900)

One Way 15' 18' 21' NA

Two Way 20' 20' 21' 24'

D. Driveway Width

Ingress - 15' minimum, 18' maximum

Egress - 12' minimum, 15' maximum

E. Distance between driveways on the same property

One Way - 25 feet

Two Way - 40 feet

Combination one way and two way - 40'

F. Distance between driveways and intersecting road rights-of-way - 30 feet

G. Distance between driveways and side property lines - 20 feet.

(The above was changed by ordinance 87-602.)

SEE SUBSECTION 493.10 FOR PAVING REQUIREMENTS

420. Off-Street Loading and Unloading Space. On every lot on which a business, trade, or industry use is hereafter established, space with access to a public street or alley shall be provided as indicated below for the loading and unloading of vehicles off the public street or alley:

420.1. Retail Business: One space of at least twelve (12) by twenty-five (25) feet for each 3,000 square feet of floor area or part thereof.

420.2. Wholesale and Industrial: One space of at least twelve (12) by fifty (50) feet for each 10,000 square feet of floor area or part thereof.

420.3. Bus and Truck Terminals: Sufficient space to accommodate the maximum number of buses or trucks that will be stored, loaded and unloaded at the terminal at any one time.

430. Visibility Clearance at Intersections. Nothing is permitted to be built, placed, or grown in a way that would impede visibility at the intersection of public streets.

440. Ingress and Egress. A plan for adequate and safe ingress and egress for all land uses shall be required.

450. Landscape Buffering. In ordering to reduce visual and acoustical conflicts between commercial and industrial uses and residential uses, the following regulations shall apply:

1. In B-1, Neighborhood Commercial District(s), in B-2, Central Business District(s), in B-3, General Commercial District(s), in M-1, Light Industrial District(s), and in M-2, Heavy Industrial District(s), where such district(s) abuts or is adjacent to any

residential district, a landscape buffer shall be planted and maintained along the property line, except across a driveway from 10 to 20 feet in width where necessary for access to the commercial or industrial use, in accordance with the following minimum requirements:

A 10' wide strip of dense, fast growing evergreen foliage planted and maintained in either;

a. Trees, at a minimum distance of 10 feet on center for the length of the buffer strip and of a minimum height at the time of their planting of 4 to 5 feet, or other plantings subject to the review of the planning commission.

b. Any exception to this landscape buffer requirement, other than plantings, must be granted by the Jefferson City board of Zoning Appeals in accordance with zoning variance procedures.

450.1 Plans for landscaping, screening, open space and ingress/egress points.

It is the intent of these provisions to require landscaping plans that comply with the City's comprehensive planning program, to enhance the aesthetic appearance and environment of new development and to insure that these developments adequately provide greenery, light, air and open space. To achieve that intent prior to the issuance of any permit for any site plan, a landscaping plan shall be reviewed and approved by the planning commission.

Landscaping plans are required for all commercial, multi-family, industrial, public right-of-way (streetscape) and any other non-residential developments. Subdivision developments are required to provide landscaping at the entry. The landscaping plan shall include landscaping of off-street parking areas containing the following minimum standards.

450.1.1 Street frontage: a landscaped strip of seven (7) feet in width and a minimum of one tree for every twenty-five (25) feet. A minimum caliper of 2" or a minimum height of five (5) feet is required for all plantings.

450.1.2 Interior landscaping: Five (5) percent of the interior of the parking area shall be landscaped and one (1) tree for each three hundred (300) square feet of landscaped area shall be required along with other appropriate plant materials.

A minimum caliper of 2" or a minimum height of five (5) feet is required for all plantings.

450.1.3 Perimeter landscaping: requires landscaping that includes a minimum caliper of 2" or a minimum height of five (5) feet is required for all plantings. At least twenty (20) percent of perimeter landscaping is required and shall be calculated by the length of the perimeter by 5 feet in width times twenty (20) percent.

450.1.4 The parking spaces shall be designed and constructed in a manner that will prevent damage to the landscaping by vehicles or pedestrian traffic.

450.1.5 The plan shall contain a description of plants and material and methods for care and maintenance. The Jefferson City Beautification / Tree Board has made a list of recommended tree species for planting which will be attached to this document.

450.1.6 The landscaping shall be permanently maintained. A landscape replacement if required within 90 days after removal of any dead tree or shrub.

450.1.7. Landscaping shall be stabilized and maintained with seed, sod, ground covers, mulches or other materials to prevent soil erosion and allow rainwater infiltration. Ground cover should consist of grass and other permeable organic material capable of absorbing run-off water, may include no more than forty (40) percent of pebbles, wood chips, bark, mulch and similar materials.

450.2 The planning commission may review whether the width of the landscaping area may be reduced if the reduction is for a public improvement such as a sidewalk, greenway or bike lane.

450.3 The landscaping plan shall be required to address height restrictions due to overhead power lines (if any), depth restrictions if underground utilities are present or potential impacts on drainage easements.

450.4 All exterior solid waste containers shall be screened on all but one side. Screening shall be by an opaque fence, landscaping or other suitable enclosure that is at least one foot higher than the container height.

450.5 General requirements of a north point, a scale of not less than 1"=20' or a scale approved by the building official, a location map, acreage of the site, location of solid waste collection points, and any other information deemed pertinent by the planning commission.

450.6 Maintenance of all islands, parking spaces and ways, landscaping, and traffic control devices within the parking facility is the responsibility of the property owner. All elements shown on the site plan are to be maintained on a regular schedule. All

structures or plant materials that are damaged must be replaced to original standards within ninety (90) days. The building official or their designated representative shall regularly inspect parking lots required to meet these regulations. The official or their representative shall notify the property owner and/or manager upon finding deficiencies in structural or landscaped areas.

460. Mineral Exception. It is recognized that the extraction of minerals is a basic industry within the area subject to this ordinance. It is further recognized that the location of underground mineral deposits will not necessarily coincide with the district boundaries established by this ordinance. It is not the purpose of this ordinance to regulate mining operations under the surface of the land or restrict strictly temporary prospecting work by core or churn drill in any district, however, the installation of more permanent accessories to mining operations, such as ventilating shafts or fans, substations, or transformer banks, are subject to the procedures in Article XI, Section 1130, paragraph 1132 in any district other than M-2 Heavy Industrial. This ordinance also recognizes that certain phases of underground mining operations, such as ventilation of mines, are subject to state and federal regulations, and it is not the intent of this ordinance to operate in conflict with such applicable state and federal regulations.

470. Boarding and Rooming Houses. Boarding and rooming houses shall be required to conform to the provisions of 410.4.3. upon official notification by the building inspector. (Changed by ordinance 82-463.)

475.0 Mobile Home Park Standards. (Added by ordinance 92-6; 470 section number changed to 470.0 by re-adoption. Section 470.0 and 471.1 deleted and replaced by Section 475 per Ordinance 97-21).

475.1 Mobile Home Park Standards.

475.1. Mobile home parks shall only be located in an R-3, High Density Planned Residential Development District.

475.2. No mobile home park shall be developed on a parcel of land containing less than five (5) acres. No parcel containing a mobile home park shall be

subdivided so as to reduce the size of the parcel to an acreage less than that required by this section.

475.3. Setbacks shall be a minimum of twenty-five (25) feet on the front, rear and sides of the park site. No structures shall be placed in side yards, except as expressly permitted herein.

475.31. A fence maybe constructed in the setback yards.

475.32 Entrance signs may be constructed in the setback yards. The total area of all such signs shall not exceed two hundred (200) square feet, with each individual sign not to exceed fifty (50) square feet in area or eight (8) feet in height. Said signs shall list only the name and address of the premises, and the name and phone number of the management agency if desired.

