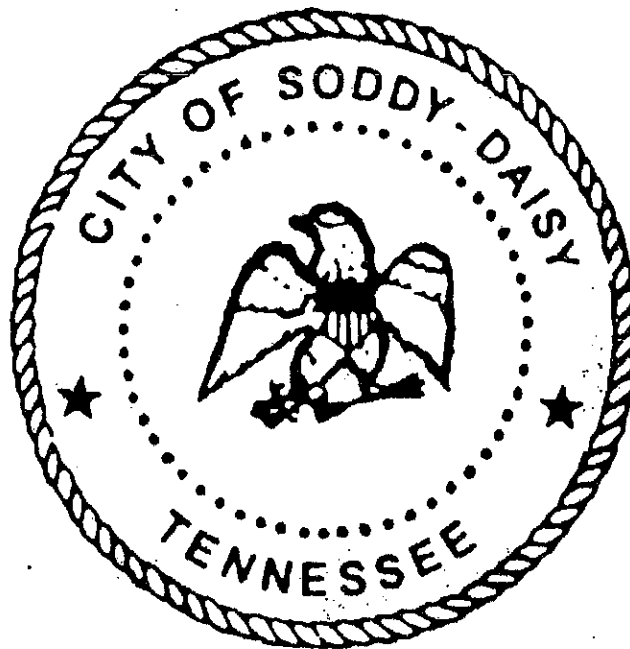


# **SODDY-DAISY**

## **ZONING ORDINANCE**



Adopted: July 20, 2000

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## ARTICLE I

### APPLICATION AND AUTHORITY OF ORDINANCE

100. Title of Ordinance

An Ordinance establishing zone districts within the City of Soddy-Daisy, regulating the uses of property therein, adopting sectional maps of said districts, requiring zoning permits for the construction and use of buildings and premises within said districts, establishing the office of building inspector, establishing a zoning board of appeals and fixing the powers and duties thereof, and providing for the adjustment, enforcement, amendment, and penalties for violation of this Ordinance.

101. Authority for Ordinance

WHEREAS, The Resources Utilization Board of Chattanooga, and Hamilton County, Tennessee, a Regional Planning Agency for Hamilton County, Tennessee, was appointed by the State Planning Commission of the State of Tennessee on May 3, 1943, in accordance with the provisions of Chapter 43 of the Public Acts of 1935; and

WHEREAS, the Soddy-Daisy Municipal Planning Commission was formed on April 4, 1995; and

WHEREAS, the said Planning Commission has adopted, certified and recommended to the Soddy-Daisy Board of Commissioners for adoption a zoning plan consisting of the maps and regulations described herein for the purpose described in the title of this Ordinance, as part of the Hamilton County Plan; and,

WHEREAS, the Soddy-Daisy Board of Commissioners has been authorized to establish districts and zoning regulations subsequent to such Planning Commission recommendation by Chapter 33 of the Public Acts of 1935; now therefore,

BE IT RESOLVED BY THE CITY COMMISSION OF SODDY-DAISY,  
TENNESSEE AS FOLLOWS:

102. General Purpose and Adoption of Zoning Plan

For the public health, morals, convenience, property and general welfare of the citizens of Soddy-Daisy, and in order to secure the public rights in the orderly development of Soddy-Daisy through promoting adequate light and air, lessening congestion on public roads, preventing excessive concentrations or wasteful scattering of people and settlement, and facilitating and conserving adequate provisions for transportation, water flowage, water supply, drainage, sanitation, recreation and the protection of both urban and farm development, there is hereby adopted and established an Official Zoning Plan for Soddy-Daisy consisting of the maps and regulations described herein.

## ARTICLE II

### DEFINITIONS

**100.**        Reference Title of Ordinance

**100.1**        This Ordinance shall be known as “The Soddy-Daisy Zoning Ordinance” and may be cited as such.

**101.**        General Definitions

Certain words and terms are defined as follows: Words used in present tense include the future; words in the singular number include the plural and words in the plural number include the singular, and the word “building” includes the word “structure” and the word “shall” is mandatory and not directory. The term “Board of Appeals” shall mean the Soddy-Daisy Zoning Board of Appeals established 1997, and term “Planning Commission” shall mean the Soddy-Daisy Municipal Planning Commission.

**102.**        Accessory Building

A subordinate building not more than two (2) stories in height, the use of which is incidental to that of the main building on the same lot. Accessory buildings include storage buildings, detached garages, gazebos, detached patio structures, pool houses, etc., or any other structure that is an accessory use to the main structure. Cargo containers, camper trailers, single or double wide mobile homes, canvas or vinyl structures or structures of similar materials or type are not considered accessory buildings and may not be used for this purpose. (Amended 1/19/17, 2016-17 Ord. 8)

**103.**        Apartment House

(See Dwelling, Multi-Family, Section 116)

**104.**        Appeal

A request for a review by a higher authority of the interpretation of any provision of these regulations or a request for a variance.

**105.**        Area of Special Flood Hazard

The land in the flood plain within a community subject to a one percent (1%) or greater change of flooding in any given year. (See also “High Water Stage”)

**106.**        Auto Wrecking Yard

Any place where three (3) or more vehicles not in running-condition, or the parts thereof, are stored in the open, or any building or structure used primarily for the wrecking or storage of such automobiles.

**107.**        Base Flood

The flood having a one percent (1%) chance of being equalled or exceeded in any

given year—commonly referred to as the “100-Year Flood”. (See also, “High Water Stage” and “Area of Special Flood Hazard”.)

108. Building  
A structure having a roof supported by columns or walls.
109. Building Height  
The vertical distance measured from the finished grade elevation across the front of the building, or from the average of the highest and lowest level at the ground foundations of the building, to the highest point of a flat roof or the mean height between eaves and ridge of a gable, hip, or gambrel roof.
- 109.1 Caregiver  
An adult who provides care for a mentally or physically impaired person within this state, and who is related by blood, marriage, or adoption to, or shall be the legally appointed guardian of, this mentally or physically impaired person for whom the adult is caring. (Amended 1/19/17, 2016-17 Ord. 8)
110. Club  
Buildings and facilities owned or operated for a social or recreational purpose, but not operated primarily for profit or to render a service which is customarily carried on as a business.
112. Day Care Home  
A home owned or operated by any person who receives pay for providing less than twenty-four (24) hour supervision and care, without transfer of custody, for five (5), six (6), or seven (7) children under seventeen (17) years of age who are not related to the operator and whose parents or guardian are not residents of the household. (A license is not required for a home providing care for fewer than five (5) children.)
113. Development  
Any man-made change to improved or unimproved real estate, including, but not limited to, buildings or structures, mining, dredging, filling, grading, paving, excavation or drilling operations.
114. Dwelling  
A permanent building or portion thereof built on a permanent foundation used for residential purposes must contain at least a kitchen, bathroom facilities, and a sleeping area. In no case shall the term dwelling include any of the following: motor homes, travel trailers, portable buildings, trailer coaches, storage buildings, tents, cargo container, single-wide modular homes regulated elsewhere in this ordinance, or any other structure not designed specifically for permanent residential dwelling. (Amended 1/19/17, 2016-17 Ord. 8)

- 114.1      Dwelling, One-Family  
A building containing but one (1) housekeeping unit, and designed or used to house not more than one (1) family. Single-family dwellings shall have a gross floor area of not less than eight hundred (800) square feet of living space. Site built homes and permitted modular homes shall be required to have a permanent foundation. (Amended 1/19/17, 2016-17 Ord. 8)
115.      Dwelling, Two Family  
A building containing not more than two (2) housekeeping units, and designed or used to house no more than two (2) families, living independent of each other in separate dwelling units with each unit having its own bedroom, kitchen and bathroom facilities. Two-Family dwellings shall have a gross floor area of not less than six hundred (600) square feet of living space per dwelling unit and shall be required to have a permanent foundation. (Amended 1/19/17, 2016-17 Ord. 8)
116.      Dwelling, Multi-Family  
A building containing three (3) or more housekeeping units, and designed or used to house three (3) or more families, living independent of each other in separate dwelling units with each unit having its own bedroom, kitchen and bathroom facilities. Multi-Family dwellings shall have a gross floor area of not less than six hundred (600) square feet of living space per dwelling unit and shall be required to have a permanent foundation. (Amended 1/19/17, 2016-17 Ord. 8)
117.      Existing Mobile Home Park or Mobile Home Subdivision  
A parcel (or contiguous parcels) of land divided into two (2) or more mobile home lots for rent or sale of which the construction of facilities for servicing the lot on which the mobile home is to be affixed (including, at a minimum, the installation of utilities, either final site grading or the pouring of concrete pads, and the construction of streets) is completed before the effective date of these regulations.
118.      Expansion To An Existing Mobile Home Park or Mobile Home Subdivision  
The preparation of additional sites by the construction of facilities for servicing the lots on which the mobile homes are to be affixed (including the installation of utilities, either final site grading or pouring of concrete pads, or the construction of streets).
119.      Family  
A group of one (1) or two (2) persons or parents with their direct descendants and adopted children (and including the domestic employees thereof), together with not more than three (3) persons not so related, living together in a room or rooms comprising a single housekeeping unit. Every additional group of five (5) or less persons living in such housekeeping unit shall be considered a separate family for the purpose of the Ordinance.

