

**ZONING ORDINANCE**  
**OF THE**  
**TOWN OF SPRING CITY, TENNESSEE**

This is a Comprehensive Amendment to the Spring City, Tennessee Zoning Ordinance, adopted August 6, 1942, regulating the location, height, bulk, number of stories, and size of buildings and other structures; the size of yards, the density of population and the uses of buildings, structures, and land for trade, industry, residence, recreation, public activities, and other purposes; creating districts for said purposes and establishing the boundaries thereof; defining certain terms used therein; and providing for the imposition of penalties for the violation of the provisions of this ordinance.

**Spring City, Tennessee**  
**Zoning Ordinance**

As Amended through February 2003  
As Amended through June 2003  
As Amended through September 2006  
As Amended through February 2007  
As Amended through June 2007  
As Amended through March 5, 2020  
As Amended through February 2021  
As Amended through November 2021  
As Amended through September 2022  
As Amended through November 2022

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## ARTICLE I. PREAMBLE AND ENACTMENT CLAUSE

In pursuance of authority conferred by the Tennessee Code Annotated, Chapter 7, Sections 13-7-201 through 13-7-210, and for the purpose of promoting the public health, safety, morals, convenience, order, prosperity, and general welfare; to lessen congestion in the streets; to secure safety from fire, flood, panic, and other dangers; to provide adequate light and air; to prevent the overcrowding of land; to avoid undue concentration of population; to facilitate the adequate provisions of transportation, water, sewerage, schools, parks, and other public requirements; to promote desirable living conditions and the sustained stability of neighborhoods; to protect property against blight and depreciation; to conserve the value of buildings, and to encourage the most appropriate use of land and other buildings and structures throughout the municipality, the City Commission does ordain and enact into law the following articles and sections:

**ARTICLE II. SHORT TITLE**

This ordinance shall be known as the Zoning Ordinance of the Town of Spring City, Tennessee, and the map herein referred to which is identified by the title, Spring City, Tennessee Zoning Map, and dated October 1991, shall be known as the Zoning Map of Spring City, Tennessee. The Zoning Map of Spring City, Tennessee, and all explanatory matter thereon is hereby adopted and made a part of this ordinance.

Certified by the Spring City Municipal Planning Commission

Date: \_\_\_\_\_ Chairman: \_\_\_\_\_

Approved and adopted by the City Commission of the Town of Spring City, Tennessee:

Passed First Reading: \_\_\_\_\_

Passed Second Reading: \_\_\_\_\_

Passed Final Reading: \_\_\_\_\_

\_\_\_\_\_  
Mayor

ATTEST:

\_\_\_\_\_  
City Recorder

## ARTICLE III. DEFINITIONS OF CERTAIN TERMS USED HEREIN

### SECTION

3.01 SCOPE

3.02 DEFINITIONS

#### 3.01 SCOPE

For the purpose of this ordinance and in order to carry out the provisions and intentions as set forth herein, certain words, terms, and phrases are to be used and interpreted as defined hereinafter. Words used in the present tense shall include the future tense; words used in the singular number include the plural, and words in the plural number include the singular; the word "person" includes a firm, partnership, or corporation as well as an individual; the term "shall" is always mandatory; and the word "may" is permissive. The word "used" or "occupied" as applied to any land or building shall be construed to include the words "intended, arranged, or designed to be used or occupied."

#### 3.02 DEFINITIONS

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

**Access.** The right to cross between public and private property, thereby permitting pedestrians and vehicles to enter and leave property.

**Accessory Building.** A subordinate building, the use of which is incidental to that of a main building and located on the same lot therewith.

**Accessory Use.** A use customarily incidental, appropriate, and subordinate to the principal use of land or buildings, and located upon the same lot therewith.

**Adult.** (added 3/4/04) Any person eighteen (18) years of age or older.

**Adult-Oriented Establishments.** (added 3/4/04) Sexually explicit establishments which cater to an exclusively or predominantly adult clientele, including but not limited to: adult bookstores, adult motion picture theaters, adult mini-motion picture and video establishments, adult cabaret, escort agency, sexual encounter center, massage parlor, rap parlor, sauna, and any premises to which the public patrons or members are invited or admitted and which are so physically arranged as to provide booths, cubicles, rooms, compartments or stalls separate from the common areas of the premises for the purpose of viewing adult-oriented motion pictures, videos, or other visual media, as defined in *TCA 7-51-1102* and *TCA 7-51-1401*, or wherein an entertainer provides adult entertainment to a member of the public, a patron or a member when such adult entertainment is held, conducted, operated or maintained for a profit, direct or indirect. It also includes, without being limited to, any adult entertainment studio or any premises that is physically arranged and used as such, whether advertised or represented as an adult entertainment studio, rap studio, exotic dance studio, encounter studio, sensitivity studio, model studio, escort



service, or any other term of like import as well as other enterprises which regularly feature materials, acts or displays involving complete nudity, specified sexual activities, or exposure of specified anatomical areas:

1. Specified anatomical areas including less than completely and opaquely covered:
  - a. Human genitals and pubic region
  - b. Buttocks
  - c. Female breast below a point immediately above the top of the areola; and
  - d. Human male genitals in a discernibly turgid state; and/or sexual excitement or enticement.
2. Specified sexual activities include:
  - a. Human genitals in a state of sexual stimulation or arousal
  - b. Acts of human masturbation, sexual intercourse or sodomy
  - c. Fondling or other erotic touching of human genitals, pubic region, buttocks or female breasts

**Advertising.** Includes any writing, printing, painting, display, emblem, drawing, sign, or other device designed, used, or intended for advertising, whether placed on the ground, rocks, trees, tree stumps, or other natural structures or on buildings, structures, milestones, signboards, billboards, wallboard, roofboard, frames, supports, fences, or other man-made structure, and any such advertising is a structure within the meaning of the word "structure" as utilized in this ordinance.

**Advertising Sign or Structure.** See Sign.

**Alley.** A public or legally established thoroughfare, other than a street, which affords a secondary means of access to abutting property.

**Area, Building.** The total area 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.

**Automobile Wrecking.** The dismantling, storage, sale, or dumping of used motor vehicles, trailers, or parts thereof.

**Automobile Wrecking, Junk, and Salvage Yards.** Any lot or place which is exposed to the weather and upon which more than three (3) motor vehicles of any kind, incapable of being operated, and which it would not be economically feasible to make operative, are placed, located, or found.

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

**Basement.** A story partly or wholly underground. For purposes of height measurement, a basement shall be counted as a story when more than one-half (1/2) of its height is above the average ground elevation. When used for commercial activities, a basement shall be counted as a story.

**Board.** Spring City Board of Zoning Appeals.

**Boarding or Rooming House.** Any dwelling in which three (3) or more persons either individually or as families are housed for rent with or without meals.

**Buffer Strip (Planted Evergreen).** A greenbelt planted strip not less than ten (10) feet in width. Such a greenbelt shall be composed of one (1) row of evergreen trees, spaced not more than forty (40) feet apart and not less than two (2) rows of shrubs or hedges, spaced not more than five (5) feet apart and which grow to a height of five (5) feet or more after one (1) full growing season and which shrubs will eventually grow to not less than ten (10) feet.

**Building.** Any structure having a roof supported by columns or by walls, including tents, lunch wagons, dining carts, mobile homes, dwellings, and similar structures whether stationary or movable.

**Building Inspector.** The Zoning and Codes Officer or his authorized representative appointed by the Spring City Commission.

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

**Building Setback Line.** A line delineating the minimum allowable distance between the property line and building on a lot, within which no building or other structure shall be placed except as otherwise provided.

**Campground.** A parcel of land used or intended to be used, let, or rented for occupancy by campers or for occupancy by camping trailers, tents, or movable or temporary dwellings, rooms, or sleeping quarters of any kind.

**Clinic.** See Medical Facilities.

**Commercial Feed Lot.** Any parcel of land on which one hundred (100) or more cattle, fowl, or hogs are being kept and fed for the purpose of slaughter and sale on the commercial food market.

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

**Country Club.** A chartered, non-profit membership club, with facilities catering primarily to its membership and providing one or more of the following recreational or social amenities: golf, tennis, clubhouse, pool, dining facilities, cocktail lounges, horseback riding, etc.

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

**Development.** Any man-made change to improved or unimproved real estate, including, but not limited to, buildings or other structures, mining, dredging, filling, grading, paving, excavation or drilling operations.

**District.** Any section or sections of Spring City, Tennessee, for which the regulations governing the use of land and the use, density, bulk, height, and coverage of buildings and other structures are uniform.

**Dwelling.** A building or portion thereof, exclusive of mobile homes as herein defined, used for residential purposes.

**Dwelling, Multiple.** An attached building designed for occupancy by two or more families living independently of each other.

**Dwelling, Single Family.** A detached building designed to be occupied exclusively by one family.

**Dwelling Unit.** One or more rooms, a single kitchen and a bath designed as a unit for occupancy by only one family for cooking, living, and sleeping purposes.

**Family.** One or more persons related by blood, marriage, or adoption, or a group of not to exceed five (5) persons not all related by blood or marriage, occupying the premises and living as a single non-profit housekeeping unit as distinguished from a group occupying a board or lodging house, hotel, club, or similar dwelling for group use.

**Floor Area.** The sum of the gross floor area for each of the several stories under roof, measured from the exterior limits or faces of a building or structure.

**Frontage.** All the property on one side of a street between two intersecting streets (crossing or terminating) measured along the line of the street, or if the street is dead-ended, then all the property abutting on one side between an intersecting street and the dead-end of the street.

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

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

**Health Department.** The Rhea County Office of the State Health Department.

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

**Home Occupation.** A gainful occupation or profession conducted by members of a family residing on the premises and conducted entirely within the principal dwelling unit.

**Hospital.** See Medical facilities.

**Junk Yard or Salvage Yard.** A lot, land or structure, or part thereof, used primarily for the collection, storage and sale of waste paper, rags, scrap metal, or discarded material; or for the collecting dismantling, storing, and salvaging of machinery or vehicles not in running condition or for the sale of parts thereof.

**Loading Space.** A space within the main building or on the same lot therewith, providing for the standing, loading, or unloading of a vehicle.

**Lot.** A piece, parcel, or plot of land which may include one or more lots of record, occupied or to be occupied by one (1) principal building and its accessory buildings including the open spaces required under this ordinance.

**Lot Area.** The total surface area of land included within lot lines.

**Lot, Corner.** A lot of which at least two (2) adjoining sides abut their full lengths on a street, provided that the interior angle at the intersection of two such sides is less than one hundred thirty-five (135) degrees.

**Lot Depth.** The average distance from the street line of the lot to its rear line, measured in the general direction of the side lines of the lot,

**Lot Frontage.** That dimension of a lot or portion of a lot abutting on a street, excluding the side dimension of a corner lot.

**Lot, Interior.** A lot other than a corner lot.

**Lot Lines.** The boundary dividing a given lot from the street, an alley, or adjacent lots.

**Lot of Record.** A lot which is part of a subdivision recorded in the Office of the County Register of Deeds, or a lot described by metes and bounds, the description of which has been recorded in the Office of the County Register of Deeds prior to the date of passage of the Spring City Subdivision Regulations.

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

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

**Manufactured Home Park or Subdivision.** A parcel (or contiguous parcels) of land divided into two (2) or more manufactured home lots for sale or rent.

**Medical Facilities.**

**Convalescent, Rest, or Nursing Home.** A health facility where persons are housed and furnished meals and continuing nursing care for compensation.

**Dental Clinic or Medical Clinic.** A facility for the examination and treatment of ill and afflicted human out-patients provided, however, that patients are not kept overnight except under emergency conditions.

**Dental Office or Doctor's Office.** Same as dental or medical facilities.

**Hospital.** An institution providing human in-patient medical, surgical, or other health care services for the sick or injured and including related facilities such as laboratories, out-patient facilities, and staff offices which are an integral part of the facility.

**Public Health Center.** A facility primarily utilized by a health unit for the provision of public health services.

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

**Mobile Home (Trailer).** A detached single-family building unit with any or all of the following characteristics:

1. Designed for long-term occupancy, and containing sleeping accommodations, a flush toilet, a tub or shower bath, and kitchen facilities, with plumbing and electrical connections provided for attachment to outside systems.
2. If the metal frame is completely removed from a unit and the unit meets the City Building Codes it shall be classified as a modular unit. If the entire metal frame cannot be removed it shall be classified as a trailer.
3. Arrives at the site where it is to be occupied as a complete dwelling including major appliances and furniture, ready for occupancy except for minor and incidental unpacking and assembly operations, location on foundation supports, connection to utilities, and the like.
4. Designed to be freestanding and does not require a foundation for occupancy.

**Mobile Home Park.** Any area, tract, site or plot of land whereupon two (2) or more mobile homes as herein defined are placed, located, or maintained, or intended to be placed, located, or maintained, and shall include all accessory buildings used or intended to be used as part of the equipment thereof. (Refer to Spring City Trailer Ordinance.)

**Mobile Home Subdivision.** A subdivision with individual lot ownership planned for mobile homes and which meets all requirements of the Spring City Subdivision Regulations.

**Modular (Manufactured Housing) Unit.** A manufactured housing unit which can be placed on a foundation and resemble a conventionally-constructed residence in appearance, size, and width. The unit shall meet all city building codes.

**Non-Conforming Use.** A building, structure, or use of land existing at the time of enactment of this ordinance which does not conform to the regulations of the district in which it is situated.

**Noxious Matter.** Material (in gaseous, liquid, solid, particulate, or any other form) which is capable of causing injury to living organisms, chemical reactions, or detrimental effects on the social, economic, or psychological well-being of individuals.

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

**Parking Lot.** An off-street facility including parking spaces along with adequate provisions for drives and aisles for maneuvering and getting access, and for entrance and exit, designed so as to be usable.

**Parking Space.** An off-street space available for parking one (1) 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 direct access to a street or alley.

**Planning Commission.** The Spring City Municipal Planning Commission.

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

**Principal Use.** The specific primary purpose for which land or a building is used.

**Public Uses.** Public parks, schools, and administrative, cultural, and service buildings not including public land or buildings devoted solely to storage and maintenance of equipment and materials.

**Reach.** A hydraulic engineering term to describe longitudinal segments of a stream or river. A reach will generally include the segment of the flood hazard area where flood heights are influenced by a man-made or natural obstruction. In an urban area, the segment of a stream or river between two consecutive bridge crossings would typically constitute a reach.

**Right-of-Way.** The strip of land over which a public road is built.

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

**Sanitary Landfill.** An area or site utilized by a public or private entity for disposal of solid waste or refuse in a manner which meets the regulations imposed upon the operation and maintenance of sanitary landfill sites by the State Department of Public Health.

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

**Setback.** The required distance between the front side, or rear lot lines, and the nearest portion of the principal structure.

**Shelter, Fallout.** A structure or portion of a structure intended to provide protection to human life during periods of danger from nuclear fallout, air raids, storms, or other emergencies.

**Sign, Billboard, or Other Advertising Device.** Any structure or part thereof or device attached thereto or represented thereon, which shall display or include any letter, words, model, banner, flag, pennant, insignia, or representation used as, or which is in the nature of an announcement, direction, or advertisement. The word "sign" includes the word "billboard" or any

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

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

**Start of Construction.** Includes substantial improvement, and means the date the building permit was issued, provided the actual start of construction, repair, reconstruction, placement, or other improvement was within one hundred eighty (180) days of the permit date. The actual start means either the first placement of permanent construction of a structure on a site, such as the pouring of slab or footings, the installation of piles, the construction of columns, or any work beyond the stage of excavation; or the placement of a manufactured home on a foundation. Permanent construction does not include land preparation, such as clearing, grading, and filling; nor does it include the installation of streets and/or walkways; nor does it include excavation for a basement, footings, piers, or foundations, or the erection of temporary forms; nor does it include the installation on the property of accessory buildings, such as garages or sheds not occupied as dwelling units or not part of the main structure.

**Storm Sewers.** A municipal or community collection and disposal system for the control of storm drainage.

**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 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) percent or more of the floor area of the next story below.

Provided it is not used as a dwelling unit, a top floor in which the floor area with eight (8) feet or more of head clearance equals less than fifty (50) percent of the floor area of the story next below shall be a "half-story."

A basement shall be considered as a story if more than half of its height is above the average ground level from which the "height of building" is measured or if it is used for commercial purposes.

**Street.** Any public or private thoroughfare which affords the principal means of access to abutting property.

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

**Substantial Improvement.** Any repair, reconstruction, or improvement of a structure, the cost of which equals or exceeds sixty (60) percent of the market value of the structure, either 1) before the improvement or repair is started, or 2) if the structure has been damaged and is being restored, before the damage occurred.

For the purpose of this definition "substantial improvement" is considered to occur when the first alteration of any wall, ceiling, floor, or other structural part of the building commences if 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 assure safe living conditions, or 2) any alteration of a structure listed on the National Register of Historic Places or a State Inventory of Historic Places.

**Swimming Pools, Outdoor.** 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 (1-1/2) feet.

**Temporary Dwelling Unit. (TDU).** A detached, self-contained dwelling unit, whether site built or a manufactured home, with basic functional areas that support normal daily routines such as cooking, sleeping, and sanitation. A TDU is permitted on a temporary basis as a means of relief from extraordinary or extenuating circumstances. TDUs may also be permitted to allow residents to live on-site during major repairs or new home construction with a construction permit. *(added 11.3.22)*

**Tiny Home.** A detached, self-contained dwelling unit, whether site built or a manufactured home, with basic functional areas that support normal daily routines such as cooking, sleeping, and sanitation. Dwelling must be four hundred (400) square feet or less in floor area, excluding lofts. These size measurements do not include tow hitches, exterior staircases, landings, and decks/porches which are not integral with the primary structure. *(added 9/19/22)*

**TVA Structure Profile.** A contour established by the Tennessee Valley Authority along the Tennessee River and tributary reservoirs which marks the elevation above which structures are permitted on all lands which TVA either owns or on which TVA has certain land rights. In no instance are buildings for human habitation or any other form of development subject to significant damage permitted below this elevation. The profile is developed to avoid increasing the flood damage potential in areas affected by reservoir operations.

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

**Toxic Material.** Materials (gaseous, liquid, solid, particulate, or any other form) which are capable of causing injury to living organisms by chemical reaction even when present in relatively small amounts.

**Travel Trailer.** A vehicular or portable structure designed and equipped to accommodate travelers for short periods of time, not to exceed thirty (30) days.

**Travel Trailer Park.** A parcel or area of land designed and equipped to accommodate travel trailers for short periods of time, not to exceed fourteen (14) days.

**Usable Floor Space.** Floor space for retail sale or display; includes permanent outdoor sales, but excludes outdoor motor vehicle sales areas.

**Use.** The purpose for which land or a building or other structure is designed, arranged, or intended, or for which it is or may be occupied or maintained.

**Yard, Front.** The open space, unoccupied by buildings, between the street right-of-way line and the front of the principal building.



**Yard, Rear.** The space, unoccupied except by a building for accessory use as herein provided, extending from the rear of the principal building to the rear lot line the full width of the lot.

**Yard, Side.** The space unoccupied except as herein provided measured between the side lot line and the nearest point of the principal building and between the front yard and the rear yard.

**ARTICLE IV. ESTABLISHMENT OF DISTRICTS**

**SECTION**

- 4.01 CLASSIFICATION OF DISTRICTS**
- 4.02 ZONING MAP**
- 4.03 ZONING DISTRICT BOUNDARIES**
- 4.04 SPECIFIC DISTRICT REGULATIONS**

**4.01 CLASSIFICATION OF DISTRICTS**

For the purpose of this ordinance, the following zoning districts are hereby established in the Town of Spring City, Tennessee. *For flood hazard district boundaries see the adopted "Spring City Flood Hazard Prevention Ordinance" contained in the Appendix of this Zoning Ordinance.*

| <b>DISTRICT<br/>ABBREVIATION</b> | <b>ZONING<br/>DISTRICT</b>  |
|----------------------------------|-----------------------------|
| R-1                              | Low Density Residential     |
| R-2                              | Medium Density Residential  |
| R-3                              | High Density Residential    |
| C-1                              | Central Business District   |
| C-2                              | General Commercial District |
| C-3                              | Shopping Center District    |
| I-1                              | Industrial                  |

**4.02 ZONING MAP**

The location and boundaries of the zoning districts established by this ordinance are bounded and defined as shown on the map entitled, Official Zoning Map of Spring City, Tennessee. The zoning map or zoning map amendment shall be dated with the effective date of the ordinance that adopts the zoning map or zoning map amendment and shall be maintained in the Office of the City Recorder, Town of Spring City and shall be available for inspection by the public at all reasonable times, as long as this ordinance remains in effect.

**4.03 ZONING DISTRICT BOUNDARIES**

Unless otherwise indicated on the zoning map or zoning map amendment, the district boundaries are lot lines, center lines of streets or alleys, limits of the floodway on Piney River or the Town of Spring City corporate limits as they exist at the time of the enactment of this zoning ordinance. The lines for the Floodway Fringe District simply overlay the basic zoning district and any proposed use needs are to meet the requirements of the underlying district (R-1, R-2, etc.) as well as the requirements of the Floodway Fringe District. The exact location of the floodway fringe is shown on the zoning map and was taken from the Federal Emergency Management Administration map entitled, Flood Hazard Boundary and Flood Insurance Rate Map, Spring City, Tennessee, Community No. 475448A, dated February 5, 1992 and all subsequent updates.

Where the property on one side of a street between two intersecting streets is in a business or industrial district and the property on the intersecting street, except the corner or corners, is in a residential district, the business or industrial use shall be limited to the property facing or fronting the street zoned for business throughout the block, and any property in the rear thereof facing or fronting the intersecting street, even though it appears to be in a business or industrial district, shall

be governed by the use prevailing on the intersecting street. It is the purpose of this ordinance to limit business and industrial uses to the property facing or fronting the street zoned for business or industry and to forbid business or industrial uses facing or fronting the street zoned for residential uses. In all cases of ambiguity due to the actual layout of the property or other circumstances, the Board of Zoning Appeals shall have authority to determine on which street the business or industrial use shall face or front so that the spirit of the ordinance shall be observed.

#### **4.04 SPECIFIC DISTRICT REGULATIONS**

The following regulations shall apply in the zoning districts established in Section 4.01 of this ordinance.

**ARTICLE V. APPLICATION OF REGULATIONS**

**SECTION**

- 5.01 USE**
- 5.02 HEIGHT AND DENSITY**
- 5.03 LOT AREA AND REDUCTION OF LOT SIZE**
- 5.04 YARDS**
- 5.05 ONE (1) PRINCIPAL BUILDING ON A LOT**
- 5.06 PUBLIC STREET FRONTAGE**
- 5.07 REQUIREMENT OF BUFFER STRIPS**

**5.01 USE**

No building or structure shall hereafter be erected and no existing building or structure or part thereof shall be reconstructed, moved, or altered; nor shall any land, structure, or building be used except in conformity with the regulations herein specified for the district in which it is located.

**5.02 HEIGHT AND DENSITY**

No building or structure shall hereafter be erected, constructed, reconstructed, or altered to:

1. Exceed the height limits;
2. House a greater number of families or occupy a smaller lot area per family than provided for in this ordinance; or,
3. Have a narrower or smaller front or side yards than are herein required.

**5.03 LOT AREA AND REDUCTION OF LOT SIZE**

No lot, even though it may consist of one (1) or more adjacent lots in the same ownership at the time of passage of this ordinance, shall be reduced in size so that the lot width, or size of yards, or lot area per family, or any other requirement of this ordinance, is not maintained. This section shall not apply when a portion of a lot is acquired for a public purpose.

**5.04 YARDS**

No part of a yard or the off-street parking or loading space required for any building for the purpose of complying with the provisions of this ordinance shall be included as a part of the yard or off-street parking or loading space required for another building except in the C-1 Central Business District.

**5.05 ONE (1) PRINCIPAL BUILDING ON A LOT**

Only one (1) principal building and its customary accessory buildings may hereafter be erected on any one (1) lot. (Refer to Section 10.07)

**5.06 PUBLIC STREET FRONTAGE**

No building shall be erected on a lot which does not abut for at least twenty-five (25) feet on a public street.

#### **5.07 REQUIREMENT OF BUFFER STRIPS**

Where a use is established in areas zoned C-1, C-2, or I-1 which abut at any point upon property in areas zoned R-1, R-2, or R-3 the developer of said use shall provide a buffer strip as defined herein at the point of abutment.

## ARTICLE VI. USE PROVISIONS FOR RESIDENTIAL DISTRICTS

### SECTION

- 6.01 R-1 LOW DENSITY RESIDENTIAL DISTRICT
- 6.02 R-2 MEDIUM DENSITY RESIDENTIAL DISTRICT
- 6.03 R-3 HIGH DENSITY RESIDENTIAL DISTRICT
- 6.04 RP RESIDENTIAL PROFESSIONAL DISTRICT

### 6.01 R-1 LOW DENSITY RESIDENTIAL DISTRICT

This residential district is intended to have relatively low population densities and to be used for single-family residences. Additional permitted uses include uses and facilities normally required to provide the basic elements of a balanced and attractive residential area. These areas are intended to be defined and protected from the encroachment of uses not performing a function necessary to the residential environment. Internal stability, attractiveness, order, and efficiency are encouraged by providing for adequate light, air, and open space for dwellings and related facilities and through consideration of the proper functional relationship of each element.

#### 6.01A USES PERMITTED

1. Single-family dwellings, manufactured residential dwellings, except mobile homes. **(Amended 7/12/01)**
2. Customary accessory buildings, including private garages and non-commercial workshops, provided they are located in the rear yard and not closer than ten (10) feet to any lot line.
3. Public and semi-public recreational facilities.
4. Substations, such as electric, telephone, or gas, provided that:
  - a. Structures are located and placed not less than fifty (50) feet from any property line;
  - b. Structures are enclosed by a woven-wire fence at least eight (8) feet high;
  - c. No vehicles or equipment are stored on the premises; and
  - d. The lot is suitably landscaped, including a planted buffer strip at least ten (10) feet wide along the front and side of property lines.
5. Bed and Breakfasts, provided they front or abut upon a state numbered highway and they must comply with the requirements of Spring City Ordinance 22-03. **(added 8/5/04)**

#### 6.01B USES PERMITTED ON APPEAL

In the R-1 Low Density Residential District, the following uses may be permitted subject to review and approval of the Board of Zoning Appeals in accordance with the provisions of Section 12.07.

1. Home occupations as regulated in Section 9.06.
2. Churches or similar places of worship, but not including temporary mission or revival tents.
3. Public and private schools.
4. Child day care facilities to accommodate no more than seven (7) children provided the play area is completely enclosed by a fence to contain the children.
5. Private garages of a non-commercial use on property that is adjacent to property of a residential use by the same owner. (Added 3/5/2020 Ord #2020-02)
6. Short-term rentals provided they comply with the requirements within Article XIV Short Term Rental Regulations of the Zoning Ordinance. **(added 11/04/21)**

**6.01C USES PROHIBITED**

1. Duplexes, apartments, multi-family housing, except existing structures.
2. Commercial or industrial activities not permitted as a home occupation in Section 9.06.
3. Any other use not specifically permitted or permissible on appeal.

**6.01D DIMENSIONAL REGULATIONS**

All uses permitted in the R-1 Low Density Residential District shall comply with the following setback requirements except as provided in Section 10.06.

1. Front Yard:  
The minimum depth of the front yard shall be twenty-five (25) feet.
2. Rear Yard:  
The minimum depth of the rear yard shall be twenty (20) feet from the principal structure and ten (10) feet for any permitted accessory structure.
3. Side Yard:  
The side yard shall be a minimum of ten (10) feet.
4. Side Yard on Corner Lots:  
The minimum depth of the side yard that abuts the street shall be twenty-five (25) feet.
5. Land Area:

No lot or parcel of land shall be reduced in size to provide separate lots or building sites of less than fifteen thousand (15,000) square feet in area, except where sanitary sewer service is available, in which case the minimum lot area shall be eight thousand (8,000) square feet.

6. Lot Width: **(amended 9/7/06)**

No lot shall be less than sixty-five (65) feet wide at the building setback line.

7. Height Requirements:

No building shall exceed two and one-half (2 1/2) stories or thirty-five (35) feet in height except as provided in Section 10.04.

**6.01E PARKING SPACE REQUIREMENTS**

As regulated in Section 9.03.

**6.01F ACCESS CONTROL**

As regulated in Section 9.01.



## **6.02 R-2 MEDIUM DENSITY RESIDENTIAL DISTRICT**

This residential district is intended to promote and encourage the establishment and maintenance of a suitable environment for urban residences in areas which by location and character are appropriate for occupancy by medium density, single-family and two-family dwellings. An important purpose of this district is to create adequate standards of residential development in order to prevent overcrowded and unhealthy conditions. The intensity of land use should not be so great as to cause congestion of buildings or traffic or overload existing sanitary facilities. Densities should be limited to provide adequate light, air, and usable open space for occupants of dwellings and adequate space for all related facilities.

### **6.02A USES PERMITTED**

1. Any use permitted in the R-1 Low Density Residential District.
2. Two-family dwellings (duplexes).
3. Boarding houses provided there is the accommodation of not more than two (2) boarders and there is no external evidence of such occupation except an announcement sign not more than two (2) square feet in area.
4. Cemeteries.
5. Bed and Breakfast (Refer to ARTICLE IX, SECTION 9.12 STANDARDS FOR A BED AND BREAKFAST) **(added 2/6/03)**
6. Short-term rentals provided they comply with the requirements within Article XIV Short Term Rental Regulations of the Zoning Ordinance. **(added 11/04/21)**
7. Tiny Homes provided they comply with the requirements within Section 9.13 Standards for Tiny Homes of the Zoning Ordinance. **(added 9/19/22)**

### **6.02B USES PERMITTED ON APPEAL**

In the R-2 Medium Density Residential District, the following uses and their accessory uses may be permitted subject to review and approval by the Board of Zoning Appeals in accordance with the provisions of Section 12.07.