475.4 Landscaping. A buffer of evergreen landscaping shall be planted in all setback yards. The buffer shall extend for the entire width of each yard, excluding entrances and exists and shall measure twenty (2) feet deep as measured perpendicular to the property line. The buffer shall be maintained by the park owner as long as the park is in existence. The buffer shall consist of evergreen trees a minimum of six (6) feet in height, planted on fifteen (15) foot centers in two (2) rows, in addition to any other plant materials which may be chosen by the owner.

475.5 Only single-wide and double-wide manufactured homes shall be permitted in the park. Campers, recreational homes, and travel trailers are prohibited.

475.6 Roads and Parking

475.61 All mobile home parks shall directly access a public road and shall have at least fifty (50) feet of frontage on said road.

475.62 All mobile home parks containing fifty (50) or more units shall have at least two (2) separate

entrances, each with a minimum of fifty (50) feet of frontage on a public road.

475.63 Roads in the park shall meet the design standards and construction specifications required by the Jefferson City Subdivision Regulations, except that all roads shall have a surface width of at least twenty-four (24) feet.

475.64 No on-street parking shall be permitted. AT least two (2) off-street parking spaces shall be provided per dwelling unit. Each space shall measure at least nine (9) feet by nineteen (19) feet.

475.7 Water and Wastewater Services. All mobile home parks must be served by six inch public water and sewer lines. The park shall have fire hydrants located every 1,000 feet.

475.8 Required Area Per Dwelling Unit. Each dwelling unit shall be placed on at least 6,000 square feet of land, which acreage shall not be counted as part of the required area for any other dwelling unit in the park. For setback purposes, the site for each dwelling unit shall be treated as an individual lot in a subdivision. Required minimum setbacks for each dwelling unit shall be twenty-five (25) feet in front, ten (10) feet on each side, and ten (10) feet in the rear.

475.9 Assessory Uses. Laundromats, swimming pools, tennis courts, one on-site office, and exterior storage buildings are permitted in a mobile home park but shall not be constructed in any side-setback yards.

475.10 Garbage Collection. All mobile home parks shall have sanitary garbage collection. Dumpsters shall be noted on the

site plan or other method of pick-up shall be indicated on the site plan notes.

475.11 Site Plan Requirements. A site plan for the proposed mobile home park must be approved by the Jefferson City Regional Planning Commission. The site plan shall be drawn to a scale of 1" = 20' and shall contain at least the following information:

- a. Name and address of the applicant.
- b. Licensed surveyor's stamp with certificate of accuracy.
- c. Location and dimension of all property lines.
- d. Location and size of existing and proposed utilities.
- e. Location and dimensions of existing and proposed easements.
- f. Location and dimensions of proposed sites for dwelling units, parking areas, and accessory facilities, and internal roads.
- g. Planting locations and types of landscaping to be installed.
- h. Drainage plan, prepared and stamped by a professional engineer, indicating all culverts, sizes, locations, directions of run-off, drainage easements, and sinkholes.
- i. Complete grading plan.
- j. Construction plans for proposed water distribution systems and sewer collection systems, including profiles with grades, sizes, and elevations, and location of vales and fire hydrants.

The planning commission may require additional improvements or alterations to the site plan based on the public health, safety, or welfare. A site plan shall be valid for six (6) months from the date of approval. If no substantial work has begun within that time period, the site plan approval shall be deemed invalid.

475.12 Bonding Requirements. Upon site plan approval, the owner of a proposed mobile home park shall post a guarantee in

lieu of completed improvements equal to one hundred and twenty (120) percent of the estimated cost of improvements. That guarantee shall be handled in the same manner as a guarantee for subdivision improvements, as specified in the Jefferson City Subdivision Regulations. A guarantee shall be posted separately for landscaping, equal to one hundred twenty (120) percent of the estimated cost of landscaping.

480. Mobile Homes. All mobile homes shall be located within mobile home parks as provided for within this ordinance. (Changed by ordinance 82-463).

490. Tourist Residence. Tourist residences may exist throughout all zone classifications. (Changed by ordinance 82-474).

491.0 Site Plan Requirements (amended by ordinance 92-5 and numbers altered by readoption; formerly section 630).

491.00. Preliminary Site Plan

491.1. A general site plan showing tentative street plans, public facilities, and building arrangements.

491.2 A plat showing lot dimensions, calls, bearings, location of proposed utilities, and topography in five (5) foot intervals.

491.3 Drainage plan: a drainage plan showing all culverts, sizes, locations, run-off, easements and sinkholes shall be presented. The drainage plan shall be designed and certified by a drainage engineer.

491.4 Street names: In new streets to be developed in conjunction with a site plan shall have E-911 approval prior to preliminary site plan submission..

492.0 Final Site Plan. The final site plan shall consist of the following information:

492.1. An overall development plan showing the use or uses of land, dimensions and locations of proposed streets, parks, and other open spaces, with such other pertinent information as may be necessary to determine the desirability of applying regulations which differ from those ordinarily applicable under this code.

492.2. The planning commission may impose conditions regarding layout, circulation, and drainage.

492.3. Application for an apartment development shall show the number and size of apartments, the location and size of public facilities, and number of parking spaces.

492.4. At least the following construction plans must be submitted for all development under this section: Profiles of proposed sanitary sewers and storm water sewers with grades, sizes and elevations indicated, proposed water distribution system showing pipe sizes and location of valves and fire hydrants, and complete grading plan.

492.5. The proposed development plat shall be prepared by and have the seal of an architect or engineer duly registered to practice in the State of Tennessee.

492.6. No building permit or zoning compliance permit shall be issued until a final plat of the proposed development is approved by the planning commission. No occupancy permit shall be issued until the building inspector has determined that the project as constructed meets all requirements of the proposed plan.

The tract or parcel of land involved must be either in one ownership or the subject of an application filed jointly by the owners of all property included.

492.7. The development's site plan shall be recorded in the office of the Registrar of Deeds. After payment of the recording fee, a designated city official shall record the plat. No site plan shall be accepted for final review by the planning commission until the recording fee is paid.

493.7. Bonding in the amount of 120% of cost is required. Cost estimates for paving, drainage, water, or sewer lines shall be presented to the city prior to final site plan review. The bond shall be held for one year by the planning commission but may be released early if all improvements have been installed satisfactorily.

493.8. The developer shall provide ten (10) copies of the site plan.

493.9 The site plan shall be drawn to a scale of 1" = 20'.

493.10 All parking areas, loading areas and aisles between parking as well as ingress and egress shall have paved parking. No gravel lots or accesses shall be permitted.

494.0. Sign Regulations (Adopted as Sign Ordinance, Section 470; re-numbered and re-lettered by re-adoption of the zoning ordinance). The purpose of sign regulations is to assure a uniformity among all signs and to insure that signs and the locations do not impede traffic safety. To that end, the following sign regulations shall be in force in all commercial districts.

A. Sign Height Requirements: No sign shall exceed thirty-five (35) feet in height.

B. Each Business may have two signs consisting of a ground sign and a wall sign. No business may have two of the same type.

C. The maximum ground sign permitted is one hundred and fifty (150) square feet. The maximum wall sign permitted is ten (10) percent of the front facade as measured from the height of the front face of the building (not including the roof) by the length of the

front building. The facade sign may be located on the front wall and its' square footage allowances may not be used on any other wall of the building (sides and rear). On buildings located on corner lots, an additional five (5) percent facade sign will be allowed on the side facing the second street. This facade allocation must be used on the side facing the second street and cannot be used on any other side or rear of the building. Buildings which are not located on corner lots may not have the additional five (5) percent facade sign.