121. Fire-Resistive Construction  
Fire-resistive construction is one which meets as least the Fire Protective Requirements of Chapter 7, Fire Resistant Materials and Construction, 1997 Southern Standard Building Code, as amended.
122. Flood or Flooding  
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.
123. Flood Hazard Boundary Map (FHBM)  
An official map of a community, issued by the Federal Insurance Administration has delineated both the areas of special flood hazard and the risk premium zones applicable to the community.
124. Flood Insurance Rate Map (FIRM)  
An official map of a community, on which the Federal Insurance Administration has delineated both the areas of special flood hazard and the risk premium zones applicable to the community.
125. Floodway  
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 increasing the water surface elevation.
126. Frontage  
The width of the lot measured at (1) the required front yard setback line, or (2) in the case of a flag lot, the narrowest part not in that narrow part that extends to a street.
127. Habitable Floor  
The floor or floors within any structure used for human habitation which are utilized as space for working, sleeping, eating, cooking, or recreation, and all service rooms or areas which contain fixed home equipment such as furnaces, water heaters, etc., or any combination thereof; but excluding any floor which is used only for storage of movable goods. The elevation of such habitable floor shall be measured at the bottom of the floor joist if said floor is constructed of wood; or the top surface of a concrete slab, or other comparable floor material not subject to damage by flood waters.
128. High Water Stage (base flood)  
The high water stage as determined by the Federal Insurance Administration in its Flood Insurance Study for Soddy-Daisy, Tennessee.
129. Lodging or Boarding House  
A building designed or used for the more or less permanent occupation,

with or without serving of meals, of more than three lodgers or boarders. For the purpose of the regulations, a lodging or boarding house shall mean multi-family dwelling.

130. Lot

A lot is a parcel of land occupied or intended to be occupied by a principal building or use and the necessary buildings and uses customarily incident to it, and including open space not less in extent than those required in connection therewith by this Ordinance. A "Lot of Record" is a parcel of land with dimensions of which are shown on a document or map on file with the Register of Deeds, or in common use by county officials, and which actually exists as so shown, or any part of the remainder thereof.

131. Lot, Corner

A corner lot is a lot abutting on two (2) or more streets at their intersections, or upon a curved street provided that the two (2) sides of the lot, or the tangents to the curve of the street line as its starting points at or within the side lines of the lot, intersect to form an interior angle or not more than 135 degrees.

132. Lot, Depth

The depth of a lot for the purpose of this Ordinance, is the distance measured in the mean direction of the side lines of the lot from the midpoint of the front line to the midpoint of the opposite main rear line of the lot.

133. Lot, Flag

An interior lot located to the rear of another lot, but with a narrow portion of the lot extending to a street. No part of the narrow portion of the lot can be less than twenty-five feet (25') in width except in cases where an existing structure(s) and its required side yard could not be accommodated, then the width shall not be less than fifteen feet (15') and **shall** be suitable for ingress and egress. Each flag lot must provide an improved route of ingress and egress through the narrow portion (flag stem) extending to the street from the primary structure on the lot. (2000-2001 Ord No. 12, 4/19/01)

134. Lot, Interior

A lot which is not a corner lot is an interior lot.

135. Lot Line, Front

The front lot line of an interior lot is the lot line separating the lot from the street or easement of principal access. The front lot line of a corner lot shall be the lot line of least length abutting the street or streets; except that any street lot line may be elected to be the front lot line for the purposes of this Ordinance, provided it is so designated on the application for a zoning permit.

136. Lot Line, Rear

The rear lot line is the boundary opposite and more or less parallel to the front lot



line. The rear lot line of an irregular or triangular lot shall be for the purpose of this Ordinance, a line not less than ten feet (10') long, lying wholly within the lot and parallel to a farthest distance from the front lot line.

**137. Lot Line, Side**

A side lot line is any boundary line not a front lot line, or a rear lot line. A side lot line separating a lot from a street line is an exterior side lot line. Any other side lot line is an interior side lot line.

**138. Mean Sea Level**

The average height of the sea for all stages of the tide.

**138.1 Mentally or Physically Impaired Person**

A person who is a resident of this state and who requires assistance with two (2) or more activities of daily living, as certified in a writing provided by a physician licensed under T.C.A. Title 63, Chapter 6 or 9. (Amended 1/19/17, 2016-17 Ord. 8)

**139. Minimum Building Site**

The minimum building site is the area bounded by the building footings and/or foundations.

**140. Mobile Home**

Any vehicle used, or so constructed as to permit its being used as a conveyance upon the public streets or highways, and constructed in such a manner as will permit occupancy thereof as a dwelling or sleeping place for one (1) or more persons, and designed for long-term occupancy and to be moved frequently.

**141. Mobile Home Park**

Any plot of land upon which two (2) or more mobile homes, occupied for dwelling or sleeping purposes, are located.

**142. Modular Unit (Sectional or Relocatable Home)**

A factory fabricated transportable building which does not meet the definition of mobile in these regulations and is designed to be used by itself or to be incorporated with similar units at a building site into a single structure without chassis, carriage, or hitch. The term is intended to apply to major assemblies and does not include prefabricated sub-elements which are to be incorporated into a structure at the site. Such units are designed as stationary construction for placement upon permanent foundation, to be connected to utilities and may consist of one or more components. For purposes of these regulations, a modular unit can be considered to be a one-family dwelling.

**143. Motel**

See Tourist Court, Article II, Section 154.

**144. New Construction**

Structures for which the "start of construction" commenced on or after the effective

date of these regulations.

**145. New Mobile Home Park or Mobile Home Subdivision**

A parcel or contiguous parcels of land divided into two (2) or more mobile home lots for rent or sale for which the construction of facilities for servicing the lot on which the mobile home is to be affixed (including, at a minimum, the installation of utilities, either final site grading or the pouring of concrete pads, and the construction of streets) is completed on or after the effective date of these regulations.

**146. Open Air Market**

A retail market or sale operated outdoors or beneath unenclosed shelters and doing business on a continuing basis, or for as many as six (6) days during a sixty (60) day period, where inexpensive and/or second hand items and/or foodstuffs are offered for sale by more than a single vendor and including all fruit or vegetable markets, flea markets, rummage sales, garage or attic sales, and similar undertakings when operated in such a manner as to fall within the limits of this definition.

**147. Person**

One (1) or more individuals, public corporations, legal representatives, partnerships, associations, trustees, trustees in bankruptcy, receivers, mutual companies, joint stock companies, trusts, limited liability companies, unincorporated organizations or other organized groups of individuals.

**148. Planned Unit Development**

A Planned Unit Development is a completely planned residential development, professionally designed as a unit, and approved by the Soddy-Daisy Municipal Planning Commission on a site of not less than ten (10) acres.

**149. Self Storage Warehouses**

A single-story structure containing a series of indoor storage spaces each of which is a minimum of one hundred square feet (100 sq. ft.) in area and designed to warehouse inactive business records, household goods and similar items.

**150. Start of Construction**

The first placement of permanent instruction of a structure (other than a mobile home) on a site, such as the pouring of slabs or footing or any work beyond the stage of excavation, including the relocation of a structure. Permanent construction does not 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 as part of the main structure. For a structure (other than a mobile home) without a basement or poured footings, the "start of construction" includes the first permanent framing or assembly of the structure or any part thereof on its piling or foundation. For mobile homes not within a mobile home park or mobile home subdivision, "start of construction" means the affixing of

the mobile home to its permanent site. For mobile homes within mobile home parks or mobile home subdivisions, "start of construction" is the date on which the construction of facilities for servicing the site on which the mobile home is to be affixed (including, at a minimum, the construction of streets, either final site grading or the pouring of concrete pads, and installation of utilities) is completed.

151.

Structure

Anything constructed or erected, the use of which requires more or less permanent location on the ground or attachment to something having permanent location on the ground. (Including gasoline pumps, most advertising signs, summer houses, and similar objects.)

152.

Structural Alterations

Any change in the supporting members of a building or structure, such as bearing walls, columns, beams, girders, floor joists, or roof joists.

153.

Substantial Improvement

For a building built prior to the enactment of these regulations, any repair, reconstruction, or improvement of a building, the cost of which equals or exceeds fifty percent (50%) of the market value of the building either, (1) before the improvement or repair is started, or (2) if the building has been damaged and is being restored, before the damage occurred. 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 either (1) any project for improvement of a building 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 building-listed on the National Register of Historic Places or a State Inventory of Historic Places.

153.1

Temporary Family Healthcare Structure (T.C.A. § 13-7-501)

A transportable healthcare environment that is specifically designed with environmental controls, biometric and other remote monitoring technology, sensors, and communication systems to support extended home-based medical care, rehabilitation, and the provision of home- and community-based support and assistance for an older adult or person with a disability on the property where family members or unpaid caregivers who participate in the person's care reside. A temporary family healthcare structure:

- (A) Is primarily assembled at a location other than its site of installation;
- (B) Is limited to one (1) occupant who shall be the older adult or person with a disability who requires extended home-based medical care, rehabilitation, or the provision of home and community-based support and assistance;
- (C) Meets the accessibility guidelines of the federal department of housing and urban development and the Americans with Disabilities Act (42 U.S.C. § 12131 et seq.);
- (D) Has no more than five hundred gross square feet (500 gross sq. ft.); and
- (E) Complies with applicable provisions of Title 68, Chapter 120, part 1, and codes

adopted by a county pursuant to Title 5. Placing the temporary family healthcare structure on a permanent foundation shall not be required or permitted. (Amended 1/19/17, Ord. 8)

154. Tourist Court (Motel or Tourist Camp)  
An area where camp cottages, buildings, or building, containing three (3) or more units, may be located and used as temporary living or sleeping quarters and intended primarily for automobile transients.
155. Tourist Home  
A residential building where lodging is furnished to transients for compensation and containing not more than five (5) sleeping rooms for such transients.
156. Townhouse  
A townhouse is a single-family dwelling unit attached by fireproof common walls to other similar type units, each unit having an open space for light, air, and access in the front and rear. There shall be not less than four (4) nor more than twelve (12) such units connected together.
157. Travel Trailer  
Any vehicle used, or so constructed as to permit its being used as conveyance upon the public streets and highways and duly licensable as such, and constructed in such a manner as will permit occupancy thereof as a dwelling or sleeping place for one (1) or more persons, and designed for short-term occupancy, for frequent and/or extensive travel, and for recreational and vacation use, including camper trucks and self propelled campers, etc. Travel Trailers are permitted in mobile home parks per ARTICLE IV, Section 501.33 and ARTICLE VII, Section 102.1. ALL travel trailers located in a mobile home park are required to have a Temporary Use Permit as per ARTICLE VII, Section 102.1. Travel Trailers to be located in travel trailer camps are required to purchase a Temporary Use Permit prior to locating in the camp as per ARTICLE VII, Section 130.4.1. (Amended 4/20/17, 2016-17 Ord. 20)
158. Travel Trailer Camp  
Any plot of land located upon which two (2) or more travel trailers are located and used as temporary living or sleeping quarters. The occupants of such camps may not remain in the same trailer camp more than ninety (90) days. Each travel trailer owner is required to purchase a temporary use permit per ARTICLE VII, Section 103.4.1 before moving to the site. Temporary use permit is required each time the travel trailer is parked at the site. It is the responsibility of the camp owner to insure that the proper permits are obtained. (Amended 4/20/17, 2016-17 ord. 20).
159. Variance  
A grant of relief to a person from the requirements of these regulations which permits construction in a manner otherwise prohibited by these regulations where specific enforcement would result in unnecessary hardship.