1. Any use permitted on appeal in the R-1 Low Density Residential District shall be permitted on appeal in the R-2 Medium Density Residential District.

### **6.02C USES PROHIBITED**

1. Apartments or multi-family housing, except existing structures.
2. Commercial or industrial activities not permitted as a home occupation in Section 9.06
3. Any other use not specifically permitted or permissible on appeal.

**6.02D DIMENSIONAL REGULATIONS**

All uses permitted in the R-2 Medium Density Residential District shall comply with the following setback requirements except as provided in Section 10.06.

1. Front Yard:

The minimum depth of the front yard shall be twenty-five (25) feet.

2. Rear Yard:

The minimum depth of the rear yard shall be fifteen (15) feet.

3. Side Yard:

The side yard shall be a minimum of ten (10) feet for one and two story structures, plus five (5) additional feet of side yard for each additional story over two.

4. Side Yard on Corner Lots:

The minimum depth of the side yard that abuts the street shall be twenty (20) feet.

5. Land Area:

No lot or parcel of land shall be reduced in size to provide separate lots or building sites of less than fifteen thousand (15,000) square feet in area, except where sanitary sewer service is available, in which case, the minimum lot area shall be seventy-five hundred (7,500) square feet. On lots or parcels of land where two-family dwellings are constructed, the following area requirements shall apply:

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| Number of Dwelling Units | With Public Water and Sanitary Sewers | With Public Water and without Sanitary Sewers |
|--------------------------|---------------------------------------|-----------------------------------------------|
| 2 Units                  | 10,000 sq. ft.                        | 20,000 sq. ft.                                |

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6. Lot Width:

No lot shall be less than sixty-five (65) feet wide at the building setback line.

7. Height Requirements:

No building shall exceed two and one-half (2 1/2) stories or thirty-five (35) feet in height except as provided in Section 10.04.

**6.02E PARKING SPACE REQUIREMENTS**

As regulated in Section 9.03

**6.02F ACCESS CONTROL**

As regulated in Section 9.01.

### **6.03 R-3 HIGH DENSITY RESIDENTIAL DISTRICT**

This section provides for residences at high densities, including multi-family dwellings, mobile home parks, and general types of residential development. It is the intent of this ordinance that the R-3 High Density Residential District contain sound development and be a desirable place in which to live. The following uses and their accessory uses are permitted.

#### **6.03A USES PERMITTED**

1. Any use permitted in the R-1 Low Density Residential District or R-2 Medium Density Residential District.
2. Multi-family dwellings and townhouses.
3. Boarding and rooming houses.
4. Bed and Breakfast (Refer to ARTICLE IX, SECTION 9.12 STANDARDS FOR A BED AND BREAKFAST)(Added 2/6/03)
5. Professional Offices for doctors, lawyers, dentists, architects, artists engineers, real estate agents, insurance agents and the like, provided that they front on or abut for a minimum of 75 feet upon a state numbered highway with adequate utilities available and any such building be no more than 3,500 square feet in area. (added 5/27/04)
6. Short-term rentals provided they comply with the requirements within Article XIV Short Term Rental Regulations of the Zoning Ordinance. (added 11/04/21)
7. Tiny Homes provided they comply with the requirements within Section 9.13 Standards for Tiny Homes of the Zoning Ordinance. (added 9/19/22)

#### **6.03B USES PERMITTED ON APPEAL**

In the R-3 High Density Residential District the following uses and their accessory uses may be permitted subject to review and approval by the Spring City Board of Zoning Appeals in accordance with the provisions of Section 12.07:

1. Any use permitted on appeal in R-1 Low Density Residential District or R-2 Medium Density Residential District shall also be permitted on appeal in R-3 High Density Residential District.
2. Tiny House Subdivisions provided they comply with the requirements within Section 9.13 Standards for Tiny Homes (added 9/19/22)
3. Mobile home parks and travel trailer parks, provided the provisions of the Spring City Trailer Ordinance are met. (added 11.3.22)

#### **6.03C USES PROHIBITED**

1. Commercial or industrial activities not permitted as a home occupation in Section 9.06.
2. Any other use not specifically permitted or permissible on appeal.

**6.03D DIMENSIONAL REGULATIONS**

All uses permitted in the R-3 High Density Residential District shall comply with the following setback requirements except as provided in section 10.06.

1. Front Yard:  
The minimum depth of the front yard shall be twenty-five (25) feet.
2. Rear Yard:  
The minimum depth of the rear yard shall be twelve (12) feet.
3. Side Yard:  
The side yard shall be a minimum of eight (8) feet for one and two story structures, plus four (4) additional feet of side yard for each additional story over two.
4. Side Yard on Corner Lots:  
The minimum depth of the side yard that abuts the street shall be twenty (20) feet.
5. Land Area:  
No lot or parcel of land shall be reduced in size to provide separate lots or building sites of less than fifteen thousand (15,000) square feet in area, except where sanitary sewer service is available, in which case the minimum lot area shall be five thousand (5,000) square feet.

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

| Number of Dwelling Units | Water and Sanitary Sewers  | With Public Water but Without Sanitary Sewers |
|--------------------------|----------------------------|-----------------------------------------------|
| 2 units                  | 7,500 sq. ft.              | 20,000 sq. ft.                                |
| 3 units                  | 10,000 sq. ft.             | 30,000 sq. ft.                                |
| 3 + units                | 2,500 sq. ft. or each unit | Will be determined on a case-                 |

6. Lot Width: over 3 by-case basis  
No lot shall be less than fifty (50) feet wide at the building setback line.
7. Height Requirements:  
No building shall exceed two and one-half (2 1/2) stories or thirty-five (35) feet in height except as provided in Section 10.04.
8. Buffer Strip (**added 5/27/04**)  
Where a commercial building abuts a residential lot at either the side or rear yard, a planted buffer strip of not less than ten (10) feet wide shall be provided within the setbacks and not to interfere with utilities.

**6.03E PARKING SPACE REQUIREMENTS**

As regulated in Section 9.03.

**6.03F ACCESS CONTROL**

As regulated in Section 9.01.

**6.03G SITE PLAN REQUIREMENTS**

As regulated in Article 11.

## **6.04 RP RESIDENTIAL PROFESSIONAL DISTRICT (added 6/2/05)**

District Description. This district is intended to provide areas for development of professional offices, services, and other community uses, not including traditional retail commercial or warehousing activities, in areas that are deemed appropriate to make a transition from residential uses to the ones listed below. The district is intended to allow development or redevelopment of work opportunities near or adjacent to residential areas, with appropriate safeguards designed to minimize disruption of traffic flows and negative impacts on the adjacent residential uses.

### **6.04A. USES PERMITTED**

In the RP Residential Professional District, the following uses and their accessory uses are permitted:

1. Single-family and Two-family Dwellings, excluding Mobile Homes
2. Primary and Secondary Schools and Libraries
3. Parks, Playgrounds, and Community Buildings
4. Churches
5. Professional, Medical or Dental Offices
6. Shoe Repair, Tailors, Health Clubs, Florists, Antique and Souvenir Shops
7. Bed and Breakfast Establishments and Tea Rooms
8. Musical Instrument Instruction plus Photography, Dance and Martial Arts Studios
9. Short-term rentals provided they comply with the requirements within Article XIV Short Term Rental Regulations of the Zoning Ordinance (added 11/04/21)

### **6.04B. USES PERMITTED ON APPEAL**

In the RP Residential Professional District, The following uses and their accessory uses may be permitted subject to review and approval by the Board of Zoning Appeals in accordance with the provisions of Section 12.07.

1. None.

### **6.04C. USES PROHIBITED**

1. Any other use not specifically permitted or permissible on appeal.

### **6.04D. DIMENSIONAL REGULATIONS**

The following requirements shall apply to all uses permitted in the RP Residential Professional District:

1. Lot Area
  - a) For those areas served by a sanitary sewer system, there shall be a minimum lot area of not less than eight thousand (8,000) square feet.

- b) For those areas not served by a sanitary sewer system, the lot area requirements shall be determined by the Rhea County Health Department, but in no case shall be less than fifteen thousand (15,000) square feet.
2. Front Yard. The depth of the front yard shall be twenty-five (25) feet from the street or highway right-of-way.
  3. Rear Yard. Each lot shall have a rear yard of not less than ten (10) feet; the depth of a rear yard which abuts a residential district shall not be less than twenty-five (25) feet.
  4. Side Yard. (amended 12/1/05) The width of any side yard shall be a minimum of ten (10) feet for one and two story structures, plus five (5) additional feet of side yard for each additional story over two.  
  
If the side yard abuts a local street, alley, or cul-de-sac, the side yard setback shall be twenty-five (25) feet.  
  
If the side yard abuts a major thoroughfare or collector road, the side yard setback shall be thirty (30) feet.
  5. Lot Width. (amended 9/7/06) Each lot shall have a width of not less than fifty (50) feet at the building setback line.
  6. Height Requirement. No building or structure shall exceed three (3) stories or forty (40) feet, except as provided in Section 10.04.

**6.04E. REQUIREMENT OF BUFFER STRIP**

Wherever a new use is established on property which abuts at any point upon property zoned R-1, R-2 or R-3, the developer of said new use shall provide along the abutment a buffer strip as defined in Article 3 "Definitions of Certain Terms Used Herein".

**6.04F. PARKING SPACE REQUIREMENTS**

As regulated in Section 9.03.

**6.04G. OFF-STREET LOADING AND UNLOADING REQUIREMENTS**

As regulated in Section 7.01.

**6.04H. ACCESS CONTROL**

As regulated in Section 9.01.

**6.04I. SITE PLAN REQUIREMENTS**

As required in Article 11.

**6.04J. SIGNAGE REGULATIONS FOR THE R-P ZONE (amended 2/1/07)**

As regulated in Article 9, Section 9.11, General Sign Regulations, All Districts.



**ARTICLE VII. USE PROVISIONS FOR BUSINESS DISTRICT**

**SECTION**

- 7.01 C-1 CENTRAL BUSINESS DISTRICT**
- 7.02 C-2 GENERAL COMMERCIAL DISTRICT**
- 7.03 C-3 SHOPPING CENTER DISTRICT**
- 7.04 C-4 COMMERCE CENTER ZONING DISTRICT**

**7.01 C-1 CENTRAL BUSINESS DISTRICT**

The C-1 zone is a high density commercial district established to protect present business and commercial uses, encourage the eventual elimination of uses inappropriate to the function of the central business area, and encourage intensive development of this zone as the shopping and business center of the Town of Spring City, Tennessee, and its surrounding trade area.

**7.01A USES PERMITTED**

1. Retail business or services which are compatible with the pedestrian-oriented environment of the Central Business District.
2. Automobile sales and service.
3. Hotels, motels.
4. Banks.
5. Communication facilities: newspaper, radio, or television.
6. Off-street parking lots.
7. Professional offices for doctors, lawyers, dentists, architects, artists, engineers, real estate agents, insurance agents and the like.
8. Public uses and structures, and public utility structures.
9. Restaurants, grills, or similar eating establishments.
10. Signs as regulated in Section 9.11

**7.01B USES PERMITTED ON APPEAL**

In the C-1 Central Business District, the following uses and their accessory uses not listed above may be permitted subject to review and approval of the Board of Zoning Appeals in accordance with the provisions of Section 12.07.

1. Schools and churches.
2. Clubs and lodges.
3. Billboards.
4. Multi-family housing provided adequate parking is provided.

**7.01C USES PROHIBITED**

1. Single-family residential housing.
2. Industrial activities.
3. Any other use not specifically permitted or permissible on appeal.

**7.01D DIMENSIONAL REGULATIONS**

All uses permitted in the C-1 Central Business District shall comply with the following setback requirements except as provided in Section 10.06.

1. Front Yard:

No front yard shall be required in the C-1 Central Business District; however, a concrete sidewalk of not less than five (5) feet wide is required the full width of the structure.

2. Rear Yard:

Where a commercial building is to be serviced from the rear, there shall be provided an alleyway, service court, rear yard, or combination thereof of not less than thirty (30) feet in depth. The depth of a rear yard which abuts a residential district shall be not less than twenty-five (25) feet. In all other cases, no rear yard shall be required.

3. Side Yard:

No side yard shall be required except that a ten (10) foot buffer strip shall be required on any side which abuts a residential district, or a five (5) foot wide sidewalk the length of the structure shall be required on any side which abuts a public street.

4. Height Requirement:

No building shall exceed three (3) stories or forty (40) feet except as provided in Section 10.04.

**7.01E PARKING SPACE REQUIREMENTS**

As regulated in Section 9.03.

**7.01F OFF-STREET LOADING AND UNLOADING REQUIREMENTS**

As regulated in Section 9.04.

**7.01G ACCESS CONTROL**

As regulated in Section 9.01.

## **7.02 C-2 GENERAL COMMERCIAL DISTRICT**

The C-2 General Commercial District is established to provide medium density commercial centers to serve neighborhoods and community vehicular traffic of a non-regional nature. It is intended that such areas have properties with lot sizes, yards, performance and development standards sufficient to ensure that activities performed on any one lot will not unduly impede the flow of traffic, will not adversely affect activities of adjoining zones, and will not infringe on the efficiency of activities or customer attractiveness on adjacent lots.

### **7.02A USES PERMITTED**

1. Any use permitted in the C-1 Central Business District.
2. Any retail business or service customarily serving residential neighborhoods.
3. Agricultural implement, sales, service, and repair.
4. Automobile sales, parts, and service.
5. Commercial recreation facilities.
6. Restaurants, grills, drive-ins, fast food establishments.
7. Gasoline service stations provided that all structures, including underground storage tanks, are placed not less than thirty (30) feet from any property line and that such use shall front on a major thoroughfare. Points of access and egress shall be located not less than twenty (20) feet from the intersection of a street right-of-way.
8. Sales and service of boats, mobile homes, and travel trailers.
9. Wholesale and storage businesses including building and material yards.
10. Laundry and dry cleaning establishments.

### **7.02B USES PERMITTED ON APPEAL**

In the C-2 General Commercial District, the following uses and their accessory uses may be permitted subject to review and approval of the Board of Zoning Appeals in accordance with the provisions of Section 12.07.

1. Any use permissible on appeal in the C-1 Central Business District.
2. Veterinarian hospitals and kennels.
3. Multi-family housing and mobile home parks.
4. Truck stops.
5. Medical facilities: convalescent, rest, or nursing home; dental or medical clinic; doctors' office; hospitals; or public health centers.

6. Mortuaries and cemeteries

### **7.02C USES PROHIBITED**

Any non-commercial use not expressly permitted or permitted on appeal and those uses specifically prohibited in the C-1 Central Business District.

### **7.02D DIMENSIONAL REGULATIONS**

The following requirements shall apply to all uses permitted in the C-2 General Commercial District

1. Lot Area:
  - a. For those areas served by a sanitary sewer system, there shall be a minimum lot area of not less than ten thousand (10,000) square feet.
  - b. For those areas not served by a sanitary sewer system, the lot area requirements shall be determined by the planning commission based on recommendations of the Health Department, but in no case shall be less than fifteen thousand (15,000) square feet.

2. Front Yard:

The depth of the front yard shall be fifty (50) feet from any edge of the right-of-way.

3. Side Yard:

The width of any side yard which abuts a residential district shall be not less than twenty-five (25) feet. In all other cases, each side yard shall be not less than fifteen (15) feet.

4. Rear Yard:

Each lot shall have a rear yard of not less than ten (10) feet; where a commercial building is serviced from the rear there shall be provided a rear yard of not less than thirty (30) feet; the depth of a rear yard which abuts a residential district shall not be less than twenty-five (25) feet.

5. Lot Width:

Each lot shall have a width of not less than seventy-five (75) feet at the building setback line.

6. Height Restrictions: **(amended 9/7/06)**

No building or structure shall exceed three (3) stories or forty (40) feet except as provided in Section 10.04, and for freestanding signs as defined in Article IX (Signs, Billboards, and Other Advertising Structures), Section 9.11, (General Sign Regulations, All Districts) which shall not exceed fifty (50) feet in height.

**7.02E PARKING SPACE REQUIREMENTS**

As regulated in Section 9.03.

**7.02F OFF-STREET LOADING AND UNLOADING REQUIREMENTS**

As regulated in Section 9.04.

**7.02G ACCESS CONTROL**

As regulated in Section 9.01.

### **7.03 C-3 SHOPPING CENTER DISTRICT**

The C-3 Shopping Center District is established to provide areas for those specialized sales, travel accommodations, and activities which depend on visibility from or proximity to automobiles or traffic, serve regional travelers, cater to local residents in vehicles, or provide services essential to the movement of vehicles in major ways. It is the intent of this district to provide for the planned commercial development of shopping centers that do not contribute to the congestion of major roads.

#### **7.03A USES PERMITTED**

1. Any use permitted in the C-1 Central Business District and the C-2 General Commercial District.
2. Churches and Schools.
3. Truck stops.
4. Medical facilities: hospitals; clinics; public health centers; nursing homes; animal clinics.
5. Billboards.

#### **7.03B USES PERMITTED ON APPEAL**

1. Any use permitted on appeal in the C-1 Central Business District or the C-2 General Commercial District subject to review and approval of the Board of Zoning Appeals in accordance with the provisions of Section 12.07.
2. Any other commercial use which in the opinion of the Board of Zoning Appeals is similar in character and not detrimental to the intent of this district.

#### **7.03C DIMENSIONAL REGULATIONS**

The following requirements shall apply to all uses permitted in the C-3 Shopping Center District.

1. Lot Area:  
  
All lots shall be a minimum of fifteen thousand (15,000) square feet in area regardless of public water or sanitary sewer service.
2. Front Yard: **(amended 9/7/06)**  
  
The depth of the front yard shall be fifty (50) feet from any edge of the right-of-way, and a concrete sidewalk of not less than five (5) feet wide is required the full distance of the structure.
3. Side Yard:

The width of any side yard which abuts a residential district shall not be less than twenty-five (25) feet. In all other cases, each side yard shall not be less than twenty (20) feet. However, in the case of a designated shopping center development, individually owned buildings may abut each other provided all other provisions of the C-3 District are complied with and there is the jointly utilized parking and ingress and egress points of access.

4. Rear Yard:

Each lot shall have a rear yard of not less than thirty-five (35) feet.

5. Lot Width:

Each lot shall have a width of not less than one hundred (100) feet at the building line except in the case of buildings which abut each other. In such case, no lot shall be less than thirty-five (35) feet in width.

6. Height Restrictions:

No building or structure shall exceed two (2) stories or thirty (30) feet in height.

**7.03D PARKING SPACE REQUIREMENTS**

As regulated in Section 9.03.

**7.03E OFF-STREET LOADING AND UNLOADING REQUIREMENTS**

As regulated in Section 9.04.

**7.03F ACCESS CONTROL**

As regulated in Section 9.01.

**7.03G SCREENING AND LANDSCAPING**

The shopping center shall be permanently screened from adjoining residential districts by a wall, fence, evergreen hedge and/or other suitable enclosure of maximum height of seven (7) feet. A landscape area of at least ten (10) feet in depth, exclusive of any sidewalks, must be provided along street frontage and must be located between the curb line and a line parallel to and ten (10) feet inside the property line. The planning commission may waive the requirement for screening enclosure and/or screening area if equivalent screening is provided by existing parks, parkways, recreation areas, or by topography or other natural conditions.

**7.03H ADMINISTRATIVE PROCEDURES**

1. Prior to the issuance of any building permit in the C-3 Shopping Center District, the developer shall submit site plans of the proposed development to the planning commission, which shall be in adequate detail to determine compliance with the provisions of this section; and which shall show the arrangements of buildings, types of shops and stores, design and

circulation pattern of the off-street parking area, landscaped yards, ornamental screening, service courts, utility and drainage easements, and the relationship of the shopping center development to adjacent areas which it may affect.

Specifically said site plan shall consist of the following:

- a. Name of development or address.
  - b. Name and address of owner of record and the applicant.
  - c. Present zoning of the site and abutting property.
  - d. Date, scale, and north point with reference to source of meridian.
  - e. Courses and distances of centerline of all streets and all property lines.
  - f. All building restricting lines, highway setback lines, easements, covenants, reservations, and rights-of-way.
  - g. The total land area.
  - h. Topography of existing ground and paved areas, and elevations of streets, alleys, utilities, sanitary and storm sewers and buildings and structures. Topography to be shown by dashed lines illustrating two foot or five foot contours as required by the planning commission or designated city engineer and by spot elevations where necessary to indicate flat areas, as based on U.S.C. and G.S. datum.
  - i. Number and location of parking spaces.
  - j. Number and location of loading spaces.
  - k. Square feet of floor space.
  - l. Number of commercial or industrial tenants and employees.
  - m. Plans for collecting storm water and methods of treatment of natural and artificial watercourses including a delineation of limits of floodplains.
  - n. Proposed grading, surface drainage, terraces, retaining wall heights, grades on paved areas, and ground floor elevations of proposed buildings and structures, proposed topography of site shall be shown by two or five foot contours as required by the planning commission or designated city engineer.
2. Site plans shall be drawn by either a licensed surveyor or engineer registered by the State of Tennessee. The owner or developer shall submit three (3) copies, or as may be required by the planning commission, his proposed site plan five (5) days prior to the planning commission meeting in which approval is being sought. The planning commission shall consider the site plan in light of the provisions of this article and approve



or disapprove same as required; the plans then shall be returned to the owner or his agent with the date of such approval or disapproval noted thereon over the signature of the planning commission.

3. It shall be unlawful for any person to construct, erect, or alter any building or structure or to develop, change, or improve land for which an approved site is required by this article, except in accordance with the approved final site plan.

Any substantial deviation from the plans submitted shall constitute a violation of the building permit authorizing construction of the shopping center. Substantial changes in plans shall be submitted to the planning commission to ensure compliance with the requirements, purpose, and intent of this section, and no building permit shall be issued for any construction which is not in substantial conformity with the approved plan.

**7.04 C-4 COMMERCE CENTER ZONING DISTRICT (added 6/25/07)**

District Description. This district is intended to serve the diverse needs of an entire community or region, which is generally planned and constructed as a unit and providing a variety of goods and services in stores and offices conveniently arranged with respect to one another and to off street parking facilities provided with safe access from appropriate public streets. This district is to promote flexibility and diversity in the development and maintenance of commerce centers which are complementary and appropriate to the surrounding neighborhoods and to assure that the development will protect and enhance the value of surrounding property in addition to fulfilling a public need of the community. The C-4 Commerce Center Zoning District shall be permitted only where adequate frontage is available for ingress and egress utilizing arterial streets.

**7.04A. USES PERMITTED.**

In the C-4 Commerce Center Zoning District, the following uses and their accessory uses are permitted:

1. Multi-family Dwellings, excluding Mobile Homes, provided that all permanent residential uses shall locate on upper floors or otherwise be separated from areas of principal commercial activity.
2. Eating and Drinking establishments.
3. Hotels, Motels and other transient accommodations.
4. Parks, Playgrounds, and Community Buildings.
5. Home Occupations
6. Churches
7. Professional, Medical or Dental Offices and Banking Facilities.
8. Shoe Repair, Tailors, Health Clubs, Florists, and Laundry Services, Repair establishments for household articles and appliances, plus Antique and Souvenir Shops.
9. Department Stores, Supermarkets, Drug Stores, Bakeries, Jewelry Stores, Florists, Hobby Shops, Hardware Stores, Bakeries, Meat Markets, Variety Stores, Apparel Stores, Shoe Stores, Stores for sale of Gardening Supplies, Radio and TV Stores.
10. Barber Shops and Beauty Shops.
11. Vehicular repair Facilities, New and Used Automobile Dealerships.

**7.04B. USES PERMITTED ON APPEAL.** In the C-4 Commerce Center Zoning District, the following uses and their accessory uses may be permitted subject to review and approval by the Board of Zoning Appeals in accordance with the provisions of Section 12.07.

1. Townhomes. (added 02/04/21)

**7.04C. USES PROHIBITED.**

1. Any other use not specifically permitted or permissible on appeal.

**7.04D. DIMENSIONAL REGULATIONS.** The following requirements shall apply to all uses permitted in the C-4 Commerce Center Zoning District:

1. Lot Area
  - a) For those areas served by a sanitary sewer system, there shall be a minimum lot area of not less than ten thousand (10,000) square feet.
  - b) For those areas not served by a sanitary sewer system, the lot area requirements shall be determined by the Rhea County Health Department, but in no case shall be less than fifteen thousand (15,000) square feet.
2. Front Yard. The depth of the front yard shall be thirty (30) feet from the street or highway right-of-way; however, a concrete sidewalk of not less than five (5) feet wide is required the full width of the structure.
3. Rear Yard. Each lot shall have a rear yard of not less than ten (10) feet; the depth of a rear yard which abuts a residential district shall not be less than twenty-five (25) feet.
4. Side Yard. The width of any side yard which abuts a residential district shall not be less than twenty-five (25) feet. In all other cases, the side yard shall be a minimum of ten (10) feet for one- and two-story structures, plus five (5) additional feet of side yard for each additional story over two.

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

If the side yard abuts a major thoroughfare or collector road, the side yard setback shall be thirty (30) feet.
5. Lot Width. Each lot shall have a width of not less than seventy-five (65) feet at the building setback line.
6. Height Requirement. No building or structure shall exceed three (3) stories or forty (40) feet, except as provided in Section 10.04.

**7.04E. REQUIREMENT OF BUFFER STRIP.**

Wherever a new use is established on property which abuts at any point upon property zoned R-1, R-2 or R-3, the developer of said new use shall provide along the abutment a buffer strip as defined in Article 3 "Definitions of Certain Terms Used Herein".

**7.04F. PARKING SPACE REQUIREMENTS.**

As regulated in Section 9.03.

**7.04G. OFF-STREET LOADING AND UNLOADING REQUIREMENTS.**

As regulated in Section 7.01.

**7.04H. ACCESS CONTROL.**

As regulated in Section 9.01.

**7.04I. SITE PLAN REQUIREMENTS.**

As required in Article 11.

**7.04J. SIGNAGE REGULATIONS FOR THE C-4 ZONE.**

Signs shall have a maximum square footage of sixty (60) square feet and a maximum height of fifty (50) feet measured to the top of the sign.

## ARTICLE VIII. USE PROVISIONS FOR INDUSTRIAL DISTRICTS

### SECTION

#### **8.01 I-1 INDUSTRIAL DISTRICT**

##### **8.01 I-1 INDUSTRIAL DISTRICT**

The I-1 Industrial District is established to provide areas for firms engaged in the manufacture and distribution of goods, to discourage uses incompatible to manufacturing; and protect the surrounding higher land uses and also to protect the industries in the district.

##### **8.01A USES PERMITTED**

1. Industries, provided that any industry that may cause injurious or obnoxious noise, vibration, smoke, gas fumes, odor, dust, fire hazard or other objectionable conditions, shall be required to show that the proposed location, construction, and operation will not injure present or prospective industrial development in the district or surrounding districts
2. Agricultural equipment sales and repair
3. Automobile sales rooms and repair garages
4. Baking establishments
5. Bottling and distribution plants
6. Bulk storage plants
7. Electronics firms
8. Gasoline service stations
9. Heavy equipment sales and service
10. Newspaper and printing plants
11. Off-street parking lots
12. Professional offices for architects, artists, engineers and similar professional services
13. Public uses and structures
14. Public utility structures
15. Signs and billboards as regulated in Section 9.11
16. Stockyards and livestock sales
17. Truck terminals
18. Wholesale and storage businesses including building material yards

## **8.01B USES PERMITTED ON REVIEW**

Any use which conforms to the intent of this district shall be permitted on review and approval of the Board of Zoning Appeals as regulated in Section 12.07.

1. In the case that a proposed use is not listed under "Uses Permitted" or "Uses Permitted on Review" it shall be the responsibility of the Board of Zoning Appeals to review the proposed use in relationship to the intent of this district and determine if the proposed use is similar in character to uses already permitted or already permitted on review in this district. The Board of Zoning Appeal's review and determination shall be based on a recommendation prepared by the Spring City Municipal Planning Commission.
2. Adult-Oriented Establishments (**added 3/4/04**)
  - a. Adult-oriented establishments, subject to the following special restrictions:
    1. Restrictions. In no case shall an adult-oriented establishment be permitted to locate within five hundred feet (500') of any boundary to a R-1, R-2 or R-3 Residential Zone, nor shall any proposed adult-oriented establishment be permitted to locate within five hundred feet (500') of a residential use within any zone, nor shall any proposed adult-oriented establishment be permitted to locate within five hundred feet (500') from the nearest property line of a site used for the purpose of a recreation park, playground or swimming pool (not including ornamental only parks); place of worship, public or private school, day care center, or another adult-oriented establishment. Measurements shall be made from the nearest recorded property line of the adult-oriented establishment to the nearest property line or boundary of said uses.
    2. Evaluation. For the purpose of enforcing this section, it shall be the responsibility of the zoning administrator to measure, evaluate, and advise the Board of Zoning Appeals Commission regarding compliance of a proposed adult-oriented establishment with the restrictions set forth herein. It shall be the responsibility of the applicant to supply a site plan, as set forth in Article 11, and any other maps, surveys, or other such special information as might reasonably be required and requested by the Board of Zoning Appeals or its designee for use in making a thorough evaluation of the application.
    3. Adult-oriented Establishments-Unlawful Acts. It shall be unlawful for any person to own, manage, or operate an adult-oriented establishment in any zone other than I-1 or to own, manage or operate such an establishment without obtaining a conditional use permit as required herein and any other permit the Town of Spring

City may require. Obtaining any other required permits shall be a requirement of the conditional use permit.