D. No ground sign shall come closer than five (5) feet from the property line as measured from the end of the sign face to the property line.

E. Signs must be illuminated from within. No exterior lighting is permitted.

F. The bottom coping of each sign shall be nine (9) feet as measured from the ground to the bottom of the sign face.

G. Entry and exit signs are permitted and shall not exceed nine (9) square feet or three feet by three feet. These signs shall be no closer than one (1) foot from the property line.

H. Portable or mobile signs: The use of portable or mobile signs is not an allowed use within the corporate limits of the City.

(Additional sign regulations are specified per zoning district)

Development Standards for Telecommunication Towers
(Ordinance 2000-21)

495. Development Standards for Communication Towers. The following standards and requirements shall apply to all proposed telecommunication towers to be located within the corporate limits of the City of Jefferson City. It is the intent of this section to allow for the construction and placement of appropriate telecommunication facilities in any zoning district while minimizing their negative impacts upon the surrounding properties and the community as a whole.

A. Telecommunication Towers as a Principal Use: Telecommunication towers are considered as a principal use of land.

B. Site Plan Requirements: A site plan is required for any proposed telecommunication tower. The site plan shall show the lot dimensions, calls, bearings, topography in five (5) feet intervals and locations of the tower, assessor building(s), guy wires and supports. The site plan shall be prepared by and have the seal of an architect, surveyor, or engineer duly registered to practice in the State of Tennessee. The site plan must be reviewed and approved by the Jefferson City Regional Planning Commission.

C. Setback Requirements: All buildings, guy wires, and supports shall meet the setback requirements of the district in which the facilities are located. Telecommunication towers must setback from property lines equivalent to one and one-half (1½) times the height of the tower.

D. Lighting: Towers shall not be lighted by artificial lighting except as required by the FAA or other applicable authority.

E. Landscaping and screening: All facilities in any zoning district shall be completely screened from view to a height not less than eight (8) feet. The screening material shall be natural or planted vegetation or opaque fencing. The preservation of existing mature trees is preferred except where such tree growth would interfere with the operation and maintenance of the facilities.

F. Fencing: All facilities shall be enclosed by a security fence at least six (6) feet in height.

G. Exemptions: Radio towers and antennas that are for government use (police, fire, emergency management, etc.) and any existing towers or antennas on structures for residence, business or government agency use.

H. Tower Removal: When the active use of a telecommunications tower ceases for a period of six (6) consecutive months, the tower shall be removed at the owner's expense.

ARTICLE V

APPLICATION OF REGULATIONS

500. Use. Except as herein provided, no building or land shall hereafter be used and no building or part thereof shall be erected, moved or altered unless for a use expressly permitted by and in conformity with the regulations herein specified for the district in which it is located.

510. Street Frontage. No dwelling shall be erected on a lot which does not abut on at least one street for at least fifty (50) feet, except that lots fronting on cul-de-sacs may have a minimum road frontage of forty (40) feet of road frontage. Condominiums and townhomes may be excluded from this provision with the approval of the Board of Zoning Appeals. (Ordinance 2017-01)

520. Corner Lots. The minimum width of a side yard along an intersecting street shall be thirty (30) feet for the side facing the street.

530. One Principal Building Per Lot. Only one principal building and its customary accessory buildings may hereafter be erected on any one lot; except for condominiums and townhouses may be excluded from this provision with the approval of the Board of Zoning Appeals.

540. Reduction of Lot Size. No lot shall be reduced in area so that yards, lot area per family, lot width, building area or other provisions of this ordinance shall not be maintained.

550. Yard and Other Spaces. No part of a yard or other open space required about any building for the purpose of complying with the provisions of this ordinance shall be included as a part of a yard or other open space required under this ordinance for another building.

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

570. Height and Density. No building or structure shall hereafter be erected or altered so as to exceed the height limit, to accommodate or house a greater number of families, to have narrower or smaller front yards or side yards than are required or specified in the regulations herein for the district in which it is located.

580. Restrictions on Rezoning Applications. Requests for rezoning of property are restricted to one per lot, tract, or part of a tract per six months. (Changed by ordinance 92-4).

590.0 Temporary Residential Uses: Temporary residential uses are living quarters in a mobile and temporary dwelling that lacks a permanent foundation and/or does not meet the International Building Code. Temporary residential uses shall include recreational vehicles (RV's), motor homes, tents and other similar non-permanent living spaces. These

uses may only be set up and used as housing for less than thirty (30) days except when in an approved RV park or campground where they can be utilized for an unlimited period of time.

ARTICLE VI

PLANNED UNIT DEVELOPMENT

600. Statement of Purpose and Intent. Planned unit development is intended to permit great flexibility in the use and design of structures and land. Modification of specific provisions of this ordinance shall seek to accomplish the purposes of zoning to an equivalent or higher degree than were such regulations are designed to control unscheduled development on individual lots. PUD aims to promote economical and efficient land use, and improved level of amenities, appropriate and harmonious variety, creative design, and a better environment.

610. General Provisions.

611. Location. A PUD may be located within any residential, commercial or industrial district provided a development plan has been reviewed and approved by the Jefferson City Planning Commission. (Changed by re-adoption).

612. Permitted Uses. Any use which is specifically authorized in the particular zoning district in which a planned unit development is to be located shall be permissible. The Jefferson City Board of Zoning Appeals may also authorize uses not permitted in the district where the planned unit development is proposed, provided that:

612.1. Such uses do not comprise more than 10 percent of the land area of the PUD.

612.2. Such uses are desirable or convenient for residents of the PUD or the immediate neighborhood.

612.3. Such uses will not materially alter the existing character of the neighborhood.

613. Regulations to General Zoning, Subdivision, or Other Regulations; Variations on Equal Satisfaction of Public Purposes. The planned development regulations that follow shall apply generally to the initiation and regulation of all planned developments. Where there are conflicts between the planned development regulations herein and general zoning, subdivision, or other regulations, these regulations shall apply unless the Board of Zoning Appeals shall find, in a specific case, that provisions herein do not serve public purposes to a degree at least equivalent to such zoning, subdivision, or other regulations.

Where actions, designs, or solutions proposed by the applicant are not literally in accord with applicable planned development or general regulations, the Board of Zoning Appeals may make specific modifications to these regulations. Prior to authorizing any departure from existing regulations, the Board of Zoning Appeals shall find, in each case, that public purposes will be satisfied to an equivalent or greater degree.

620. Development Standards.

621. Height. No building shall exceed thirty-five (35) feet in height except that a special permit may be granted by the Board of Zoning Appeals for the construction of structures exceeding that limit, provided the following conditions are met:

621.1. A six inch waterline serves the site.

621.2. Fire hydrants are within 250 feet of all buildings.

621.2. In each structure over 35 feet, there is an internal fire protection system which will meet all applicable regulations established in the Jefferson City Fire Code.

622. Area. The minimum development site for a planned unit development shall be one acre. (Changed by ordinance 82-463).

623. Density. A residential planned unit development may have a density 15 percent greater than that of the district in which the planned development is located.

624. Parking. Off-street parking shall be provided on a site convenient to the building in accordance with the following regulations:

624.1. Residential.

624.1.1. There shall be at least two spaces per dwelling unit for townhouses, duplexes, and single-family dwellings.

624.1.2. There shall be at least one and one-half spaces per dwelling unit for apartment houses.

624.1.3. There shall be at least one space for each four seats in the main auditorium of churches and public buildings.

624.1.4. Parking spaces for parks, playgrounds, and community buildings in the development may be required according to the design of the planned unit development.

