

**ORDINANCE NO.2021-07**

**AN ORDINANCE AMENDING THE ZONING ORDINANCE OF THE CITY OF  
LA FOLLETTE, TENNESSEE**

**WHEREAS**, The LaFollette Board of Mayor and Council, in accordance with Section 13-7-204 of the Tennessee Code Annotated, may amend the “Zoning Ordinance of LaFollette, Tennessee”; and

**WHEREAS**, The LaFollette Board of Mayor and Council desires to amend Chapter 4, Section 11-403, R-1 Low Density Residential Districts, by adding a definition of “Single Family Dwellings”

**NOW, THEREFORE, BE IT ORDAINED** By the LaFollette Board of Mayor and Council of the City of LaFollette, Tennessee that Chapter 4, Section 11-403, R-1 Low Density Residential Districts of the Zoning Ordinance of the City of LaFollette, Tennessee shall be amended by adding a new section as follows:

13. Single-family dwelling defined.

- (a) For purposes of this chapter, a dwelling unit will be considered a single-family dwelling only if its permanent occupants are limited to one of the following categories:
- (1) One individual.
  - (2) Any number of persons related by blood, marriage, adoption or foster care.
  - (3) A group of persons consisting of an individual or any number of persons related by blood, marriage, adoption or foster care, such occupant(s) being referred to as the "primary occupant(s)" for the purposes of this section; plus no more than one person who is not related to a primary occupant, and the biological or adoptive children of that person; all of whom occupy the dwelling unit and function as a single housekeeping unit with common kitchen facilities. Providing unrestricted access to the entire dwelling to all occupants; sharing food and other necessities; and sharing household expenses and responsibilities are indications that a group of persons is living as a single housekeeping unit. For purposes of this section, at least one of the "primary occupants" of a dwelling must have evidence of a legal right to occupy the property, such as being named on a deed or lease to the property.
  - (4) Not more than eight unrelated mentally retarded, mentally handicapped or physically handicapped persons (as determined by any duly authorized entity, including governmental agencies or licensed medical practitioners) pursuant to the requirements of T.C.A. § 13-24-102. Such a dwelling may also be occupied by three additional persons acting as houseparents or guardians, who need not be related to each other or to any of the other persons residing in the home. Notwithstanding the foregoing, a group home operated as a for-profit commercial enterprise shall not be a permitted use within a residential zoning district. As used in this section, "mentally handicapped" does not include:

1. Persons who are mentally ill and, because of such mental illness, pose a likelihood of serious harm as defined in T.C.A. § 33-6-501, or who have been convicted of serious criminal conduct related to such mental illness.
  2. The current, illegal use of a controlled substance.
- (b) For purposes of this section, a person will be considered "not related" to a primary occupant if the relationship between such person and such primary occupant is more distant in degree than that of first cousins.
- (c) If a person:
- (1) Occupies a dwelling for more than 21 days within any 12-month period;
  - (2) Registers to vote using the address of a dwelling;
  - (3) Receives mail at a dwelling;
  - (4) Registers a vehicle or applies for a driver's license using the address of the dwelling; or
  - (5) Is registered to attend school, using the address of the dwelling, or is registered as a home school student at such address;

then such person is considered to be a permanent occupant of a dwelling for purposes of this section, and shall be subject to the limitations on the number of permanent occupants established herein.

- (d) For purposes of this chapter, the following are not considered to be single-family dwellings:
- (1) Boarding houses.
  - (2) Apartment houses.
  - (3) Dwelling units in which one or more rooms are rented to unrelated tenants.
  - (4) Dwelling units in which separate portions are designated for or used as separate housekeeping units.
  - (5) Structures or portions of structures which are designed or constructed for any of the above purposes;

and such structures and uses of structures are explicitly prohibited in each residential zoning district unless otherwise specifically permitted. Notwithstanding the foregoing, "single-family dwelling" may include a dwelling unit which includes separate quarters for persons who are related by blood, marriage or adoption to the primary occupants, provided such quarters are connected by interior passageways to the other portions of the dwelling unit, and are not rented to any unrelated tenants or otherwise used in violation of this chapter. If more than one meter is installed for the same type of household utility service, it will be presumed that a structure is not being used as a single-family dwelling.

- (e) With the exception of bed and breakfast lodges permitted under the provisions of this chapter, no single-family dwelling or portion thereof may be rented out to any tenant(s) for a period of less than three months. As used in this subsection, "tenant(s)" shall refer to one or more persons actually occupying a dwelling or portion thereof. Notwithstanding the foregoing, if a tenant has occupied a dwelling for a period of three months or more, the same tenant's occupancy may subsequently be extended for periods of less than three months.
- (f) Notwithstanding any other provisions to the contrary, subject to the city manager's approval, and for such periods of time as the city manager deems reasonable and necessary, a single-family dwelling may include, on a temporary basis, one or more persons, not related to the primary occupants, who have been dislocated from their permanent dwelling due to an officially recognized local, regional or national emergency. A report shall be provided to advise the board of commissioners and the planning and codes department of any such situations approved by the city administrator.

**A Conflict with Other Ordinances.** In case of conflict between this ordinance or any part thereof, and the whole or part of any existing or future ordinance of the City of LaFollette, the most restrictive shall in all cases apply.

**B. Validity.** If any section, clause, provision, or portion of this Ordinance shall be held to be in doubt 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.

**C. Effective Date.** This ordinance shall become effective upon passage and publication, the public welfare requiring it.

**D.** This ordinance shall be effective from and after the second reading, the public welfare requiring it.

Passed on First and Second Reading: June 1, 2021

Public Hearing: July 13, 2021

Third and Final Reading: July 13, 2021

APPROVED   
MAYOR

  
CITY RECORDER

Certified to the LaFollette Board of Mayor and Council this 13<sup>th</sup> day of June, 2021,  
with approval recommended by the LaFollette Planning Commission.

Mr. Farmer

Ms. Grimm

Mr. Hoskins

Mr. Kirts

COUNCIL

7-13-21

DATE