- 159.1**      Waste to Energy  
A single string recycling process in which trash/waste is recycled through a process in which non-waste pellets are formed. (Amended 9/6/18, 2018-19 Ord. No. 4)
- 160.**        Yards  
An unoccupied space on a lot, open and unobstructed from the ground to the sky, except as otherwise provided in this Ordinance. (See Section 103.6)
- 161.**        Yard, Front  
An open space extending the full width of the lot and a uniform depth measured horizontally at right angles to the front lot line.
- 162.**        Yard, Side  
An open space extending along the side of the lot, between the front yard, and the rear yard and of a uniform width measured horizontally at right angles to the side lot line.
- 163.**        Yard, Rear  
An open space extending the full width of the lot, and of a uniform depth measured horizontally at right angles to the rear lot line.

## ARTICLE III

### ESTABLISHING DISTRICTS AND DISTRICT BOUNDARIES AND LIMITING THE USES OF PROPERTY THEREIN

#### 100. Division into Sixteen Districts

In order to regulate, restrict, and segregate the use of land, buildings, and structures, and to regulate and restrict the height and bulk of buildings and the area of yards and other open spaces about buildings and to regulate and restrict the density of population, the City of Soddy-Daisy is hereby divided into sixteen (16) districts, as follows:

- A-1 AGRICULTURAL DISTRICT
- R-1 SINGLE FAMILY RESIDENTIAL DISTRICT
- R-2 URBAN RESIDENTIAL DISTRICT
- R-2A RURAL RESIDENTIAL DISTRICT
- R-3 APARTMENT-TOWNHOUSE DISTRICT
- R-3MD MODERATE DENSITY APARTMENT-TOWNHOUSE DISTRICT
- R-5 SINGLE LOT MOBILE HOME DISTRICT
- R-T/Z RESIDENTIAL TOWNHOUSE/ZERO LOT LINE DISTRICT
- MH MOBILE HOME DISTRICT
- TCM TOURIST COURT AND MOTEL DISTRICT
- C-2 LOCAL BUSINESS DISTRICT
- C-3 GENERAL BUSINESS DISTRICT
- M-2 WHOLESALE AND LIGHT INDUSTRIAL DISTRICT
- M-1 INDUSTRIAL DISTRICT
- FH FLOOD HAZARD DISTRICT
- O-1 OFFICE DISTRICT

#### 101. The Zoning Map

The City of Soddy-Daisy has adopted the Official Zoning Map (also known as the Digital Zoning Map or Zoning Map). This map contains the boundary of the above zones and all overlay boundaries as described in this Zoning Ordinance. It conforms to provisions of this Ordinance and all ordinances and laws related to zoning that are now in effect and which in the future may be in effect. The map and all notations, references and other information shown thereon are a part of this Ordinance.

The repository for the Official Zoning Map, in any form including digital as shown on a geographic overage layer as part of the geographic information system (GIS), is the Regional Planning Agency (RPA). The RPA also has the responsibility for maintenance of the Official Zoning Map. A copy of these maps are on file at Soddy-Daisy City Hall.

The Planning Director, or designee, shall revise the Official Zoning Map when amendments are passed by the governing body. No unauthorized person may alter or modify the Official Zoning Map. Errors in the Official Zoning Map shall be corrected as they are discovered, and the corrected information shall be shown on the GIS system.  
(2006-07 Ord. 20)

102. The Tennessee Valley Authority prepared one inch (1") equals one-hundred feet (100') Chattanooga Flood Control Topographic maps; the Tennessee Valley Authority prepared one inch (1") equals four-hundred feet (400') screeline positives; and the Tennessee Valley Authority prepared one inch (1") equals two thousand feet (2,000') quadrangles--Chattanooga 105 SE: Fairmont 105 NE: Daisy 112 NW: East Chattanooga 112 SW: the largest scale map governing in area of duplication.

103. **Measurement of Boundaries**

103.1 The boundaries of the various districts as shown on the said map shall be determined by use of the scale shown on said maps, unless the actual dimensions are noted. Scale and filed measurements and map dimensions shall be figured from the center line of streets, alleys, and railroad right-of-ways. Where uncertainty exists as to the exact location of said boundaries, the following rules shall apply.

103.2 Where district boundaries lie on or within streets, roads, alleys or railroad rights-of-ways, the district boundaries shall be the center lines of streets, alleys, railroad rights-of-ways, or such lines extended.

103.3 Where district boundary lines approximately bisect blocks, the boundaries are the median lines of such blocks, between the center lines of boundary streets.

103.4 Where district boundaries are approximately parallel to a street, road, alley or railroad right-of-way, the distance of such boundaries from the center line of such street, road, alley, or railroad right-of-way shall be, unless otherwise shown by dimension of median block line:

Urban Residential District: 190 feet.  
Rural Residential District: 340 feet.  
Local Business District: 290 feet. \*  
General Business District: 290 feet. \*

\*(from the existing right-of-way line or the officially estimated and recorded right-of-way).

103.5 In cases of final uncertainty, the Board of Appeals shall interpret the zoning map to fix the exact location of boundaries.

104. The boundaries of such districts as shown on said map are hereby adopted and approved, and the regulations of this Ordinance are hereby established and declared to be in effect upon all land (including water area) included within the boundaries of each and every district shown upon said map.

105. Except as hereinafter provided, no building shall be erected or altered, nor shall any building or premises be used for any purpose other than is permitted in the district in which such buildings or premises is located, nor shall any building be erected or structurally altered except in conformity with the height, area, and regulations herein established for the district in which such building is located.

## ARTICLE IV

### SCHEDULE OF DISTRICT REGULATIONS

#### 100. A-1 AGRICULTURAL DISTRICT REGULATIONS

#### 101. USE REGULATIONS

##### 101.1 Principal Uses Permitted

Agricultural uses such as the growing of crops, dairying, grazing, the raising and maintaining of poultry and livestock, horticulture, viticulture, floriculture, forest and woods. Also permissible as an agricultural use are such uses as the raising of fur-bearing animals, fish and minnow hatcheries, riding academies, livery or boarding stables, dog kennels and other similar enterprises and uses.

101.2 Detached one-family dwellings, but not including mobile homes on individual lots.

101.3 One road side stand for the sale of edible products or product of the soil produced entirely on the premises, provided that the stand does not exceed an area of two-hundred square feet (200 sq. ft.).

101.4 (a) Signs not over twelve square feet (12 sq. ft.) in area advertising the sale of farm products produced on the premises.

(b) Churches, schools, public buildings, and other non-agricultural permitted land uses may have one bulletin board or identification sign, not to exceed twenty-four square feet (24 sq. ft.) in area; such bulletin board or identification sign shall indicate nothing more than the name and/or address of the premises, and schedule of services or other information relevant to the operation of the premises. Such sign shall not be located closer than fifteen feet (15') from the road right-of-way and may have direct illumination.

101.5 Airports, hospitals, sanitariums, correctional institutions, or institutions for the insane.

101.6 Churches or similar places of worship with accessory structures.

101.7 Elementary or high schools, public or private, and institutions of higher learning.

101.8 Lodge Halls and other Civic Organization Buildings.

101.9 Athletic fields, tennis and country clubs, golf courses (excluding miniature golf and commercial "Par 3" Courses), parks, playgrounds, community swimming pools and recreational areas operated by membership organizations for the benefit of their members.