624.2. Commercial and Industrial: There shall be at least one parking space for each 300 square feet of floor space.

625. Site Improvements.

625.1. All dedicated public streets shall be constructed so as to conform with the intent of the Subdivision Regulations of the Jefferson City Planning Region.

625.2. Sidewalks shall be built. The minimum width of such sidewalks shall be four feet.

625.3. Storm drainage structures shall be constructed in accordance with plans and specifications approved by the Planning Commission. (Changed by re-adoption).

625.4. Any PUD to be constructed within Jefferson City shall be served by a sanitary sewer.

625.5. For the prevention of noise, improvement of visual character, and generally more please environment, adequate landscaping shall be required by the planning commission Appeals and shall be shown on the PUD plan.

625.6 Each PUD shall be limited to one major business sign and any number of small accessory business signs. All small accessory signs shall be a face sign attached to a building and shall not project above the building.

626. Building Construction. No multi-family structure in a PUD shall have more than four contiguous apartment units that are not separated by fire resistant construction.

627. Open Space. Open space shall be provided as follows:

627.1. Residential. On-site, usable recreation, and open space shall be provided. Such areas shall be set aside for open space and recreation purposes only. It is intended to serve the residents of the PUD, and therefore should be easily accessible to them. If the planned unit development is to be of individually owned units, then this space shall be maintained in common ownership, established in the appropriate legal manner.

627.2. Commercial and Industrial.

627.2.1. Commercial and industrial planned unit developments shall meet all open space requirements as established by this ordinance.

627.2.2. All open space shall be landscaped, and all such landscaping shall be shown on the PUD plan.

627.3. Establishment and Maintenance. Said open space shall be established in the appropriate legal manner and maintained in one of the following methods:

627.3.1. By the developer or management authority of the PUD.

627.3.2. By a homeowners association established by deed restrictions.

627.3.3. By the public if dedication of such open space is approved by the Planning Commission. (Changed by re-adoption).

628. Staging. The applicant may elect to develop the site in successive stages in a manner indicated in the PUD plan; however, each such stage shall be substantially completed within itself. The Planning Commission may require that development be done in stages if public facilities are not adequate to service the entire development initially. (Changed by re-adoption).

630. Site Plan Approval Process. The Jefferson City Planning Commission must review and approve a preliminary site plan and a final site plan.

(Changed by Ordinance 92-5 and Inserted in 491.00)

633. Administrative Procedures. The Jefferson City Planning Commission shall review the conformity of a proposed development recognizing principles of civic design, land use planning, and landscape architecture. The final design must conform with the original application to the satisfaction of the planning commission. (Changed by re-adoption).

633.2. The Jefferson City Regional Planning Commission may impose conditions regarding layout, circulation, and performance of the proposed development and may require that appropriate deed restrictions be filed. (Changed by re-adoption).

633.3. No building permit or zoning compliance permit shall be issued until a final plat of the proposed development is approved by the Planning Commission and recorded. No occupancy permit shall be issued until the Building Inspector has determined that the project as constructed meets all the requirements of the proposed plan.

The tract or parcel of land involved must be either in one ownership or the subject of an application filed jointly by the owners of all the property included.

633.4. A plat of the development shall be recorded in the Office of the Jefferson County Register of Deeds and shall show building lines, common land, streets, easements, and other applicable features required by the Subdivision Regulations of the Jefferson City Planning Region; provided, however, that the approval of said plat does not constitute the approval of a subdivision within the meaning of the subdivision regulations.

634. Abandonment of PUD Concept.

634.1. An applicant shall submit a final site plan within one year of approval of the preliminary site plan. Otherwise, approval of the preliminary site plan shall lapse.

634.2. Authorization shall expire upon the abandonment of a project or upon the expiration of three years from final site plan approval. The area authorized for PUD shall revert to the regulations of the zoning district which governed prior to approval under this section.

ARTICLE VII

PROVISIONS GOVERNING USE DISTRICTS

700. R-1 Single Family Residential District

701. State of Purposes and Intent.

702. Permitted Uses. In order to achieve the intent of the R-1, Single Family Residential District as shown on the Zoning Map of the City of Jefferson City, Tennessee, the following uses are permitted:

702.1. Single family residences.

702.2. Customary General Farming.

702.3. Customary Home Occupations including;

702.3.1. The following occupations subject to the requirements of the Board of Zoning Appeals are allowed:

Barber shop and beauty shop;

Artist, dressmaker, milliner, seamstress, tailor, interior decorator;

Professional office of a physician, dentist, lawyer, engineer, architect or accountant;

Teaching, musical instruction, or dancing, but limited to three (3) pupils at any given time.

- 702.3.2 The Board of Zoning Appeals shall review each potential customary home occupation to determine the intrusiveness into the neighborhood and to insure that there is no external evidence of the occupation and each applicant has the appropriate business license. The follow additional regulations shall be met:
- a. No signage is allowed except for one two square foot sign that is not lighted and is off the right-of-way.
 - b. Not more than thirty (30) percent of the total home floor area including the dwelling, garage and storage areas are used for the home business,
 - c. No more than two (2) employees are allowed, one of which has to be a family member.
 - d. No more than two customers maybe present at any given time.
 - e. Two paved parking places must be provided for customers. These parking places must be landscaped with bushes to minimize the intrusiveness of the business.
 - f. No more than one delivery truck visit per day is allowed.
 - g. No storage of wares is permitted outside the home.
 - h. No on-street parking is permitted.
 - i. A site plan shall be submitted to the Board of Zoning Appeals for review.

702.3.3 The Board of Zoning Appeals may revoke the customary home occupation in a public hearing after a complaint has been filed by the police, the building official, or a neighbor. Revocation may include:

- a. Noncompliance with the above rules and site plan.
- b. Noise emanating from the business that disturbs surrounding property owners.
- c. Misrepresentation of the business.
- d. Change in the business without a reapplication to the Board of Zoning Appeals.
- e. Heavy and frequent truck traffic.
- f. Inappropriate business hours from 10 P.M. to 8:00 A.M.
- g. Failure to maintain the property where the business is located by failing to mow grass, inappropriate junk, and deterioration of the buildings/dwellings.

702.4. Public buildings, and uses, schools offering general education, and churches, provided that:

702.4.1. The location of these uses shall first be reviewed by the Jefferson City Regional Planning Commission.

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

702.4.3. There are placed buffer strips along side and rear property lines.

702.5. Customary accessory buildings provided that they are located in rear yards and are not closer than five (5) feet to any property line.

710. R-2, Multiple Family Residential District.

711. Statement of Purpose and Intent. This district is intended to establish areas for multi-family dwellings and related uses. The multiple family districts are further provided to serve as zones of transition between the nonresidential districts and the lower density single family districts.

712. Permitted Uses. In order to achieve the intent of the R-2, Multiple Family District, as shown on the Zoning Map of the City of Jefferson City, Tennessee, the following uses are permitted:

712.1. Any use permitted in the R-1, Single Family Residential District.

712.2. Two family and multiple family dwellings.

712.3 Condominium

720. P-1, Professional and Civic District

721. Statement of Purpose and Intent. This district is intended to accommodate land uses which provide professional civic activities.