4. Hours of Operation. Under the authority of *TCA 7-51-1402(b)* the hours of operation for an adult-oriented establishment shall be opening not earlier than one (1) o'clock p.m. and closing not later than eleven (11) o'clock p.m. Monday through Thursday, and not later than twelve (12) midnight on Fridays and Saturdays. No adult-oriented establishment shall be open for business on any Sunday or a legal holiday as designated in *TCA 15-1-101*.
5. Physical Design of Premises. As provided in *TCA 7-51-1403* no person shall own, operate, manage, rent, lease or exercise control over any commercial building, structure, premises or portion or part thereof, which is an adult-oriented establishment and which contains:
  - a) Partitions between subdivisions of a room, portion or part of a building structure or premises having an aperture which is designed or constructed to facilitate sexual activity between persons on either side of the partition; or
  - b) Booths, stalls, or partitioned portions of a room or individual rooms, used for the viewing of motion pictures or other forms of entertainment, having doors, curtains, or portal partitions, unless such booths, stalls, partitioned portions of a room or individual rooms so used shall have at least one (1) side open to adjacent public rooms so that the area inside is visible to persons in adjacent public rooms. Such areas shall be lighted in a manner that the persons in the areas used for viewing motion pictures or other forms of entertainment are visible from the adjacent public rooms, but such lighting shall not be so such intensity as to prevent the viewing of motion pictures or other offered entertainment.
6. Revocation and Hearing: Expansion, relocation, substantial misrepresentation, violation of a) any of the terms of the ordinance, b) a change in the dominant sales items or services offered to the public, or c) failure to operate the establishment in conformity with any terms and specifications set forth in the conditions attached to the special permit shall constitute grounds for revocation of the special permit after notice and hearing. Notice of the hearing before the Board of Zoning Appeals for revocation of the permit shall be given in writing setting forth the grounds of the complaint and the time and place of the hearing. Such notice shall be mailed by

certified mail to the applicant's or owner's last known address at least five (5) days prior to the date set for the hearing.

7. Signs and Other Visible Messages. Signs and visible messages based on the allowable sign area of the zoning district as shown in Article IX, (Supplementary Provisions Applying to All Districts), Section 9.11, (Signs, Billboards, and other Advertising Structures) are permitted provided:
  - a) Sign messages shall be limited to a written description of material or services available on the premises;
  - b) Sign messages may not include any graphic or pictorial depiction of material or services available on the premises;
  - c) Messages which are visible or intended to be visible from outside the property (such as on or within doors or windows) shall not display materials, items, publications, pictures, films, or printed material available on the premises; or pictures, films, or live presentation of persons performing or services offered on the premises.

#### **8.01C DIMENSIONAL REGULATIONS**

All uses permitted in the I-1 Industrial District shall comply with the following setback requirements except as provided in Section 10.06.

1. Front Yard:

The minimum depth of the front yard shall be thirty (30) feet.
2. Rear Yard:

The minimum depth of the rear yard shall be thirty (30) feet. No yard shall be required for that portion of a lot which fronts on a railroad or rail spur line.
3. Side Yard:

The minimum depth of the side yard shall be twenty (20) feet, except that side yards for industrial lots adjacent to residential districts shall be a minimum of fifty (50) feet. No yard shall be required for that portion of a lot which fronts on a railroad or rail spur line.
4. Land Area:

Where public water and sewer service is available there shall be required a minimum land area of two (2) acres. In areas where only public water is available, there shall be a minimum of five (5) acres. No industrial land use shall be permitted in areas where a public water supply is not available,



except where the Planning Commission has determined that such use does not require a supply of potable water in its manufacturing operation. In such instances, the Planning Commission shall grant written approval of the use and shall establish a minimum land area which shall not be less than five (5) acres.

5. Maximum Lot Coverage:

No maximum lot coverage shall be imposed in the I-1 Industrial District.

6. Lot Width:

No lot shall be less than one hundred fifty (150) feet wide at the building setback line.

7. Height Requirement:

No building or structure shall exceed three (3) stories or forty (40) feet in height except as provided in Section 10.04.

**8.01D PARKING SPACE REQUIREMENTS**

As regulated in Section 9.03.

**8.01E OFF-STREET LOADING AND UNLOADING REQUIREMENTS**

As regulated in Section 9.04.

**8.01F ACCESS CONTROL**

As regulated in Section 9.01.

**8.01G USES PROHIBITED**

In the I-1 Industrial District all uses except those uses specifically permitted, permitted by special exception by the Board of Zoning Appeals, or as regulated in Section 10.03, are prohibited.

**8.01H SITE PLAN REQUIREMENTS**

As regulated in Article 11.

## ARTICLE IX. SUPPLEMENTARY PROVISIONS APPLYING TO ALL DISTRICTS

### SECTION

- 9.01 ACCESS CONTROL
- 9.02 ACCESSORY USE REGULATIONS
- 9.03 OFF-STREET PARKING REGULATIONS
- 9.04 OFF-STREET LOADING AND UNLOADING REQUIREMENTS
- 9.05 TEMPORARY USE REGULATIONS
- 9.06 CUSTOMARY HOME OCCUPATIONS
- 9.07 GENERAL LOT RESTRICTIONS
- 9.08 VISION AT STREET INTERSECTIONS
- 9.09 GASOLINE SERVICE STATION RESTRICTIONS
- 9.10 SWIMMING POOL RESTRICTIONS
- 9.11 SIGNS, BILLBOARDS, AND OTHER ADVERTISING STRUCTURES
- 9.12 STANDARDS FOR A BED AND BREAKFAST
- 9.13 TINY HOME REGULATIONS

### 9.01 ACCESS CONTROL

In order to expedite the movement of traffic, to promote the safety of the motorist and pedestrian, and to minimize traffic congestion and conflict, it is necessary to reduce the points of vehicular contact. Therefore, to effectively control vehicular access onto the streets of Spring City, it is necessary to classify such streets as follows: arterials, collectors, and local streets. The classification of each street shall be as shown on the zoning map of Spring City, Tennessee, which is kept at City Hall.

The following are general access regulations applying to all classifications of streets.

1. Maximum width of all access points:

The maximum width of all access points shall be thirty (30) feet measured at the property line except when the development requiring access generates high overall or high peak traffic volumes, in which case the Spring City Municipal Planning Commission may approve a wider channelized access point to allow various turning movements for greater traffic control and safety.

2. Temporary access ways:

Temporary access ways may be granted by the Planning Commission at locations other than those specified for permanent access where it is expedient for the purpose of staged development. Temporary access ways shall be closed when permanent access to the property is completed.

3. Off-street parking lanes entirely independent of public streets:

No off-street vehicular storage or parking area shall be allowed where the arrangement requires that vehicles back directly into a public street right-of-way.

4. Access for lots fronting on more than one street:

In all commercial developments where a lot abuts more than one street, the Planning Commission may require that the access be from the street of

lower classification when necessary to lessen serious congestion on the major street.

5. Gasoline service stations:

Gasoline service stations shall be allowed two (2) access points onto the same street to allow proper circulation past gasoline pumps.

## **9.02 ACCESSORY USE REGULATIONS**

The uses of land, buildings, and other structures permitted in each of the districts established by this ordinance are designated by listing the principal uses. In addition to such principal uses, additional uses which are customarily incidental to the permitted principal uses are also permitted in each district. Each accessory use shall:

1. Be customarily incidental to the principal use established on the same lot.
2. Be subordinate to and serve such principal use.
3. Be subordinate in area, intent, and purpose to such principal use.
4. Contribute to the comfort, convenience, or necessity of users of such principal use.

## **9.03 OFF-STREET PARKING REGULATIONS**

### **9.03A SPACES REQUIRED** (amended 9/7/06)

Off-street automobile storage or standing space shall be provided on each lot upon which any of the following uses are hereafter established. One (1) passenger vehicle space shall be determined as a space with dimensions of nine feet in width and eighteen feet in length and such shall be provided access to a street or alley. The number of parking spaces provided shall meet the minimum requirements for the specific uses as set forth below.

1. Dwellings:  
Not less than one (1) space for each family dwelling unit.
2. Boarding houses and rooming houses:  
Not less than one (1) space for each two (2) rooms occupied by boarders or roomers.
3. Tourist Accommodations, motel or hotel:  
Not less than one (1) space for each room offered for tourist accommodation.
4. Any auditorium, stadium, or other place or public assembly:  
Not less than one (1) space for every five (5) seats provided in such places of assembly. For places of public assembly where seating is not a measure of capacity, such as clubhouses, funeral parlors, etc., at least one (1) space

for each one hundred (100) square feet of floor space devoted to that particular use shall be provided.

5. Churches:

Not less than one (1) space for every twenty (20) seats provided in such places of assembly.

6. Manufacturing and other industrial uses:

Not less than one (1) space for every three (3) persons employed on a single shift, with a minimum of five (5) spaces provided for any establishment.

7. Commercial building or use:

One (1) space for each one hundred seventy-five (175) square feet of usable floor space in commercial districts. Usable floor space is to be determined by the Local Planning Office staff based on the nature of the business.

8. Medical or dental clinics and hospitals.

Four (4) spaces per doctor, plus one (1) additional space per employee.

9. Service stations:

Five (5) spaces for each grease rack or similar facility, plus one (1) space for each gasoline pump.

10. Offices:

One (1) space for each two hundred (200) square feet of office space.

11. Restaurants:

One (1) space per one hundred fifty (150) square feet of usable floor area, plus one (1) space for every two (2) employees. For drive-in restaurants, one (1) space per fifty (50) square feet of usable floor area.

12. Apartments and any other planned unit development:

One (1) space for each family dwelling unit. In addition there shall be paved guest parking provided at a ratio of one (1) space per two (2) units.

### **9.03B CERTIFICATION OF MINIMUM PARKING REQUIREMENTS**

Each application for a building permit shall include information as to the location and dimensions of off-street parking and loading space and the means of ingress and egress to such space. This information shall be in sufficient detail to enable the Building Inspector to determine whether or not the requirements of this section are met.

### **9.03C COMBINATION OF REQUIRED PARKING SPACE**

The required parking space for any number of separate uses may be combined in one lot, but the required space assigned to one use may not be assigned to another use, except that the parking space required for churches, theaters, or assembly halls whose peak attendance will be at night or on Sundays may be assigned to a use which will be closed at night or Sundays.

### **9.03D REMOTE PARKING SPACE**

If the off-street parking space required by this ordinance cannot be reasonably provided on the same lot on which the principal use is located, such space may be provided on any land within five hundred (500) feet of the main entrance to such principal use, provided such land is in the same ownership as the principal use. Such land shall be used for no other purpose so long as no other adequate provision of parking space, meeting the requirements of this ordinance, has been made for the principal use.

### **9.03E REQUIREMENTS FOR DESIGN OF PARKING LOTS**

1. Except for parcels of land devoted to one- and two-family residential uses, all areas devoted to off-street parking shall be so designed and be of such size that no vehicle is required to back into a public street to obtain egress.
2. Each parking space shall be no less than two hundred (200) square feet in area.
3. Entrances and exits for all off-street parking lots shall comply with the requirements of Section 9.01.
4. The parking lot shall be drained to eliminate surface water.

### **9.04 OFF-STREET LOADING AND UNLOADING REQUIREMENTS**

Every building or structure hereafter constructed and used for industry, or business or trade in all districts shall provide space for the loading and unloading of vehicles off the street or public alley. This space shall not be considered as part of the space requirements for off-street automobile storage.

The Board of Zoning Appeals may hereafter reduce or increase these requirements in the interest of safety where unusual or special conditions are due consideration.

### **9.05 TEMPORARY USE REGULATIONS**

The following regulations are necessary to govern the operation of certain necessary or seasonal uses non-permanent in nature. Application for a Temporary Use Permit shall be made to the Building Inspector. Said application shall contain a graphic description of the property to be

utilized and a description of the proposed use, and sufficient information to determine yard requirements, setbacks, sanitary facilities, and parking space for the proposed temporary use. The following uses are deemed to be temporary uses and shall be subject to the specific regulations and time limits which follow and subject to the regulations of any district in which such use is located.

1. Carnival or circus:

May obtain a Temporary Use Permit in the C-2 district; however, such permit shall be issued for a period of not longer than fifteen (15) days.

2. Christmas tree sales:

May obtain a thirty (30) day Temporary Use Permit for the display of Christmas trees on open lots in any district except the Floodway District.

3. Temporary buildings:

In any district, except the Floodway District, a Temporary Use Permit may be issued for a contractor's temporary office and equipment sheds incidental to a construction project. Such permit shall not be valid for more than one (1) year but may be renewed for six-month extensions; however, not more than three (3) extensions shall be granted to a particular use. Such use shall be removed upon completion of the construction project, or upon expiration of the Temporary Use Permit, whichever occurs sooner.

4. Temporary real estate sales office:

In any district, a Temporary Use Permit may be issued for a temporary real estate sales office in any new subdivision which has been approved by the Planning Commission under the Spring City Subdivision Regulations. Such office shall contain no living accommodations. The permit will be valid for one (1) year, but may be granted two (2) six-month extensions. Such office shall be removed upon completion of the development of the subdivision or upon expiration of the Temporary Use Permit, whichever occurs sooner.

5. Religious tent meetings:

In the C-2 General Commercial District a Temporary Use Permit shall be issued for a tent or other temporary structure to house a religious meeting. Such permit shall be issued for not more than a thirty (30) day period.

6. Seasonal sale of farm produce:

In the C-2 General Commercial District a Temporary Use Permit may be issued for the sale of farm produce grown on the premises. Structures

utilized for such sales shall be removed when not in use. The permit shall be issued for a five (5) month period. All structures must be set back from the roadway a minimum of thirty-five (35) feet.

7. Miscellaneous assemblies:

In any district, except the Floodway District, a Temporary Use Permit may be issued for any assembly such as an outdoor music, political rally, etc. Such permit shall be issued for not more than a seven (7) day period.

8. Temporary dwelling units in case of medical hardships: *(added 11.3.22)*

In any district, a temporary use permit may be issued to place a mobile home (double-wides excluded), or other modular or manufactured home up to 1,000 square feet, on a lot which already contains a residential structure, provided that the purpose of such placement temporarily shall be to make it possible for a resident of either structure to provide assistance to a person who requires daily assistance due to physical or mental disability, and provided further that such temporary structures does not represent a hazard to the safety, health, or welfare of the community.

An applicant for a temporary use permit as provided under this subsection must produce a written statement from a physician certifying that the specific disability requires assistance from someone else in close proximity as evidence of such disability, and a written statement from the Health Department approving the sewage disposal system of the proposed temporary structure, unless the temporary dwelling unit is connected to the Spring City sanitary sewerage system.

Such permit may be initially issued for eighteen (18) months. A permit may be renewed for six (6) months at a time, subject to producing a new statement from a physician certifying that the assistance is still required due to the disabling condition. A temporary permit shall be revoked and the structure shall be removed immediately upon expiration of the permit or upon a change in the conditions under which such permit was issued. The person requiring assistance due to the stated disabling condition may be a resident of either temporary or permanent structure. The temporary residence shall be treated as an accessory structure.

9. Temporary dwelling unit in cases of other special hardships or new construction: *(added 11.3.22)*

In any district, a temporary use permit may be issued to place a mobile home (double-wides excluded), or other modular or manufactured home up to 1,000 square feet, temporarily on a lot which already contains a residential or commercial structure where the Spring City Board of Zoning Appeals finds that special circumstances or conditions, fully described in the findings of the board, exist; such that the use of a temporary residential or commercial structure is necessary in order to prevent an exceptional hardship on the applicant; such as the construction of a new home or a repair of the principle residence damaged by fire or other special hardship; provided that such temporary structure does not represent a hazard to safety, health, or welfare of the community.

An applicant for a temporary use permit as provided under this subsection must produce evidence of connection to the Spring City sanitary sewer system or a written statement from the County Health Department approving the sewage disposal system of the temporary structure. Such a permit may be initially issued for one year, the same length as a building permit. A permit may be renewed for an additional year, at a time, as long as the building permit has also been renewed. A temporary use permit for a TDU will only be issued if the applicant has purchased a building permit. The temporary structure shall be treated as an accessory structure.

**9.06 CUSTOMARY HOME OCCUPATIONS**

A customary home occupation is a gainful occupation or profession conducted by members of a family residing on the premises and conducted entirely within the dwelling unit. In connection with a home occupation, no stock in trade shall be displayed outside the dwelling, and no alteration to any building shall indicate from the exterior that the building is being utilized in whole or in part for any purpose other than a residential unit, including permitted accessory buildings. When questions arise regarding the legality of specific home occupations the Board of Zoning Appeals shall determine whether said home occupation is in compliance with the district in which said home occupation is located. However, activities such as dancing instruction, band instrument instruction except piano instruction, tea rooms, tourist homes, convalescent homes, mortuaries, animal clinics, retail sales business, or any other activity deemed by the Board to be incompatible with the district or a potential nuisance to the surrounding area shall not constitute an acceptable home occupation.

**9.07 GENERAL LOT RESTRICTIONS**

The following general lot restrictions shall be complied with in all districts.

**9.07A ONE (1) PRINCIPAL STRUCTURE FOR EACH LOT**

- 1. Only one (1) principal building and its customary accessory building may be erected on any lot. This provision does not prohibit planned unit development complexes as permitted in the R-3 High Density Residential District as regulated by the Southern Building Code and this ordinance.
- 2. No building shall be erected on a lot which does not abut at least one (1) street for its entire frontage. No building shall be erected on a lot with less than twenty-five (25) foot frontage.

**9.07B REDUCTIONS IN LOT AREA PROHIBITED**

No lot, even though it may consist of one or more adjacent lots of record, shall be reduced in area so that yards, lot area per family, lot width, building area, or other requirements of this ordinance are not maintained. This section shall not apply when a portion of a lot is required for a public purpose

**9.07C REAR YARD ABUTS A PUBLIC STREET**



When the rear yard of a lot abuts a public street all structures built in that rear yard shall observe the same setback from the street line or property line as required for adjacent properties which front on that street. In addition, any structure located within twenty-five (25) feet of that setback line shall be no closer to any side property line than the distance required for side yards on adjoining properties fronting on that street.

### **9.08 VISION AT STREET INTERSECTIONS**

On a corner lot in any district, within the area formed by the center lines of the intersecting or intercepting streets and a line joining points on such center lines at a distance of seventy-five (75) feet from their intersections, there shall be no obstruction to vision between the height of two and one-half (2-1/2) feet and a height of ten (10) feet above the average grade of each street at the center line thereof. The requirements of this section shall not be construed to prohibit any necessary retaining wall, nor the provisions of the C-1 Central Business District zone.

### **9.09 GASOLINE SERVICE STATION RESTRICTIONS**

The following regulations shall apply to all gasoline service stations:

1. There shall be a building setback from all street right-of-way lines of a distance of not less than forty (40) feet, except for canopies designed to cover the gasoline pump islands.
2. Gasoline pumps shall not be located closer than twenty-five (25) feet to any street right-of-way line.
3. Sign requirements as established in Article IX, Section 9.11 shall be met.

### **9.10 SWIMMING POOL RESTRICTIONS**

The following regulations shall apply to all swimming pools:

1. No swimming pool or part thereof, excluding aprons and walks, shall protrude into any required front yard in the R-1, R-2, and R-3 Districts.
2. The swimming pool area shall be walled or fenced so as to prevent uncontrolled access by children and pets from the street or from adjacent properties. Said fence or wall shall not be less than four (4) feet in height and maintained in good condition.
3. Private swimming pools are permitted in R-1, R-2, and R-3 Districts provided that the pool is intended and is to be used solely for the enjoyment of the occupants and their guests of the property on which it is located.

### **9.11 GENERAL SIGN REGULATIONS, ALL DISTRICTS** (AMENDED 6/5/03)

These conditions are established as a reasonable and impartial method of regulating advertising structures in order to insure light, air, and open space; to reduce hazards at intersections; and to

protect property values of the entire community. The regulations for signs, billboards, and other advertising structures are enumerated below:

1. Definitions.

- A. Spectacular Sign: These signs have advertising copy which is animated, wired for lights or luminous tubing, or both, with copy action controlled by the flashed circuit breakers or matographs.
- B. Freestanding Signs: Any sign supported by structures or supports that are placed on, or anchored to the ground and that are independent from any building or structure, also known as ground and pole signs.
- C. Portable Sign: Any sign not permanently attached to the ground or other permanent structure, or a sign designed to be transported, including, but not limited to, signs designed to be transported, by means of wheels; signs converted to A or T-Frame; menu and sandwich board signs; balloons used as signs; umbrellas used for advertising; and signs attached to or painted on vehicles parked and visible from the public right-of-way, unless said vehicle is used in the normal day-to-day operations of the business shall be prohibited.
- D. Roof Signs: Any sign erected and constructed on and over the roof of a building, supported by the roof structure, and extending vertically above the highest portion of the roof.
- E. Wall Sign: Any sign attached parallel to, but within six (6) inches of a wall, painted on the wall surface of, or erected and confined within the limits of an outside wall of any building or structure, which is supported by such wall or building, and which display only one sign surface.
- F. Projection Sign: Any sign affixed to a building or wall in such a manner that its leading edge extends more than six (6) inches beyond the surface of such building or wall.
- G. Shingle Sign: A projection or wall sign not over six (6) square feet in area, constructed of metal or other non-combustible material attached securely to a building and not projecting more than twenty-four (24) inches over public property.
- H. Marquee Sign: Any sign attached to, in any manner, or made a part of a marquee.
- I. Marquee: Any Permanent roof-like structure projecting beyond a building or extending along and projecting beyond the wall of the building, generally designed and constructed to provide protection from the weather.
- J. Off-Premise(s) Sign: Any sign or advertising display which illustrates or announces any activity, service or product that is provided at a location, other than the site upon which the sign or

advertising display is located. For the purposes of this ordinance, off-premises signs do not include temporary campaign signs for elections for public office or public signs, as defined in this ordinance.

- K. Public Sign: Any temporary or permanent sign erected and maintained by the City, County, State, or Federal Government for traffic direction or for the designation of or direction to any school, hospital, historical site, or public service, property or facility.
- L. Temporary Sign: Any sign that is used only temporarily and is not permanently mounted.
- M. Mall Grouping Sign: Signs on one pole identifying a group of stores, businesses, or professional offices located in one development. These include office center signs and shopping center signs.
- N. Sign Height: No sign shall be erected to exceed the maximum height limitation for the district in which it is located. The height of a sign shall be computed as the distance from the base of the sign at normal grade to the top of the highest attached component of the sign.
- O. Individual Sign Area: The area of a sign face (which is also the sign area of a wall sign or other sign with only one face) shall be computed by means of the smallest square, circle, rectangle, triangle or combination that will encompass the extreme limits of the writing, representation, emblem, or other display, together with any material or color forming an integral part of the background of the display or used to differentiate the sign from the backdrop or structure against which it is placed, but not including any supporting framework, bracing, or decorative fence or wall when such fence or wall otherwise meets zoning ordinance regulations and is clearly incidental to the display itself.
- P. Multi-faced Sign Area: The sign area for a sign with more than one face shall be computed by adding together the area of all the sign faces visible from any point.

2. General Regulations Applicable to All Zoning Districts.

- A. No sign shall be erected where by reason of its position, wording, illumination, size, shape or color it may obstruct, impair, obscure, interfere with the view of, or be confused with, any authorized traffic control sign, signal or device, nor in any way obstruct vehicular and pedestrian traffic;
- B. No sign having flashing, intermittent or animated illumination shall be permitted within three hundred (300) feet of property in any residential district unless such sign is not visible from such property;

- C. No illuminated sign shall be permitted within fifty (50) feet of property in any residential district unless the illumination of such sign is so designed that it does not shine or reflect onto such property;
- D. No building walls or roofs shall be used for display of advertising in the following zoning districts: R-1, R-2, R-3 and RP Zones; **(amended 2/1/07)**
- E. The building setback for freestanding signs shall be one-half the customary building setbacks for the various zoning districts. In the C-1 districts, no freestanding signs will be permitted on sidewalks or within street rights-of-way;
- F. Temporary signs shall not be erected or otherwise fixed to any pole, tree, stone, fence, or any other object within the right-of-way of any street;
- G. No sign shall be erected, constructed or maintained so as to obstruct any fire escape or any window or door or opening used as a means of egress;
- H. All signs, which extend over a sidewalk, shall be at least nine (9) feet above the sidewalk;
- I. Blue, red and amber beacon or blue, red and amber flashing lights are prohibited on any sign in the Town of Spring City;
- J. The Spring City Building Inspector/City Manager shall issue a permit for a non-illuminated temporary sign, which he considers compatible with a temporary use permit. In no case shall the sign be more than thirty-two (32) square feet in size and must be removed at the termination of the temporary use permit.
- K. The advertising display area of all signs in the Town of Spring City, Tennessee shall not exceed one hundred twenty eight (128) square feet in area, unless noted otherwise.
- L. Temporary off-premise signs, which display special events or activities, may be permitted subject to review and approval by the Spring City Building Inspector/City Manager. The Spring City Building Inspector/City Manager shall determine the type and location for any temporary off-premise sign that it deems permissible. Any temporary off-premise sign permit shall expire after forty-five (45) days. The Building Inspector/City Manager may issue an extension for an additional forty-five (45) days for a temporary off-premise sign.
- M. No building permit shall be issued for construction on property where a non-conforming sign is located. Any builder, owner or agent shall have the option of removing all non-conforming signs or altering all non-conforming signs so that they are in compliance with

this ordinance, before the Building Inspector/City Manager may be authorized to issue a building permit for construction on that site.

- N. No building permit shall be issued for any additional, new or replacement sign on property where a non-conforming sign is located. Any builder, owner or agent shall have the option of removing all non-conforming signs or altering all non-conforming signs so that they are in compliance with this ordinance, before the Building Inspector/City Manager may be authorized to issue a permit for additional, new or replacement sign.
- O. Public signs shall be allowed in all zones.

3. Specific Sign Regulations:

A. Spectacular Sign.

- 1. These signs shall be illuminated with electricity only.
- 2. All spectacular signs shall be constructed of non-combustible materials.
- 3. All spectacular signs shall comply with the applicable provisions of the National Electric Code.

B. Freestanding Signs.

- 1. A freestanding sign supported by wood material shall not be at any point over twenty-four (24) feet above the ground level.
- 2. Lighting reflectors may project beyond the face of the sign.
- 3. The bottom coping shall be no less than three (3) feet above the ground which space may be filled with platford decorative trim or light wooden construction.
- 4. Wherever anchors or supports of wood are embedded in the soil, the wood shall be pressure-treated with an approved preservative.
- 5. The application for a permit to construct a freestanding sign must be accompanied by a certification from an architect or engineer stating that the sign is designed and shall be constructed in such a manner as to comply with Section 1205 - Wind Loads, of the Standard Building Code, Southern Building Code Congress International, Inc.
- 6. All freestanding signs shall be in compliance with the provisions of the Tennessee Department of Transportation Rules and Regulations for the Control of Outdoor Advertising Authorization No. 0206 and any supplements thereto.

C. Roof Signs.

1. All roof signs shall be so constructed as to leave a clear space of not less than six (6) feet between the roof level and the lowest part of the sign and shall have at least five (5) feet clearance between the vertical supports thereof; a portion of a roof sign structure shall not project beyond an exterior wall.
2. Every roof sign shall be constructed entirely of steel construction, including the upright supports and braces, except that only the ornamental lattice work may be of wood construction.
3. The bearing plates of all roof signs shall distribute the load directly to or upon masonry walls, steel roof girders, columns or beams. The building must be designed to bear the stress of these members.

D. Wall Sign.

1. Wall Signs attached to exterior walls of solid masonry, concrete or stone, shall be safely and securely attached to the same by means of metal anchors, bolts or expansion screws of not less than three-eighth (3/8) inch in diameter and shall be embedded at least five (5) inches.

Wood blocks shall not be used for anchorage, except in the case of wall signs attached to buildings with walls of wood. A wall sign shall not be supported by anchorage secured to unbraced wall.

E. Projection Sign.

1. All projecting signs shall be constructed entirely of metal or other non-combustible material and securely attached to a building or structure by metal supports such as bolts, anchors, supports, chains.
2. The dead load of projecting signs, not parallel to the building or structure, and the load due to wind pressure shall be supported with chains, guy-wires, or steel rods having net cross sectional dimension of not less than three-eighth (3/8) inch in diameter. Such supports shall be erected or maintained at an angle of at least forty-five (45) degrees with the horizontal to resist the dead load and at an angle of forty-five (45) degrees or more with the face of the sign to resist the specified wind pressure. If such projecting sign exceeds thirty (30) square feet in one facial area, there shall be provided at least two (2) such supports on each side not more than eight (8) feet apart to resist the wind pressure.
3. All supports shall be secured to a bolt or expansion screw that will develop the strength of the supporting chain, guy-wires or steel rod, with a minimum of five-eighth (5/8) inch bolt or lag screw, by an expansion shield. Turn buckles shall be placed in all chains, guy-wires or steel rods supporting projecting signs.
4. Chains, cables, guy-wires or steel rods used to support the live or dead load of projecting signs may be fastened to solid masonry walls with expansion bolts or by machine screws in iron supports, but such

supports shall not be attached to an unbraced parapet wall. Where the supports must be fastened to walls made of wood, the supporting anchor bolts must go through the wall and be plated or fastened on the inside in a secure manner.

5. A projecting sign shall not be erected on the wall of any building so as to project above the roof or cornice wall or above the roof level where there is no cornice wall; except that a sign erected at a right angle to the building, the horizontal width of which sign perpendicular to such wall does not exceed eighteen (18) inches may be erected to a height not exceeding two (2) feet above the roof or cornice wall or above the roof level where there is no cornice wall. A sign attached to a corner of a building and parallel to the vertical line of such corner shall be deemed to be erected at a right angle to the building wall.

G. Marquee Sign.

1. All marquee signs shall be constructed entirely of metal or non-combustible material and may be attached to, or hung from a marquee, and such signs when hung from a marquee shall be at least nine (9) feet at its lowest level above the sidewalk or ground level.
2. Marquee signs shall not extend outside the line of a marquee.
3. Marquee signs may be attached to the sides and front of a marquee, and such sign may extend the entire length and width of said marquee, provided such sign does not extend more than six (6) feet above, nor one (1) foot below such marquee.
4. Under no circumstances shall a marquee sign have a vertical dimension greater than eight (8) feet.