- 101.10** Accessory Uses Permitted.
- 101.11** Buildings, structures, and uses customarily incidental to any of the above uses when located on the same lot or tract, subject to the regulations or restrictions of ARTICLE V.
- 101.12** Home occupations, offices, and studios, when situated in the building being used by the person engaged in the occupation as his or her private dwelling, provided that no advertising sign be displayed except one (1) nameplate, which shall not exceed two square feet (2 sq. ft.) in area.
- 101.13** Additional Uses Permitted, subject to the issuance of conditional permits under the principles and limitations prescribed in ARTICLE VII, Section 106.4.
- 101.14** Cemeteries, Mausoleums, and Crematories.
- 101.15** Mines, Gravel Pits, and Quarries.
- 101.16** Public works and public utility facilities, such as dams, locks, public quarries, navigation terminals, railroad lines and stations, transmission lines and sub-stations, bus terminals, and loading platforms, water supply reservoirs, sewage disposal plants, and similar uses.
- 101.17** Radio and Television Broadcasting Stations, studios, towers (not including telecommunication towers, see ARTICLE IX), and facilities.
- 101.18** Amusement Resorts (See ARTICLE VII, Sections 106.465 and 106.466).
- 101.19** Golf driving ranges, "Par 3" golf courses, miniature golf courses, riding stables, and similar low intensity outdoor uses.
- 101.20** Uses Permitted on Review  
Self Storage Warehouses, subject to the provisions set forth in Article X, Section 103, (Procedure for authorizing Uses Permitted on Review) and Article VIII (Access Control, Parking and Site Plan Requirements).
- 101.21** Additional Uses Permitted (Amended 8/6/15, 2015-16 Ord. 1)  
  
Upon Conditional Permit of the Zoning Board of Appeals, subject to the issuance of conditional permits under the principles and limitations prescribed in ARTICLE VII, Section 106.4:  
  
Production of fuel alcohol as that term is defined by T.C.A. §67-3-602(5), subject to the property owner providing the following to the Zoning Board of Appeals:

- (a) Certification that any alcohol produced will be denatured as required by T.C.A. §60-3-103(b).
- (b) A copy of all necessary Federal and State Permits.
- (c) An indication on a tax map of the property with the location and size of the still clearly marked.

Further, the Chief of the Soddy-Daisy Fire Department and/or his designee must certify to the Zoning Board of Appeals that the proposed use will not cause an unreasonable risk to life or property.

## **102. AREA REGULATIONS**

### **102.1 Front Yard**

There shall be one on each lot, a front yard minimum depth of twenty-five feet (25').

### **102.2 Side Yard**

- (a) For single story dwellings and accessory structures, side yard shall be not less than ten feet (10') and an additional four feet (4') shall be provided on each side yard for each additional story or part thereof.
- (b) For the building of churches, schools, or other permitted uses and their accessory structures, other than dwellings, there shall be a side yard of not less than thirty-five feet (35').

### **102.3 Rear Yard**

- (a) The minimum depth of the rear yard shall be fifteen feet (15') for the principal structure and any accessory structure exceeding five hundred square feet (500 sq. ft.) in size.
- (b) The minimum depth of the rear yard shall be five feet (5'), for any permitted accessory structure of five hundred square feet (500 sq. ft.) or less.

### **102.4 Minimum Lot Area**

The minimum lot area of each lot shall be one-half acre. In addition to the minimum lot area, lots shall have a minimum depth of one hundred feet (100') and a minimum frontage of seventy-five feet (75').

**102.5**      Percentage of Lot Occupancy

No dwelling shall occupy more than thirty –five percent (35%) of its lot, and no building shall occupy more than fifty percent (50%) of its lot.

**103.**      HEIGHT REGULATIONS

**103.1**      No building shall exceed two and one-half (2 ½) stories or thirty-five feet (35') in height. Water towers, silos, graineries, barns, and similar structures or necessary mechanical appurtenances may exceed this height limit as provided in ARTICLE V.

**104.**      OFF-STREET PARKING

**104.1**      Off-street parking shall be provided on the same lot or on a lot adjacent to the building in accordance with the following requirements.

- (a)      There shall be one space for every dwelling unit.
- (b)      There shall be one space for every three seats in the main auditorium of churches and other public buildings.
- (c)      Parking space for any other permitted use shall be an ample amount to accommodate all vehicles of transportation that are used by employees, visitors, or patrons of the permitted use. The off-street parking facilities shall be designated so as to make it necessary for cars to back across sidewalks or into alleys, or otherwise to maneuver in and out of parking areas into areas for pedestrians or automotive traffic.

**150.**      **R-1 RESIDENTIAL DISTRICT REGULATIONS**

**151.**      USE REGULATIONS

**151.1**      Principal Uses Permitted

**151.11**      Single-Family Dwelling, but not including mobile homes on individual lots.

**151.12**      Schools

**151.13**      Parks, playgrounds, and community buildings

**151.14**      Churches

**151.15**      Golf courses, except for driving ranges, miniature courses, and other similar commercial operations.

- 151.16** Fire halls and other public buildings
- 151.17** Kindergartens operated by religious or governmental agencies
- 151.18** Day care homes
- 151.2** Accessory Uses Permitted
- 151.21** Buildings, structures, and uses customarily incident to any of the above uses, when located on the same lot or tract, and not involving the conduct of a business, subject to the regulations and restrictions of ARTICLES V and VII.
- 151.3** Additional Uses Permitted
- Upon Conditional Permit of the Board of Appeals, Subject to the Principles and Limitations prescribed by ARTICLE VII, Section 106.4.
- 151.31** Day Care Centers, except that such uses shall require a conditional permit under the terms of ARTICLE VII, Section 106.4611.
- 151.32** Kindergartens, except those operated by governmental units or religious organizations; except that such uses shall require a conditional permit under the requirements of ARTICLE VII, Section 106.4612.

**151.4      Special Exceptions for Planned Unit Development**

Flexibility in the arrangement of residential uses may be permitted by the City Commission as special exceptions in any R-1 RESIDENTIAL DISTRICT, provided that the minimum size of any tract of land sought to be used for the planned unit shall be ten (10) acres and that a desirable environment through the use of good design procedures is assured, allowing flexibility in individual yard requirements to provide for multi-family dwelling units, townhouses, and two family units, except that such use or uses shall require a Special Conditional Permit under the terms of ARTICLE VI of these Regulations.

**152.      HEIGHT REGULATIONS**

**152.1      Building Height Limit**

Except as provided in ARTICLES V and VII, and in special conditional permits, no building shall exceed two and one-half (2 ½) stories or thirty-five feet (35') in height.

**153.      AREA REGULATIONS**

**153.1      Minimum Lot Area, Depth, and Frontage**

Except as provided in ARTICLES V and VII, and in special conditional permits, the minimum lot area shall be as follows:

	PUBLIC WATER & SANITARY SEWER	PUBLIC WATER & SEPTIC TANKS	INDIVIDUAL WELLS & SEPTIC TANKS
Single-Family Dwellings	5,000 sq. ft. (2015-16 Ord. 7, 4/7/16)	13,500 sq. ft.	25,000 sq. ft.

In addition to the minimum lot area, lots used for residential development in the R-1 Single Family Residential, R-2 Urban Residential and R-2A Rural Residential Districts shall have a minimum road frontage of 50 feet when such dwellings are connected to public water and sanitary sewers, or a minimum road frontage of 65 feet when such dwellings are connected to public water and septic tanks. (2015-16 Ord. 7, 4/7/16)

**153.2      Percentage of Occupancy (Deleted 2015-16 Ord. 7, 4/7/16)**

**153.3      Front Yard Required**

Except as provided in ARTICLES V and VII, there shall be on each lot a front yard of a minimum depth of twenty-five (25').

**153.4**

Except as provided in ARTICLES V and VII, there shall be on each side of each lot a side yard of a minimum depth of ten feet (10'). (For corner lots see ARTICLE V, Section 103.3).

(RESERVED SPACE)

153.5

Rear Yard Required

- a. The minimum depth of the rear yard shall be fifteen feet (15') for the principal structure and any accessory structure exceeding five hundred square feet (500 sq. ft.) in size.
- b. The minimum depth of the rear yard shall be five feet (5'), for any permitted accessory structure of five hundred square feet (500 sq. ft.) or less

200.

R-2 URBAN RESIDENTIAL DISTRICT REGULATIONS

201.

USE REGULATIONS

201.1

Principal Uses Permitted

201.11

Farming, including all types of agriculture and horticulture except (a) commercial dairies, (b) commercial kennels, rabbit, fox, goat and other animal raising or feeding farms, (c) poultry farms, (d) commercial nurseries or greenhouse, (e) farms operated by public or private agencies for the disposal of garbage.

201.12

Public parks and golf country clubs, and similar uses, but not including any sport, athletic, recreation or amusement enterprise operated as a business or for commercial purposes.

201.13

One and two family dwellings, but not including mobile homes on individual lots.

201.14

Churches, schools, museums, libraries, art galleries and other cultural institutions, but not including convents, orphan asylums, or private or public penal, correctional or welfare institutions.

201.15

Day Care Homes; kindergartens operated by governmental agencies and religious or organizations.

201.16

Hospitals and clinics, except for the insane or contagious diseases.

201.17

Railroad stations and railroad lines, not including switching or storage yards or repair shops.

201.18

Public signs, notice, and warnings wherever necessary.

201.2

Accessory Uses Permitted

201.21

Buildings, structures, and uses customarily incident to any of the above uses, when located on the same lot or tract, and not involving the conduct of a business, subject to the regulations and restrictions of ARTICLES V and VII.

201.22

Home Occupations, offices, and studios, when situated in the building used by the person engaged in the occupations as his or her private dwelling, provided no

advertising sign, merchandise, products or equipment is displayed for advertising purposes.

201.3 Additional Uses Permitted. Upon Conditional Permit of the Board of Appeals, Subject to the Principles and Limitations Prescribed by ARTICLE VII, Section 106.4.

201.31 Storage garage (See ARTICLE VII, Section 123).

201.32 Public Utility buildings and structures (See ARTICLE VII, Section 124).

201.33 Radio and Television Broadcasting Stations, Studios, Towers (not including telecommunication towers, see ARTICLE IX), and facilities.

201.34 Fire halls, sub-stations, water towers, booster pumping stations and telephone exchanges.

201.35 Day Care Centers.

201.4 Special Exceptions for Planned Unit Development

Flexibility in the arrangement of residential uses may be permitted by the Soddy-Daisy Municipal Planning Commission as special exceptions in any Urban Residential District, provided that the minimum size of any tract of land sought to be used for the planned unit shall be ten (10) acres and that a desirable environment through the use of good design procedures is assured, allowing flexibility in individual yard requirements to provide for multi-family dwelling units, townhouses, and two-family units, except that such use or uses shall require a Special Conditional Permit under the terms of ARTICLE VI of these Regulations.