722. Permitted Uses. In order to achieve the intent of the P-1, Professional and Civic District, as shown on the Zoning Map of the City of Jefferson City, Tennessee, the following uses are permitted:

722.1. Any use permitted and as regulated in the R-1, Single Family Residential District.

722.2. Churches and places of worship.

722.3. Professional and business offices provided that:

722.3.1. There is no activity catering to retail trade with the general public.

722.3.2. Front yard parking is prohibited.

722.4. Funeral homes.

722.5. Schools and colleges offering general education, provided that:

722.5.1. The location of these uses shall first be reviewed by the Jefferson City Regional Planning Commission.

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

722.6. Private clubs and lodges.

723. P-2, Professional and Civic District

723. Statement of Purpose and Intent. This district is intended to accommodate land uses which provide professional civic activities.

723. Permitted Uses. In order to achieve the intent of the P-2, Professional and Civic District, as shown on the Zoning Map of the City of Jefferson City, Tennessee, the following uses are permitted:

723.1. Any use permitted and as regulated in the R-2, Multiple Family Residential District.

723.2. Churches and places of worship.

723.3. Professional and business offices provided that:

723.3.1. There is no activity catering to retail trade with the general public.

723.3.2. Front yard parking is prohibited.

723.4. Funeral homes.

723.5. Schools and colleges offering general education, provided that:

723.5.1. The location of these uses shall first be reviewed by the Jefferson City Regional Planning Commission.

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

723.6. Private clubs and lodges.

(P-2: Adopted as section 800 and reformatted to section 723)

724. R-3, High Density Planned Residential Development District

724 Statement of Purpose and Intent. This district is intended to establish areas for condominium developments and subdivision developments which have lot sizes ranging from 6,000 square feet to 10,000 square feet. This district's purpose is to allow alternative housing types yet afford protection to property owners in terms of drainage run-off, traffic congestion, poorly designed high density developments and other factors affecting the health, safety, and welfare of residents.

724.1. Permitted Uses

In order to achieve the intent of the R-3, High Density Planned Development District, as shown on the Zoning Map of the City of Jefferson City, Tennessee, the following uses are permitted.

724.2. Condominiums with either: common ownership of yard areas and individual ownership of units or individual ownership of units and yard areas with units having common fire walls...provided that these subdivisions meet the requirements of the Jefferson City Subdivision Regulations, Article III, part H.1. Planned Unit Development.

724.3. Single family lots ranging from 6,000 square feet to 10,000 square feet, provided that these meet the requirements of the Jefferson City Subdivision

Regulations, Article III, part H.1. Planned Unit Development.

724.4. Mobile home parks, provided they conform to the requirements of Article VI, Planned Unit Development with no common fire walls...provided that these subdivisions meet the requirements of the Jefferson City Subdivision Regulations Article III, part H.1. Planned Unit Development.

724.5. Governmental uses.

724.6. Public recreation areas.

(The above R-3 High Density Planned Residential Zoning District was adopted by ordinance 91-29).

730. B-1, Neighborhood Business District.

731. Statement of Purpose and Intent. This district is intended to meet the day-to-day convenience shopping and service needs of persons residing in adjacent residential areas.

732. Permitted Uses. In order to achieve the intent of the B-1, Neighborhood Business District, as shown on the Zoning Map of the City of Jefferson City, Tennessee, the following uses are permitted:

732.1. Any use permitted in the P-1, Professional and Civic District.

732.2. Generally recognized retail businesses and service establishments which supply goods or services on the premises, such as, but not limited to:

732.2.1. Grocery stores, drug stores, hardware stores, shoe repair shops, barber and beauty shops, laundromats and dry cleaners, restaurants, and similar uses.

732.3. Shopping centers provided that they shall conform to all requirements of Article VI, Planned Unit Development.

732.4. Business signs provided that:

732.4.1. All signs, except one detached sign allowable in a planned unit development, shall be built flat against the front or side of a building or within eighteen (18) inches thereof.

732.4.2. All signs shall not project above buildings.

732.4.3. All signs shall not have flashing or moving illumination.

732.5. Gasoline service stations provided that:

732.5.1. All structures, including underground storage tanks, shall be placed not less than twenty (20) feet from all property lines.

732.5.2. Points of entry and exit shall be not less than fifteen (15) feet from the intersection of street lines.

732.6. Light Manufacturing uses shall be allowed as special exceptions by the Board of Zoning Appeals provided that:

732.6.1. The use will not create excessive traffic and noise nor otherwise adversely affect neighboring properties.

732.6.2. The use will occupy an existing building that was originally occupied by another use.

732.6.3. All operations and the storage of materials will occur entirely within the building.

740. B-2, Central Business District.

741. Statement of Purpose and Intent. This district is intended to establish an area for the concentrated, centrally located business development required by a large consumer population. The regulations are designed to preserve the clustering of business establishments and public uses and accommodate the large volumes of vehicular and pedestrian traffic these activities generate.

742. Permitted Uses. In order to achieve the intent of the B-2, Central Business District, as shown on the Zoning Map of the City of Jefferson City, Tennessee, the following uses are permitted:

742.1. All retail and service establishments.

742.2. All professional and business offices.

742.3. Public buildings and uses upon review by the Jefferson City Regional Planning Commission.

742.4. Parking lots and garages.

742.5. Semi-public uses upon approval of a site plan by the building inspector.

742.6. Multiple family dwellings as documented and regulated by R-2, Multiple Family Residential District.

742.7. Business signs provided that:

742.7.1. All signs, except one detached sign allowable in a planned unit development, shall be built flat against the front or side of a building or within eighteen (18) inches thereof.

742.8. Lodges and clubs.

(See also requirements of Section 732.40, formerly 470 through 470.7, as adopted and re-adopted in this ordinance)

742.8 Special Exceptions: (changed by ordinance 666 and renumbered by adoption)

Light manufacturing uses shall be allowed as special exceptions by the Board of Zoning Appeals provided that:

742.8-1. The use will not create excessive traffic and noise nor otherwise adversely affect neighboring properties.

742.8-2. The use will occupy an existing building that was originally occupied by another use.

742.8-3. All operations and the storage of materials will occur entirely within the building.

750. B-3, Highway Business District

751. Statement of Purpose and Intent. This district is intended to establish areas that encourage the grouping of compatible business activities to reduce parking and traffic congestion along the highways.

752. Permitted Uses. In order to achieve the intent of the B-3, Highway Business District, as shown on the Zoning Map of the City of Jefferson City, Tennessee, the following use are permitted:

752.1. Any business use permitted in the B-1, Local Business District.

752.2. Hotels and motels.

752.3. Automobile and mobile home sales.

752.4. Restaurants.

752.5. Places of amusement, recreation, or assembly.

752.6. Travel trailer parks.

752.7. Lodges and clubs.

752.8. Rooming and Boarding Houses

752.9. Multi-family Apartment Uses provided that that the minimum unit be a four plex, meet all the setback, lot size, road frontage, height and density requirements in the R-2 Zoning District and meet the parking requirements contained in Section 410.4.1..

760. M-1, Light Industrial District. This district is intended to establish and preserve areas for industrial and related uses of such a nature that they do not create serious problems of compatibility with other kinds of land uses. Further, this district is intended to provide for certain kinds of commercial uses which are most appropriately located as neighbors of industrial uses or which are necessary to service the immediate needs of people in these areas.