H. Shingle Sign.

1. The specific regulations for the projection and wall sign should also apply to the shingle sign.

4. Specific Outdoor Advertising Display Regulations for Each Zoning District.

- A. Signage Regulations for the R-1 Zone. (amended 6/25/07)  
All illuminated signs are prohibited, but all other sign types that are allowed shall have a maximum square footage of sixteen (16) feet and with a maximum height of six (6) feet measured to the top of the sign.
- B. Signage Regulations for the R-2 Zone. (amended 6/25/07)  
All illuminated signs are prohibited, but all other sign types that are allowed shall have a maximum square footage of sixteen (16) feet and with a maximum height of six (6) feet measured to the top of the sign.
- C. Signage Regulations for the R-3 Zone. (amended 6/25/07)

All illuminated signs are prohibited, but all other sign types that are allowed shall have a maximum square footage of sixteen (16) feet and with a maximum height of six (6) feet measured to the top of the sign.

D. Signage Regulations for the C-1 Zone. (amended 6/25/07)

Pole and wall signs shall have a maximum square footage of sixty (60) square feet. Ground Signs can have a maximum square footage of 32 feet.

E. Signage Regulations for the C-2 Zone. (amended 6/25/07)

Pole and wall signs shall have a maximum square footage of one hundred and twenty-eight (128) square feet. Ground signs can have a maximum square footage of 32 feet.

F. Signage Regulations for the C-3 Zone. (amended 6/25/07)

Pole and wall signs shall have a maximum square footage of one hundred and twenty-eight (128) square feet. Ground signs can have a maximum square footage of 32 feet.

G. Signage Regulations for the I-1 Zone.

1. All signs permitted in the C-2 zone are permitted in the I-1 zone.

2. Freestanding signs: may contain up to eight hundred (800) square feet.

H. Signage Regulations for the Flood Zones.

1. There shall be permitted for public parks, playgrounds, and other outdoor recreational uses signs not exceeding thirty-two (32) square feet.

2. Flashing or intermittent illumination is prohibited.

I. Signage Regulations for the RP Zone. (added 2/1/07)

All illuminated signs are prohibited, but all other sign types that are allowed shall have a maximum square footage of sixteen (16) feet and with a maximum height of six (6) feet measured to the top of the sign.

5. Building Permit Required.

With the exception of "For Sale or "For Rent" signs and nameplates indicating name and house number, all new signs whether permanent or temporary must have a sign permit which shall be issued by the Spring City Building Inspector/City Manager. The sign permit number shall be noted in a permanent manner on each new sign.

6. Non-Conforming Signs.

Outdoor advertising displays which are non-conforming at the time of the passage of this ordinance shall be permitted to remain as long as they are properly maintained and are not considered to be a safety hazard. If a non-conforming advertising display ceases to display advertising matter for a period of ninety (90)



days or is damaged beyond fifty (50) percent of its replacement value, such sign shall be considered illegal and subject to removal as outlined in part 8 of this section.

7. Outdoor Advertising Displays Must be Maintained.

All outdoor advertising displays must be maintained in such a manner so as to not to endanger the public's safety. Upon finding that a sign is a safety hazard, the Spring City Building Inspector/City Manager shall give the owner of the property on which the sign is located a written notice which shall outline the corrective measures that must be completed in a maximum of thirty (30) days. If at the end of thirty (30) days the sign has not been brought into compliance, it shall be subject to removal as outlined in part 8.

8. Procedure for Removal of Illegal or Unsafe Outdoor Advertising Displays.

A sign which is not in compliance with this ordinance shall be subject to removal. The procedures which the Spring City Building Inspector/City Manager shall follow to have the illegal sign removed include:

- A. The owner of the property on which the sign in question is located shall be given a written notice which shall include:
  - 1. A statement as to why the sign is illegal;
  - 2. A statement that the sign must be brought into compliance with this ordinance in thirty (30) days or the city will begin necessary court action to have the sign brought in compliance; and
- B. If at the end of the thirty (30) day period the sign has not been brought into compliance with this ordinance, or removed, the Spring City Building Inspector/City Manager shall turn this matter over to the city attorney who shall initiate the necessary legal steps. The Building Inspector/City Manager shall also notify the property owner in writing that legal proceedings have been initiated to bring the sign in question into compliance with this ordinance.

9. Abandoned/Unused Signs:

- A. Definition: An unused or abandoned sign is a sign which meets any of the following criteria:
  - 1. A sign which identifies or advertises an establishment, business, goods, services, lessor, owner or lessee which are no longer provided on the premises where the sign is located; or
  - 2. A sign which identifies a time, event, activity, or purpose which has passed or no longer applies; or
  - 3. Sign structures with or without a sign; or
  - 4. A sign for which no legal owner can be found.

B. Disposition:

1. Any sign which is defined under paragraphs A(1), (3), or (4) of this subsection and which condition exists for a period of thirty (30) days and which sign is otherwise nonconforming or conforming shall be removed by the owner/user/lessee/lessor/property owner within five (5) days of the end of the thirty (30) day period.
2. Any sign defined under paragraph A(2) of this subsection shall be removed by the owner/user/lessee/lessor/property owner within three (3) days from the time the event or purpose has passed or no longer applies.

3. Removal:

- a. When Required: Any illegal, nonconforming or unused sign which is not removed from the premises by the owner/user/lessee/lessor/property owner within the time frames prescribed in this Section shall be subject to removal by the Building Inspector/City Manager or his designee in accordance with the provisions and procedures detailed in this subsection. Any illegal, nonconforming or unused sign which is not removed from the premises by the owner/user/lessee/lessor/property owner within the time frames prescribed herein shall also be considered a violation of the provisions of this Ordinance and shall be subject to the maximum penalties allowed by law. Each day such violation shall continue shall constitute a separate offense.
- b. Removal by Authorities: Upon failure of owner/user/lessee/lessor/property owner to comply with the specified time requirements as set forth in this Section, the Building Inspector/City Manager is hereby authorized to cause such illegal, nonconforming or unused sign to be removed and any expense attendant thereto shall be paid by the owner, agent or person having the beneficial use of the building, structure or premises upon which the sign is located. In the event that said removal or alteration expense remains unpaid for more than thirty (30) days after said removal or alteration is performed and expense incurred by the City and a bill for same was mailed to the permittee or owner by first-class, certified or registered mail said unpaid charge shall constitute a lien upon the real estate, and the City attorney is hereby authorized, in accordance with law, to file a notice of lien in the office of the County Clerk to foreclose this lien, and to sue the owner of the real estate or sign permittee, or their

agents, in a civil action to recover the money due for the foregoing service, plus all its costs as hereinafter more fully described, together with reasonable attorney's fees to be fixed by the court. Any such judgment shall be enforced in accordance with law. Included in the expenses recoverable by the City, shall be the costs of filing the notice of lien, foreclosing said lien and all litigation costs, together with all office and legal expenses incurred in connection with collection of the amount due hereunder.

Any sign removed by the Building Inspector/City Manager, pursuant to the provisions herein contained, shall become the property of the City and may be disposed of in any manner deemed appropriate by the City.

- c. Failure to Remove: A failure to remove any illegal, nonconforming or unused sign and subsequent failure by the Building Inspector/City Manager to duly notify the owner/user/lessee/lessor/property owner of the provisions of this Section shall not be deemed to constitute a waiver of any violations of this Ordinance, nor shall such inaction be deemed to constitute a determination that any such sign is legal, in conformity with this Ordinance, or to be given any special status. If, through administrative neglect or inaction, any owner/user/lessee/lessor/property owner is not notified of the requirements of this Ordinance within the time frames herein set forth, but is later so notified, said owner/user/lessee/lessor/property owner shall take action to either correct the illegality, nonconformity or nonuse or shall cause the sign to be removed within twenty (20) days of such notification.

#### **9.11A GENERAL REGULATIONS, ALL DISTRICTS**

In any zoning district the following general regulations shall apply as well as the regulations in Chapter 23, "Signs and Outdoor Displays", of the Southern Standard Building Code.

1. No sign shall be erected or maintained where by reason of its position, wording, illumination, size, shape, or color it may obstruct, impair, obscure, interfere with the view of, or be confused with, any authorized traffic control sign, signal, or device.
2. No sign having flashing, intermittent or animated illumination shall be permitted within three hundred (300) feet of property in any suburban residential district unless such sign is not visible from such property.

3. No illuminated sign shall be permitted within fifty (50) feet of property in any residential district unless the illumination of such sign is so designed that it does not shine or reflect onto such property.
4. No billboard or ground sign shall be erected to exceed the maximum height limitation for the district in which it is located or to exceed fifty (50) feet in length. The bottom coping of every ground sign shall be at least three (3) feet above the ground or street level.
5. Billboards and other similar outdoor advertising structures shall be erected in conformity with the side, front, and rear yard requirements of the district in which located. However, no billboard shall be erected or placed closer than within one hundred (100) feet of any residential district.
6. Signs erected and overhanging any sidewalk must be placed at least nine (9) feet above the sidewalk and may extend over the sidewalk a distance equal to two-thirds ( $2/3$ ) the width of the sidewalk, but in no case exceeding ten (10) feet.
7. Professional signs and signs for home occupations shall not exceed two (2) square feet in area in the R-1, R-2, and R-3 Districts.
8. No building walls or roofs shall be used for display of advertising in the R-1, R-2, and R-3 Districts.
9. Temporary signs shall not be erected or otherwise fixed to any pole, tree, stone, fence, or any object within the right-of-way of any street. A temporary sign shall not be suspended across public streets or other public places without the approval of the Spring City Building Inspector.
10. In any district the following signs shall be permitted:
  - a. For parking areas, entrance and exit signs shall not exceed four (4) square feet in area and there can only be one sign which shall not exceed sixteen (16) square feet in area identifying or designating the conditions of the use of such parking area.
  - b. Non-illuminated "For Sale" or "For Rent" signs not exceeding two (2) square feet in area.
  - c. One (1) sign not more than thirty-two (32) square feet in area giving the names of the contractor, engineer, or architect, during construction of a building.
  - d. Signs established by, or by order of, any governmental agency.
  - e. For special events of public interest one (1) sign not over thirty-two (32) square feet in area located upon the site of the event.

#### **9.11B SPECIFIC REGULATIONS, RESIDENTIAL DISTRICTS**

In the R-1 Low Density Residential District, the R-2 Medium Density Residential District, and the R-3 High Density Residential District the following regulations shall apply.

1. Nameplates indicating name, address, house number, announcement of boarders or roomers, or customary home occupations, not exceeding two (2) square feet in area are permitted.
2. For apartment buildings, identification signs not exceeding nine (9) square feet in area are permitted.
3. Church, school, or public building bulletin boards or identification signs not exceeding twenty (20) feet in area are permitted.
4. Flashing or intermittent illumination is prohibited.
5. Billboards and other advertising structures are prohibited.

#### **9.11C SPECIFIC REGULATIONS, BUSINESS DISTRICTS**

In the C-1 and C-2 Business Districts the following regulations shall apply.

1. Bulletin boards or identification signs not exceeding sixty (60) square feet in area shall be permitted for public recreation uses, community facilities, and clinics.
2. Business signs shall be permitted subject only to the restrictions in Section 9.11A of this ordinance. All ground signs shall be located not closer to any property line than one-half (1/2) the required setbacks.
3. Billboards and other outdoor advertising structures are permitted subject to the general regulations set forth in Section 9.11.

#### **9.11D SPECIFIC REGULATIONS, INDUSTRIAL DISTRICT**

In the I-1 Industrial District the following regulations shall apply.

1. Business signs shall be permitted which relate to the business on the premises. Such signs shall be located not closer than one-half (1/2) the required setback from all property lines.
2. Flashing and intermittent illumination is prohibited.
3. Billboards and other outdoor advertising structures are permitted subject to the general regulations set forth in Section 9.11.

#### **9.11E SPECIFIC REGULATIONS, FLOODWAY DISTRICT**

In the Floodway District the following regulations shall apply.

1. There shall be permitted for public parks, playgrounds, and other outdoor recreational uses signs not exceeding thirty-two (32) square feet.
2. Flashing or intermittent illumination is prohibited.

3. Billboards and other outdoor advertising structures are prohibited.

## **9.12 STANDARDS FOR A BED AND BREAKFAST**

**(Added 2/6/03)**

Bed and Breakfast operations are a permitted use in the R-2 and R-3 Residential Zones. The Spring City Municipal Planning Commission may require such conditions as are necessary to preserve and protect the character of the neighborhood in which the proposed use is located.

1. Permits – No building permit or Certificate of Occupancy for such use shall be issued without written approval of the Spring City Municipal Planning Commission.
2. Location – The Bed and Breakfast operation shall be located and conducted in the principal building only.
3. Operator Occupied – Proprietors of the Bed and Breakfast operation shall be permanent residents of the dwelling in which it is located. As permanent residents they shall keep separate and distinct sleeping quarters from Bed and Breakfast guests. No more than two (2) paid assistants may be employed.
4. Number of Rental Units – No more than three (3) bedrooms shall be for rent at any one time at any one Bed and Breakfast establishment.
5. Length of Stay – Lodging of guests at the Bed and Breakfast establishment shall be limited to no more than ten (10) days during any one (1) stay.
6. Food Services – Meals for other than owners and staff will be restricted to breakfast for paid houseguests only. Breakfast hours are limited to from 4:00 a.m. to 11:00 a.m.
7. Site Plan – An accurately drawn plan shall be presented to the Spring City Municipal Planning Commission at least ten (10) days prior to the meeting. The site plan shall show the location of the principal building, off-street automobile parking, relationship to adjoining properties and surrounding land use, existing zoning of the proposed site, any required screening, and any other information as may be required by the Spring City Municipal Planning Commission.
8. Appearance – The residential character and appearance of the home shall not be changed by the establishment of a Bed and Breakfast operation.
9. Advertising – The proposed use shall not be advertised by the use of signs, which exceed two (2) square feet in area. The sign shall be non-illuminated and must be attached flat to the main structure or visible through a window.

10. Parking – Off-street parking facilities shall be provided at the rate of at least one space per room for rent in addition to at least two spaces for the household. Parking will comply with Section 9.03 of the Spring City Zoning Ordinance.
11. All applicable Federal, State, and Municipal codes, including municipal fire, building, and electrical codes shall be complied with as a condition of approval by the Spring City Municipal Planning Commission.
12. The Spring City Municipal Planning Commission may also attach other conditions on the use of the structure or site which will be necessary to carry out the intent of the Zoning Ordinance. Consideration will be given to the impact on adjoining properties. Landscaping, fencing, screening and other methods might be required to mitigate anticipated impacts to the neighborhood.

### **9.13 TINY HOME REGULATIONS** **(added 9/19/22)**

Tiny homes shall comply with all applicable general provisions of this Zoning Ordinance and the requirements of this section.

1. Permitted Locations. It shall be unlawful to occupy or locate a tiny house on any property within the Town of Spring City except as follows:
  - a. Permanently installed tiny houses may be permitted in **(discussed previously maybe R2 and R3 Districts)**
2. General Standards
  - a. Each tiny house must be a detached and self-contained dwelling unit with basic function areas that support normal daily routines such as cooking, sleeping, and sanitation.
  - b. The gross floor area of the primary structure shall not exceed four hundred (400) square feet. This measurement shall not include tow hitches, exterior staircases, landings, and decks/porches which are not integral with the primary structure.
  - c. The structure must have been originally constructed with the intent for human occupation. In accordance with TCA 68-126-311, no “ready-removable” structures shall be modified for use as residential, recreational, or emergency housing in this state. According to TCA 68-126-303, ready-removable structures include, but are not limited to, stadium press boxes, guard shelters, or structures that contain only electrical, electronic, or mechanical equipment that are solely occupied for service or maintenance of such equipment.
  - d. Tiny houses shall comply with the building permit requirements of the Town of Spring City.
3. Health and Safety Requirements
  - a. Site-built and permanently installed tiny houses must either meet all standards of the Town of Spring City including any applicable building codes or meet the

requirements of a modular home as regulated by the Tennessee Modular Building Act, which is under authority of TCA 68-126-301.

- b. Plumbing must be connected to an approved subsurface sewage disposal system or public sewer system. Composting toilets, incinerating toilets, and other disposal methods are prohibited.
  - c. Refuse. The storage, collection and disposal of refuse shall be so managed as not to create any health hazard.
4. Tiny House Subdivisions. Residential subdivisions specifically intended for tiny houses are permitted on appeal in the (discussed maybe R3 Districts), subject to the following requirements:

- a. Permitted Uses. Permitted uses in tiny houses developments shall only include site-built tiny houses and modular tiny houses. Also permitted are customary accessory uses such as storage sheds, carports, public and private parks and playgrounds, and community buildings such as coin laundries.
- b. Subdivision Plat Required. A subdivision plat is required for tiny houses because they are intended for permanent residency, which requires separate lots for each home. A subdivision plat showing all home sites shall be submitted for approval in accordance with the Town of Spring City Subdivision Regulations. The plat shall include limitations including maximum square footage to ensure development is limited to tiny houses.
- c. Site Plan Required. In addition to the subdivision plat, a site plan demonstrating compliance with all applicable zoning requirements shall be presented to and approved by the Spring City Municipal Planning Commission.
- d. Minimum and Maximum Area and Number of Units. To qualify for a new tiny house subdivision, the parent tract or parcel must be at least three (3) acres in size, but no larger than five (5) acres. The initial phase shall include a minimum of six (6) lots.
- e. Dimensional Requirements. Tiny house subdivisions shall have lots meeting the minimum dimensional requirements outlined in the appropriate zoning district, with the following exceptions:

| SITE COMPONENT                           | MINIMUM REQUIREMENT |
|------------------------------------------|---------------------|
| Lot area <sup>(i)</sup>                  | 5,000 square feet   |
| Lot width                                | 50 feet             |
| Setback from all exterior property lines | 25 feet             |

- i. TDEC or the County Health Authority may require larger lot sizes when a septic system is utilized.
- f. Maximum Floor Area. No residential dwelling which does not meet the general standards of Subsection 2. General Standards shall be permitted within an approved tiny house subdivision.
- g. Streets. Widths of various streets within tiny house developments shall be:



- One-way street, with no on-street parking.....10ft.
- Two-way street, with no on-street parking.....16ft.
- Parallel parking, on one side.....8ft. of additional width
- Parallel parking, on two sides.....16ft. of additional width

- h. **Water Supply.** Water shall be provided to each lot in a tiny house development. The developer shall attach to any public water supply located within one thousand feet (1,000') of the proposed development.
- i. **Sewage Disposal.** Each tiny house development shall connect to a public sanitary system or provide an adequate disposal system approved in writing by the health department.
- j. **Refuse.** The storage, collection and disposal of refuse shall be so managed as not to create any health hazard. All refuse shall be stored in fly proof, watertight, and rodent proof containers. Garbage shall be collected and disposed of in an approved manner at least once per week. Where garbage pick-up is available, garbage containers shall be located along the public street to allow proper pick up.
- k. **Parking Spaces.** No less than 2 spaces for every tiny house plus an additional space for each 5 lots to provide for guest parking. Car parking spaces shall be located upon each space designated for an individual tiny house.
- l. **Buffer Strips.** An evergreen buffer strip shall be planted along those boundaries of the development.
- m. Utilities to Each Space.** Tiny home developments shall provide utility connections for each individual tiny home space.

## ARTICLE X. EXCEPTIONS AND MODIFICATIONS

### SECTION

- 10.01 SCOPE
- 10.02 NON-CONFORMING USES
- 10.03 EXCEPTIONS TO NON-CONFORMING USES
- 10.04 EXCEPTIONS TO HEIGHT LIMITATIONS
- 10.05 LOTS OF RECORD
- 10.06 EXCEPTIONS TO FRONT SETBACK REQUIREMENT
- 10.07 ABSOLUTE MINIMUM LOT SIZE
- 10.08 EXCEPTIONS TO SETBACK REQUIREMENTS

### 10.01 SCOPE

Article X of this ordinance is devoted to the necessary exceptions and modifications to the specific zoning district provisions and the supplementary provisions provided for in Article IX.

### 10.02 NON-CONFORMING USES

It is the intent of this ordinance 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 this ordinance is 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 this ordinance. It is also the intent of this ordinance to so administer the elimination of non-conforming uses, buildings, and structures as to avoid an unreasonable invasion of established private property rights. Lawful non-conforming uses, buildings, and structures existing at the time of the passage of this ordinance or any amendment thereto shall be allowed to remain subject to the following provisions.

1. A non-conforming use of land shall be restricted to the area occupied by such use as of the effective date of this ordinance. A non-conforming use of a building or buildings shall not be enlarged to additional land after the effective date of this ordinance.
2. When a non-conforming use of any structure of land, excepting non-conforming mobile homes or mobile home parks, has been discontinued, it shall be not be re-established or changed to any use not in conformity with the provisions of this ordinance. Upon the lapse of ninety (90) calendar days after the removal of a non-conforming mobile home or discontinuance of a non-conforming mobile home park, the non-conformity of such structures and use of land shall lapse. **(Amended 7/12/01)**
3. Any non-conforming building or non-conforming use which is damaged by fire, flood, wind, or other act of God or man may be reconstructed and used as before if the proper permits have been obtained from the Spring City Building Inspector within twelve (12) months of such damage.
4. A non-conforming building or non-conforming use shall not be structurally altered except in conformance with the provisions of this ordinance. This provision shall not be construed to prevent normal maintenance and repairs or alterations required for structural safety.

5. When the operation of a non-conforming industrial, commercial, or other business establishment is discontinued for a period of twelve (12) months the building and land shall lose its status as a non-conforming use and shall not be entitled to any special exceptions. (That is any new use must be one that is allowed in that district.)

### **10.03 EXCEPTIONS TO NON-CONFORMING USES**

All districts shall comply with the **Tennessee Code Annotated** Section 13-7-208 Enforcement of Ordinances - Remedies:

The chief legislative body may provide for the enforcement of any ordinance enacted under this chapter. A violation of any such ordinance is hereby declared to be a misdemeanor. In case any building or structure is or is proposed to be erected, constructed, reconstructed, altered, converted or maintained, or any building, structure or land is or is proposed to be used in violation of any ordinance enacted under this chapter, the building commissioner, municipal counsel or other appropriate authority of the municipality, or any adjacent or neighboring property owner who would be specially damaged by such violation, may, in addition to other remedies, institute injunction, mandamus or other appropriate action or proceeding to prevent such unlawful erection, construction, reconstruction, alteration, conversion, maintenance or use, or to correct or abate such violation, or to prevent the occupancy of said building, structure or land.

In the event that a zoning change occurs in any land area where such land area was not previously covered by any zoning restrictions of any governmental agency of this state or its political subdivisions, or where such land area is covered by zoning restrictions of a governmental agency of this state or its political subdivisions and such zoning restrictions differ from zoning restrictions imposed after the zoning change, then any industrial, commercial or business establishment in operation, permitted to operate under zoning regulations or exceptions thereto prior to the zoning change shall be allowed to continue in operation and be permitted provided that no change in the use of the land is undertaken by such industry or business.

Industrial, commercial, or other business establishments in operation and permitted to operate under zoning regulations or exceptions thereto in effect immediately preceding a change in zoning shall be allowed to expand operations and construct facilities which involve an actual continuance and expansion of the activities of the industry or business which were permitted and being conducted prior to the change in zoning, provided that there is a reasonable amount of space for such expansion on the property owned by such industry or business situated within the area which is affected by the change in zoning, so as to avoid nuisances to adjoining landowners. No building permit or like permission for construction or landscaping shall be denied to an industry or business seeking to expand and continue activities conducted by that industry or business which were permitted prior to the change in zoning, provided that there is a reasonable amount of space for such expansion on the property owned by such industry or business situated within the area which is affected by the change in zoning, so as to avoid nuisances to adjoining landowners.

Industrial, commercial, or other business establishments in operation and permitted to operate under zoning regulations or exceptions thereto immediately preceding a change in zoning shall be allowed to destroy present facilities and reconstruct new facilities necessary to the conduct of such industry or business subsequent to the

zoning change, provided that no destruction and rebuilding shall occur which shall act to change the use classification of the land as classified under any zoning regulations or exceptions thereto in effect immediately prior to or subsequent to a change in the zoning of the land area on which such industry or business is located. No building permit or like permission for demolition, construction or landscaping shall be denied to an industry or business seeking to destroy and reconstruct facilities necessary to the continued conduct of the activities of that industry or business where such conduct was permitted prior to a change in zoning, provided that there is a reasonable amount of space for such expansion on the property owned by such industry or business situated within the area which is affected by the change in zoning, so as to avoid nuisances to adjoining landowners.

The provisions of the preceding three (3) paragraphs shall apply only to land owned and in use by such affected business, and shall not operate to permit expansion of an existing industry or business through the acquisition of additional land.

#### **10.04 EXCEPTIONS TO HEIGHT LIMITATIONS**

The height limitations of this ordinance can be exceeded provided the following conditions are met.

1. The developer must present at the time he applies for a building permit a copy of the building plans which have been approved by the Spring City Fire Chief. These plans must show all of the following:
  - a. A wet standpipe riser with one and one-half (1-1/2) inch fire hose connections;
  - b. A wet automatic sprinkler protection system for the entire building;
  - c. Enclosed exit stairways;
  - d. Smoke and heat detection units; and
  - e. Any other fire protection and prevention requirements which the Fire Chief feels are necessary for the building.

The design and installation of these fire protection measures must be in conformance with the National Fire Protection Association Standards (NFPA).

2. Before the building can be occupied the developer must secure a statement from the Fire Chief that the fire protection system has been installed according to the plans and that the system is functioning properly.
3. The height limitations of this ordinance shall not apply to church spires, belfries, cupolas, and domes not intended for human occupancy; monuments, water towers, silos, grain elevators, observation towers, transmission towers, windmills, chimneys, smokestacks, derricks, conveyors, flagpoles, radio towers, masts, and aerials.

### **10.05 LOTS OF RECORD**

The following provisions shall apply to all existing lots of record:

1. Where the owner of a lot consisting of one or more adjacent lots of official record at the time of the adoption of this ordinance 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. 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 in the opinion of the Board of Zoning Appeals is possible. (Refer to Section 10.07)
2. No lot which is now or hereafter built upon shall be so reduced in area that the yards and open spaces will be smaller than prescribed by this ordinance and no yard, court, or open space provided around any building for the purpose of complying with the provisions hereof shall again be considered as a yard, court, or other open space for another building.
3. Where two or more lots of record with a continuous frontage are under the same ownership or where a substandard lot of record has continuous frontage with a larger tract under the same ownership, such lots shall be combined to form one or more building sites meeting the minimum requirements of the district in which they are located.

### **10.06 EXCEPTIONS TO FRONT SETBACK REQUIREMENTS**

The front setback requirements of this ordinance for dwellings shall not apply to any lot where the average depth of existing setbacks on the developed lots located within one hundred (100) feet on each side of such lot is less than the minimum required front yard depth. In such cases the front yard setback may be less than required but not less than the average of the existing depth for front yards on developed lots within one hundred (100) feet on each side of the lot. In residential districts, however, the setback shall in no case be less than fifteen (15) feet from the street right-of-way line.

### **10.07 ABSOLUTE MINIMUM LOT SIZE**

In no case shall the Board of Zoning Appeals permit a residence to be erected on a lot whose total lot area is less than seven thousand (7,000) square feet.

### **10.08 EXCEPTIONS TO SETBACK REQUIREMENTS**

In the case of a structure that is to be used as a marina, boat launch, fishing pier, or other water-related structure that will require direct access to or over water, the setback requirements may be modified to the situation. This modification will be based upon a recommendation of the Planning Commission who shall take into account the situation, proposed purpose of the structure, et cetera.

In the case of a structure to be built close to, in, or above the water, that a determination be made by the Tennessee Valley Authority and the U. S. Corps of Engineers as to the safety of the structure including depth of pier poles, height of structure above the water's maximum pool elevation, actual construction materials of the proposed structure, and the first floor elevation of any adjoining structures on the shoreline property.

## ARTICLE XI. SITE PLAN REQUIREMENTS

### SECTION

- 11.01 DEFINITIONS
- 11.02 APPROVED SITE PLAN REQUIRED TO ERECT BUILDINGS
- 11.03 APPROVED SITE PLAN REQUIRED TO ENLARGE BUILDINGS
- 11.04 APPROVED SITE PLAN REQUIRED TO DISTURB LAND
- 11.05 DEVELOPMENT ACCORDING TO SITE PLAN
- 11.06 PERMITS NOT TO BE ISSUED WITHOUT APPROVED SITE PLAN
- 11.07 SITE PLAN SUBMISSION
- 11.08 SITE PLAN REQUIREMENTS
- 11.09 EXCEPTIONS
- 11.10 APPEALS
- 11.11 PENALTIES

### 11.01 DEFINITIONS

For the purpose of this section the following words and phrases shall have the meaning assigned below, except in those instances where the context clearly indicates a different meaning.

#### CITY

The Town of Spring City, Tennessee.

#### SITE PLAN:

A plan delineating the overall scheme of development of tract of land, including but not limited to grading, engineering design, construction details, and survey data, for existing and proposed improvements, size, height, shape, and location of buildings, location and design of parking areas, pedestrian and vehicular circulation on site, and circulation for emergency apparatus.

### 11.02 APPROVED SITE PLAN REQUIRED TO ERECT BUILDINGS

Except as hereinafter provided in Section 11.09 "Exceptions," it shall be unlawful for any person to construct or erect any building or structure on any land within the city until a site plan has been submitted and approved in accordance with the provisions of this article.

### 11.03 APPROVED SITE PLAN REQUIRED TO ENLARGE BUILDINGS

Except as hereinafter provided in Section 11.09 "Exceptions," it shall be unlawful for any person to alter any building or structure on any land within the Town of Spring City, Tennessee, in such a manner as to increase the floor area or change the land area covered by the building or structure until a site plan has been submitted and approved in accordance with the provisions of this article.