202. HEIGHT REGULATIONS

202.1 Building Height Limit

Except as provided in ARTICLES V and VII, and in special conditional permits no building shall exceed two and one-half (2 1/2) stories or thirty-five feet (35') in height.

203. AREA REGULATIONS

203.1 Minimum Lot Area, Depth, and Frontage. Except as provided in ARTICLE V and VII, and in special conditional permits, minimum lot area shall be as follows:



	PUBLIC WATER & SANITARY SEWER	PUBLIC WATER & SEPTIC TANKS	INDIVIDUAL WELLS & SEPTIC TANKS
Single-Family Dwellings	5,000 sq. ft. (2015-16 Ord. 7, 4/7/16)	13,000 sq. ft.	25,000 sq. ft.
Two-Family Dwellings	5,000 sq. ft. (2015-16 Ord. 11, 6/2/16)	13,000 sq. ft. (2015-16 Ord. 11, 6/2/16)	25,000 sq. ft. (2015-16 Ord. 11, 6/2/16)

In addition to the minimum lot area, lots used for residential development in the R-1 Single Family Residential, R-2 Urban Residential and R-2A Rural Residential Districts shall have a minimum road frontage of 50 feet when such dwellings are connected to public water and sanitary sewers, or a minimum road frontage of 65 feet when such dwellings are connected to public water and septic tanks. (2015-16 Ord. 7, 4/7/16)

**203.2**      Percentage of Occupancy (Deleted 2015-16 Ord. 7, 4/7/16)

**203.3**      Front Yard Required

Except as provided in ARTICLES V and VII, there shall be on each lot a front yard of a minimum depth of twenty-five (25').

**203.4**      Side Yard Required

Except as provided in ARTICLES V and VII, there shall be on each side of each lot a side yard on each side of the lot a minimum width of ten feet (10'). (For corner lots, See ARTICLE V, Section 103.3).

**303.5**      Rear Yard Required

- (a) The minimum depth of the rear yard shall be fifteen feet (15') for the principal structure and any accessory structure exceeding five hundred square feet (500 sq. ft.) in size.
- (b) The minimum depth of the rear yard shall be five feet (5'), for any permitted accessory structure of five hundred square feet (500 sq. ft.) or less.

### **300.      R-2A RURAL RESIDENTIAL DISTRICT REGULATIONS**

#### **301.      USE REGULATIONS**

##### **301.1      Principal Uses Permitted**

**301.11**      All uses that are permitted in the URBAN RESIDENTIAL DISTRICT, including uses specified in ARTICLE IV, Section 200 under the conditions specified therein.

301.12 Nurseries, greenhouses and truck gardens.

301.13 Commercial Dairies and poultry farms.

301.14 Stables.

301.15 Airports and landing fields.

301.16 Boarding and lodging houses.

301.17 Penal and correction institutions.

301.2 Accessory Uses Permitted

301.21 Buildings, structures, and uses customarily incident to any of the above uses, when located on the same lot or tract, and not involving the conduct of a business, subject to the regulations and restrictions of ARTICLES V and VII.

301.3 Additional Uses Permitted

Upon Conditional Permit of the Board of Appeals, subject to the Principles and Limitations Prescribed by ARTICLE VII, Section 106.4.

301.31 Public or private gravel pits and quarries. (See ARTICLE VII, Section 106.46).

301.32 Cemeteries, mausoleums and crematories, (See ARTICLE VII, Section 106.4610).

301.33 Day Care Centers.

301.4 Special Exceptions for Planned Unit Development

Flexibility in the arrangement of residential uses may be permitted by the Soddy-Daisy Municipal Planning Commission as special exceptions in any Rural Residence District, provided that the minimum size of any tract of land sought to be used for the planned unit shall be ten (10) acres and that a desirable environment through the use of good design procedures is assured, allowing flexibility in individual yard requirements to provide for multi-family dwelling units, townhouses, and two family units, except that such use or uses shall require a Special Conditions Permit under the terms of ARTICLE VI of these Regulations.

302. HEIGHT REGULATIONS

302.1 Building Height Limit

Except as provided in ARTICLES V and VII, and in special conditional permits, no building shall exceed two and one-half (2 1/2) stories or thirty-five feet (35') in height.

**303. AREA REGULATIONS**

**303.1 Minimum Lot Area, Depth, and Frontage**

Except as provided in ARTICLES V and VII, and in special conditional permits, the minimum lot area shall be as follows:

	PUBLIC WATER & SANITARY SEWER	PUBLIC WATER & SEPTIC TANKS	INDIVIDUAL WELLS & SEPTIC TANKS
Single-Family Dwellings	5,000 sq. ft. (2015-16 Ord. 7, 4/7/16)	13,000 sq. ft.	25,000 sq. ft.
Two-Family Dwellings	5,000 sq. ft. (2015-16 Ord. 11, 6/2/16)	13,000 sq. ft. (2015-16 Ord. 11, 6/2/16)	25,000 sq. ft. (2015-16 Ord. 11, 6/2/16)

In addition to the minimum lot area, lots used for residential development in the R-1 Single Family Residential, R-2 Urban Residential and R-2A Rural Residential Districts shall have a minimum road frontage of 50 feet when such dwellings are connected to public water and sanitary sewers, or a minimum road frontage of 65 feet when such dwellings are connected to public water and septic tanks. (2015-16 Ord. 7, 4/7/16)

**303.2 Percentage of Occupancy** (Deleted 2015-16 Ord. 7, 4/7/16)

**303.3 Front Yard Required**

Except as provided in ARTICLES V and VII, there shall be on each lot a front yard of a minimum depth of twenty-five (25'). (See ARTICLE V, Section 103.2).

**303.4 Side Yard Required**

Except as provided in ARTICLES V and VII, there shall be on each side of each lot a side yard on each side of the lot a minimum width of ten feet (10'). (For corner lots, See ARTICLE V, Section 103.3).

**303.5 Rear Yard Required**

- (a) The minimum depth of the rear yard shall be fifteen feet (15') for the principal structure and any accessory structure exceeding five hundred square feet (500 sq. ft.) in size.
- (b) The minimum depth of the rear yard shall be five feet (5'), for any permitted accessory structure of five hundred square feet (500 sq. ft.) or less.

400. R-3 APARTMENT-TOWNHOUSE DISTRICT

401. USE REGULATIONS

401.1 Principal Uses Permitted

All principal uses that are permitted in the URBAN RESIDENTIAL and RURAL RESIDENTIAL DISTRICTS, and uses specified in ARTICLE IV, Section 201.3, under the conditions specified therein.

401.12 Apartments, Condominiums, and Townhouses

401.2 Accessory Uses Permitted

Buildings, structures, and uses customarily incident to any of the above uses, when located on the same lot or tract, involving the conduct of a business, subject to the regulations and restrictions of ARTICLES V and VII.

401.3 Additional Uses Permitted, upon conditional permit of the Board of Appeals, subject to the principles and limitations prescribed by ARTICLE VII, Section 106.4.

401.31 Public utility buildings and structure. (See ARTICLE VII, Section 124).

401.32 Fire halls, sub-stations, water towers, booster pumping stations, and telephone exchanges.

402. HEIGHT REGULATIONS

Except as provided in ARTICLES V and VII, and in special conditional permits, no building shall exceed two and one-half (2 1/2) stories, or thirty-five (35) feet in height.

403. AREA REGULATIONS

403.1 Minimum Lot Area, Depth, and Frontage

Except as provided in ARTICLES V and VII, and in special conditional permits, the minimum lot area shall be as follows:

	PUBLIC WATER & SANITARY SEWER	PUBLIC WATER & SEPTIC TANKS	INDIVIDUAL WELLS & SEPTIC TANKS
Single-Family Dwellings	7,500 sq. ft.	13,000 sq. ft.	25,000 sq. ft.
Two-Family Dwellings	9,500 sq. ft.	18,000 sq. ft.	28,000 sq. ft.

Fifty thousand square feet (50,000 sq. ft.) for multi-family dwellings, of not more than sixteen (16) dwelling units. An additional lot area of three thousand square feet (3,000 sq. ft.) shall be required for each additional dwelling unit. The Health Department may limit the number of bedrooms and washing machines, on the basis of effective capacity of the proposed sewage disposal facilities, to produce a density lower than given by the above requirements. In addition to the minimum lot area, lots used for residential purposes shall have a minimum depth of one hundred feet (100') and a minimum frontage of seventy-five feet (75').

**403.2      Percentage of Lot Occupancy**

No dwelling shall occupy more than thirty-five percent (35%) of its lot, and no building shall occupy more than fifty percent (50%) of its lot.

**403.3      Front Yard Required**

Except as provided in ARTICLES V and VII, there shall be on each lot a front yard of a minimum depth of twenty-five feet (25').

**403.4      Side Yard Required**

Except as provided in ARTICLES V and VII, there shall be on each side of each lot a side yard of a minimum depth of twenty-five feet (25').

**403.5      Rear Yard Required**

(a) The minimum depth of the rear yard shall be fifteen feet (15') for the principal structure and any accessory structure exceeding five hundred square feet (500 sq. ft.) in size.

(b) The minimum depth of the rear yard shall be five feet (5'), for the permitted accessory structure of five hundred square feet (500 sq. ft.) or less.

**403.6      Distance Between Buildings**

Where more than one permanent building is located on one plot of ground, the buildings shall be at least twenty feet (20') apart. The buildings shall be so constructed so as to have a one hour fire rating between adjacent (horizontally and/or vertically) dwelling units.

No permanent building shall have more than four (4) contiguous apartment units that are not separated by fireproof construction.