762. Permitted Uses. In order to achieve the intent of the M-1 Light Industrial District, as shown on the Zoning Map of the City of Jefferson City, Tennessee, the following uses are permitted:

762.1. Manufacturing.

762.2. Wholesaling.

762.3. Warehousing.

762.4. General repair and service of automobiles, trucks, and construction equipment.

762.5. Commercial uses noted as follows:

762.5.1. Gas stations.

762.5.2. Restaurants.

762.5.3. Sale of motor vehicles, including mobile homes and recreational vehicles.

762.5.4. Sale of construction equipment.

770. M-2, Heavy Industrial District

771. State of Purpose and Intent. This district is intended to establish and preserve areas for necessary industrial and related uses of such a nature that they may require isolation from other kinds of land uses. The district is further intended to make provision for commercial uses which are necessary to service to the immediate needs of people in these areas.

772. Permitted Uses. In order to achieve the intent of the M-2, Heavy Industrial District, as shown on the Zoning Map of the City of Jefferson City, Tennessee, the following uses are permitted:

772.1. All uses permitted in the M-1, Light Industrial District.

772.2. Mining.

772.3. Bulk storage.

780. F-1, Floodway District.

THIS SECTION WAS DELETED BY ORDINANCE 2011-05 IN ITS ENTIRETY ON MARCH 7TH 2011 AND HAS BEEN REPLACED AS AN INDEPENDENT ORDINANCE.

780. B-4, ~~General Commercial District~~

781. Statement of Purpose and Intent. This district is intended to encourage the clustering of a broad range of commercial activities within areas to a major street system, while discouraging the proliferation of "strip commercial" areas directly along highways and major thoroughfares. The regulations are intended to encourage an orderly development design for large tracts of land, providing for the rational placement of activities, parking and flow of auto and pedestrian traffic, loading access, and landscaping. Mixing of light industrial activities such as manufacturing, wholesaling and distribution is to be permitted where it can be designed for compatibility with commercial uses as outlines in this

section.

782. Permitted Uses. In order to achieve the intent of the B-4, General Commercial Park District, as shown on the Zoning Map of the City of Jefferson City, Tennessee, the following uses are permitted:

- 782.1. Retail sales, where products are primarily displayed indoors.
- 782.2. Professional services provided by members of a recognized profession such as medicine, licensed health care, engineering, architecture, or law, and also including those related to financial services, insurance and real estate.
- 782.3. General business offices and services.
- 782.4. Medical and other health care facilities for in-patient and/or outpatient services.
- 782.5. Hotels, motels, and other lodging for travelers or visitors.
- 782.6. Gasoline service stations, provided that all structures, including underground storage tanks, shall be placed not less than twenty (20) feet from all property lines, and provided that all vehicle repair/servicing shall be conducted indoors.
- 782.7. Public Utilities.
- 782.8. Indoor recreational and exercise facilities.
- 782.9. Public buildings and public or private places of assembly, including churches and theaters.
- 782.10. Multifamily dwellings as permitted in the R-2 District.
- 782.11. Adult care centers and child care centers.
- 782.12. Restaurants.
- 782.13. Parking Lots and parking garages.
- 782.14. Pain management and methadone clinics as defined in Tennessee Code Annotated 63-1-301 and 63-1-302.

783. The following uses shall be permitted by the Board of Zoning Appeals as special exceptions:

- 783.1. Wholesale trade, warehousing and distribution centers, and self-service storage facilities.
- 783.2. Light manufacturing processes which take place in an enclosed building and will not produce and noise, glare, order, dust, or vibrations which are detectable outside the building.
- 783.3. In granting a special exception for said uses, the Board of Zoning Appeals must find that:

- 783.3.1 The use will not create excessive traffic or noise nor otherwise adversely affect neighboring properties.

- 783.3.2 All operations will occur entirely within the building.

- 783.3.3 All storage of materials will either occur in an outdoor storage area which has been screened and fenced according to the requirements of this article.

784. Minimum Land Area. There shall not be less than fifteen (15) acres within a B-4 General Commercial Park District.

785. Development Standards.

- 785.1 Height. No building shall exceed three (3) stories in height except that a permit shall be granted by the Board of Zoning Appeals for the construction of structures exceeding that limit, provided that the following conditions are met:

- 785.1.1 A six inch waterline serves the site.

- 785.1.2 Fire hydrants are within 250 feet of all buildings.

- 785.1.3 In each structure, there is an internal fire protection system which will meet all applicable regulations extanlished in the Standard Fire Prevention Code and the

Standard Building Code as adopted by Jefferson City.

785.2 Parking. The parking standards set forth in Article IV, Section 410 shall be the parking standards for a General Commercial Park District.

785.3 Street Construction. All streets shall be constructed as required by the subdivision regulations of the Jefferson City Planning Region.

785.4 Sidewalks. Sidewalks shall be built. The minimum width of such sidewalks shall be four feet.

785.5 Utilities. All properties to be developed within a B-4 District must be served by public water and sewer. Water and sewer lines within the development shall be a minimum of six (6) inches in diameter. Fire hydrants shall be located within five (500) feet of every structure, or closer if required by the Standard Fire Prevention Code and Standard Building Code as adopted by Jefferson City.

785.5.1 Permanent utility lines within the development shall be placed underground.

785.6 Setback Yards.

785.6.1 Internal setback yards. Within the development, there shall be a front setback yard at least twenty-five (25) feet wide as measured from the street right-of-way line to the nearest portion of the building or parking area. This front yard area shall be maintained in grass or other landscaping materials. No storage shall be permitted in the front yard.

785.6.2 No specific side or rear yard shall be required.

785.6.3 Buffers from adjacent development.

785.6.3.1 A landscaped buffer fifty (50) feet wide shall be provided between any development site within the district and any public road existing prior to the designation of that area as a B-4 district. Such buffer may be maintained in grass or other landscaping materials.

785.6.3.2 A landscaped buffer fifty (50) feet wide shall be provided between the development site and any residentially zoned land. Such buffer shall consist of evergreen plantings to provide a visual screen more than ten (10) feet apart for trees and five (5) feet apart for shrubs. Plant selections that require different spacing may be substituted, provided that they form a complete visual screen and are approved by the City Codes Enforcement Officer prior to planting. These plantings shall reach a minimum height of six (6) feet within a period of one year, and shall be maintained on an ongoing basis by the property owner.

785.7 Landscaping.

785.7.1 The development shall have at least five hundred (500) square feet of landscaped area for every twenty thousand (20,000) square feet or fraction thereof of paved parking area. The development shall also have one (1) tree that will attain a minimum height of twenty-five (25) feet at maturity for each five thousand (5,000) square feet of parking area. Trees shall be replaced as

needed on a continuing basis to maintain compliance with this section.

785.7.2 Loading, service and outdoor storage areas shall be screened with evergreen planting that will attain a minimum height of five (5) feet within a period of one year. Plantings shall be replaced as needed on a continuing basis to maintain compliance with this section.

785.8 Outdoor Storage. All outdoor storage areas must be enclosed completely by a fence at least six (6) feet in height. Landscaping required by this article for outdoor storage areas shall be planted outside the required fence.

785.9 Only the following signs shall be permitted in a B-4 District:

785.9.1 Project Identification Signs

Each general commercial park shall be limited to one major ground sign for each separate public frontage. Such sign shall not exceed six hundred fifty (650) square feet in area, including all secondary signs placed on the same supporting structure to advertise tenants in the park, and shall not exceed the maximum building height applicable to that district.

