

CHAPTER 2
ZOING CODE

SECTION

11-201	ZONING CODE AND ZONING MAP
11-202	PURPOSE OF ZONING CODE
11-203	DEFINITIONS

11-201. ZONING CODE AND ZONING MAP. Title 11, Chapters 2 through 9, inclusive, of this code shall be known as the zoning code, and a map titled “Zoning Map of LaFollette, Tennessee.”

11-202. Purpose of Zoning Code. The zoning regulations and districts as herein set forth have been made in accordance with a comprehensive plan for the purpose of promoting the public health, safety, morals, convenience, order, prosperity, and general welfare of the community. They have been made with reasonable consideration among other things as to the character of each district and its peculiar uses, and with a view of conserving the value of buildings and encouraging the most appropriate use of land throughout the city. (Ord. No. 382, sec.11-202)

11-203. Definitions. For the purpose of this zoning code and in order to carry out the provisions and intentions as set forth herein, certain words, terms, and phrases are to be used and interpreted as defined hereinafter. Words used in the present tense shall include the future tense; words in the singular number include the plural and words in the plural number include the singular; the word “person” includes a firm, partnership, or corporation as well as an individual; the term “shall” is always mandatory and not directory; and the word “may” is permissive. The word “uses” 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.”

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

1. Accessory building. A subordinate building, the use of which is incidental to that of a main building and located on the same lot therewith.
- 1.1 Adult Oriented Business and Uses: Adult oriented businesses and uses are defined in accordance with and controlled by City Ordinance 2002-06, adopted September 10, 2002, and any subsequent amendments to said ordinance. (Added by Ordinance 2002-09)
2. Accessory use. A use customarily incidental, appropriate, and subordinate to the principal use of land or buildings and located upon the same lot therewith.
3. Addiction Treatment Clinic or Facility, A licensed facility for counseling of patients for out-patient, nonresidential purposes only. Nonresidential substitution-based treatment center for opiate addiction, includes, but is not limited to, stand-alone clinics offering methadone, products containing buprenorphine such as Subutex and Suboxone, or products

containing any other formulation designed to treat opiate addiction by preventing symptoms of withdrawal;

4. Alley. A minor right-of-way, dedicated to public use, which affords a secondary means of vehicular access to the back or side of properties otherwise abutting a street, and which may be used for public utility purposes.
5. Area Building. The total areas taken on a horizontal plane at the main grade level of the principal building and all accessory buildings exclusive of uncovered porches, terraces, and steps.
6. Automobile wrecking. The dismantling, storage, sale, or dumping of inoperable motor vehicles, trailers, or parts thereof.
7. Building area of a lot. That portion of a lot bounded by the required rear yard, side yards, and the building setback line.
8. Building. Any structure intended for shelter, housing, or enclosure of persons, animals, or chattel, including tents, lunch wagons, dining cars, and similar structures whether stationary or movable.
9. Building, main, or principal. A building in which is conducted the principal use of the lot on which it is situated. In any residential district any dwelling shall be deemed to be a main building of the lot on which it is situated.
10. Building setback line. A line delineating the minimum allowable distance between the property line and a building on a lot, within which no building shall be placed except as otherwise provided.
11. Child care facility. A structure used, at least partially, for the care and supervision of children under seventeen (17) years of age, not involving a transfer of legal custody, and for time periods of less than twenty-four (24) hours per day. In general, the care-givers in the facility have no familial relationship with the children provided care.
12. Dwelling. A house or other building used primarily as an abode except that the word "dwelling" shall not include mobile homes, trailers, tents, motels, or other structures designed or used primarily for transient residents.
13. Dwelling multiple. A dwelling designed for occupancy by two (2) or more families living independently of each other.
14. Dwelling unit. One or more rooms and a single kitchen designed as a unit for occupancy by only one family for cooking, living, and sleeping purposes.
15. Flood. An overflow of lands not normally covered by water that results in significant adverse effects in the vicinity.