**404.        REGULATIONS FOR MULTI-FAMILY DWELLINGS**

**404.1      Location**

The main vehicle entrance to the apartment(s) shall be on an existing collector

street, or on or within five hundred feet (500') (measured along the street) of an existing major street (as designated on the General Plan adopted by the Chattanooga-Hamilton County Regional Planning Commission.).

**404.2**      Off-Street Parking

There shall be at least one and one-half (1 1/2) off-street parking areas spaces for each dwelling unit in rental units and two (2) off-street parking spaces for each dwelling unit in owner-occupied units. All parking areas and driveways shall be paved. No parking areas will be allowed which require the use of a dedicated street to maneuver into or out of.

**404.3**      Water Supply and Sewage Disposal

The water supply and the purposed method of sewage disposal shall be approved in writing by the Chattanooga-Hamilton County Health Department before a building permit may be issued.

**404.4**      Signs

Only one sign shall be permitted for each multi-family development, and it shall be set back from the property lines in conformance with the yard requirements. It shall not exceed twenty square feet (20 sq. ft.) in area. If illuminated, the sign shall be indirectly lit in such a way that the light source cannot be seen from any public way or adjoining property. The lighting intensity shall not exceed twenty-five feet (25')-candles at the face of the sign. No flashing or intermittent lights, or moving parts, will be permitted.

**404.5**      Recreation Space

Each multi-family development shall have eight percent (8%) of the site devoted to outdoor recreation, developed, maintained, and equipped by the owner. No vehicle parking spaces or driveways shall be allowed in the recreation space. The recreation space may include parts of the required yards, but not more than fifty percent (50%) of the required yard shall be counted in the computation for the space.

**450.**      **R-3MD MODERATE DENSITY APARTMENT TOWNHOUSE DISTRICT**

**450.1**      **INTENT**

It is the intent of the Moderate Density Apartment Townhouse to provide areas for development of residential units to include triplex and quadplex residential structures.

**451.**      **USE REGULATIONS**

451.1      Principal Uses Permitted

- 451.11      Farming, including all types of agriculture and horticulture except (a) commercial dairies, (b) commercial kennels, rabbit, fox, goat and other animal raising or feeding farms, (c) poultry farms, (d) commercial nurseries or greenhouses, (e) farms operated by public or private agencies for disposal of garbage.
- 451.12      Public parks and golf country clubs, any similar uses, but not including any sport, athletic, recreation or amusement enterprise operated as a business or for commercial purposes.
- 451.13      One, two, three and four family dwellings, but not including mobile homes on individual lots.
- 451.14      Churches, schools, museums, libraries, art galleries and other cultural institutions, but not including convents, orphan asylums, or private or public penal, correctional, or welfare institutions.
- 451.15      Day care homes; kindergartens operated by governmental agencies and religious organizations.
- 451.16      Hospital and clinics, except for the insane or contagious diseases.
- 451.17      Railroad stations and railroad lines, not including switching or storage yards or repair shops.

451.18      Public signs, notices and warnings wherever necessary.

451.2      Accessory Uses Permitted

- 451.21      Buildings, structures, and uses customarily incident to any of the above uses, when located on the same lot or tract, and not involving the conduct of a business, subject to regulations and restrictions or ARTICLES V and VII.
- 451.22      Home occupations, offices, and studios, when situated in the building used by the person engaged in the occupations as his or her private dwelling, provided no advertising sign, merchandise, products or equipment is displayed for advertising purposes.

451.3      Additional Uses Permitted. Upon Conditional Permit of the Board of Appeals, subject to the Principles and Limitations prescribed by ARTICLE VII, Section 106.4.

451.31      Storage garage (See ARTICLE VII, Section 123).

451.32      Public Utility buildings and structures (See ARTICLE VII, Section 124).

- 451.33 Radio and television broadcasting stations, studios, towers (not including telecommunication towers, see ARTICLE IX), and facilities.
- 451.34 Fire halls, sub-stations, water towers, booster pumping stations and telephone exchanges.

451.35 Day care centers

452. HEIGHT REGULATIONS

452.1 Building Height Limit

Except as provided in ARTICLES V and VII, and in special conditional permits, no building shall exceed thirty- five feet (35') in height.

453. AREA REGULATIONS

453.1 Minimum Lot Area, Depth, and Frontage

Except as provided in ARTICLES V and VII, and in special conditional permits, minimum lot area shall be as follows:

	Public Water & Sanitary Sewer	Public Water & Septic Tanks	Individual Wells & Septic Tanks
Single Family Dwellings	7,500 sq. ft.	13,000 sq. ft.	25,000 sq. ft.
Two Family Dwellings	9,500 sq. ft.	18,000 sq. ft.	28,000 sq. ft.
Three Family Dwellings	14,000 sq. ft.	25,000 sq. ft.	31,000 sq. ft.
Four Family Dwellings	16,000 sq. ft.	30,000 sq. ft.	34,000 sq. ft.

The Health Department may limit the number of units on any given lot due to soil conditions, topography drainage, presence of swimming pool, etc.

453.2 Percentage of Lot Occupancy

No dwelling shall occupy more than thirty-five percent (35%) of its lot, and no building shall occupy more than fifty percent (50%) of its lot.

453.3 Front Yard Required

Except as provided in ARTICLES V and VII, there shall be on each lot a front



yard of a minimum depth of twenty-five feet (25').

**453.4      Side Yard Required**

Except as provided in ARTICLES V and VII, there shall be on each lot a side yard of a minimum depth of ten feet (10') (For corner lots see ARTICLE V, Section 103.3).

**453.5      Rear Yard**

(a) The minimum depth of the rear yard shall be fifteen feet (15') for the principal structure and any accessory structure exceeding five hundred square feet (500 sq. ft.) in size.

(b) The minimum depth of the rear yard shall be five feet (5'), for any permitted accessory structure of five hundred square feet (500 sq. ft.) or less.

**453.6      Off-street Parking Requirements**

A minimum of 1.5 parking spaces per residential unit is required.

**500.        MH MOBILE HOME DISTRICT REGULATIONS**

**501.        USE REGULATIONS**

**501.1      Principal Uses Permitted**

**501.11     All uses that are permitted in URBAN RESIDENTIAL, RURAL RESIDENTIAL DISTRICTS and the APARTMENT-TOWNHOUSE DISTRICT, and uses specified in ARTICLE IV, Section 201.3 under the conditions specified therein.**

**501.2      Accessory Uses Permitted**

All accessory uses permitted in ARTICLE IV, Section 400-APARTMENT-TOWNHOUSE DISTRICT.

**501.3      Additional Uses Permitted. Upon conditional permit of the Board of Appeals, subject to the principles and limitations prescribed by ARTICLE VII, Section 106.4.**

**501.31     All additional uses permitted in ARTICLE VII, Section 106.4-APARTMENT-TOWNHOUSE DISTRICT.**

**501.32     Mobile Home Parks (See ARTICLE VII, Section 113).**

**502.        HEIGHT REGULATIONS**

Except as provided in ARTICLES V and VII, and in special conditional permits, as described in ARTICLE VI, no building shall exceed two and one-half (2 ½) stories, or thirty-five feet (35') in height.

**503.        AREA REGULATIONS**

All area regulations specified in ARTICLE IV, Section 400-APARTMENT-TOWNHOUSE DISTRICT.

**503.1**        Minimum acreage of mobile home parks shall be ten (10) acres.

**504.        REGULATIONS FOR MULTI-FAMILY DWELLINGS**

All regulations specified in ARTICLE IV, Section 400- APARTMENT-TOWNHOUSE DISTRICT.

**505.        AREA EXCEPTIONS**

**505.1**        For townhouses that are sold individually in the APARTMENT-TOWNHOUSE and the MOBILE HOME DISTRICTS, the side yard requirements may be eliminated on the side or sides adjacent to another townhouse. The lot area for individual townhouses shall be at least two thousand five hundred square feet (2,500 sq. ft.). However, a total site area of fifty thousand square feet (50,000 sq. ft.) will still be required.

**505.2**        For Condominiums and Cooperative Apartments in the APARTMENT-TOWNHOUSE and the MOBILE HOME DISTRICTS, the yard requirements shall apply to the total building or buildings and not to the individual units.

**600.        TCM TOURIST COURT AND MOTEL DISTRICT REGULATIONS**

**601.        USE REGULATIONS**

**601.1**        All uses that are permitted in the URBAN RESIDENTIAL and RURAL RESIDENTIAL DISTRICTS, including uses specified in ARTICLE IV, Section 201.3 (excluding Section 201.35).

**601.2**        Tourist Courts and Motels

Provided proposed sanitary facilities are approved by the Chattanooga-Hamilton County Health Department (septic tanks) or Hamilton County Water and Wastewater Treatment Authority (sewers).

**601.21**        Buildings, structures, and uses customarily incidental to any of the above uses.

Amended  
2001

601.3 Additional Uses Permitted, Upon Conditional Permit of the Board of Appeals, subject to the Principles and Limitations Prescribed by ARTICLE VII, Section 106.4.

601.32 Travel Trailer Camps. (See ARTICLE VII, Section 114).

602. AREA REGULATIONS

602.1 Minimum lot area one acre for Tourist Court or Motel. For dwellings, the same regulations shall apply as for in the RURAL RESIDENTIAL DISTRICT.

602.2 Percentage of Occupancy

No Tourist Court or Motel shall occupy more than thirty-five percent (35%) of its lot. No dwelling shall occupy more than thirty-five percent (35%) of its lot.

602.3 Front Yard Required

Except as provided in ARTICLES V and VII, there shall be on each lot a front yard of a minimum of thirty-five feet (35'). (See ARTICLE V, Section 103.1).