785.9.2 Project Development Clusters Within Total District

Each cluster of tenants which share a common entrance driveway within the development may have no more than one (1) sign, with a maximum height of fifteen (15) feet, per entrance driveway. Such sign shall be setback no less than five (5) feet from the road right-of-way. Sign area shall be limited according to the number of tenants in a cluster as follows:

- 785.9.2.1 1-4 tenants: maximum of 150 square feet.
- 785.9.2.2 5-8 tenants: maximum of 175 square feet
- 785.9.2.3 10 or more tenants: maximum of 200 square feet

785.9.3 Building Signs or Signs Within Developed Clusters of Total District.

785.9.3.1 Theaters, hotels, motels, and other retail establishments which have only one tenant per building: wall signs shall have a maximum area equal to 10% of the front facade wall area, not to exceed 350 square feet.

785.9.3.2 Small groups of buildings up to 40,000 square feet: The total area of all wall signs on a building shall have a maximum area equal to 10% of the front facade wall area, not to exceed 85 square feet per business.

785.9.3.3 Large groups of buildings over 40,000 square feet: The total area of all wall signs shall have a maximum area equal to 10% of the front facade wall area, not to exceed 250 square feet per business.

785.9.3.4 Directional signs with an area of nine (9) square feet or less shall be permitted where needed. Such signs shall contain only directional information. All traffic control signs shall be designed and placed as required in the latest edition of the *Manual on Uniform Traffic Control Devices*.

785.9.4 Signs may be illuminated from within. No flashing signs or signs with exposed bulbs shall be permitted in the development.

788. Procedure for application and administration. A development plan for a site of 10 acres or more,

consisting of a preliminary and final site plan, must be submitted and approved by the Jefferson City Regional Planning Commission as being in conformity with the requirements of the B-4 zoning as described in this Article before a building permit is issued. The applicant shall submit a preliminary and final site plan which meet the requirements of Article IV, Sections 491 through 493 of this ordinance.

790. AF-1, Agricultural - Forestry District

791. Statement of Purpose and Intent. This district is designed to provide suitable areas for farming and other agricultural pursuits in and around urbanizing areas of Jefferson City. The primary intent of the AF-1 District is to minimize conflicts between agricultural activities and various non-farm activities, to permit lands best suited for intense agricultural uses to be preserved for these purposes and to prevent lands unsuitable for development to become urban in nature.

792. Permitted Uses. In order to achieve the intent of the AF-1, Agricultural-Forestry District, the following uses are permitted:

792.1. Agriculture and forestry uses and their accessory structures as defined in Article III, Section 310.

792.1. Single-family residences and mobile homes.

792.3. Signs advertising the sale of farm products produced on the premises as regulated in Section 732.4.

792.4. Customary home occupations.

792.5. Agricultural processing.

792.6. Public recreational uses.

792.7. Public utilities.

792.8. Subsurface extraction of natural mineral resources.

792.9. Forestry activities and related services.

792.10. Roadside stands for the display or sale of agricultural products raised on the premises, provided that such stand does not exceed provided that such stand does not exceed 300 square feet in area, is not located closer than 15 feet from the roadway, and is located no closer than 200 feet to the nearest residence other than the farmstead, with which it is associated.

ARTICLE VIII

| <u>MINIMUM LOT SIZE</u> | | | | <u>MINIMUM YARD DIMENSIONS</u> (CORNER LOTS SEE 520) | | | <u>MAXIMUM HEIGHT OF STRUCTURES</u> |
|--------------------------------|--|------------|-----------------------------|---|----------------|--------|-------------------------------------|
| DISTRICTS | Lot Size (Area in Sq. Ft.) | | Frontage (width in feet) | Front | Each side yard | Rear | |
| R-1 | 10,890 | -- | 50 ft. * | 30 ft. | 15 ft. | 30 ft. | 35 ft. |
| R-2 | 7,500 + 3000 per unit | | 50 ft.* | 30 ft. | 8 ft. # | 25 ft. | 35 ft. |
| R-3 | 6,000 | | | 25 ft. | 10 ft. | 10 ft. | PUD Requirement |
| P-1 | --- | --- | --- | 30 ft. | 10 ft. | 25 ft. | 35 ft. |
| P-2 | | | | 30 ft. | 10 ft. | 25 ft. | 35 ft. |
| B-1 | --- | --- | --- | 30 ft. | 10 ft. | 25 ft. | 35 ft. |
| B-2 | Non-residential lots shall be at least 7,500 sq. ft. in area and large enough to accommodate any proposed buildings, off-street parking, and open space. | | | --- | --- | --- | 35 ft. |
| B-3 | --- | --- | --- | 30 ft. | 10 ft. | 25 ft. | 35 ft. |
| B-4 | 15 acres | | See section 785.6 | | | | |
| M-1 | --- | --- | --- | 30 ft. | 20 ft. | 25 ft. | 60 ft. |
| M-2 | --- | --- | --- | 30 ft. | 20 ft. | 25 ft. | 60 ft. |
| AF-1 | 5 acres | --- | --- | 30 ft. | 30 ft. | 25 ft. | 35 ft. |
| *Amended by Ordinance 2017-01. | | #Per story | + Per additi | | | | |
| + Per additional family | | | | | | | |

ARTICLE IX

EXCEPTIONS AND MODIFICATIONS

900. Lot of Record. Where the owner of a lot consisting of one or more adjacent lots of official record at the time does not own sufficient land to enable him to conform to the yard or other requirements of this ordinance, an application may be submitted to the Board of Zoning Appeals for a variance from the terms of this ordinance, in accordance with Article XI. Such lot may be used as a building site, provided, however, that the yard and other requirements of the district are complied with as closely as is possible in the opinion of the Board of Zoning Appeals.

910. Adjoining and Vacant Lots of Record. A plat of land consisting of one or more adjacent lots with continuous frontage in single ownership which individually are less than lot widths required by this ordinance, such groups of lots shall be considered as a single lot or several lots of minimum permitted size and the lot or lots in one ownership shall be subjected to the requirements of this ordinance.

930. Group Housing Projects. In the case of a group housing project or two or more buildings to be constructed on a plot of ground of at least two acres not subdivided into the customary streets and lots and which will not be so subdivided or where the existing or contemplated street and lot layout make it impracticable to apply the requirements of this ordinance to the individual building units in such housing projects, a special exception to the terms of this ordinance may be made by the Board of Zoning Appeals in a manner that will be in harmony with the character of the neighborhood, will insure substantially the same character of occupancy and intensity of land use no higher than a standard of open space no lower than that permitted by this ordinance in the district in which the project is to be located. However, in no case shall the Board of Zoning Appeals authorize a use prohibited in the district in which the project is located or a smaller lot

area per family than the minimum required in such district, or a greater height or a larger coverage than the requirements of this ordinance permit in such a district.

940. Exception on Height Limits The height limitations of this ordinance shall not apply to church spires, belfries, cupolas and domes not intended for human occupancy, monuments, water towers, observation towers, transmission towers, windmills, chimneys, smokestacks, derricks, conveyors, flag poles, radio towers, masts and aerials and mining head frames.

950. Permanent Accessories to Mining Operations. The installation of permanent accessories to mining operations, such as ventilating shafts or fans substations, or transformer banks, or other necessary equipment for the operation of the mine, are subject to review by the Planning Commission.

960. Conformity to Front Setbacks (Amended by Ordinance 480). Front, rear, and side yard setbacks shall conform to district regulations except where existing yards within one hundred-fifty (150) feet of a lot, and within the same zoning district, do not meet the requirements of the district. The yards may be equal to the average setbacks as the Board of Zoning Appeals determines.

ARTICLE X

ENFORCEMENT

1000. Enforcing Officer. The provisions of this ordinance shall be administered and enforced by the Municipal Building Inspector. This official shall have the right to enter upon any premises necessary to carry out his duties in the enforcement of this ordinance.