### 11.04 APPROVED SITE PLAN REQUIRED TO DISTURB LAND

Except as hereinafter provided in Section 11.09 "Exceptions," it shall be unlawful for any person to alter the grade of any land in such a manner as to change the contours in excess of two feet within ten feet of adjacent land, or in excess of three feet elsewhere, construct any streets, alleys, sidewalks, curbs or gutters, build any retaining walls, construct any off-street parking facility,

construct any drain or sewer, or change or divert the flow of storm water or natural watercourses until a site plan has been submitted and approved in accordance with this article.

#### **11.05 DEVELOPMENT ACCORDING TO SITE PLAN**

It shall be unlawful for any person to construct, erect, or alter any building or structure or to develop, change, or improve land for which an approved site plan is required by this article, except in accordance with the approved final site plan.

#### **11.06 PERMITS NOT TO BE ISSUED WITHOUT APPROVED SITE PLAN**

No permit shall be issued to erect or alter any building or structure or alter the grade of any land that is subject to this article until a site plan has been submitted and approved in accordance with the provisions of this article.

#### **11.07 SITE PLAN SUBMISSION**

The owner or developer shall submit three (3) copies or as many as may be required by the planning commission or designated city engineer of his proposed site plan five days prior to his intended date of site alterations. The planning commission or designated city engineer shall consider the site plan in light of the provisions of this article and approve or disapprove same as required; the plans then shall be returned to the owner or his agent with the date of such approval or disapproval noted thereon over the signature of the planning commission or designated city engineer.

#### **11.08 SITE PLAN REQUIREMENTS**

1. The site plan shall show the following:
  - a. Name of development or address
  - b. Name and address of owner of record and the applicant
  - c. Present zoning of the site and abutting property
  - d. Date, scale, and north point with reference to source of meridian
  - e. Courses and distances of center lines of all streets and all property lines
  - f. All building restricting lines, highway setback lines, easements, covenants, reservations, and rights-of-way
  - g. The total land area
  - h. Topography of existing ground and paved areas, and elevations of streets, alleys, utilities, sanitary and storm sewers and buildings and structures. Topography to be shown by dashed lines illustrating two foot or five foot contours as required by the planning commission or designated city engineer and by spot elevations where necessary to indicate flat areas, as based on U.S.C. and G.S. datum.
2. The site plan shall show the location of the following when existing:

- a. Number of dwelling units
  - b. Number of parking spaces
  - c. Number of loading spaces
  - d. Square feet of floor space
  - e. Number of commercial or industrial tenants and employees
  - f. Plans for collecting storm water and methods of treatment of natural and artificial watercourses including a delineation of limits of floodplains
  - g. Proposed grading, surface drainage, terraces, retaining wall heights, grades on paved areas, and ground flood elevations of proposed buildings and structures, proposed topography of site shall be shown by two or five foot contours as required by the planning commission or designated city engineer.
3. The site plan shall include an adequate erosion control plan.
  4. Any building or structure shall be reasonably accessible to fire, police, emergency, and service vehicles. When deemed necessary for access by the Fire Chief or designated engineer emergency vehicle easements shall be provided.

### **11.09 EXCEPTIONS**

The provisions of Sections 11.02, 11.03, and 11.04 shall not apply to:

1. Single-family dwellings, two-family dwellings, accessory buildings thereto, or to the land on which they are situated or proposed.
2. Additions to buildings where the total gross floor area of the proposed addition does not exceed one third (1/3) of the total gross floor area of the existing building or one thousand (1,000) square feet, whichever is smaller.
3. New buildings where the total gross floor area does not exceed one thousand (1,000) square feet, provided there is no alteration of drainage flow of land or grading exceeding cut or fill of one (1) foot, the site is not in floodplain, and the site is not in excess of ten thousand (10,000) square feet.
4. Improvements for off-street parking purposes when appurtenant only to existing buildings and where access will be provided by existing driveways, provided such improvement does not provide more than five (5) additional parking spaces.
5. Grading of open area, either by excavation or fill for the sole purpose of bringing the land to a grade compatible with the surrounding area, provided that the removal of existing vegetation does not exceed three (3)



acres and the designated city engineer finds on inspection of the site that such grading will have no adverse effect on the land of surrounding property owners, will not encroach on or impair existing drainage channels or floodplains, and will not cause problems of erosion, ponding, and/or silting on adjoining properties.

### **11.10 APPEALS**

If an applicant determines that his site plan has been unjustly disapproved or that the planning commission or designated city engineer has made requests for conformity to standards other than those set forth in this ordinance, he may appeal the decision of the planning commission or designated city engineer to the Spring City Board of Zoning Appeals in accordance with Section 12.08B.

### **11.11 PENALTIES**

As regulated in Section 12.12.

**ARTICLE XII. ADMINISTRATION, ENFORCEMENT, PENALTIES AND  
AMENDMENTS**

**SECTION**

- 12.01 ADMINISTRATION OF THE ORDINANCE**
- 12.02 THE ENFORCEMENT OFFICER**
- 12.03 BUILDING PERMITS**
- 12.04 TEMPORARY USE PERMITS**
- 12.05 CERTIFICATE OF OCCUPANCY**
- 12.06 CERTIFICATE OF FIRST FLOOR ELEVATION AND/OR  
FLOODPROOFING REQUIREMENTS**
- 12.07 PROCEDURE FOR AUTHORIZING USES PERMITTED ON REVIEW**
- 12.08 BOARD OF ZONING APPEALS**
- 12.09 VARIANCES**
- 12.10 AMENDMENTS TO THE ORDINANCE**
- 12.11 REMEDIES**
- 12.12 PENALTIES FOR VIOLATIONS**
- 12.13 CONFLICT WITH OTHER REGULATIONS**
- 12.14 SEPARABILITY**
- 12.15 EFFECTIVE DATE**

**12.01 ADMINISTRATION OF THE ORDINANCE**

Except as otherwise provided, no structure or land shall after the effective date of this ordinance be used and no structure or part thereof shall be erected, altered, or moved unless in conformity with the regulations herein specified for the district in which it is located. In matters of interpretation and application the provisions of this ordinance shall be considered minimum requirements adopted for the promotion of public health, safety, morals, convenience, order, prosperity, and general welfare of the community. Where other ordinances, resolutions, or regulations heretofore adopted or which may be adopted hereafter impose greater restrictions than those specified herein, compliance with such other ordinances, resolutions, or regulations is mandatory.

**12.02. THE ENFORCEMENT OFFICER**

The provisions of this ordinance shall be administered by the Spring City Building Inspector. The Building Inspector shall administer and enforce this ordinance and, in addition, he shall:

1. Issue all Building Permits and make and maintain records thereof;
2. Issue all Certificates of Occupancy and make and maintain records thereof;
3. Issue all Certificates of First Floor Elevation and/or Floodproofing and make and maintain records thereof;
4. Issue and renew, where applicable, all Temporary Use Permits and make and maintain records thereof;
5. Maintain and keep current zoning maps and records of amendments thereto;

6. Conduct inspections as required in this ordinance and such other inspections as are necessary to insure compliance with the various other general provisions of this ordinance. The Building Inspector shall possess the right to enter upon any premises for the purpose of making inspections of buildings or premises necessary to carry out his authorized duties; and,

### **12.03 BUILDING PERMITS**

1. Any owner, authorized agent, or contractor who desires to construct, enlarge, alter, repair, move, demolish, or change the occupancy of a building or structure, or fill or excavate land lying within any flood hazard areas, or to erect, or construct a sign of any description, or to install or alter fire-extinguishing apparatus, elevators, engines, or to install a steam boiler, furnace, heater, incinerator, or other heat producing apparatus, or other appurtenances, the installation of which is regulated by this code, or to cause any such work to be done in excess of two hundred (200) dollars shall first make application to the Building Inspector and obtain the required permit therefor.
2. A general permit shall carry with it the right to install in any building or structure, or part thereof, heating apparatus, elevators, sidewalk elevators, vaults, chutes, coal holes, lifts, cranes, derricks, steam power boilers, steam, oil, gas or vapor engines, provided the same are shown on the drawings and set forth in the specifications filed with the application for the permit; but where these are not shown on the drawings and covered by the specifications submitted with said application, special permits shall be required.
3. Ordinary minor repairs may be made with the approval of the Building Inspector without a permit provided that such repairs shall not violate any of the provisions of this code.
4. An application for a building permit shall be made in duplicate to the Building Inspector on forms furnished by the Inspector and, where applicable, be accompanied by a site plan or plat in duplicate drawn to scale showing the information listed.

The application for a Building Permit for excavation, filling, construction, moving or alteration shall be accompanied by a plan or plat drawn to a scale and showing the following in sufficient detail to enable the Building Inspector to ascertain whether the proposed excavation, filling, construction, moving or alteration is in conformance with this ordinance.

- a. The actual shape, location, and dimensions of the lot to be built upon;
- b. The shape, size, and location of all buildings or other structures to be erected, altered, or moved and of buildings or other structures already on the lot;
- c. The existing and intended use of all such buildings or other structures;

- d. Location and design of off-street parking and off-street loading area. Such other information concerning the lot or adjoining lots as may be essential for determining whether the provisions of this ordinance are being observed.
- e. In areas that are subject to flooding, the following additional information is required:
  - i. Elevation in relation to Mean Sea Level (MSL) of the lot;
  - ii. MSL elevation of the lowest floor, including basement, of all structures; and
  - iii. MSL elevation to which any non-residential structure is proposed to be floodproofed.
- f. The location of the foregoing in relation to any stream within the vicinity.

If the proposed excavation, filling, construction, moving or alteration as set forth in the application is in conformity with the provisions of this ordinance, the Building Inspector shall issue a Building Permit for such excavation or construction. If an application for a Building Permit is not approved the Building Inspector shall state in writing on the application the cause for such disapproval. Issuance of a permit shall in no case be construed as waiving any provisions of this ordinance and building permits shall be void after six (6) months from date of issuance unless substantial progress on the project has been made by that time. A copy of the plan or plat will remain on file at the Spring City Town Hall.

- 5. In accordance with Tennessee State Law, a permit for the installation of the mandatory mobile home anchoring system (Tennessee Code Annotated Section 68-126-412) and electrical permit (Tennessee Code Annotated Section 68-102-147) is required and obtainable from the appropriate state inspector. (**Added 07-12-01**)
- 6. Homeowners have sixty (60) days from the date of permit to have the mobile home anchored and ready for utility hookups or the permit becomes void. (**Added 07-12-01**)

#### **12.04. TEMPORARY USE PERMITS**

It shall be unlawful to commence construction or development of any use of a temporary nature until a permit has been secured from the Spring City Building Inspector. Application for a Temporary Use Permit shall be made in writing to the Building Inspector on forms provided for that purpose.

#### **12.05 CERTIFICATE OF OCCUPANCY**

No land or building or other structure or part thereof hereafter erected, moved, or altered in its use shall be used until the Building Inspector shall have issued a Certificate of Occupancy stating that such land, structure, or part thereof is found to be in conformity with the provisions of this

ordinance. Within three (3) working days after notification that a building or premises or part thereof is ready for occupancy or use it shall be the duty of the Building Inspector to make a final inspection thereof and to issue a Certificate of Occupancy if the building or premises or part thereof is found to conform with the provisions of this ordinance; or, if such certificate is refused to state the refusal in writing with the cause for such refusal.

#### **12.06. CERTIFICATE OF FIRST FLOOR ELEVATION AND/OR FLOODPROOFING REQUIREMENTS**

Within twenty-one (21) calendar days of establishment of the lowest floor elevation or floodproofing by whatever construction means or upon placement of the horizontal structural members of the lowest floor, whichever is applicable, it shall be the duty of the permit holder to submit to the Building Inspector a certification of the lowest floodproofed elevation or the elevation of the lowest portion of the horizontal structural members of the lowest floor, whichever is applicable, as built in relation to mean sea level. Said certification shall be prepared by or under the direct supervision of a registered land surveyor or professional engineer and certified by same. When floodproofing is utilized for a particular building said certification shall be prepared by or under the direct supervision of a professional engineer or architect and certified by same. Any work done within the twenty-one (21) day calendar period and prior to submission of the certification shall be at the permit holder's risk. The Building Inspector shall review the flood elevation survey data submitted. Deficiencies detected by such review shall be corrected by the permit holder immediately and prior to further progressive work being permitted to proceed. Failure to submit the survey or failure to make said corrections required shall be cause to issue a stop-work order for the project.

#### **12.07 PROCEDURE FOR AUTHORIZING USES PERMITTED ON REVIEW**

The following is established to provide procedures for review of a proposed use by the Board of Zoning Appeals. The procedure shall be the same whether review is required by this ordinance or whether a review is requested by the Building Inspector to determine whether a proposed use is potentially noxious, dangerous, or offensive.

This procedure shall also be used in submitting Special Exceptions for Board of Zoning Appeals review.

##### **12.07A APPLICATION**

An application shall be filed with the Board of Zoning Appeals for review. Said application shall show the location and intended use of the site, the names of the property owners and existing land uses within two hundred (200) feet, and any other material pertinent to the request which the Board of Zoning Appeals may require.

##### **12.07B RESTRICTIONS**

In the exercise of its approval, the Planning Commission may impose such conditions upon the proposed uses of buildings or land as it may deem advisable in the furtherance of the general purposes of this ordinance.

### **12.07C VALIDITY OF PLANS**

All approved plans, conditions, restrictions, and rules made a part of the approval of the Planning Commission shall constitute certification on the part of the applicant that the proposed use shall conform to such regulations at all times.

### **12.07D TIME LIMIT**

All applications reviewed by the Board of Zoning Appeals shall be decided within sixty (60) days of the date of application and the applicant shall be provided with either a written notice of approval or denial.

## **12.08 BOARD OF ZONING APPEALS**

A Spring City Board of Zoning Appeals is hereby established in accordance with 13-705 through 13-707 of the Tennessee Code Annotated. The Board of Zoning Appeals shall consist of three (3) members appointed by the Mayor. The membership shall consist of one (1) designated member of the Planning Commission who is not an elected official, and two (2) members appointed at large. The board members shall be appointed to three (3) year terms; however, the initial appointments shall be arranged so that the term of one (1) member will expire each year.

### **12.08A PROCEDURE**

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

### **12.08B APPEALS TO THE BOARD**

An appeal to the Spring City Board of Zoning Appeals may be taken by any person, firm, or corporation aggrieved, or by any governmental office, department, board, or bureau affected by any decision of the Building Inspector based in whole or in part upon the provisions of this ordinance. Such appeal shall be made by filing an application with the Board of Zoning Appeals. A notice specifying the grounds for denial shall accompany the application for appeal. The Building Inspector shall transmit to the Board all papers constituting the record upon which the action appealed was taken. The Board shall fix a reasonable time not to exceed thirty (30) days for the hearing of the appeal, give public notice thereof, as well as due notice to the parties in interest, and decide the same within a reasonable time. Upon the hearing, any person or party may appear in person by agent or by attorney.

### **12.08C POWERS OF THE BOARD**

The Board of Zoning Appeals shall have the following powers as defined in the Tennessee Code Annotated 13-7-207:

1. To hear and decide appeals where it is alleged by the appellant that there is error in any order, requirement, permit, decision, or refusal made by the municipal building commissioner or any other administrative official in the carrying out or enforcement of any provisions of any ordinance enacted pursuant to this chapter.

2. To hear and decide, in accordance with the provisions of any such ordinance, requests for special exceptions or for interpretation of the map or for decisions upon other special questions upon which such board is authorized by any such ordinance to pass.
3. Where, by reason of exceptional narrowness, shallowness or shape of a specific piece of property at the time of the enactment of the zoning regulation, or by reason of exceptional topographic conditions or other extraordinary and exceptional situation or condition of such piece of property, the strict application of any regulation enacted under this chapter would result in peculiar and exceptional practical difficulties to or exception or undue hardship upon the owner of such property, to authorize, upon an appeal relating to said property, a variance from such strict application so as to relieve such difficulties or hardship, provided such relief may be granted without substantial detriment to the public good and without substantially impairing the intent and purpose of the zone plan and zoning ordinance.

A variance is as defined in Section 12.09.

## **12.09 VARIANCES**

The purpose of the variance provision is to modify the strict application of the specific requirements of this ordinance in the case of exceptionally irregular, narrow, shallow, or steep lots, or other exceptional physical conditions of the land, whereby such strict application would result in practical difficulty or unnecessary hardship which would deprive an owner of the reasonable use of his land. The variance shall be used only where necessary to overcome some obstacle which is preventing an owner from using his property under this ordinance. THE VARIANCE SHALL NOT BE USED TO REZONE.

### **12.09A APPLICATION**

After written denial of a permit a property owner may make application for a variance using the standard form made available by the Board of Zoning Appeals.

### **12.09B HEARINGS**

Upon receipt of an application the Board shall hold a hearing to decide whether a variance to the ordinance provisions is, in fact, necessary to relieve unnecessary hardships which act to deprive the property owner of the reasonable use of his land. The Board shall consider and decide all applications for variances within thirty (30) days of such hearing and in accordance with the standards provided below.

### **12.09C STANDARDS FOR VARIANCES**

In granting a variance the Board shall ascertain that the following criteria are met as outlined in Section 3 of the Tennessee Code Annotated 13-7-207:

Where, by reason of exceptional narrowness, shallowness or shape of a specific piece of property at the time of the enactment of the zoning regulation, or by reason of exceptional topographic conditions or other extraordinary and exceptional situation or condition of such piece of property, the strict application of any regulation enacted under this chapter would result in peculiar and exceptional

practical difficulties to or exception or undue hardship upon the owner of such property, to authorize, upon an appeal relating to said property, a variance from such strict application so as to relieve such difficulties or hardship, provided such relief may be granted without substantial detriment to the public good and without substantially impairing the intent and purpose of the zone plan and zoning ordinance.

*MERE LOSS OF A VALUE SHALL NOT JUSTIFY A VARIANCE. THERE MUST BE A DEPRIVATION OF BENEFICIAL USE OF LAND.*

The granting of any variance shall be in harmony with the general purposes and intent of this ordinance and shall not be injurious to the neighborhood, detrimental to the public welfare, or in conflict with the comprehensive plan for development.

In reviewing an application for a variance, the burden of showing that the variance should be granted shall be upon the person applying thereof.

## **12.10. AMENDMENTS TO THE ORDINANCE**

### **12.10A GENERAL**

The City Commission may, from time to time, amend this Ordinance by changing the boundaries of districts or by changing any other provisions wherever it is alleged that there was an error in the original Zoning Ordinance or whenever the public necessity, convenience, and general welfare require such amendment.

### **12.10B INITIATION OF AMENDMENT**

Amendments may be initiated by the City Commission, the Planning Commission, or by all of the owners of property affected by the proposed amendment.

### **12.10C APPLICATION FOR AMENDMENT--FEE**

An application for an amendment shall be accompanied by a fee of twenty-five (25) dollars payable to the Town of Spring City. The application shall be made on the Appeal for Modification of Zoning Ordinance form in the appendix and shall also be accompanied by maps, drawings, a petition signed by the owners affected by the proposed amendment, and data necessary to demonstrate that the proposed amendment is in general conformance with the General Plan of the Town of Spring City and that public necessity, convenience, and general welfare require the adoption of the proposed amendment. An accurate legal description and scale drawing of the land and existing buildings shall be submitted with the application.

### **12.10D REVIEW AND RECOMMENDATION BY THE PLANNING COMMISSION**

The Planning Commission shall review and make recommendations to the City Commission on all proposed amendments to the Ordinance.

### **12.10E GROUNDS FOR AN AMENDMENT**

The Planning Commission in its review and recommendation and the City Commission in its deliberations shall make specific findings with regard to the following grounds for an amendment and shall note the same in the official record as follows:



1. The amendment is in agreement with the general plan for the area;
2. It has been determined that the legal purposes for which zoning exists are not contravened;
3. It has been determined that there will be adverse effects upon adjoining property owners unless such adverse effect can be justified by the overwhelming public good or welfare;
4. It has been determined that no one property owner or small group of property owners will benefit materially from the change to the detriment of the general public and
5. It has been determined that conditions affecting the area have changed to a sufficient extent to warrant an amendment to the area's general plan and, consequently, the zoning map.

**12.10F PUBLIC HEARING AND NOTICE OF HEARING**

A public hearing shall be held on all proposed amendments to this Ordinance. Notice of such hearing shall be in a newspaper of general circulation within the Town of Spring City at least fifteen (15) days prior to the hearing. This notice shall specify the location, time, current and proposed zoning classification, and it may contain a graphic illustration of the area.

**12.10G NOTICE OF ENACTMENT**

Upon enactment of an amendment to the Ordinance the ordinance shall receive the favorable vote of a simple majority of the membership of the City Commission.

If the amendment is disapproved by the Planning Commission it shall receive the favorable vote of a majority of the entire membership of the City Commission.

**12.10H AMENDMENTS AFFECTING ZONING MAP**

Upon enactment of an amendment to the zoning map which is part of this Ordinance the City Commissioners shall cause such amendment to be placed upon the zoning map noting thereon the Ordinance Number and effective date of such amendatory Ordinance. Such amendment shall not become effective until this action is accomplished.

**12.10I EFFECT OF DENIAL OF APPLICATION**

Whenever an application for an amendment to the text of this Ordinance or for a change in the zoning classification of any property is denied, the application for such amendment shall not be eligible for reconsideration for one (1) year following such denial except in the following cases:

1. Upon initiation by the City Commission or Planning Commission;
2. When the new application, although involving all or a portion of the same property, is for a different zoning district than that for which the original application was made; or,

3. When the previous application was denied for the reason that the proposed zoning would not conform with the general plan and the general plan has subsequently been amended in a manner which will allow the proposed zoning.

### **12.11 REMEDIES**

In case any building or other structure is erected, constructed, altered, repaired, converted, or maintained or any building, structure, or 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 specially damaged by such violation, in addition to other remedies, may institute injunction, mandamus, or other appropriate action or proceeding to prevent such unlawful erection, construction, reconstruction, alteration, repair, conversion, maintenance, or use; or to correct or abate such violation; or to prevent occupancy of such building, structure, or land.

### **12.12 PENALTIES FOR VIOLATIONS**

Upon conviction any person violating any provision of this ordinance shall be fined not less than two (2) dollars nor more than fifty (50) dollars for each offense. Each day such violations continue shall constitute a separate offense.

### **12.13 CONFLICT WITH OTHER REGULATIONS**

When the regulations of this ordinance require more restrictive standards than are required in or under any other statute the requirements of this ordinance shall govern. Whenever the provisions of any other statute require more restrictive standards than are required by this ordinance the provisions of such statute shall govern.

### **12.14 SEPARABILITY**

Should any section or provisions of this ordinance be declared invalid or unconstitutional by any court of competent jurisdiction, such declaration shall not affect the facility of the ordinance as a whole or any part thereof which is not specifically declared to be invalid or unconstitutional.

### **12.15 EFFECTIVE DATE**

This ordinance shall take effect and be in force from and after the date of its adoption, the public welfare demanding it.

## ARTICLE XIII. MOBILE HOME PARK AND TRAVEL TRAILER ORDINANCE

(Added 04-19-01)

Jurisdiction. The regulations established within this ordinance shall govern all mobile home parks within the jurisdiction of the Spring City Municipal Planning Commission. Any owner of land within this area wishing to develop a mobile home park shall submit to the procedures outlines in this ordinance and shall make those improvements necessary to comply with the minimum standards of this ordinance.

### SECTION

#### 13.01 DEFINITIONS AS USED IN THIS ORDINANCE

#### 13.02 PERMITS

#### 13.03 FEES

#### 13.04 INSPECTION SERVICES

#### 13.05 APPLICATION PROCEDURE

#### 13.06 DEVELOPMENT SITE

#### 13.07 SITE IMPROVEMENT

#### 13.08 TRANSPORTATION SYSTEM

#### 13.09 UTILITIES

#### 13.10 MOBILE HOME SITE

#### 13.11 SERVICE FACILITIES

#### 13.12 ENFORCEMENT

#### 13.13 AMENDMENT

#### 13.14 TRAVEL TRAILER PARK REQUIREMENTS

#### 13.01 DEFINITIONS AS USED IN THIS ORDINANCE

Except as specifically defined herein, all words used in this ordinance have their customary dictionary definition where not inconsistent with the context. The term "shall" is mandatory. When not inconsistent with the context, words used in the singular number include the plural. Words used in the present tense include the future. For the purpose of this ordinance certain words or terms are defined as follows:

1. **Approved.** Means acceptable to the appropriate authority having jurisdiction.
2. **Building Code.** Unless otherwise designated, this term shall mean the Southern Standard Building Code and its amendments.
3. **Building Inspector.** The person appointed by the Spring City Board of Mayor and Commissioners having jurisdiction over the Town for the enforcement of the building code and other local developmental regulations, including this ordinance.
4. **Common Area.** Any area or space designed for joint use by tenants occupying mobile home developments.

5. **Developer.** The person, firm, or corporation having a proprietary interest in a mobile home park for the purpose of proceeding under this ordinance.
6. **Diagonal Tie.** Any tie down designated to resist horizontal forces and which does not deviate less than 30 degrees from a vertical direction.
7. **Electric Feeder.** That part of the electric distribution system between the transformer and the electrical connections of a mobile home.
8. **Ground Anchor.** Any device at a mobile home stand designed for the purpose of securing a mobile home to the ground.
9. **Health Officer.** The director of the Town or district health department having jurisdiction over the community health in the Town, or his duly authorized representative.
10. **Internal Street.** In a privately owned mobile home park, this term shall mean a private street owned, constructed, and maintained by the developer which provides access to all spaces and facilities for common use by park occupants.
11. **Mobile Home (Trailer).** A detached single-family dwelling unit with any or all of the following characteristics:
  - a. Designed for long-term occupancy, and containing sleeping accommodations, a flush toilet, a tub or shower bath and kitchen facilities, with plumbing and electrical connections provided for attachment to outside systems.
  - b. Designed to be transported after fabrication on its own wheels, or on a flatbed or other trailer or detachable wheels.
  - c. Arriving at the site where it is to be occupied as a complete dwelling including major appliances and furniture, and ready for occupancy except for minor and incidental unpacking and assembly operations, locations of foundation supports, connection to utilities and the like.
12. **Mobile Home Lot.** A parcel of land rented for the exclusive use of the occupants of a single mobile home.
13. **Mobile Home Park.** A parcel of land within the Town under single ownership which has been improved for the placement of two (2) or more mobile homes for non-transient use.
14. **Mobile Home Stand.** That part of land subdivided into lots, each lot individually owned to utilize as the site for placement of a single mobile home and its facilities.

15. **Occupied Area.** The total of all of the lot area covered by a mobile home and its accessory buildings on a lot or space.
16. **Plat.** A map or plan of an area indicating the location and boundaries of individual properties.
17. **Service Buildings.** A structure housing a toilet, laundry facilities, office, or storage space.
18. **Sewer Connection.** Consists of all pipes and fittings from the drain outlet of the mobile home to the inlet of the sewerage disposal system.
19. **Site Plan.** This shall be the document, the contents of which are outlined within this ordinance representative of the physical design of the mobile home park.
20. **Subdivision Regulations.** This term shall refer to the subdivision regulations adopted by and in force within the Town.
21. **Tie Down.** Any device designed for the purpose of attaching a mobile home to ground anchors.
22. **Travel Trailer.** A vehicular unit, mounted on wheels, designed to provide temporary living quarters for recreational, camping, or travel use and of such size or weight as not to require special highway movement permits when drawn by a motorized vehicle, and with a living area of less than two hundred twenty square feet (220 sq. ft.), excluding built-in equipment (such as wardrobes, closets, cabinets, kitchen units or fixtures) and bath and toilet rooms.
23. **Travel Trailer Park.** Any plot of ground within the Town of Spring City on which two (2) or more travel trailers, occupied for camping or periods of short stay, are located.
24. **Water Connection.** Consists of all pipes and fittings from the water inlet pipe of the mobile home to the outlet of the water distribution system.
25. **Yards.** That area on the mobile home lot or space between all lot or space lines and the sides of the mobile home and its attachments.
26. **Zoning Ordinance.** This term shall mean the Zoning Ordinance adopted by and in force within the Town.

### **13.02 PERMITS**

The following requirements for permits shall apply to any mobile home park within the Town. The purpose of these permits shall be to provide contents to assure compliance with this ordinance and other existing resolutions; the public welfare demanding such.

1. No place or site within the Spring City Municipal Planning Jurisdiction shall be established by any group of persons, or corporation as a mobile home park unless he holds a valid permit issued by the building inspector in the name of such person or persons for the specific mobile home park.
2. It shall be unlawful for any person or persons to maintain or operate, within the Spring City Municipal Planning Jurisdiction, any existing mobile home park unless such person or persons first obtain a permit therefore. Mobile home parks in existence as of the effective date of this ordinance shall be required to obtain a mobile home park permit. Pre-existing mobile home parks which cannot comply with the requirements regarding mobile home parks shall be considered as a non-conforming use.
3. Every person holding a mobile home park permit shall give notice in writing to the building inspector within twenty-four (24) hours after having sold, transferred, given away, or otherwise disposed of interest and in control of any mobile home park. Such notice shall include the name and address of the person succeeding to the ownership of control of such mobile home park for the purpose of transferring the permit.
4. No mobile home park within the Spring City Municipal Planning Jurisdiction shall operate without the appropriate Town business permits or licenses.
5. It shall be unlawful to construct any building including accessory buildings, to move or alter any building, or locate a mobile home on any lot or space until the building inspector has issued a building permit for such use.
6. Any permit issued shall become void six (6) months from the date of issuance unless substantial efforts have been made by that date to exercise that power permissible by the permit.
7. Any use, arrangement, or construction at variance with those originally authorized plans submitted as a basis for any permit shall be deemed a violation of this ordinance and void the permit.
8. In accordance with Tennessee State Law, a permit for the installation of the mandatory mobile home anchoring system is required and obtainable from the appropriate state inspector.
9. No mobile home shall be used, place, stored or serviced by utilities within the Spring City Municipal Planning Jurisdiction or within any mobile home park in said region unless there is posted near the door of said mobile home a valid Tennessee State License or a HUD inspection sticker.