16. Floodway. The natural channel and the portion of the floodplain along the channel that must be retained solely for the passage of floodwaters to prevent an undue increase in flood heights upstream.
17. Floodway fringe areas. Areas adjacent to a floodway zone that are below the elevation of the 100-year flood.
18. Height of building. The vertical distance from the established average sidewalk grade, street grade, or finished grade at the building setback line, whichever is the highest, to the highest point of the building.
19. Junk yard or salvage yard. A lot, land, or structure, or part thereof, used primarily for the collecting, storage, and sale of waste paper, rages, scrap metal, or discharged material; or for the collecting, dismantling, storage, and salvaging of machinery or vehicles not in running condition, or for the sale of parts thereof.
- 19.1. Home Occupation. A gainful occupation conducted by members of the family only within the dwelling, provided that the space used is incidental to residential use and that no article is sold or offered for sale except as is incidental to such home occupation. (Added by Amendment 2004-01)
20. Land subject to flood. For the purposes of this ordinance, land subject to flood shall be considered land below the elevation of the 100-year flood. The 100-year flood shall be determined by the chart, "High Water Profiles, Big Creek, vicinity of LaFollette, Tennessee" (Tennessee Valley Authority, April, 1972), which chart is made a part of this zoning code.
21. Loading and unloading space. An area ten (10) feet by forty (40) feet with a fourteen (14) foot height clearance providing for the standing, loading, or unloading of a truck or other vehicle.
22. Lot. A piece, parcel, or plat of land in one ownership, which may include one or more lots of record, occupied or to be occupied by one principal building and its accessory buildings including the open spaces required under this ordinance.
23. Lot lines. The boundary dividing a given lot from the street, an alley, or adjacent lots.
24. Lot of record. A lot which is part of a subdivision recorded in the office of the county register of deeds, or a lot described by metes and bounds, the descriptions of which has been recorded in the office of the county register of deeds prior to the effective date of this zoning code.
25. Mobile home. A factory manufactured structure constructed as a single self-contained unit and mounted on a single chassis and designed for transportation after fabrication on streets or highways on its own wheels. A travel trailer is not to be considered as a mobile home.
- 25.1 Manufactured dwelling unit. A detached dwelling constructed primarily off-site and designed to be transported on flatbed truck or trailer; provided the structure is installed on a permanent concrete or masonry foundation with permanent sewer and water connection. Such structures shall have the same general appearance as required for site-

built homes and shall comply with all requirements of the existing municipal building code. Such structures are distinguished from mobile homes as described elsewhere in this ordinance.

26. Mobile home or trailer park. Any area, tract, site, or plot of land whereupon mobile homes as herein defined are placed, located, or maintained, or intended to be placed, located, or maintained, and shall include all the equipment thereof.
27. Nonconforming use. A building, structure, or use of land existing at the time of enactment of the zoning code or subsequent amendment thereto which does not conform to the regulations of the district in which it is located.
28. Noxious matter. Material (in gaseous, liquid, solid, particulate, or any other form) which is capable of causing injury to living organisms, chemical reactions, or detrimental effects upon the social, economic, or psychological well-being of individuals.
29. 100-Year flood. A flood having an average frequency of occurrence one in one-hundred (100) years, although the flood may occur in any year. The elevation of the 100-year flood among Big Creek shall be determined from the chart entitled "High Water Profiles, big Creek, Vicinity of LaFollette, Tennessee," (Tennessee Valley Authority, April, 1972) which chart is made a part of this zoning code.
30. Pain Management Clinic. A privately owned facility in which a medical doctor, an osteopathic physician, an advanced practice nurse, and/or a physician assistant provides pain management services to patients, a majority of whom are issued a prescription for, or are dispensed, opioids, benzodiazepine, barbiturates, or carisoprodol, but not including suboxone, for more than ninety (90) days in a twelve (12) months period. A pain clinic does not include:

A medical or dental school, a nursing school, a physician assistant program or an outpatient clinic associated with any or the foregoing schools or programs;
 - a) A hospital as defined by Section 68-11-201 *Tennessee Code Annotated*, including outpatient facility or clinic of a hospital;
 - b) Hospice services as defined by Section 68-11-201 *Tennessee Code Annotated*,
 - c) A nursing home as defined by Section 68-11-201 *Tennessee Code Annotated*;
 - d) A hospital or clinic maintained or operated by the federal government.
31. Parking lot. An off-street facility including parking spaces along with adequate provisions for drives and aisles for maneuvering and getting access, and for entrance and exit.
32. Parking space. An off-street space available for parking one motor vehicle and having an area of not less than two hundred (200) square feet exclusive of passageways and driveways giving access thereto, and having access to a street or alley.
33. Principal use. The specific primary purpose for which land or a building is used.