1010. Building Permit Required. It shall be unlawful to commence the excavation for or the construction of any building including accessory buildings, or to commence the moving or alteration of any building, including accessory buildings until the building inspector has issued for such work a building permit including a statement that the plans, specifications and intended use of such building in

all respects conform with the provisions of this ordinance. Application for a building permit shall be made to the building inspector.

1020. Issuance of Building Permit. In applying to the building inspector for a building permit, the applicant shall submit a dimensioned sketch or scale plan indicating the shape, size, height, and location of all buildings to be erected, altered or moved, and of any building already on the lot. He shall also state the existing and intended use of all such buildings and supply such other information as may be required by the building inspector for determining whether the provisions of this ordinance are being observed. If the proposed excavation or construction as set forth in the application are in conformity with the provisions of this ordinance, the building inspector shall issue a building permit for such excavation or construction. If a building permit is refused, the building inspector shall state such refusal in writing with cause.

1030. Certificate of Occupancy. Upon the completion of the construction or alteration of a building or structure for which a building permit has been granted application shall be made to the building inspector for a certificate of occupancy. Within three days of such application, the building inspector shall make a final inspection of the property in question, and shall issue a certificate of occupancy if the building or structure is found to conform to the provisions of the ordinance and the statements made in the application for the building permit. If such a certificate is refused, the building inspector shall state such refusal in writing with the cause. No land or building hereafter erected or altered in its used, shall be used until such a certificate of occupancy has been granted.

1040. Penalties. Any persons violating any provision of the ordinance shall be guilty of a misdemeanor, and upon conviction shall be fined not less than two dollars (\$2.00) nor more than fifty dollars (\$50.00) for each offense. Each day such violation shall continue shall constitute a separate offense.

1050. Remedies. In case any building or structure is erected, constructed, reconstructed, repaired, converted or maintained, or any building, or structure of land is used

in violation of this ordinance, the building inspector or any other appropriate authority or any adjacent or neighboring property owner who would be damaged by such violation, in addition to other remedies may institute injunction, mandamus, or other appropriate action in proceeding to prevent the occupancy or use of such building.

ARTICLE XI

BOARD OF ZONING APPEALS

1100. Creation and Appointment. A Board of Zoning Appeals is hereby established in accordance with Section 13-705, Tennessee Code Annotated, Volume 3, same being Section 5, Chapter 44 of Public Acts of Tennessee of 1935. The Jefferson City Regional Planning Commission is hereby designated as the Board of Zoning Appeals and the terms of the members of the Board of Zoning Appeals shall be concurrent with the terms of the members of the Jefferson City Regional Planning Commission.

1110. Procedure. Meetings of the Board of Zoning Appeals shall be held at the call of the chairman or by a majority of the membership and at such other times as the board may determine. Such chairman, or in his absence, the acting chairman, may administer oaths and compel the attendance of witnesses. All meetings of the board shall be open to the public. The board shall keep minutes of its proceedings, showing the vote of each member upon each question, or, if absent or failing to vote, indicating such fact; shall take all evidence necessary to justify or explain its action, and shall keep records of its examinations and of other official action, all of which shall be immediately filed in the office of the board and shall be a public record.

1120. Appeals: How Taken. An appeal to the Board of Zoning Appeals may be taken by any person, firm or corporation aggrieved, or by any governmental officer, department, board or bureau affected by any decision of the building inspector based in the whole or part on provisions of this ordinance. Such appeal shall be taken within a reasonable time, as provided by the rules of the Board, by filing with the building inspector and with the Board of Zoning Appeals a notice of appeal, specifying the grounds thereof. The building inspector shall transmit forthwith to the Board all papers constituting the record upon which the action 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 hearing, any party may appear in person or by agent or attorney.

1130. Powers. The Board of Zoning Appeals shall have the following powers:

1131. Administrative Review. To hear and decide appeals where it is alleged by the appellant that there is error in any order requirement, permit decision, determination or refusal made by the building inspector or other administrative official in the carrying out or enforcement of any provision of this ordinance.

1132. Special Exceptions. To hear and decide special exceptions to this ordinance as set forth in Article IX.

1133. Variance. To hear and decide applications for variance from the terms of this ordinance, but only where, by reason of exceptional narrowness, shallowness or shape of a specific piece of property at the time of adoption of this ordinance was a lot of record; or where by reason of exceptional topographical conditions or other extraordinary situations or conditions of a piece of property, the strict application of the provisions of this ordinance would result in exceptional practical difficulties to or exceptional and undue hardship upon the owner of such property, provided that such relief may be granted without substantial detriment to the public good and without substantially impairing the intent

and purpose of this ordinance. In granting a variance, the Board may attach thereto such conditions regarding the location, character and other features of the proposed building, structure or use as it may deem advisable in furtherance of the purpose of this ordinance. Before any variance is granted it shall be shown that special circumstances are attached to the property which do not generally apply to other property in the neighborhood.

1140. Action of the Board of Zoning Appeals. In exercising the aforementioned powers, the Board of Zoning Appeals may, in conformity with the provisions of this ordinance, reverse or affirm, wholly or partly, or may modify the order, requirement, decision or determination appealed from, and to that end shall have all powers of the building inspector. The concurring vote of a majority of the Board shall be necessary to reverse any order, requirement, decision or determination of any such administrative official, or to decide in favor of the applicant on any matter upon which it is required to pass under this ordinance, or to authorize any variance from the terms of this ordinance.

ARTICLE XII

AMENDMENT

1200. Authority to Amend. The regulations and the number or boundaries of districts, established by the zoning ordinance may be amended by the Jefferson City City Council. As authorized by the Tennessee Code Annotated 13-703 and 13-704, no amendment shall become effective unless it is first submitted to the Jefferson City Regional Planning Commission. If disapproved by the planning commission, an amendment may still become effective if it receives the favorable vote of a majority of the entire membership of the city council. Before finally adopting any such amendment, the city council shall hold a public hearing, at least fifteen (15) days' notice of the time and

place of which shall be published in a newspaper of general circulation in the municipality.

1212. Notice to Property Owners. Person(s) requesting a rezoning must submit to each property owner and resident within two hundred (200) feet of the proposed rezoning. These letters shall include: (1) existing zoning classification of the area proposed for rezoning; (2) petitioned zoning classification; (3) description of the property; (4) proposed use of the property; and (5) notification of public hearing before the planning commission. The return address of the planning commission must appear on the envelope, and a list of all persons to whom letters are sent must accompany the application.

1213. Posting Requirements for Rezoning Requests. Notice of public Hearing before City Council to consider the rezoning request shall be by signs posted on the property sought to be rezoned for fifteen (15) consecutive days immediately prior to the hearing. Any parcel of one (1) acre or less fronting along one street shall be posted with one sign easily visible from the street. Any parcel of one (1) acre or less fronting along more than one street shall be posted by two signs positioned so as to be visible from the fronting streets. Parcels of more than one (1) acre(s) shall be posted by three signs positioned so as to be easily visible from fronting streets.

ARTICLE XIII

LEGAL STATUS PROVISIONS

1300. 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 Jefferson City, the most restrictive shall in all cases apply.

1310. Validity. 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.

1320. Effective Date. This ordinance shall take effect and be in force fifteen (15) days from and after its passage, the public welfare demanding it.

**Certified by the Jefferson Municipal
Planning Commission on _____.**

Approved on first reading _____

Approved on second reading _____

Attest:

City Recorder

Authenticated:

_____ **Mayor**