10. The building inspector is authorized to issue, suspend, or revoke permits in accordance with the provisions of this ordinance.

### **13.03 FEES**

In order to assure a more cost effective system for the provision of inspection services, permit fees are hereby established as follows:

1. Mobile Home Park Permit Fee - An annual mobile home inspection fee shall be required for all mobile home parks within the Spring City Municipal Planning Jurisdiction. This fee for the mobile home park permit shall be collected by the building inspector. \$100.00 fee.
2. Business Permit (License) Fees - Appropriate Town fees are required for business permits and license and shall be obtained prior to the construction of any mobile home park within the Spring City Municipal Planning Jurisdiction.
3. Electrical Inspection Fee - An electrical inspection fee is required and shall be levied in accordance to Tennessee statutes for inspection services recommended.
4. Anchoring Fee - The state anchoring system inspection fee as required by Tennessee statutes shall be levied in accordance with said statutes.
5. Tennessee License Fee - A state license fee for mobile homes is required by Tennessee statutes and shall be levied in accordance with said statutes.

### **13.04 INSPECTION SERVICES**

The building inspector, Town health officer and all other authorized inspectors are hereby authorized and directed to make inspections within the Spring City Municipal Planning Jurisdiction for the purpose of safeguarding the health and safety of the occupants of mobile home parks and of the general public. These representatives on behalf of the Town shall have the authority to enter at reasonable times upon any private or public property for the purpose of inspections and investigations related to the performance of their duties concerning the enforcement of this ordinance and other related regulations. Specifically, their inspections shall include but not be limited to the following duties:

1. Building Inspector - Upon inspection of a mobile home park or a mobile home by the building inspector, the following actions shall be undertaken for compliance with this ordinance and other related regulations of the Town which apply:
  - a. Article VI through Article XI of this ordinance concerning the minimum standards acceptable for the development and operation of a designated mobile home park.

- b. Appendix "H" of the Southern Standard Building Code outlining minimum mobile home standards.
  - c. A review shall be conducted of all necessary permits for not only the park but also individual mobile homes with all violations reported by the building inspector to the appropriate authority.
  - d. A visual review of the general health and safety conditions with any possible violations noted and reported by the building inspector to the appropriate authority.
2. Town Health Officer - The State Department of Public Health shall make inspections of the water system, sewage disposal system, and solid waste disposal facilities in accordance with Sections 53-3201 and 53-3220 of the Tennessee Code Annotated and other State regulations.
  3. Electrical Inspector - The electrical inspector shall make inspections in accordance with those powers designated by the appropriate State regulations.
  4. The officials noted in the above subsection in the performance of their respective duties shall have the authority to inspect that register containing a record of all residents of a mobile home park.
  5. It shall be the duty of the owners or occupants of mobile home parks and mobile homes or of the person in charge thereof to give the designated inspectors free access to such premises at reasonable time for the purpose of inspection.
  6. It shall be the duty of every occupant of a mobile home park to give the owner thereof or his agent or employee access to any part of such mobile home park or its premises at reasonable times for the purpose of making alterations as are necessary to comply with this or other local regulations.
  7. Upon inspection of any mobile home park in which conditions or practices exist in violation of this ordinance or other related regulations, the building inspector shall give notice in writing to the person to whom the permit was issued that unless such conditions or practices are corrected within a six (6) month period, the mobile home park shall be revoked and the operation of the mobile home park shall cease operation.

### **13.05 APPLICATION PROCEDURE**

1. The developer shall consult early and informally with the planning commission and all applicable Town departments for advice and assistance before the preparation of the site plan and the formal application for approval in order to become familiar with all regulations and area plans.



2. Applications for a mobile home park shall be filed with the planning commission for review and recommendation. Plans of the proposed mobile home park shall be filed with the building inspector at least seven (7) days prior to the planning commission meeting at which it is to be considered. The plan shall contain the following information and conform to the following requirements:
  - a. The plan shall be clearly and legibly drawn to a scale not smaller than one hundred (100) feet to one (1) inch;
  - b. Name and address of owner of record;
  - c. Proposed name of park and the total acreage involved;
  - d. Existing zoning classification;
  - e. North point and graphic scale and date;
  - f. Vicinity map showing location and acreage of mobile home park;
  - g. Exact boundary lines of the tract by bearing and distance;
  - h. Names of owners of record of adjoining land;
  - i. Existing streets, utilities, easements and water courses on and adjacent to the tract;
  - j. Contour lines at 2' intervals or as required by the planning commission;
  - k. Proposed design including streets, proposed street names, lot lines with approximate dimensions, easements, land to be reserved or dedicated for public uses, and any land to be used for purposes other than mobile home spaces;
  - l. Provisions for water supply, sewerage and drainage;
  - m. Such information as may be required by the Town to enable it to determine if the proposed park will comply with legal requirements;
  - n. The applications and all accompanying plans and specifications shall be filed in triplicate with the building inspector;
  - o. Certification that the applicant is the land owner;
  - p. Certification by the state health officer concerning the acceptability of the sewage disposal and/or water system;

- q. Certification by the appropriate Utility District of the acceptability of the public water system;
  - r. Certification of approval by the Town Superintendent of Public Works;
  - s. Certification of approval to be signed by the secretary of the planning commission;
3. Within sixty (60) days after submission of the site plan, the planning commission will review it and recommend approval or disapproval, or approval subject to modification. If disapproved, reasons for such shall be stated in writing.

### **13.06 DEVELOPMENT SITE**

- 1. The proposed mobile home park shall be located only in zones as prescribed by the Spring City Zoning Ordinance. Located in R-3 zones.
- 2. The development site shall be suitable for residential use. It shall not be subject to hazards such as insect or rodent infestation, objectionable smoke, noxious odors, unusual noise, or the probability of flooding or erosion. The soil, ground water level, drainage, and topography shall not create hazards to the property or to the health and safety of occupants.
- 3. The development site for a mobile home park shall comprise an area of not less than two (2) acres. All sites shall consist of a single plat so dimensioned and related as to facilitate efficient design and management.
- 4. Essential community facilities and services for residential development shall be reasonably accessible to the development site or provisions shall be made to assure that such facilities and services will be provided.
- 5. Direct vehicular access to the development site shall be provided by an abutting improved public street of at least a "Collector" classification (as shown on the Town's major street plan).

### **13.07 SITE IMPROVEMENT**

- 1. Site improvements shall be harmoniously and efficiently developed in relation to topography and the shape of the site. Full attention should be paid to use, appearance, and livability. Site improvements shall be fitted to the terrain with a minimum disturbance of the land. Existing trees, rock formations, and other natural site features should be preserved to the extent practical.
- 2. When necessary, grading shall be utilized to preserve desirable site features through the diversion of surface water away from mobile home stands, the prevention of standing water and excess soil saturation, and the disposal of water from each

mobile home space or lot. In no cases, however, shall grading be permitted to direct excessive surface water flow onto adjacent property.

3. In the case of fill work at the development site, all fill material shall be uniform in texture and free from debris. Fill material shall be applied in uniform layers, raked and compacted to minimize settlement.
4. Specific areas for the collection and disposal of surface and subsurface water shall be provided to protect the mobile home and provide safe use of other improvements. Surface water shall be directed toward existing off-site drainage facilities located in public right-of-ways. Internal drainage facilities shall be of adequate size, design, and construction and assured of permanent maintenance through easements or other means.
5. The planning commission upon advice from technical staff such as engineers or planning staff may require other drainage measures such as interjectional drains, drop inlets, bridges, etc., as deemed necessary.
6. Exposed ground surfaces in all parts of every development site shall be either paved, covered with stone or other solid material, or protected with a vegetative growth that is capable of preventing soil erosion and of eliminating objectionable dust.
7. An evergreen buffer strip consisting of trees shrubs, or hedge which will grow to a height of not less than ten (10) feet and be spaced not less than ten (10) feet apart shall be planted along all boundaries of the mobile home park. It is also recommended that trees or shrubs be utilized for internal screening of garbage collectors and to provide adequate privacy among the units.
8. The provision of designated open space and recreation areas is required to the extent necessary to meet the anticipated needs of the occupants. A centralized location is preferable for convenience and efficient maintenance. An area totaling 10% of the total mobile home park area shall be provided at such centralized location, and shall not be used for placement of mobile homes, or parking spaces.

### **13.08 TRANSPORTATION SYSTEM**

1. All mobile home parks shall be provided with safe and convenient vehicular access from abutting public streets or roads to each mobile home lot and other improvement park facilities. Access shall be designed to minimize congestion and hazards at the entrance or exit and allow free movement of traffic.
2. The street system shall be designed to recognize existing easements, utility lines, etc., which must be preserved and to permit connection of existing facilities where necessary for the proper functioning of the drainage and utility systems. Streets

shall also be adapted to the topography, have suitable alignment for traffic safety, and have satisfactory surface and ground water drainage.

3. All streets either public or internal (private) shall be constructed to the standards established in the Spring City Subdivision Regulations.
4. Before any proposed street may be constructed, the area must first be inspected by the Town Superintendent of Public Works who will at that time review the size of culvert necessary, to prevent future drainage problems. The developer will be responsible for the provision of specified culvert and in the manner as is indicated by the Superintendent.
5. Surfaced streets are required, and all streets shall meet the technical specification for base and asphaltic concrete paving as required in the Spring City Subdivision Regulations.
6. All streets located within a mobile home park shall be illuminated with lighting units consisting of 400 watt mercury vapor lamps at intervals of 100 feet approximately 30 feet from the ground.
7. Off-street parking areas shall be provided in all mobile home parks for the use of the occupants and guests without interference with the normal movement of traffic. Each mobile home space shall be provided with sufficient area to meet the off street parking standards for that space. All parking spaces shall be located so access can be gained only from internal streets of the mobile home park. Specific parking facility requirements are detailed in Article X, Section Nine (9).
8. All mobile home parks shall be provided with safe and convenient pedestrian access between mobile homes and park facilities. A common walk system is recommended for those areas in which pedestrian traffic is concentrated in a large development.

### **13.09 UTILITIES**

1. Water Supply - An adequate supply of safe water under adequate pressure shall be provided in each mobile home park. Where a public supply of water is satisfactory quantity, quality, and pressure is available, connection shall be to this system and used exclusively.
  - a. The bacteriological and chemical quality of the water shall be acceptable to the Town Health Officer in accordance with minimum requirements for the State of Tennessee.
  - b. The source of water supply shall be capable of supplying a minimum volume of 250 gallons of water per day per mobile home with pressure of not less than twenty (20) pounds residential pressure per square inch under

normal operating conditions at each mobile home. The individual size of the feeder water lines shall be minimum of 6".

- c. The water system must be adequate to provide 500 gallons per minute fire flow and maintain a 20 psi residential pressure. All fire hydrants shall be located at no distances beyond 400 feet.
  - d. The water supply system shall be connected by pipes to all mobile homes and other facilities requiring water in such a manner that neither underground nor surface contamination will reach the water from any source. All water piping, fixtures, and other equipment shall be constructed and maintained in accordance with the Southern Standard Plumbing Code and Tennessee State Health regulations. Written approval from the Tennessee Department of Public Health shall be required for all water line extensions.
  - e. In the case of all developments, the fire hydrants shall be the 3 way type as specified by Town standards.
2. Sewage Disposal - An adequate and safe sewerage disposal system shall be provided in all mobile home parks for conveying and disposing of all sewage. The type of sewage disposal system utilized shall be appropriate for the area in which the mobile home park is located. Multi-user septic tanks are encouraged if a public sewage disposal system is clearly not feasible. Specific requirements for alternative sewage disposal shall be established by the Tennessee Department of Public Health and clearly displayed on the mobile home park site plan. In addition, the sewage disposal system shall meet the following general requirements:
- a. The sewage disposal system shall be approved in writing by the Tennessee State Health Department and subject to maintenance inspections.
- If a public sewage disposal system is utilized, the following additional requirements must be met:***
- b. All sewer lines shall be located in trenches of sufficient depth to prevent breakage from traffic or other movements and constructed in such a manner as to have water tight joints. Sewer lines shall be separated from the water supply system and be constructed and maintained in accordance with the Southern Standard Plumbing Code and Tennessee State Health Regulations.
  - c. All sewer lines shall be at a grade which will insure a velocity of two feet per second when flowing full and designed for a minimum volume flow of 250 gallons of sewage per day per mobile home.
3. Electrical Distribution - Every mobile home park shall contain an electrical wiring system consisting of wiring, fixtures, and equipment installed and maintained in

accordance with the applicable codes and regulations governing electrical distribution systems. The electrical distribution system shall also meet the following general requirements:

- a. Main primary lines not located underground shall be suspended at least eighteen (18) feet above the ground. There shall be a minimum horizontal clearance of three (3) feet between overhead wiring and any mobile home or other structure.
  - b. All direct buried cables shall be without splices or taps between junction boxes and protected by ridged conduit at all points of entry or exit from the ground. Such cables shall be located no less than eighteen (18) inches below the ground surface and located in a separate trench not less than one (1) foot radial distance from water, sewer, gas, and other piping.
  - c. Demand factors for feeder and service lines shall be calculated in accordance with the Southern Standard Building Code to determine the appropriate line sizes.
4. Gas Supply - Natural gas and liquefied petroleum gas systems equipment and installations within a mobile home park shall be designed and constructed in accordance with the applicable codes and regulations. The natural gas supply system shall meet the following general requirements:
- a. Underground piping shall be buried at a sufficient depth to protect it from physical damage as outlined in the Southern Standard Gas Code. No piping shall be installed underground beneath a mobile home or other structure.
  - b. All gas regulators, meters, valves and other exposed equipment shall be protected from physical damage by vehicles or other causes.
  - c. A readily accessible and identified emergency shut-off valve controlling the flow of gas to the entire internal gas piping system of a mobile home park shall be installed near to the point of connection to the service piping.
  - d. Demand factors for use in calculating gas piping systems shall be in accordance with the Standard Gas Code.
5. Oil Supply - Oil supply systems equipment and installations within a mobile home park shall be designed in accordance with the applicable codes and regulations. Oil may be supplied by either an outside underground tank, an outside above ground tank or a centralized oil distribution system designed and installed in accordance with accepted engineering practices which comply with national codes.
6. Garbage Disposal - The storage, collection, and disposal of refuse in a mobile home park shall be so conducted as to create no health hazards, rodent harborage, insect

breeding areas, accident or fire hazards, or air pollution. A commercial dumpster system shall be utilized exclusively for solid waste disposal. In addition, the refuse disposal system shall meet the following general requirements:

- a. All refuse shall be stored in fly proof, water tight, and rodent proof containers, which shall be located not more than 150 feet from any mobile home space or lot. These containers shall be located on concrete dumpster pads designed to prevent or minimize spillage and container deterioration. Fencing or natural screening is encouraged.
- b. A sufficient number of containers of adequate capacity in accordance with Town approval shall be provided to properly store all refuse. The refuse within these containers shall be collected and disposed of on at least a weekly basis in the approved manner.

### **13.10 MOBILE HOME SITE**

1. Every mobile home site shall meet the minimum requirements set forth in this section for the development of individual sites. These criteria are for the purpose of assuring privacy, adequate natural light and air, and convenient access and circulation around each mobile home.
2. Within mobile home parks - Each mobile home space shall be adequate for the type of facility occupying the same. Mobile homes shall be parked on each space so that there will be at least twenty-eight (28) feet of open space between mobile homes or any attachment such as a garage or porch, and at least thirty (30) feet end to end spacing between trailers and any building or structure, twenty (20) feet between any trailer and property line and fifty (50) feet from the right-of-way of any public street or highway. In addition, each mobile home space shall contain:
  - a. A minimum lot area of four thousand (4,000) square feet.
  - b. A minimum depth with end parking of an automobile equal to the length of the mobile home plus thirty (30) feet.
  - c. A minimum depth with side or street parking equal to the length of the mobile home plus fifteen (15) feet; and
  - d. A minimum width of at least forty (40) feet and a minimum depth of at least seventy-five (75) feet with the limits of each mobile home space being clearly marked by permanent ground stakes.
3. Each mobile home space shall have an area designated as a mobile home stand or pad which meets all the setback requirements and affords practical access for the placement and removal of a mobile home. It is recommended that these stands consist of runways (24" wide) running vertical to the mobile home and spaced, at a

minimum, every eight (8) feet for the length of the mobile home. These piers shall meet the following construction requirements or the Southern Standard Building Code whichever is the most restrictive:

- a. Piers less than forty (40) inches in height shall be constructed of open or closed cell, eight (8) inch by eight (8) inch by sixteen (16) inch concrete blocks (with open cells vertically placed upon the footer). Single-stacked block piers shall be installed with sixteen (16) inch dimension perpendicular to the main (I-beam) frame. The piers shall be covered with a two (2) inch by eight (8) inch by sixteen (16) inch wood or concrete cap.
  - b. Piers between forty (40) and eighty (80) inches in height and all corner piers over three blocks high shall be double blocked with blocks interlocked and capped with a four (4) inch by sixteen (16) inch wood or concrete cap.
4. All mobile homes shall be secured to the site through an anchorage system consisting of over the top tie downs to restrict overturning and frame tie downs to restrict the unit from being pushed from its piers. These tie downs shall meet the anchorage requirements specified by Tennessee State Statutes and the Southern Standard Building Code for installation and inspection requirements.
  5. An individual water connection shall be provided at each site with at least a 3/4 inch connecting water riser pipe. This pipe shall extend in a vertical position at least four (4) inches above ground level at the appropriate location. Adequate provisions shall be made to prevent the freezing of service lines, valves, and riser pipe. The riser pipe shall be capped when the site is unoccupied. At each site a shut off valve located below the frost line shall be provided near the water riser.
  6. Each site shall be provided with at least four (4) inch corrosive resistant sewer riser pipe. This pipe shall extend in a vertical position at least four (4) inches above the ground level at the appropriate location. This service pipe shall consist of water tight joints and slope at least one-fourth (1/4) inch per foot to a collector line. Provisions shall be made to plug the drain when the site is unoccupied. All sewer lines shall be laid in trenches separated at least ten (10) feet horizontally from any drinking water supply line.
  7. Electrical service drops from feeder distribution lines shall be provided, installed, and maintained in accordance with the National Electrical Code and Tennessee Department of Insurance and Banking Regulations Number 15, entitled "Regulations Relating". A weather-proof over-current protection device and disconnecting means shall be provided for each site. All exposed non-current carrying metal parts of the mobile home shall be properly grounded.
  8. Each site provided with natural or liquefied petroleum shall have an approved manual shut off valve installed upstream of the gas outlet. Underground piping shall be at a sufficient depth to be protected from physical damage and shall not be



installed beneath a mobile home stand unless it is installed in an approved gas tight conduit. Liquefied petroleum gas or oil containers shall be securely but not permanently fastened to prevent accidental over-turning. No containers shall be stored within or beneath any mobile home. All gas or oil systems shall be installed and maintained in accordance with the applicable codes and regulations governing such systems.

9. Off-street parking spaces shall be provided in sufficient number to meet the needs of the occupants and their guests. Such facilities shall be provided at the rate of at least three (3) spaces per mobile home. The size of the individual parking space shall consist of a minimum width of not less than ten (10) feet and a length of not less than twenty-two (22) feet. Each space shall be constructed of either a hot mix or concrete hard surface.
10. It is recommended that provision be made for external storage facilities at each site. These facilities should be designed in a manner that would enhance the appearance of the development.

### **13.11 SERVICE FACILITIES**

1. The requirements of this section shall apply to permanent service facilities including, but not limited to management offices, laundry facilities, sanitary facilities. Such facilities are required for developments for the convenience of the occupants. All recreational open space shall consist of a minimum area of not less than 100 square feet per space.
2. The growth of brush, weeds, and grass in open areas shall be controlled and maintained to prevent heavy undergrowth of any description. Special emphasis shall be on the preventing of the growth of ragweed, poison ivy, poison oak, poison sage, and other noxious weeds considered to be detrimental to health.
3. Care shall be taken to control dry brush, litter, rubbish and other such flammable materials which might communicate fire between mobile homes and other structures.
4. A mobile home shall not be occupied for dwelling purposes unless it is properly installed on a mobile home stand and connected to all utilities. The park management shall supervise such installations.
5. No mobile home shall be admitted to a mobile home park unless it can be demonstrated that it meets the requirements of the Mobile Home Standards for Plumbing, Heating, and Electrical Systems or any state administered code insuring equal or better systems. Mobile homes manufactured prior to 1976 shall be exempt from this requirement.

6. No dogs, cats, or other domestic animals shall be permitted unrestrictive freedom within the limits of a mobile home park. Any kennels or pens for such animals shall be maintained in a sanitary condition at all times.
7. Pre-existing mobile home parks shall comply with all state regulations applicable thereto which were in force prior to the establishment of this mobile home park ordinance. Expansion shall only occur after compliance with the requirements of this ordinance.
8. Every mobile home park within the Spring City Municipal Planning Jurisdiction shall be operated with adequate supervision to assure the park, its facilities and equipment are maintained in good repair and operated in a clean and sanitary condition at all times.
9. No travel trailers shall be placed on a mobile home stand or connected to utilities either in a mobile home park for occupancy at all times.

### **13.12 ENFORCEMENT**

1. It shall be the duty of the building inspector to enforce the provisions of this ordinance and the duty of those inspectors specifically mentioned within this ordinance to enforce those regulations under their jurisdiction as those regulations apply to this ordinance.
2. The developer or the person to whom a permit for a mobile home park is issued shall be the sole individual responsible for compliance with this ordinance and the other related regulations. Actions toward the enforcement of this ordinance and all other related regulations shall be directed toward the person to whom the mobile home park permit is issued.

### **13.13 AMENDMENT**

1. Whenever the public necessity, convenience or general welfare justifies such action, the Spring City Board of Mayor and Commissioners may amend or supplement this chapter. Any person may petition the Town Board of Mayor and Commissioners for an amendment or amendments to this ordinance.
2. Any proposed amendment or supplement shall be first submitted to the planning commission for its recommendation to the Town Board of Mayor and Commissioners. Absence of action after thirty-five (35) days after submission to the planning commission shall be a positive recommendation for such amendment to the Board of Mayor and Commissioners.

### **13.14 TRAVEL TRAILER PARK REQUIREMENTS**

1. Unlawful Use of a Travel Trailer.

It shall be unlawful for any travel trailer to be occupied or serviced outside of any properly permitted designated travel trailer park. This provision shall not apply to the storage of travel trailers that are neither temporarily nor permanently occupied as a dwelling unit while within the city limits.

2. Permit for Travel Trailer Park.

No place or site within the Town of Spring City shall be established or maintained by any person, group of persons, or corporation as a travel trailer park unless a valid permit has been issued by the Town Building Inspector in the name of such person or persons for the specific travel trailer park. The Town Building Inspector is authorized to issue, suspend, or revoke permits in accordance with the provisions of this ordinance.

3. Inspections by Town Building Inspector or County Health Officer.

The Town Building Inspector or County Health Officer is hereby authorized and directed to make inspections to determine the condition of travel trailer parks, in order that he may perform his duty of safeguarding the health and safety of the occupants of travel trailer parks and the general public. The Town Building Inspector or County Health Officer shall have the power to enter at reasonable times upon any private or public property for the purpose of inspecting and investigating conditions relating to the enforcement of this ordinance.

4. Length of Occupancy.

Travel trailer spaces shall be rented by the day or week only, and the occupant of such space shall remain in the same travel trailer park not more than thirty (30) days.

5. Location.

Travel trailer parks should be located in commercial areas or recreational areas.

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

6. Minimum Size of Travel Trailer Park.

The tract of land designed to be used as a travel trailer park shall conform to those same minimum lot area standards as established by the Spring City Subdivision Regulations.

7. Minimum Size of Travel Trailer Space.

Each travel trailer space shall have a minimum width of thirty (30) feet and a minimum length of fifty (50) feet. Each space, upon which the travel trailer will be located, shall be situated such that there is at least fifteen (15) feet from side-to-side

and at least eight (8) feet end-to-end from the edge of one travel trailer to the edge of the next.

8. Street Requirements.

A loop or other system of internal private roads shall be built so that all travel trailer spaces take their access from such internal roads rather than directly from a public road. The use of pull-through spaces shall be allowed if the owner wants this arrangement.

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

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

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

Parallel parking ..... 8 feet of additional width;  
(on one side)

Parallel parking ..... 16 feet of additional width.  
(on two sides)

9. Sewage Disposal.

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

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

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

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

## ARTICLE XIV. SHORT TERM RENTAL REGULATIONS

(Added 11/04/21)

### SECTION

- 14.01 DEFINITIONS
- 14.02 MINIMUM STANDARDS FOR SHORT TERM RENTALS
- 14.03 PERMITTED LOCATIONS FOR SHORT TERM RENTAL UNITS
- 14.04 PERMIT REQUIRED
- 14.05 TYPES OF PERMITS
- 14.06 APPLICATION REQUIREMENTS
- 14.07 APPLICATION FEE
- 14.08 ISSUANCE OF PERMIT
- 14.09 PERMIT NON-TRANSFERABLE
- 14.10 PERMIT RENEWAL
- 14.11 PERMIT REVOCATION OR PERMIT SUSPENSION
- 14.12 FAILURE TO OBTAIN PERMIT: PENALTIES
- 14.13 COMPLIANCE WITH SPRING CITY ORDINANCES AND STAT LAWS
- 14.14 COMPLAINTS
- 14.15 ADVERTISING
- 14.16 TAXES
- 14.17 TOWN SHALL NOT ENFORCE PRIVATE AGREEMENTS
- 14.18 ADDITIONAL REMEDIES

### 14.01 DEFINITIONS

“Provider” means any person engaged in renting a short-term rental unit and includes an owner of a residential unit that is made available through a vacation lodging service as that term is defined in T.C.A. § 62-13-104.

“Short Term Rental Unit” or “Unit” means:

A residential dwelling that is rented wholly or partially for a fee for a period of less than twenty-nine (29) continuous days and does not include a hotel as defined in T.C.A. 68-14-302 or a bed and breakfast establishment or a bed and breakfast homestay as those terms are defined in T.C.A. § 68-14-502.

As per the provisions of T.C.A. § 13-7-601 certain limited provisions of this ordinance may not be applicable to “Grandfathered Short Term Rental Units.”

“Short Term Rental Agent” means a natural person designated to be responsible for daily operations by the owner of a short term residential unit or by the short term rental unit permit application. Such person shall be available for and responsive to contact at all times and someone who is customarily present at a location in Rhea County, Tennessee, for purpose of transacting the short term rental unit business. The short term rental agent must meet all other requirements et forth by state law.

“Short Term Rental Occupants” means guests, tourists, lessees, vacationers, or any other person who, in exchange for compensation, occupy a short term residential rental unit for lodging for a period of time not to exceed twenty-nine (29) consecutive days, but not in any event to be from any period of time less than overnight.

#### **14.02 MINIMUM STANDARDS FOR SHORT TERM RENTALS**

Short term rental units shall meet the following minimum standards:

- a. A short term rental unit may include a primary dwelling unit and/or a secondary dwelling unit, but cannot include uninhabitable structures such as garages, barns or sheds.
- b. Recreational vehicles (RVs) are not permitted as Short Term Rental Units within the Town of Spring City limits.
- c. A short term rental unit must have functioning smoke detectors as determined by the fire marshal and other life safety equipment as required by generally applicable local, state, and federal law.
- d. A short term rental unit must meet all applicable laws related to zoning, housing, building, health, electrical, gas, plumbing, and life safety.
- e. No on-site signage shall be permitted except for those short term rental units that are located on tracts of at least five (5) acres in area and which unit(s) have a dwelling unit that is not readily visible from the public right of way, which can have directional signs placed on the parcel that shall be at least fifty (50) feet from the public right of way, no off-site signage except for designated parking spaces to be used by occupants of the short-term rental unit.
- f. There shall be no more than five (5) sleeping rooms made available for rental.
- g. Maximum occupancy: the maximum occupancy shall be determined by the total of:
  - i. Two (2) persons per bedroom, plus two additional persons
  - ii. The maximum occupancy shall not exceed 12 persons, including any other persons residing in or otherwise using the Short Term Rental Unit
  - iii. The maximum occupancy shall be conspicuously posted within the short term rental unit
- h. The short term rental unit owner shall not receive any compensation or remuneration to permit occupancy for any agreed or contracted period of less than twenty-four (24) hours.
- i. Adequate on-site parking shall be provided as determined by the town after considering proposed/maximum permitted number of guests, frequency of operations, and availability of on-street parking (if any). As a general rule, parking shall not be allowed on any vegetated area of the premises on which the short term rental unit is located.
- j. All occupants shall abide by all generally applicable codes, ordinances and regulations, including without limitation, applicable noise restrictions and all applicable waste management provisions of the municipal code of the Town of Spring City.
- k. The name and telephone number of the owner of the Short Term Rental Unit or the Short Term Rental Agent shall be conspicuously posted within the Short Term Rental Unit.
- l. Short Term Rental Units shall only be located within zoning district(s) which expressly permit such usages according to the Spring City Zoning Ordinance.
- m. The Short Term Rental Unit owner shall be responsible for collecting and remitting all applicable state and local taxes.

- n. All Short Term Rental Units must be property maintained and regularly inspected by the owner to ensure continued compliance with applicable zoning, housing, building, health, and life safety code provisions.

As per the provisions of T.C.A. § 13-7-601 certain limited provisions of this ordinance may not be applicable or wholly applicable to “Grandfathered Short Term Rental Units.”

#### **14.03 PERMITTED LOCATIONS FOR SHORT TERM RENTAL UNITS**

Short Term Rental Units are permitted in R-1 as a Use Permitted on Review and R-2, R-3, and R-4 as a Uses Permitted, unless the property is a grandfathered short-term rental unit pursuant to T.C.A. § 13-7-601 et seq.