602.4 Side Yard Required

Except as provided in ARTICLES V and VII, there shall be on each side yard on each side of the lot a minimum width of fifteen feet (15'). (For corner lots, See ARTICLE V, Section 103.3).

602.5 Rear Yard Required

(a) The minimum depth of the rear yard shall be fifteen feet (15') for the principal structure and any accessory structure exceeding five hundred square feet (500 sq. ft.) in size.

(b) The minimum depth of the rear yard shall be five feet (5'), for any permitted accessory structure of five hundred square feet (500 sq. ft.) or less.

700. C-2 LOCAL BUSINESS DISTRICT REGULATIONS

701. USES PERMITTED

701.1 All uses that are permitted in the URBAN RESIDENTIAL and RURAL RESIDENTIAL DISTRICTS, including, small animal hospitals and veterinary offices (excluding any outside kennel facilities), and uses specified in ARTICLE IV, Section 201.3 (excluding Section 201.35), under the conditions specified therein.

Amendment  
Approved  
4/19/01

**701.2**

Offices, banks, theaters, studios, beauty parlors, motels, hotels, job-printing, photograph galleries, barber shops, automobile service stations, automobile display rooms, parking lots or storage garages, telephone exchanges or substations; police and fire stations; restaurants, cafes, lunchrooms, dry-cleaning plants, if oil or gas fired, commercial signboard and bill-boards, building material storage yards, and any other retail business or commercial enterprise which is similar in character, and in the judgement of the City Manager is not detrimental to the character of the neighborhood in which located except that the following uses are prohibited expressly:

Auto wrecking yards

Bakery employing more than 5 persons

Bottling works

Dyeing plants

Coal, coke or wood yards

Contractors plant or storage yards

Ice Plant or storage house

Junk yards

Laundries

Machine shops

Stone yards or monument works

Tourist courts and trailer courts

Storage warehouses

Undertaking or mortuary parlors

Any kind of manufacture or treatment or products not clearly incidental to the conduct of a retail business conducted on the premises.

Any use that allows the property owner to claim the tax exemption provided by T.C.A. § 67-5-212 for said property. (2011-12 ORD. 6, 1/19/12)

**701.2.1**

**Uses Permitted On Appeal**

In the C-2 Local Business District, the following uses and their accessory uses may be permitted subject to appeal and approval of the Soddy-Daisy Zoning Board of Appeals:

1. Mini-storage warehouses.

**701.4**

Accessory buildings and uses customarily incident to any of the above uses.

**702.**

**HEIGHT REGULATIONS**

**702.1**

**Building Height Limit**

Except as provided in ARTICLE V and VII, and in special conditional permits, no building shall exceed two and one-half (2 ½) stories or thirty-five feet (35') in height.

703. AREA REGULATIONS

703.1 Minimum Lot Area, Depth, and Frontage

Except as provided in ARTICLES V and VII, the minimum lot area for any except those used or intended to be used solely for commercial purposes shall be as follows:

	PUBLIC WATER & SANITARY SEWER	PUBLIC WATER & SEPTIC TANKS	INDIVIDUAL WELLS & SEPTIC TANKS
Single Family Dwellings	7,500 sq. ft.	13,000 sq. ft.	25,000 sq. ft.
Two Family Dwellings	9,500 sq. ft.	18,000 sq. ft.	28,000 sq. ft.

In addition to the minimum lot area, lots used for residential purposes shall have a minimum depth of one hundred feet (100') and minimum frontage of seventy-five feet (75'). There shall be no minimum lot area for any lot used or intended to be used solely for commercial or other non-residential purposes.

703.2 Front Yard Required

Except as provided in ARTICLE V and VII, and below, there shall be on each lot a front yard of a minimum depth of twenty-five feet (25'). Where street frontage is not divided into blocks, or where the street frontage of one block is placed partly in a LOCAL BUSINESS DISTRICT and partly in an AGRICULTURAL DISTRICT, URBAN RESIDENTIAL DISTRICT and RURAL RESIDENTIAL DISTRICT, there shall be, in the LOCAL BUSINESS DISTRICT, a front yard of minimum depth, measured from the street line, equal to the depth of front yards required in such AGRICULTURAL, URBAN RESIDENTIAL, and RURAL RESIDENTIAL DISTRICTS. Where a front yard of less depth than above provided exists on one or both lots immediately adjoining the side line of a lot, the front yard may have a minimum depth equal to the average of the depth of the adjoining front yards where, in the opinion of the Board of Appeals, the use of the lot would be adversely affected by the above requirements.

703.3 Side Yard Required

Except as provided in ARTICLES V and VII, there shall be on each side of each lot occupied by a building used solely for dwelling purposes, a side yard on each side of the lot of a minimum width of ten feet (10'). No side yard shall be required for building other than dwellings, except that on that side of a lot abutting upon a lot zoned for residence there shall be a minimum side yard of ten feet (10') in width. Where any side yard is provided it shall be at least ten feet (10') in width. (For corner lots, See ARTICLE V, Section 103.3).

**703.4**      Rear Yard Required

Except as provided in ARTICLE V and VII, there shall be on each lot a rear yard of a minimum depth of twenty-five feet (25').

**800.**      **C-3 GENERAL BUSINESS DISTRICT REGULATIONS**

**801.**      USES PERMITTED

All uses that are permitted in the URBAN RESIDENTIAL, RURAL RESIDENTIAL, and LOCAL BUSINESS DISTRICTS, including uses permitted in ARTICLE IV, Section 201.3 (excluding Section 201.35) without the conditions specified therein.

**801.2**      Any business of a retail or wholesale type with the exception of:

Auto wrecking yards; black smithing or horseshoeing shop; building materials storage yard, including lumber yard; canning plant, carpet, rug or bag cleaning establishment, carting, express, hauling or storage yards; houses; fuel storage yard, including coal, coke or wood yards; ice plants, or ice storage of more than five ton capacity; livery stable or riding academy; metal or wood working shop, employing more than twenty persons (2006-2007 Ord. No. 3); mattress factory; milk depot other than retail business conducted on the premises; machine shop; packing houses; secondhand automobile storage and sales yard (used car lots); stone yards and building for the keeping, storage, sales or killing of fowls for commercial purposes, where the number of fowls is greater than one hundred (100).

Any use that allows the property owner to claim the tax exemption provided by T.C.A. § 67-5-212 for said property. (2011-2012 Ord. 6, 1/19/12)

**801.3**      Any light manufacturing which: (a) is not noxious or offensive by reason of emission of odor, fumes, dust, smoke, noise or vibration; (b) does not use mechanical power in excess of 5-horse-power. [(c) deleted by 2006-07 Ord. No. 3]

**802.**      **HEIGHT REGULATIONS**

**802.1**      Building Height Limit

Except as provided in ARTICLES V and VII, and in special conditional permits, no building shall exceed three (3) stories or forty feet (40') in height.

**803.**      **AREA REGULATIONS**

**803.1**      Minimum Lot Area for Residential Lots

Except as provided in ARTICLES V and VII, the minimum lot area for any lot except those used or intended to be used solely for commercial or industrial purposes shall be as follows:

	PUBLIC WATER & SANITARY SEWER	PUBLIC WATER & SEPTIC TANKS	INDIVIDUAL WELLS & SEPTIC TANKS
Single Family Dwellings	7,500 sq. ft.	13,000 sq. ft.	25,000 sq. ft.
Two Family Dwellings	9,500 sq. ft.	18,000 sq. ft.	28,000 sq. ft.

There shall be no minimum lot area for any lot used or intended to be used solely for commercial, industrial, or other non-residential purposes. In addition to the minimum lot area, lots used for residential purposes shall have a minimum depth of one hundred feet (100') and a minimum frontage of seventy-five feet (75').

**803.2      Front Yard Required**

Except as provided in ARTICLES V and VII, and below, there shall be on each lot a front yard of a minimum depth of twenty-five feet (25'). Where two (2) adjoining lots have front yards of lesser depths, the depth required may be the average of those depths, as provided in ARTICLE IV, Section 703.2.

**803.3      Side Yard Required**

Except as provided in ARTICLES V and VII, there shall be on each side of each lot occupied by a building used solely for dwelling purposes, a side yard on each side of the lot of a minimum width of ten feet (10'). No side yard shall be required for building other than dwellings, except that on that side of a lot abutting upon a lot zoned for residence there shall be a minimum side yard of ten feet (10') in width. Where any side yard is provided it shall be at least ten feet (10') in width. (For corner lots, See ARTICLE V, Section 103.3).

**803.4      Rear Yard Required**

Except as provided in ARTICLES V and VII, there shall be on each lot a rear yard of a minimum depth of twenty-five feet (25').