34. Residential home for the aged. A building containing a single dwelling unit and not more than four (4) guest rooms where room and board is provided to elderly tenants for compensation.
35. Sign, billboard, or other advertising device. Any structure or part thereof or device attached thereto or represented thereon, which shall display or include any letter, words, model, banner, flag, pennant, insignia, or representation uses as, or which is in the nature of an announcement, direction, or advertisement. The word “sign” includes the word “billboard” or any other type of advertising device, but does not include the flag, pennant, or insignia of any nation, state, city or other political unit.
36. 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 included between the topmost floor and the roof which is used for human occupancy or in which the floor area with eight (8) feet or more of head clearance equals fifty (50) per cent or more of floor area of the next story below. Provided it is not used as a dwelling unit, a top floor in which the floor area with eight (8) feet or more of head clearance equals less than fifty (50) per cent of the floor area of the story next below shall be a “half-story”. A basement shall be considered as a story if its ceiling is more than five (5) feet above the level from which the “height of building” is measured or if it is used for residential purposes.
37. Street. A public or private thoroughfare which affords the principal means of access to abutting property.
38. Structure. Any combination of materials, including buildings, constructed or erected, the use of which requires location on the ground or attachment to anything having location on the ground and including among other things, signs, billboards, and fences.
39. Swimming pools. An outdoor swimming pool shall be any pool or open tank not located within a completely enclosed building and containing or normally capable of containing water to a depth at any point greater than one and one-half (1 ½) fee.
40. Travel trailer. A vehicular portable structure designed as a temporary dwelling for travel, recreation, and vacation uses.
41. Travel trailer park. A plot of land designed and equipped to accommodate travel trailers for short periods of time.
42. Use. The purpose for which land or a building or other structure is designed, arranged, or intended or for which it is or may be occupied or maintained.
43. Yard. A yard is 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, provided that accessory buildings may be located in a rear yard.
44. Front yard. The yard extending across the entire width of the lot between the nearest parts of the principal building, including covered porches, and the front lot line.
45. Rear yard. The yard extending across the entire width of the lot between the nearest parts of the principal building, including covered porches, and the lot line.

46. 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. (Ord. No. 382, sec. 11-203, as amended by ordinance No. 405, sec.1, and ordinance No. 430, sec. I)

CHAPTER 3

GENERAL PROVISIONS

SECTION

- 11-301. **Scope**
- 11-302. **Zoning affects every building and use**
- 11-303. **Continuance of nonconforming uses and structures**
- 11-304. **Only one principal building on any lot**
- 11-305. **Lot must abut a public street**
- 11-306. **Rear yard abuts a public street**
- 11-307. **Reductions in lot area prohibited**
- 11-308. **Obstruction to vision at street intersection prohibited.**
- 11-309. **Off-street automobile storage**
- 11-310. **Access Control**
- 11-311. **Off-street loading and unloading space required**
- 11-312. **Maximum building height**
- 11-313. **Site plan review requirements for commercial, industrial, multi-family, public, and semi-public uses. (Amendment 2003-11)**

11-301. **Scope.** For the purpose of the zoning code there shall be certain general provisions which shall apply, except as specifically noted, to the city as a whole. (Ord. No. 382, sec. 11-301)

11-302. **Zoning affects every building and use.** No building or land shall hereafter be used and no building or part thereof shall be erected, moved, or altered unless for a use expressly permitted by and in conformity with the regulations herein specified for the district in which it is located, except as hereafter provided. (Ord. No. 382, sec. 11-302)

11-303. **Continuance of nonconforming uses and structures.** It is the intent of the zoning code to recognize that the elimination as expeditiously as is reasonable, of the existing buildings and structures or uses that are not in conformity with the provisions of the zoning code in as much a subject of health, safety, and welfare as is the prevention of the establishment of new uses that would violate the provisions of the zoning code. It is also the intent of the zoning code to so administer the elimination of nonconforming uses, buildings, and structures as to avoid an unreasonable invasion of established private property rights. Lawful nonconforming uses, buildings, and structures existing at the time of the passage of the zoning code or any amendment thereto, shall be allowed to remain subject to the following provisions:

1. An existing nonconforming use of a building may be changed to a conforming use or to another nonconforming use of the same classification; provided, however, that establishment of another nonconforming use of the same classification shall be subject to the written approval of the board