#### **14.04 PERMIT REQUIRED**

No person or entity shall operate a Short Term Rental Unit unless a Short Term Rental Permit has been first approved by the Town of Spring City, including without limitation a Grandfathered Short Term Rental Unit. To obtain a Short-Term Rental Permit, an otherwise eligible applicant must submit an application to the Building Inspector in compliance with the provisions of the Article on a form provided by the Town. In addition to the information required by the application itself, the Building Inspector may request other information reasonably required to allow the Town to process the application. The permit application shall not be considered complete until the Building inspector has all information required by the application or otherwise. If approved, a legible copy of the Short Term Rental Unit Permit shall be posted within the unit and shall include all of the following information:

- a. The name, address, telephone number, and email address of the owner of the Short Term Rental unit and the name, address, telephone number and email address of the Short Term Rental Agent, if applicable;
- b. The Business License Number;
- c. Certification and/or registration number relating to the hotel-motel occupancy tax authorized by T.C.A. § 67-4-1401 et seq.;
- d. The maximum occupancy limit of the unit;
- e. The maximum number of vehicles that may be parked at the unit; and
- f. The Short Term Rental Unit Number

#### **14.05 TYPES OF PERMITS**

There are three (3) types of permits available under this Article.

- 1. Owner Occupied. This type of permit is available to owner’s who utilize the property as their principal residence, except in the instance of duplexes as further described in this Article. A person can only hold one (1) Owner Occupied Operating Permit in the Town, and it is only available to a natural persons. The owner is not required to remain or be present at the Short-Term Rental Unit during the period when it is used as a Short-Term Rental Unit.

If there is an accessory dwelling structure on the property, this type of Permit can be used for either the primary dwelling or the accessory structure, but not for both. If the property

houses a legal duplex and an owner owns both sides of the duplex, this type of Permit is available to the owner for either side of the duplex so long as the owner's principal residence is on one side of the duplex.

Proof of ownership and residency is required for this type of Permit and shall be established by the deed for the property as recorded in the Rhea County Register of Deeds Office. Residency shall be established by at least two (2) of the following documents, which must list the address of the Short-Term Rental Unit on the document: owner's motor vehicle registration; a valid drivers licenses or Tennessee identification card for owner; the address used for the school registration of owner's children; the owner's voter registration card; or owner's W-2 form reflecting the property address.

2. Non-Owner Occupied. This type of Permit is available to an owner or lessee of the property and is available o a natural person or a business entity. Upon application for a Non-Owner-Occupied Permit, if a lessee is applying, they must provide the owner's signature as set forth above.
3. Unoccupied. This type of Permit is available to a non-occupant owner of premises where the premises are only occupied when used as a Short-Term Rental Unit and are available to a natural persons and business entities. There permits may also be held by an Owner's agent, such as a rental company, with the rental company providing the same information and guarantees as is required of a lessee of property.

If there is an accessory dwelling structure on the property, the Permit can be used for the primary dwelling or accessory dwelling structure, but not for both. If a property houses a legal duplex and an Owner owns both sides of the duplex, only one side of the duplex can be used.

#### **14.06 APPLICATION REQUIREMENTS**

Applicants desiring to operate a Short-Term Rental Unit shall submit an application for a Permit to the Building Inspector. This Section shall apply whether the Application is for a Short-Term Rental or a "Grandfathered Short-Term Rental Unit" together with documentary evidence which supports classifying the (proposed) Short-Term Rental Unit as a "Grandfathered Short-Term Rental Unit." In addition to the information required by the application itself, the Building Inspector may request other information reasonably required to allow the Town to process the application. The permit application shall not be considered complete until the Building Inspector has all information required by the application or otherwise. Such application shall be furnished under oath and shall include at least the following information:

1. The name, address, telephone number and email address of the owner of the Short-Term Rental Unit and the name, address, telephone number, and email address of the Short-Term Rental Unit Agent, if applicable. In cases where a business entity of trust is the owner of the property, the individual who has responsibility for overseeing the property on behalf of the business entity or trust, including the telephone number, mailing address, and email address of the individual having such responsibility. If the owner of the Short-Term Rental



Unit is a business entity, the business must submit documentation to demonstrate that the business is in good standing with the Tennessee Secretary of State.

2. Documentation that the application is the owner or the Short-Term Rental Agent.
3. The Business License number.
4. A site plan and floor plan accurately and clearly depicting the size and location of the existing dwelling and the approximate square footage in the dwelling, the number and location of designated off-street parking spaces and the maximum number of vehicles allowed for overnight occupants. The floor plan shall also describe the use of each room in the dwelling, the number, location, and approximate square footage of all bedrooms, and any accessory buildings, including but not limited to garages and accessory dwelling structures or units.
5. A description of the area available for short term rental (i.e. the entire property and house, a guest cottage, a portion of the house, etc.)
6. A description of the number of bedrooms proposed for rental, which shall not be more than five (5) bedrooms under any circumstances.
7. The days of operation (all year, just holidays, weekends/weeknights, etc.)
8. The maximum number of guests to be accommodated at one time.
9. How trash will be handled, and the method of informing occupants about method of disposal of trash.
10. Proof of insurance on the dwelling unit.
11. If a lessee is operating a Short-Term Rental Unit, the lessee shall provide the full legal name of the owner of the Short-Term Rental Unit; the mailing address, email address, and telephone number(s) of the owner; and the owner's signature acknowledging the owner's understanding of all of the Town of Spring City's Short-Term Rental Unit rules and verifying the owner's agreement that they are legally responsible and liable for compliance by the lessee and all occupants of the Short-Term Rental Unit with all provisions of this Article and other applicable ordinances of the Town.
12. Applicant must designate a person who shall be available twenty-four (24) hours per day, seven (7) days per week for the purpose of: being able to physically respond, as necessary, within forty-five (45) minutes of notification of a complaint regarding the condition, operation, or conduct of occupants of the Short-Term Rental Unit; and taking any remedial action necessary to resolve any such complaints. This contact person may be the owner, a lessee or the owner's agent. An owner may change his/her designation of a short-term rental Agent temporarily or permanently; however there shall only be one such agent for a property at any given time. To change the designated agent, the owner shall notify the Building Inspector in writing of the new agent's identity, together with all information regarding such person as required by the applicable provisions of this Article.
13. Applicant and owner, if different, must acknowledge in writing that in the event a permit is approved and issued, the Applicant and owner, if different, assume all risk and indemnify, defend and hold the Town of Spring City harmless concerning the City's approval of the permit, the operation and maintenance of the Short-Term Rental Unit, and any other matter relating to the Short-Term Rental Unit.
14. As per the provisions of T.C.A. § 13-7-601, certain limited provisions of this Section may not be applicable or wholly applicable to "Grandfathered Short-Term Rental Units."

#### **14.07 APPLICATION FEE**

An application for a Permit under this Article shall be accompanied by a fee of Two Hundred Fifty (\$250.00) dollars. Said fee is designed to reimburse the Town for the cost of processing the application and inspecting the Short-Term Rental Unit. There shall be no proration of fees, and once paid, the fee is non-refundable.

#### **14.08 ISSUANCE OF PERMIT**

Once the Building Inspection has determined that the application is complete, he/she shall submit a copy of the application for any Short-Term Rental to the Board of Commissioners for approval. Before the Board of Commissioners issues a Permit under this Article, it shall cause to be published in a newspaper of general circulation a notice including the name of the applicant, the address of the location for, the permit, and the date and time of its meeting at which the application will be considered. The notice shall be published not less than ten (10) days prior to the meeting. The meeting shall be a public hearing for the purpose of hearing the statement of any person or his/her attorney on any application of a Short-Term Rental Unit Permit. If the application is complete and meets the requirements of this Article and other applicable laws and regulations, including but not limited to, general applicable health, safety, and/or building codes with respect to the Short-Term Rental Unit, the Board of Commissioners shall approve and issue to the applicant a Short-Term Rental Unit Permit within ninety (90) days of submission of a complete application. The Permit, if approved, shall be issued for a specific site location and/or address of the proposed Short-Term Rental Unit or Grandfathered Short-Term Rental Unit provided in the application and as set forth in this Article.

If the application or the Short-Term Rental Unit does not conform to the requirements of this Article or other applicable laws, regulations or ordinances, the permit shall not be issued, but the Applicant will be advised in writing of the deficiencies and be given a reasonable opportunity to correct the deficiencies. If not corrected within a reasonable period of time, the application will be permanently denied, and written notice of the denial given.

The decision by the Board of Commissioners as to whether to issue, deny or revoke any Permit shall be final, reviewable only by application for Writ of Certiorari to the Chancery Court of Rhea County, Tennessee as provided in the Tennessee Code Annotated.

The Permit shall be valid for one (1) calendar year from the date of issuance, unless the Permit is revoked pursuant to this Article or otherwise.

Upon receipt of a Short-Term Rental Unit Permit number, the applicant must display said number on any materials or platforms used to advertise the Short-Term Rental Unit.

#### **4.09 PERMIT NON-TRANSFERABLE**

A permit issued under this Article is non-transferable, and any attempt to transfer it shall render the Permit void. A transfer of the ownership interest in the property itself shall also render the Permit void, whether the transfer is voluntary or involuntary and whether by deed, court order,

foreclosure, by law, or otherwise. Grandfathered Short-Term Rentals Unit Permits are subject to additional transferability restrictions as set forth in T.C.A. § 13-7-601 et seq., as now enacted or hereafter amended.

#### **14.10 PERMIT RENEWAL**

Unless suspended or revoked for a violation of any provision of this Article or other law, rule, regulation or other ordinance, there shall be a Short-Term Rental Unit Permit Renewal Fee to be paid annually in the amount of one hundred (\$100) dollars, which upon inspection by the Town and satisfactory demonstration of compliance by the Permit holder and property of the terms, provisions and conditions of this Chapter shall entitle the Permittee to renewal of the Permit for the ensuing twelve (12) months.

Failure to pay the annual renewal fee and to cooperate with permit inspection requirements shall result in suspension of the Permit which, if not remedied within sixty (60) days after suspension, shall automatically result in revocation of the Permit for that particular location.

The renewal fee shall be paid no later than fourteen (14) business days prior to the expiration date for the current permit. A renewal application shall be submitted to the Building Inspector. A renewed Permit shall be good for one (1) calendar year from the date of issuance.

#### **14.11 PERMIT REVOCATION OR PERMIT SUSPENSION**

Permit Revocation. The Board of Commissioners may permanently revoke a Permit if the Town discovers that: i) an Applicant obtained the permit by knowingly providing false information on the application; ii) the continuation of the Short-Term Rental Unit presents a threat to public health or safety; iii) the owner ceases to own the property; iv) the property is not used as a Short-Term Rental Unit for a period of thirty (30) months or more v) there has been a violation of a generally applicable local law three (3) or more separate times arising as a result of the operation of the property as a Short-Term Rental Unit and all appeals from the violations have been exhausted.

Suspension of Permit. The Board of Commissioners may suspend a previously issued Permit in the event that a Permittee is found to be noncompliant with any of the terms, conditions or requirements of this Article. Any permit which is suspended for administrative noncompliance with permitting requirements may be, upon payment of a fifty (\$50) dollar reinstatement and inspection fee, be reinstated upon the Permittee demonstrating, to the satisfaction of the Board of Commissioners, that the noncompliance issue(s) which resulted in suspension of the Permit have been resolved.

No property shall be operated as a Short-Term Rental Unit which its Permit is suspended and/or if its Permit has been revoked and unless and until a valid Short-Term Rental Unit Permit shall be subsequently issued by the Board of Commissioners.

Appeal for Permit Revocation or Permit Suspension. The decision by the Board of Commissioners as to whether to suspend or revoke any Permit shall be final, reviewable only by application for Writ of Certiorari to the Chancery Court of Rhea County, Tennessee as provided in the Tennessee Code Annotated.

As per the provisions of T.C.A. § 13-7-601, certain limited provisions of this Section may not be applicable or wholly applicable to “Grandfathered Short-Term Rental Units.”

#### **14.12 FAILURE TO OBTAIN PERMIT: PENALTIES**

Any violation of this Article, including failure to obtain a Permit or to renew a Permit of continued or initiation operation of a Short-Term Rental Unit either without a Permit or after revocation of a Permit shall be punishable by a civil penalty of fifty (\$50) dollars per violation. Each day that the violation continues shall be a separate offense. There shall be a rebuttal presumption that a person or entity is in violation of this Article if they list or hold out a property as a Short-Term Rental Unit without first obtaining a Short-Term Rental Permit. This rebuttable presumption also applies to those dwellings features on websites whose primary purpose is business related to Short-Term Rental Unit reservations.

The owner and/or Agent of or with respect to a “Grandfathered Short-Term Rental Unit”, which may be otherwise exempt from compliance with some of the regulations, conditions and requirements of this Article shall nevertheless be required to apply for a Permit within the thirty (30) days next following the effective date of this Article/Ordinance **(11.04.2021)**. If the owner or agent shall fail to apply within said thirty (30) day period or shall otherwise fail to meet the requirements of generally applicable laws, rules, and ordinances as to said Grandfathered Short-Term Rental Units, shall, upon notice from the Board of Commissioners cease operations as a Short-Term Rental Unit and shall not resume such operations or advertisement as a Short-Term Rental Unit until such time a the owner and/or agent shall make a proper application for a Permit and demonstrate compliance with all requirements of this Article and generally applicable law. As provided in T.C.A. § 13-7-601et seq., a “Grandfathered Short-Term Rental Unit” may lose grandfathered status by a failure to adhere to and/or violation of all or any of the qualifying conditions and/or requirements of T.C.A. § 13-7-603, including but not limited to: i) The property used as a Grandfathered Short-Term Rental Unit is sold out of otherwise transferred by or from the owner(s) of the property when first qualified or established as a Grandfathered Short-Term Rental Unit and/or ii) The property ceases to be used as a Short-Term Rental Unit for any period of thirty (30) continuous months and/or iii) The property has been found to be in violation of a generally applicable local ordinance or state law on three (3) or more separate times and with no appeal opportunities remaining.

#### **14.13 COMPLIANCE WITH SPRING CITY ORDINANCES AND STATE LAWS**

It shall be unlawful to operate a Short-Term Rental Unit in a manner that does not comply with all applicable Town ordinances and State laws and regulations, and any violation shall subject the violator to a fine of fifty (\$50) dollars for each violation. For any violation, each day that the violation exists shall constitute a separate offense.

#### **14.14 COMPLAINTS**

All complaints regarding Short-Term Rental Units shall be filed with the Building Inspector. Those making complaints are specifically advised that any false complaint made against a Short-Term Rental Unit owner or provider is punishable as perjury under T.C.A. § 39-16-702. For any complaint made, the Town shall provide written notification of the complaint by regular mail to

the operator and owner, if different of the property at the address(es) provided on the application on file. The Town shall investigate the complaint, and within thirty (30) days of the date notice was sent to the operator, the operator shall respond to the complaint, and may present any evidence they deem pertinent, and respond to any evidence produced by the complainant or obtained by the Town through its investigation. If, after reviewing all relevant material, the Town finds the complaint to be supported by a preponderance of the evidence, the Town may take, or cause to be taken, enforcement action as provided in this Article or otherwise in the Zoning Ordinance, Municipal Code, or the generally applicable law.

#### **14.15 ADVERTISING**

It shall be unlawful to advertise any Short-Term Rental Unit without the Permit number clearly displayed on the advertisement. For the purpose of this Article, the terms “advertise,” “advertising,” or “advertisement” mean the act of drawing the public’s attention to a Short-Term Rental Unit in any forum, whether electronic or non-electronic, in order to promote the availability of the Short-Term Rental Unit.

#### **14.16 TAXES**

All Short-Term Rental Unit operators and owners are responsible for applicable taxes, including, but not limited to, Hotel Occupancy Privilege Tax, local option sales tax, and gross receipts tax to the Town, sales tax to the State of Tennessee, and gross receipts tax to the State of Tennessee.

#### **14.17 TOWN SHALL NOT ENFORCE PRIVATE AGREEMENTS**

The Town shall not have any obligation or be responsible for making a determination regarding whether the issuance of a Permit or the use of a dwelling as a Short-Term Rental Unit is permitted under any private agreements or any covenants, conditions, and restrictions or any other regulations or rules of the homeowners’ association or maintenance organization having jurisdiction in connection with the Short-Term Rental Unit, and the Town shall have no enforcement obligations in connection with such private agreements or covenants, conditions, and restrictions or such regulations or rules. If the Short-Term Rental Unit operator is a lessee, the owner of the Short-Term Rental Unit shall provide written acknowledgement and agreement o the Short-Term Rental Unit, but the Town shall not have any obligation or be responsible for verifying the ownership information.

#### **14.18 ADDITIONAL REMEDIES**

The remedies provided in this Article are no exclusive, and nothing in this Article shall preclude the use or application of any other remedies, penalties or procedures established by law.

# APPENDIX

## TOWN OF SPRING CITY

### BUILDING INSPECTION DEPARTMENT

#### APPEAL FOR MODIFICATION OF ZONING ORDINANCE

MEETING DATE: \_\_\_\_\_

PETITION HAS BEEN FILED FOR A MEETING DATE ON ONE WEEK IN ADVANCE OF THIS MEETING.

PETITIONER MUST BE PRESENT AT THIS MEETING

ADDRESS OF JOB: \_\_\_\_\_

LEGAL DESCRIPTION OF LOT: \_\_\_\_\_

BETWEEN CROSS STREETS: \_\_\_\_\_ AND \_\_\_\_\_

OWNER'S NAME: \_\_\_\_\_

PETITIONER'S NAME: \_\_\_\_\_

PETITIONER IS: OWNER \_\_\_\_\_ CONTRACTOR \_\_ ARCHITECT \_\_\_\_\_ ENGINEER \_

STATUS OF JOB: NOT BEGUN \_\_\_\_\_ UNDER CONSTRUCTION \_\_\_ FINISHED \_\_\_\_\_

PERMIT NUMBER: \_\_\_\_\_

SPECIFIC ORDINANCE VARIANCE DESIRED: \_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

STATE WHY COMPLIANCE IS NOT PRACTICAL (ATTACH ADDITIONAL SHEETS IF NECESSARY):

\_\_\_\_\_

\_\_\_\_\_

DATE OF FILING: \_\_\_\_\_

\_\_\_\_\_  
SIGNATURE OF OWNER

**TOWN OF SPRING CITY**

**BOARD OF APPEALS**

**NOTICE OF HEARING**

DATE \_\_\_\_\_

PLEASE TAKE NOTICE:

THAT AN APPLICATION FILED BY \_\_\_\_\_  
ON BEHALF OF \_\_\_\_\_  
FOR A VARIANCE FROM THE REQUIREMENTS OF THE \_\_\_\_\_  
ORDINANCE, SO AS TO PERMIT \_\_\_\_\_  
ON THE PREMISES LOCATED AT \_\_\_\_\_  
AND NOTICE IS SENT TO THE APPLICANT AND TO THE OWNERS OF THE PROPERTY  
AFFECTED BY THIS VARIANCE.

A HEARING UPON THIS PETITION WILL BE GIVEN IN THE CONFERENCE  
ROOM IN THE SPRING CITY TOWN HALL AT RHEA AVENUE IN SPRING CITY,  
TENNESSEE AT \_\_\_\_\_ ON THE \_\_\_\_\_ DAY OF  
\_\_\_\_ 19, \_ AT WHICH TIME YOU MAY APPEAR EITHER IN PERSON, IN WRITING OR  
BY AGENT, AND PRESENT ANY REASONS WHICH YOU MAY HAVE TO EITHER  
GRANTING THIS VARIANCE OR DENYING IT.

YOU ARE REQUESTED TO PREPARE YOUR CASE IN DETAIL AND PRESENT ALL  
EVIDENCE RELATING TO THIS PETITION AT THE TIME OF THE SCHEDULED  
HEARING.

RESPECTFULLY,

\_\_\_\_\_  
CHAIRMAN OF THE BOARD OF APPEALS

**TOWN OF SPRING CITY  
BUILDING INSPECTOR  
BOARD OF APPEALS  
NOTICE OF VARIANCE**

DATE \_\_\_\_\_

PETITION NO. \_\_\_\_\_

PETITION OF: \_\_\_\_\_

PREMISES AFFECTED: \_\_\_\_\_

REFERRING TO THE ABOVE PETITION FOR A VARIANCE FROM THE REQUIREMENTS OF THE \_\_\_\_\_ ORDINANCE, SO AS TO PERMIT \_\_\_\_\_

\_\_\_\_\_ AFTER A PUBLIC HEARING THE BOARD OF APPEALS VOTED TO VARY THE \_\_\_\_\_ ORDINANCE AND HEREBY AUTHORIZE THE BUILDING INSPECTOR TO ISSUE

A PERMIT FOR THE ABOVE CASE BASED ON THE FOLLOWING CONDITIONS:

ALL PERMITS FOR THE PROSECUTION OF THE WORK STATED SHALL BE OBTAINED WITHIN SIX (6) MONTHS AND THE WORK SHALL BE COMPLETED WITHIN EIGHTEEN (18) MONTHS FROM THE DATE OF THIS NOTICE.

PERMITS MAY NOT BE ISSUED UNTIL FIFTEEN (15) DAYS FROM RECORDING OF THIS DECISION.

SIGNED: \_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

BOARD OF APPEALS



**TOWN OF SPRING CITY  
BUILDING INSPECTOR  
NOTICE OF DENIAL**

DATE \_\_\_\_\_

PETITION NO. \_\_\_\_\_

PETITION OF: \_\_\_\_\_

PREMISES AFFECTED: \_\_\_\_\_

REFERRING TO THE ABOVE PETITION FOR A VARIANCE FROM THE  
REQUIREMENTS OF THE \_\_\_\_\_ ORDINANCE SO AS TO PERMIT \_\_\_\_\_

\_\_\_\_\_

AFTER A PUBLIC HEARING, THE BOARD OF APPEALS VOTED TO DENY THIS  
VARIANCE AND IT CANNOT BE RECONSIDERED ON ITS MERITS FOR A PERIOD OF  
ONE (1) YEAR FROM THIS DATE.

SIGNED: \_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

BOARD OF APPEALS

**TOWN OF SPRING CITY, TENNESSEE  
SHORT TERM RENTAL UNIT APPLICATION**

Date Filed: \_\_\_\_\_ Application Number: \_\_\_\_\_ Received By: \_\_\_\_\_

General Information and Instructions

Please fill this Short Term Rental Unit Application out completely. Failure to complete your application could result in a delay. Type or print your information legibly. Upon submitting this application, the owner/agent is confirming that he/she has ownership or possession of the property for rent and shall submit proof of ownership or proof of agency and proof of insurance. The applicant shall also provide a site plan and floor plan demonstrating the parking and guest access. This application cannot be submitted if the applicant does not yet have a Town of Spring City Business License.

Check the box that applies:

- New short term rental unit       Grandfathered short term rental unit

What type of permit are you applying for? See Section 14.05 Types of Permits of the Spring City Zoning Ordinance for the definitions. Check the box that applies:

- Owner Occupied       Non-Owner Occupied       Unoccupied

I. Contact Information

Check the box that applies. The property owner is:  An individual(s)     Business entity     Trust

If the property owner is a business entity, specify:

- Corporation     LLC     Partnership     Sole proprietorship

Property Owner(s) Name: \_\_\_\_\_

Complete Mailing Address: \_\_\_\_\_

Telephone Number: \_\_\_\_\_ Email: \_\_\_\_\_

If the Property Owner is a business entity or trust, please provide the following information for the person responsible for overseeing the property:

Full Legal Name: \_\_\_\_\_

Complete Mailing Address: \_\_\_\_\_

Telephone Number: \_\_\_\_\_ Email: \_\_\_\_\_

Applicant/Agent Name: \_\_\_\_\_

Complete Mailing Address: \_\_\_\_\_

---

Telephone Number: \_\_\_\_\_ Email: \_\_\_\_\_

II. Property Information

Property Address (property being rented):

Complete Mailing Address: \_\_\_\_\_

Zoning: \_\_\_\_\_ Parcel Number: \_\_\_\_\_

Property Details:

A. Please provide a narrative of the area available for rent. Be specific (i.e. which bedrooms or common areas are available):

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B. How many bedrooms are available (maximum of 5 bedrooms under any circumstance): \_\_\_\_\_

C. What are the days of operation (all year, just holidays, weekends/weeknights, etc.): \_\_\_\_\_

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D. What is the property's maximum number of occupants? \_\_\_\_\_

E. What is the maximum number of vehicles that may be parked at the unit? \_\_\_\_\_

F. Describe the location of parking on the property. \_\_\_\_\_

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G. How will garbage/trash be handled? What is the method of informing occupants about method of disposal of trash? \_\_\_\_\_

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III. Ownership and Agency

A. Do you own the property? Check the box that applies.  Yes  No

If you answered "No" to the above, what is your interest in the property? \_\_\_\_\_

If you answered "No" to the above, are you a lessee/tenant of the property?  Yes  No

If you are a lessee/tenant of the property, please provide the following information:

Name full legal name of owner of the property: \_\_\_\_\_

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Mailing address of owner of the property: \_\_\_\_\_

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Email address of owner of the property: \_\_\_\_\_

Telephone number of the owner of the property: \_\_\_\_\_

B. Is this property owner-occupied? \_\_\_\_\_

C. What company is this property's insurance carried by? What insurance company insures this property?  
\_\_\_\_\_  
\_\_\_\_\_

D. What is the policy number of your property's insurance plan? \_\_\_\_\_

E. What is your Town of Spring City Business License number? \_\_\_\_\_

F. Per Section 14.06 of the Zoning Ordinance, the Applicant must designate a person who shall be available 24-hours per day, 7 days per week for the purpose of: being able to physically respond, as necessary, within 45 minutes of notification of a complaint regarding the condition, operation, or conduct of occupants of the Short-Term Rental Unit; and taking any remedial action necessary to resolve any such complaints. This contact person may be the owner, a lessee or the owner's agent. Please provide the following information pertaining to the contact person/designated agent for the Short-Term Rental Unit:

Full legal name: \_\_\_\_\_

Cell Phone Number: \_\_\_\_\_ Home Phone Number: \_\_\_\_\_

Work Phone Number: \_\_\_\_\_ Email Address: \_\_\_\_\_

Mailing Address: \_\_\_\_\_

Physical Address (if different from mailing address): \_\_\_\_\_  
\_\_\_\_\_

#### IV. Items to Provide

Please provide the following items with your application. Failure to provide these items may delay your application.

- A. Proof of Ownership (i.e. deed) or Proof of Lease Agreement if Applicant is a Lessee/Tenant.
- B. Proof of Agency (if applicable).
- C. Proof of Insurance.
- D. A Site Plan and a Floor Plan (including at a minimum the information in Section 14.06 Paragraph 4).
- E. A description of the area available for short term rental (i.e. the entire property and house, a guest cottage, a portion of the house, etc.).
- F. Certification/and or registration number related to hotel/motel occupancy tax.
- G. For grandfathered applications, proof of compliance.
- H. If the owner of the Short-Term Rental Unit is a business entity, the business must submit documentation to demonstrate that the business is in good standing with the Tennessee Secretary of State.

\*Please note that pursuant to Section 14.06 of the Spring City Zoning Ordinance, in addition to the information required by the Application itself, the Building Inspector may request other information reasonably required to allow the Town of Spring City to process the application.

#### V. Application Fee

The application fee shall be \$250.00. A check or money order payable to the Town of Spring City must accompany this application. There shall be no proration of fees and once paid, the application fee is non-refundable. Please note that unless suspended or revoked for a violation, pursuant to Section 14.10 of the Spring City Zoning Ordinance, there shall be a Short-Term Rental Unit Permit Renewal Fee to be paid annually in the amount of \$100.00.

#### VI. Signatures

##### A. Signature of Applicant/Agent

I certify that the facts set out in the foregoing Application are true to the best of my knowledge. In the event any information given is found to be false, any decision rendered may be revoked at any time. I understand that failure to provide adequate and complete information shall be grounds for denial of this Application.

I, as Applicant/Agent, agree that if a permit is approved and issued, to assume all risk and agree to indemnify, defend, and hold the Town of Spring City harmless concerning the Town's approval of the permit, the operation and maintenance of the Short-Term Rental Unit, and any other matter relating to the Short-Term Rental Unit.

I acknowledge that I have received a copy of Article 14, Short-Term Rental Units of the Zoning Ordinance for the Town of Spring City.

\_\_\_\_\_  
Signature of Applicant/Agent Date: \_\_\_\_\_

\_\_\_\_\_  
Print Applicant's/Agent's Name

##### B. Signature of Owner (The Owner of the property must sign the application in both Paragraphs A and B, even if the Owner is the same as the Applicant/Agent.)

I, as owner of the Short-Term Rental Unit, agree that if a permit is approved and issued, to assume all risk and agree to indemnify, defend and hold the Town of Spring City harmless concerning the City's approval of the permit, the operation and maintenance of the Short-Term Rental Unit, and any other matter relating to the Short-Term Rental Unit.

I acknowledge that I have received a copy of Article 14, Short-Term Rental Units of the Zoning Ordinance for the Town of Spring City.

\_\_\_\_\_  
Signature of Owner Date: \_\_\_\_\_

\_\_\_\_\_  
Print Owner's Name

C. Signature of Owner if Applicant/Agent is a Lessee/Tenant (The Owner of the property must sign the application in both Paragraphs B and C if the Applicant is a lessee/tenant.)

I, with my signature below, acknowledge as owner of the property that I have read and understand the Town of Spring City Short-Term Rental Unit rules; and, that as owner of the property, I understand and agree that I am legally responsible and liable for compliance by the lessee and all occupants of the Short-Term Rental Unit and with all provisions of Article 14, Short-Term Rental Units of the Zoning Ordinance for the Town of Spring City and all other applicable ordinances of the Town of Spring City.

\_\_\_\_\_  
Signature of Owner

Date: \_\_\_\_\_

\_\_\_\_\_  
Print Owner's Name

BELOW FOR USE ONLY BY THE TOWN OF SPRING CITY

Does Applicant have a business license? Yes No

If yes, business name: \_\_\_\_\_

Start date of business: \_\_\_\_\_ Is business current on business tax?: \_\_\_\_\_

If no, date of expiration: \_\_\_\_\_ Proof of insurance received? Yes No

In good standing with Tennessee Secretary of State, if business? Yes No

Documents received showing Applicant as Owner or Rental Agent or Lessee? Yes No

Comments: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

\_\_\_\_\_  
Business License Clerk Signature

\_\_\_\_\_  
Date

Floor Plan & Site Plan Reviewed? Yes No Parking area reviewed? Yes No

Grandfathered Compliance? Yes No

Comments: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

\_\_\_\_\_  
Building Inspector Signature

\_\_\_\_\_  
Date

**TOWN OF SPRING CITY, TENNESSEE**

**SHORT TERM RENTAL PERMIT**

**Business License Number:** \_\_\_\_\_

**Short-Term Rental Unit Permit Number:** \_\_\_\_\_

**Permit Approved on:** \_\_\_\_\_

**Applicable Hotel-Motel tax certifications/numbers:**

\_\_\_\_\_

**Maximum Occupancy of the Unit:** \_\_\_\_\_

**Maximum Number of Vehicles allowed to be parked at unit:** \_\_\_\_\_

**Owner of Short Term Rental Unit:**

\_\_\_\_\_ (full name)

**Owner's Address:** \_\_\_\_\_

**Owner's Email:** \_\_\_\_\_

**Owner's Home Telephone No:** \_\_\_\_\_

**Work No:** \_\_\_\_\_ **Cell No:** \_\_\_\_\_

**Short-Term Rental Agent's Full Name (if different from above):**

\_\_\_\_\_

**Short-Term Rental Agent's Address:** \_\_\_\_\_

**Short-Term Rental Agent's Email:** \_\_\_\_\_

**Short-Term Rental Agent's Home Telephone No:** \_\_\_\_\_

**Work No:** \_\_\_\_\_ **Cell No:** \_\_\_\_\_

**MODEL FLOOD DAMAGE PREVENTION ORDINANCE**  
**FOR THE**  
**CITY OF SPRING CITY, TENNESSEE**

**ARTICLE 1.**

**STATUTORY AUTHORIZATION, FINDINGS OF FACT, PURPOSE  
AND OBJECTIVES**

**Section A. Statutory Authorization**

The Legislature of the State of Tennessee has in **Tennessee Code Annotated** (TCA) 13-7-201 delegated the responsibility to local governmental units to adopt regulations designed to promote the public health, safety, and general welfare of its citizenry. Therefore, the Board of Commissioners, Spring City, Tennessee does ordain as follows:

**Section B. Findings of Fact**

1. The flood hazard areas of the City of Spring City are subject to periodic inundation results in loss of life and property, health and safety hazards, disruption of commerce and governmental services, extraordinary public expenditures for flood protection and relief, and impairment of the tax base, all of which adversely affect the public health, safety and general welfare.
2. These flood losses are caused by the cumulative effect of obstructions in floodplains causing increases in flood heights and velocities, and by the occupancy in flood hazard areas by uses vulnerable to floods or hazardous to other lands which are inadequately elevated, flood proofed, or otherwise unprotected from flood damages.

**Section C. Statement of Purpose**

It is the purpose of this ordinance to promote the public health safety and general welfare and to minimize public and private losses due to flood conditions in specific areas by provisions designed to:

1. restrict or prohibit uses which are dangerous to health, safety and property due to water or erosion hazards, or which result in damaging increases in erosion or in flood heights or velocities;
2. require that uses vulnerable to floods, including facilities which serve such uses, be protected against flood damage at the time of initial construction.
3. control the alteration of natural flood plains, stream channels, and natural protective barriers which are involved in the accommodation of flood waters;
4. control filling, grading, dredging and other development which may increase erosion or flood damage, and;



5. prevent or regulate the construction of flood barriers which will unnaturally divert flood waters or which may increase flood hazards to other lands.

**Section D. Objectives**

The objectives of this Ordinance are:

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

**ARTICLE 2.**

**DEFINITIONS**

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

**"Accessory Structure"** shall represent a subordinate structure to the principal structure and, for the purpose of this section shall conform to the following:

1. Accessory structures shall not be used for human habitation.
2. Accessory structures shall be designated to have low flood damage potential.
3. Accessory structures shall be constructed and placed on the building site so as to offer the minimum resistance to the flow of floodwaters.
4. Accessory structures shall be firmly anchored to prevent flotation which may result in damage to other structures.
5. Service facilities such as electrical and heating equipment shall be elevated or floodproofed.

**"Addition (To An Existing Building)"** means an walled and roofed expansion to the perimeter of a building in which the addition is connected by common load-bearing wall other than a fire wall. Any walled and roofed addition which is connected by a fire wall or is separated by independent perimeter load-bearing walls is new construction.

**"Appeal"** means a request for a review of the Spring City City Manager's interpretation of any provision of this Ordinance or a request for a variance.

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

**"Area of Special Flood Hazard"** is the land in the flood plain within a community subject to a one percent or greater chance of flooding in any given year.

**"Base Flood"** means the flood having a one percent chance of being equaled or exceeded in any given year.

**"Basement"** means that portion of a building having its floor suborder (below ground level) on all sides.

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

**"Building"** means any structure built for support, shelter, or enclosure for any occupancy or storage.

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

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

**"Existing Construction"** Any structure for which the "start of construction" commenced before the effective date of the city's first floodplain management code, ordinance, or standard based upon specific technical base flood elevation data which establishes the area of special flood hazard.

**"Existing Manufactured Home Park or Subdivision"** means a manufactured home park or subdivision for which the construction of facilities for servicing the lots on which the manufactured homes are to be affixed including at a minimum of installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads is completed before the effective date of the first floodplain management code, ordinance, or standard based upon specific technical base flood elevation data which established the area of special flood hazard.

**"Expansion to an Existing Manufactured Home Park or Subdivision"** means the preparation of additional sites by the construction of facilities for servicing the lots on which the manufactured

homes are to be affixed (including the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads.)

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

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

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

**"Flood Insurance Rate Map (FIRM)"** means an official map of a community, on which the Federal Emergency management agency has delineated both the areas of special flood hazard and the risk premium zones applicable to the community.

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

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

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

**"Functionally Dependent Facility"** means a facility which cannot be used for its intended purpose unless it is located or carried out in close proximity to water, such as a docking or port facility necessary for the loading and unloading of cargo or passengers, shipbuilding, ship repair, or seafood processing facilities. The term does not include long-term storage, manufacture, sales, or service facilities.

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

**"Historic Structure"** means any structure that is:

1. Listed individually in the National Register of Historic Places (a listing maintained by the Department of Interior) or preliminary determined by the Secretary of the Interior as meeting the requirements for individual listing on the National Register;
2. Certified or preliminarily determined by the Secretary of the Interior as contributing to the historical significance of a registered historic district or a district preliminarily determined by the Secretary to qualify as a registered historic district;

3. Individually listed on a state inventory of historic places in states with historic preservation programs which have been approved by the Secretary of the Interior; or
4. Individually listed on a local inventory of historic places in communities with historic preservation programs that have been certified either:
  - a. By an approved state program as determined by the Secretary of the Interior, or
  - b. Directly by the Secretary of the Interior in states without approved programs.

**"Manufactured Home"** means a building, transportable in one or more sections, which is built on a permanent chassis and designed to be used with or without a permanent foundation when connected to the required utilities. The term also include park trailers, travel trailers, and similar transportable structures placed on a site for 180 consecutive days or longer and intended to be improved property.

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

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

**"New Construction"** is any structure for which the "start of construction" commenced after the effective date of the first floodplain management code, ordinance, or standard based upon specific technical base flood elevation data which establishes the area of special flood hazard. The term also includes any subsequent improvements to such structure.

**"New Manufactured Home Park or Subdivision"** means a manufacture home park or subdivision for which the construction of facilities for servicing the lots on which the manufactured homes are to be affixed (including at a minimum, the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads) is completed on or after the effective date of floodplain management regulations adopted by a community.

**"Recreational Vehicle"** means a vehicle which is:

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

**"Start of Construction"** includes substantial improvement, and means the date the building permit was issued, provided the actual start of construction, repair, reconstruction, or improvement was within 180 days of the permit date. The actual start means the first placement of permanent construction of a building (including a manufactured home) on a site, such as the pouring of slabs

of footings, installation of piles, construction of columns, or any work beyond the stage of excavation or the placement of a manufactured home on a foundation. Permanent construction does not include land preparation, such as clearing, grading and filling; nor does it include the installation of streets and/or walkways; nor does it include excavation for a basement, footings, piers or foundations or the erection of temporary forms; nor does it include the installation of the property of accessory buildings, such as garages or sheds not occupied as dwelling units or not part of the main building. For a substantial improvement, the actual start of construction means the first alteration of any wall, ceiling, floor, or other structural part of a building, whether or not that alteration affects the external dimensions of the building.

**"Structure"** means a walled and roofed building that is principally above ground, a manufactured home, a gas or liquid storage tank, or other man-made facilities of infrastructures.

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

**"Substantial Improvement"** means any combination of repairs, reconstruction, alteration, or improvements to a building, taking place during a one (1) year period, in which the cumulative cost equals or exceeds fifty percent of the market value of the building. The market value of the building should be (1) the appraised value of the building prior to the start of the initial repair or improvement, or (2) in the case of damage, the value of the building prior to the damage occurring. For the purposes of this definition, "substantial improvement" is considered to occur when the first alteration of any wall, ceiling, floor, or other structural part of the building commences, whether or not that alteration affects the external dimensions of the building. The term does not, however, include any project for improvement of a building required to comply with existing health, sanitary, or safety code specifications which are solely necessary to assure safe living conditions.

**"Substantially Improved Existing Manufactured Home Parks or Subdivisions"** as those in which the repair, reconstruction, rehabilitation or improvement of the streets, utilities and pads equals or exceeds 50 percent of the value of the streets, utilities and pads before the repair, reconstruction or improvement commenced.

**"Variance"** is a grant of relief from the requirements of this Ordinance which permits construction in a manner otherwise prohibited by this Ordinance where specific enforcement would result in unnecessary hardship.

### ARTICLE 3.

#### GENERAL PROVISIONS

##### **Section A. Lands to Which this Ordinance Applies.**

This Ordinance shall apply to all areas of special flood hazard within the jurisdiction of Spring City, Tennessee.

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

The areas of special flood hazard identified by the Federal Emergency Management Agency in its Flood Insurance Rate Map (FIRM), dated February 2, 1992, with accompanying maps and other supporting data, and any revision thereto, are adopted by reference and declared to be a part of this Ordinance.

**Section C. Establishment of Development Permit.**

A Development Permit shall be required in conformance with the provision of this Ordinance prior to the commencement of any development activities with the following exception. No development permit shall be required for any accessory structure having a total value not exceeding \$5,000.00.

**Section D. Compliance.**

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

**Section E. Abrogation and Greater Restrictions.**

This Ordinance is not intended to repeal, abrogate, or impair any existing easements, covenants, or deed restrictions. However, where this Ordinance and another conflict or overlap, whichever imposes the more stringent restrictions shall prevail.

**Section F. Interpretation.**

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

**Section G. Warning and Disclaimer of Liability.**

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

**Section H. Penalties for Violation.**

Violation of the provisions of this Ordinance or failure to comply with any of its requirements, including violation of conditions and safeguards established in connection with grants of variance or special exceptions, shall constitute a misdemeanor. Any person who violates this Ordinance or

fails to comply with any of its requirements shall, upon conviction thereof, be subject to the maximum allowable misdemeanor penalties of the State of Tennessee and shall pay all costs and expenses of the case. Each day such violation continues shall be considered a separate offense. Nothing herein contained shall prevent the City of Spring City from taking such other lawful actions as is necessary to prevent or remedy any violation.

## ARTICLE 4.

### ADMINISTRATION

#### **Section A. Designation of City Manager.**

The Spring City City Manager is hereby appointed to administer and implement the provisions of this Ordinance.

#### **Section B. Permit Procedures.**

Application for a Development Permit shall be made to the City Manager on forms furnished by him or her prior to any development activities, and may include, but not be limited to, the following plans in duplicate drawn to scale showing the nature, location, dimensions, and elevations of the area in question; existing or proposed structures, earthen fill, storage of materials or equipment, and drainage facilities. Specially, the following information is required.

1. Application Stage
  - a. Elevation in relation to mean sea level of the proposed lowest floor (including basement) of all buildings;
  - b. Elevation in relation to mean seal level to which any non-residential building will be flood-proofed;
  - c. Certificate from a registered professional engineer or architect that the non-residential flood-proofed building will meet the flood-proofing criteria in Article 5. Section B (2);
  - d. Description of the extent to which any watercourse will be altered or relocated as result of proposed development, and;

2. Construction Stage

Within unnumbered A zones on the City of Spring City's FIRM, the City Manager shall record the elevation of the lowest floor on the required development permit. The elevation of the lowest floor shall be determined as the measurement of the lowest floor of the building and the highest adjacent grade. USGS Quadrangle maps may be utilized when no better reference exists to establish reference elevations.

In areas adjacent to unnumbered A zone streams, no encroachments including fill material or structures shall be located within an area at least equal to twice the width of the stream along each side of the stream, unless certification by a registered professional engineer is provided demonstrating that the cumulative effect of the proposed development, when combined with all other existing and anticipated development will not increase the water surface elevation of the base flood more than one foot at any point within the community. The engineering certification should be supported by technical data that conforms to standard hydraulic engineering principles.

Within all numbered A and AE zones on the City of Spring City's FIRM, the City Manager shall require that upon placement of the lowest floor, or flood-proofing by whatever construction means, or upon placement of the horizontal structural members of the lowest floor, whichever is applicable, it shall be the duty of the permit holder to submit to the City Manager a certification of the elevation of the lowest floor, flood-proofed elevation, or the elevation of the lowest portion of the horizontal structural members of the lowest floor, whichever is applicable, as built, in relation to mean sea level. Said certification shall be prepared by or under the direct supervision of a registered land surveyor or professional engineer and certified by same. When flood-proofing is utilized for a particular building, said certification shall be prepared by or under the direct supervision of a professional engineer or architect and certified by same. Any work undertaken prior to submission of the certification shall be at the permit holder's risk. The City Manager shall review the floor elevation survey data submitted. Deficiencies detected by such review shall be corrected by the permit holder immediately and prior to further progressive work being permitted to proceed. Failure to submit the survey or failure to make said corrections required hereby, shall be cause to issue a stop-work order for the project.

### **Section C. Duties and Responsibilities of the City Manager.**

Duties of the City Manager shall include, but not be limited to:

1. Review all development permits to assure that the permit requirements of this Ordinance have been satisfied;
2. Advise permittees that additional federal or state permits may be required; and if specific federal or state permit requirements are known, require that copies of such permits be provided and maintained on file with the development permit.
3. Notify adjacent communities and the State Coordinating Agency (Local Planning Office of the Tennessee Department of Economic and Community Development) prior to any alteration or relocation of a watercourse, and submit evidence of such notification to the Federal Emergency Management Agency.
4. Assure that maintenance is provided within the altered or relocated portion of said watercourse so that the flood-carrying capacity is not diminished.



5. Verify and record the actual elevation (in relation to mean sea level of the lowest floor (including basement) of all new or substantially improved buildings, in accordance with Article 4. Section B (2).
  6. Verify and record the actual elevation (in relation to mean sea level) to which the new or substantially improved buildings have been floodproofed, in accordance with Article 4. Section B (2).
  7. When flood-proofing is utilized for a particular building, the City Manager shall obtain certification from a registered professional engineer or architect, in accordance with Article 5. Section B (2).
  8. Where interpretation is needed as to the exact location of boundaries of the areas of special flood hazard (for example, where there appears to be a conflict between a mapped boundary and actual field conditions), the City Manager shall make the necessary interpretation. The person contesting the location of the boundary shall be given a reasonable opportunity to appeal the interpretation as provided in this Article.
  9. When base flood elevation data or floodwater data have not been provided in accordance with Article 3. Section B, then the City Manager shall obtain, review and reasonably utilize any base flood elevation and floodwater data available from a federal, state or other source, in order to administer the provisions of Article 5.
- Within unnumbered A zones on the City of Spring City's FIRM, where base flood elevations have not been established and where data is not available necessitating a higher elevation, the City Manager shall require a minimum two (2) foot elevation or floodproofing, as set forth in Article 5. Section B, of the lowest floor (including basement) of the building as measured between the lowest floor of the building and the highest adjacent grade in order to administer the provisions of Article 5.
10. All records pertaining to the provisions of this Ordinance shall be maintained in the Office of the City Manager and shall be open for public inspection.

**Section D. Variance Procedure.**

1. The Board of Zoning Appeals, as established by the City of Spring City, shall hear and decide appeals and requests for variances from the requirements of this Ordinance.
2. The Board of Zoning Appeals shall hear and decide appeals when it is alleged there is an error in any requirement, decision, or determination made by the City Manager in the enforcement or administration of this Ordinance.
3. Any person aggrieved by the decision of the Board of Zoning Appeals or any tax payer may appeal such decision to the Chancery Court, as provided in TCA 16-10-101.
4. Variances may be issued for the repair or rehabilitation of historic structures (see definition) upon determination that the proposed repair or rehabilitation will not preclude the structure's continued designation as a historic structure and the

variance is the minimum of preserve the historic character and design of the structure.

5. In passing upon such application, the Board of Zoning Appeals shall consider all standards specified in other sections of this Ordinance, and:
  - a. the danger that materials may be swept onto other lands to the injury of others;
  - b. the danger to life and property due to flooding or erosion damage;
  - c. the susceptibility of the proposed facility and its contents to flood damage and the effect of such damage on the individual owner;
  - d. the importance of the services provided by the proposed facility to the community;
  - e. the necessity of the facility to a waterfront location, in the case of a functionally dependent facility;
  - f. the availability of alternative locations, not subject to flooding or erosion damage, for the proposed use;
  - g. the compatibility of the proposed use with existing and anticipated development;
  - h. the relationship of the proposed use to the comprehensive plan and floodplain management program for that area;
  - i. the safety of access to the property in times of flood for ordinary and emergency vehicles;
  - j. the expected heights, velocity, duration, rate of rise and sediment transport of the flood waters and the effects of wave action, if applicable, expected at the site, and;
  - k. the costs of providing governmental services during and after flood conditions including maintenance and repair of public utilities and facilities such as sewerage, gas, electrical, and water systems, and streets and bridges.
6. Upon considerations of the factors listed above, and the purposes of this Ordinance, the Board of Zoning Appeals may attach such conditions to the granting of variances as it deems necessary to further the purpose of this Ordinance.
7. Variances shall not be issued within any designated floodwater if any increase in flood levels during the base flood discharge would result.
8. Conditions for Variances:
  - a. Variances shall only be issued upon a determination that the variance is the minimum necessary considering the flood hazard, to afford relief; and in the

instance of a historical building, a determination that the variance is the minimum necessary so as not to destroy the historic character and design of the building.

- b. Variances shall be issued upon (i) a showing of good sufficient cause, (ii) a determination that failure to grant the variance would result in exceptional hardship, and; (iii) a determination that the granting of a variance will not result in increased flood heights, additional threats to public safety, and extraordinary public expense, or create nuisance, cause fraud on or victimization of the public, or conflict with existing local laws or resolutions.
- c. Any applicant to whom a variance is granted shall be given written notice specifying the difference between the base flood elevation and the elevation to which the building is to be built and stating that the cost of flood insurance will be commensurate with the increased risk resulting from the reduced lowest floor elevation.
- d. The City Manager shall maintain the records of all appeal actions and report any variances to the Federal Emergency Management Agency upon request.

## ARTICLE 5.

### PROVISIONS FOR FLOOD HAZARD REDUCTION

#### **Section A. General Standards.**

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

1. New construction and substantial improvements shall be anchored to prevent flotation, collapse or lateral movement of the structure;
2. Manufactured homes shall be anchored to prevent flotation, collapse, or lateral movement. Methods of anchoring may include, but are not limited to, use of over-the-top or frame ties to ground anchors. This standard shall be in addition to and consistent with applicable the state regulations for resisting wind forces.
3. New construction and substantial improvements shall be constructed with materials and utility equipment resistant to flood damage;
4. New construction or substantial improvements shall be constructed by methods and practices that minimize flood damage;
5. Electrical, heating, ventilation, plumbing, air conditioning equipment, and other service facilities shall be designed and/or located so as to prevent water from entering or accumulating within the components during conditions of flooding.
6. New and replacement water supply systems shall be designed to minimize or eliminate infiltration of flood waters into the system.
7. New and replacement sanitary sewage systems shall be designed to minimize or eliminate infiltration of flood waters into the systems and discharges from the systems into flood waters.
8. On-site waste disposal systems shall be located and constructed to avoid impairment to them or contamination from them during flooding, and;
9. Any alteration, repair reconstruction or improvements to a building which is in compliance with the provisions of this Ordinance, shall meet the requirements of "new construction" as contained in this Ordinance.
10. Any alteration, repair, reconstruction or improvements to a building which is not in compliance with the provisions of this Ordinance, shall be undertaken only if said non-conformity is not furthered, extended, or replaced.

#### **Section B. Specific Standards.**

These provisions shall apply to all areas of special flood hazard as provided herein:

In all areas of special flood hazard where base flood elevation data have been provided, as set forth in Article 3. Section B, the following provisions are required:

In all areas of special flood hazard where base flood elevation data or floodway data have not been provided, the provisions of Article 4. Section C. 9. shall be utilized for all requirements relative to the base flood elevation or floodways as contained herein:

1. Residential Construction. New Construction or substantial improvement of any residential building (or manufactured home) shall have the lowest floor, including basement elevated no lower than one (1) foot above the base flood elevation. Should solid foundation perimeter walls be used to elevate a structure, openings sufficient to facilitate the unimpeded movements of flood waters shall be provided in accordance with standards of Article 5. Section B (3).
2. Non-Residential Construction. New construction or substantial improvement of any commercial, industrial, or non-residential building (or manufactured home) shall have the lowest floor, including basement, elevated no lower than one (1) foot above the level of the base flood elevation. Buildings located in all A-zones may be flood-proofed in lieu of being elevated provided that all areas of the building below the required elevation are water tight with walls substantially impermeable to the passage of water, and use structural components having the capability of resisting hydrostatic and hydrodynamic loads and the effect of buoyancy. A registered professional engineer or architect shall certify that the standards of this subsection are satisfied. Such certification shall be provided to the official as set forth in Article 4. Section C (7).
3. Elevated Buildings. New construction or substantial improvements of elevated buildings that include fully enclosed areas formed by foundation and other exterior walls below the base flood elevation shall be designed to preclude finished living space and designed to allow for the entry and exit of floodwaters to automatically equalize hydrostatic flood forces on exterior walls.
  - a. Designs for complying with this requirement must either be certified by a professional engineer or architect or meet the following minimum criteria:
    - i. Provide a minimum of two openings having a total net area of not less than one square inch for every square foot of enclosed area subject to flooding;
    - ii. The bottom of all openings shall be no higher than one foot above grade; and,
    - iii. Openings may be equipped with screens, louvers, valves or other coverings or devices provided they permit the automatic flow of floodwaters in both direction.
  - b. Access to the enclosed area shall be the minimum necessary to allow for parking of vehicles (garage door) or limited storage of maintenance equipment used in connection with the premises (standard exterior door) or entry to the living area (stairway or elevator); and

- c. The interior portion of such enclosed area shall not be partitioned or finished into separate rooms.

4. Standards for Manufactured Homes and Recreational Vehicles

- a. All manufactured homes placed, or substantially improved, on individual lots or parcels, in expansions to existing manufactured home parks or subdivisions, or in substantially improved manufactured home parks or subdivisions, must meet all the requirements for new construction, including elevation and anchoring.
- b. All manufactured homes placed or substantially improved in an existing manufactured home park or subdivision must be elevated so that:
  - i. The lowest floor of the manufactured home is elevated to lower than one (1) foot above the level of the base flood elevation, or
  - ii. The manufactured home chassis is supported by reinforced piers or other foundation elements of at least an equivalent strength, not less than 36 inches in height above grade.
  - iii. The manufactured home must be securely anchored to the adequately anchored foundation system to resist flotation, collapse and lateral movement.
  - iv. In an existing manufactured home park or subdivision on which a manufactured home has incurred "substantial damage" as the result of a flood, any manufactured home placed or substantially improved must meet the standards of Article 5. Section B(4)(b)(i) and (iii) above.
- c. All recreational vehicles placed on site must either:
  - i. Be fully licensed and ready for highway use, or
  - ii. The recreational vehicle must meet all the requirements for new construction, including anchoring and elevation requirements of Article 5. Section B (4)(a) or (b)(i) and (iii), above.

A recreational vehicle is ready for highway use if it is on its wheels or jacking system, is attached to the site only by quick disconnect type utilities and security devices and has no permanently attached structures.

5. Floodways. Located within areas of special flood hazard established in Article 3. Section B, are areas designed as Floodwater. Since the floodwater is an extremely hazardous area due to the velocity of flood water which carry debris, and potential projectiles and has erosion potential, the following provisions shall apply:

- a. Prohibit encroachments, including fill, new construction, substantial improvements and other developments unless certification (with supporting technical data) by a registered professional engineer is provided

demonstrating that encroachments shall not result in any increase in flood levels during occurrence of the base flood discharge;

- b. If Article 5. Section B (5) (a) is satisfied, all new construction and substantial improvements shall comply with all applicable flood hazard reduction provisions of Article 5.
- c. Prohibit the placement of manufactured homes (mobile homes), except in an existing manufactured homes (mobile homes) park or subdivision. A replacement manufactured home may be placed on a lot in an existing manufactured home park or subdivision provided the anchoring standards of Article 5. Section A2., and the elevation standards of Article 5, Section B 1. and the encroachment standards of Article 5. Section B(4) (a), are met.

**Section C. Standards for Areas of Special Flood Hazard (A1 - 30 and AE) With Established Base Flood Elevation But Without Floodways.**

Located within the areas of special flood hazard established in Article 3. Section B, where streams exist where base flood data has been provided without floodways, the following provisions apply:

1. No encroachments, including fill material or structures shall be located within areas of special flood hazard, unless certification by a registered professional engineer is provided demonstrating that the cumulative effect of the proposed development, when combined with all other existing and anticipated development will not increase the water surface elevation of the base flood more than one foot at any point within the community. The engineering certification should be supported by technical data that conforms to standard hydraulic engineering principles.
2. New construction or substantial improvements of buildings shall be elevated or flood-proofed to elevations established in accordance with Article 5. Section B.

**Section D. Standards for Subdivision Proposals.**

1. All subdivision proposals shall be consistent with the need to minimize flood damage;
2. All subdivision proposals shall have public utilities and facilities such as sewer, gas, electrical and water systems located and constructed to minimize flood damage;
3. All subdivision proposals shall have adequate drainage provided to reduce exposure to flood hazards, and;
4. Base flood elevation data shall be provided for subdivision proposals and other proposed development (including manufactured home parks and subdivisions) which is greater than the lesser of fifty lots or five acres.

**Section E. Standards for Areas of Shallow Flooding (AO Zones).**

Located within the areas of special flood hazard established in Article 3. Section B, are areas designated as shallow flooding areas. These areas have special flood hazards associated with base flood depths of one to three feet (1'-3') where a clearly defined channel does not exist and where the path of flooding is unpredictable and indeterminate; therefore, the following provisions apply:

1. All new construction and substantial improvements of residential buildings shall have the lowest floor, including basement, elevated to the depth number specified on the Flood Insurance Rate Map, in feet, above the highest adjacent grade. If no depth number is specified, the lowest floor, including basement, shall be elevated, at least two 2. feet above the highest adjacent grade.
2. All new construction and substantial improvements of non-residential buildings shall:
  - a. have the lowest floor, including basement, elevated to the depth number specified on the Flood Insurance Rate Map, in feet, above the highest adjacent grade. If no depth number is specified, the lowest floor, including basement shall be elevated at least two 2. feet above the highest adjacent grade, or;
  - b. together with attendant utility and sanitary facilities be completely flood-proofed to or above that level so that any space below that level is watertight with walls substantially impermeable to the passage of water and with structural components having a capability of resisting hydrostatic and hydrodynamic loads and effects of buoyancy.

**Section F. Standards for Unmapped Streams.**

Located within areas of the City of Spring City are unmapped streams where areas of special flood hazard are neither indicated nor base flood data or floodways have been provided. Adjacent to such streams the following provisions shall apply:

1. In areas adjacent to unnumbered A zone streams no encroachments including fill material or structures shall be located within an area at least equal to twice the width of the stream along each side of the stream, unless certification by a registered professional engineer is provided demonstrating that the cumulative effect of the proposed development, when combined with all other existing and anticipated development will not increase the water surface elevation of the base flood more than one foot at any point within the community. The engineering certification should be supported by technical data that conforms to standard hydraulic engineering principles.
2. New construction or substantial improvements of buildings shall be elevated or flood-proofed to elevations established in accordance with Article 4. Section C (9).



**ADOPTED ON:** January 20, 1992

**BY:** Mayor John Landreth  
Vice Mayor Ray Peavyhouse  
Commissioner Nancy McClendon  
Commissioner Mike Swafford  
Commissioner Ray Keylon

**CERTIFIED BY:** /s/ Cathy McClendon

**DATE:** January 20, 1992

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**ZONING ORDINANCE**  
**FOR**  
**SPRING CITY, TENNESSEE**

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**PREPARED BY THE SPRING CITY MUNICIPAL PLANNING COMMISSION**

**Mike Swafford, Mayor**

**Jim Edwards**  
**David Gilliam**

**Shelly Kirchner**  
**Conley McCulley**

**Amended Through September 19, 2022**