**900.      O-1 OFFICE DISTRICT**

**901.      USE REGULATIONS**

**901.1      Principal Uses Permitted**

**901.11**      Single-family and two-family dwellings, but not including manufactured homes on individual lots.

**901.12**      Primary and secondary schools and libraries.

**901.13**      Parks, playgrounds, and community buildings

- 901.14 Churches.
- 901.15 Offices.
- 901.16 Medical and dental clinics.
- 901.17 Social agencies and often non-commercial public and semi-public uses.
- 901.18 Kindergartens operated by religious or governmental agencies.
- 901.19 Barber and Beauty Shops
- 901.2 Accessory Uses Permitted
- 901.21 Buildings, structures, and uses customarily incident to any of the above uses, when located on the same lot or tract, and not involving the conduct of a retail, wholesale, or warehousing business, subject to the regulations and restrictions of ARTICLES V and VII.
- 901.3 Additional Uses Permitted
- Upon Conditional Permit of the Board of Appeals, subject to the Principles and Limitations prescribed by ARTICLE VII.
- 901.31 Daycare centers, except that such uses shall require a Conditional Permit under the terms of ARTICLE VII.
- 901.32 Kindergartens, except those operated by governmental units or religious organizations; except that such uses shall require a conditional permit under the requirements of ARTICLE VII.
- 901.33 Funeral Homes, except that such use shall require a special permit under the terms of ARTICLE VII.
- 901.34 Signs, except that only one sign shall be permitted for each structure, and that it shall be set back ten feet (10') from a property line. The sign shall not exceed twelve square feet (12 sq. ft.) in area. If illuminated, the sign shall be indirectly lit in such a way that the light source cannot be seen from any public way or adjoining property. The lighting intensity shall not exceed twenty-five (25) foot-candles at the face of the sign. No flashing or intermittent lights will be permitted.
902. HEIGHT REGULATIONS
- 902.1 Building Height Limit
903. AREA REGULATIONS



**903.1**      Minimum Lot Area

Except as provided in ARTICLES V and VII, and in special conditional permits, minimum lot area shall be as follows:

	<b>PUBLIC WATER &amp; SANITARY SEWER</b>	<b>PUBLIC WATER &amp; SEPTIC TANK</b>	<b>INDIVIDUAL WELLS &amp; SEPTIC TANKS</b>
Single Family Dwellings	7,500 sq. ft.	13,000 sq. ft.	25,000 sq. ft.
Two Family Dwellings	9,500 sq. ft.	18,000 sq. ft.	28,000 sq. ft.

In addition to the minimum lot area, lots used for residential purposes shall have a minimum depth of one hundred feet (100') and a minimum frontage of seventy-five feet (75') when septic tanks are used and sixty feet (60') when sanitary sewers are used.

**903.2**      Percentage of Lot Occupancy

No dwelling shall occupy more than thirty-five percent (35%) of its lot, and no building shall occupy more than fifty percent (50%) of its lot.

**903.3**      Front Yard Required

Except as provided in ARTICLES V and VII, each lot shall have a front yard with a minimum depth of twenty-five feet (25').

**903.4**      Side Yard Required

Except as provided in ARTICLES V and VII, there shall be on each side of each lot a side yard of a minimum depth of ten feet (10'). (For corner lots see ARTICLE V).

**903.5**      Rear Yard Required

Except as provided in ARTICLES V and VII, there shall be a rear yard of a minimum depth of twenty-five feet (25').

**904.**      OFF-STREET PARKING REGULATIONS

Off-street parking shall be provided on the same lot as or a lot adjacent to the building and in accordance with one of the following requirements:

- (A) One (1) space for every dwelling unit.
- (B) For all other permitted uses one (1) space for every two hundred square feet

(200 sq. ft.) of usable floor area, excluding all service areas such as halls and stairways.

905. MINIMUM ELEVATIONS

905.1 All residential lots shall have a building area above the 100-year flood stage as delineated on the maps and profiles drawn by the TVA and on file in the City Hall Office.

905.2 Streets may not be an elevation less than one foot (1') below the flood level given above.

950. M-2 WHOLESALE AND LIGHT INDUSTRY DISTRICT

951. USES PERMITTED

951.1 All uses that are permitted in the URBAN RESIDENTIAL, RURAL RESIDENTIAL, LOCAL BUSINESS, and GENERAL BUSINESS DISTRICTS, including uses specified in ARTICLE IV, Section 201.3, (excluding Section 201.35), under conditions specified therein.

951.2 Any business of a retail, wholesale or light industrial type not otherwise prohibited by law, except as provided in ARTICLE IV, Sections 1001.2 and 1001.3.

951.3 The following uses are expressly prohibited:

Acetylene gas manufacture or storage; acid manufacture; alcohol manufacture; ammonia, bleaching powder or chlorine manufacture; arsenal; bag cleaning; blast furnace; boiler works; brick, tile or terra cotta manufacture; candle manufacture; cement, lime, gypsum or plaster of paris manufacture; creosote treatment or manufacture; distillation of bones, coal or wood; dyestuff manufacture; exterminator and insect poison manufacture; emery cloth and sand paper manufacture; fat rendering, fertilizer manufacture; fireworks or explosive manufacture or storage; fish smoking or curing; forge plant; garbage, offal or dead animals, reduction or dumping; gas (illuminating or heating) manufacture; glue, size or galantine manufacture; gunpowder manufacture or storage; iron, steel, brass or copper foundry or fabrication plant; junk iron or rags storage or baling; lamp black oiled or rubber goods manufacture; ore reduction; paint, oil, shellac, turpentine or varnish manufacture; paper and pulp manufacture; petroleum products, refining or wholesale storage of petroleum; planing mills (except small woodworking plants if approved by the Board of Appeals); potash works; pyroxlin manufacture; rock crusher; rolling mills; rubber or gutta-percha manufacturing or treatment; salt works; shoe polish manufacture; smelting of tin, copper, zinc or iron ores; soap manufacture, other than liquid soap; soda and compound manufacture; stock feeding pens; stock herds or slaughter of animals; stone mill or quarry; stove polish manufacture; sulfuric, nitric, or hydrochloric acid manufacture; tallow, grease or lard manufacture or refining from animal fat; tanning; curing or storage of raw hides or skins; tar distillation or manufacture;

Tar roofing or waterproofing manufacturing; tobacco (chewing) manufacturing or treatment; use car junk yards; wool pulling or scouring; yeast plant; any kind of manufacturing, processing or treatment which is objectionable because of noise, dust, smoke, fumes, or odor, and all uses prohibited under Section 1001.2, for the Industrial District.

**951.4**     **USES PERMITTED ON APPEAL**

In the M-2 Wholesale and Light Industry District, the following uses and their accessory uses may be permitted subject to appeal and approval of the Soddy-Daisy Planning Commission:

1. Adult oriented establishments as defined in the Soddy-Daisy Municipal Code, Title 5, Section 5-401.

In no case shall an adult-oriented establishment be permitted to locate within five hundred feet (500') of any boundary of an A-1 Agricultural District, R-2 Urban Residential District, R-2A Rural Residential District, R-3 Apartment-Townhouse District, C-1 Tourist Court and Motel Commercial District, R-1 Single-Family Residential District, O-1 Office District, R-5 Single-Wide Mobile Home District 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 which is used for the purpose of a recreational park (ornamental parks are not to be considered in the requirement), place of worship, school, day care center, or other adult-oriented establishment. Measurement shall be made from the nearest recorded property line of the adult-oriented establishment to the nearest property line or boundary of the above mentioned uses. (2006-2007 Ord. 22)

**952.**     **BUILDING HEIGHT LIMIT**

None.

**953.**     **AREA REGULATIONS**

**953.1**     **Minimum Lot Area for Residential Lots**

Except as provided in ARTICLES V and VII, the minimum lot area for any lot except those used or intended to be used solely for commercial or industrial purposes shall be as follows:

	PUBLIC WATER & SANITARY SEWER	PUBLIC WATER & SEPTIC TANKS	INDIVIDUAL WELLS & SEPTIC TANKS
SINGLE FAMILY DWELLINGS	7,500 sq. ft.	13,000 sq. ft.	25,000 sq. ft.
TWO FAMILY DWELLINGS	9,500 sq. ft.	18,000 sq. ft.	28,000 sq. ft.

There shall be no minimum lot area for any lot used or intended to be used solely for commercial, industrial, or other non-residential purposes. In addition to the minimum lot area, lots used for residential purposes shall have a minimum depth of one hundred feet (100') and a minimum frontage of seventy-five feet (75').

**953.2**      Front Yard Required

Except as provided in ARTICLES V and VII, there shall be on each lot a front yard of a minimum depth of twenty-five feet (25').

**953.3**      Side Yard Required

Except as provided in ARTICLES V and VII, there shall be, on each side of each lot, a side yard of a minimum width of ten feet (10') plus five feet (5') for each ten feet (10') or fraction thereof of building height over twenty feet (20').

**953.4**      Rear Yard Required

Except as provided in ARTICLES V and VII, there shall be on each lot a rear yard of a minimum depth of ten feet (10') plus five feet (5') for each ten feet (10') or fraction thereof of building height over twenty feet (20').

**953.5**      Distance Between Buildings

No main building shall be closer than fifteen feet (15') to any other main building, and no dwelling shall be closer than twenty-five feet (25') to any other dwelling or main building on the same lot.

**1000.**      M-1 INDUSTRIAL DISTRICT REGULATIONS

**1001.**      USES REGULATIONS

**1001.1**      Uses Permitted

Any use not otherwise prohibited by law, but not including multi-family dwellings or mobile homes on individual lots, and except that the operation of open air markets shall be permitted subject to a Conditional Permit by the Board of Zoning Appeals as specified in ARTICLE VII, Subsection 128.5.

**1001.2**      Uses Permitted Upon Conditional Permit of the Soddy-Daisy Municipal Planning Commission, subject to the Principles and Limitations Prescribed in ARTICLE IV, Section 1001.4.

Abattoir

Blast, cupola or metal furnace  
Boiler shops  
Coke ovens  
Fat rendering  
Gasoline or oil storage above ground  
Incineration, reduction of dumping of offal,  
garbage or refuse on a commercial basis  
Junk yards  
Lime kilns  
Lumber yards  
Waste to Energy (Amended 9/6/18, 2018-19 Ord. No. 4)

Manufacture of:

Acetylene gas  
Ammonia  
Asphalt or products  
Asbestos  
Babbitt metal  
Bleaching powder  
Blue or size  
Bronze powder  
Carbon, lampblack or graphite  
Celluoid  
Coal tar or products  
Creosote or products  
Coal screening  
Disinfectant  
Emery cloth or sandpaper  
Explosives  
Fertilizer  
Gas  
Glucose  
Lime or products  
Linoleum  
Matches  
Oil cloth  
Paint, oil or shellac  
Poison  
Potash  
Printing ink  
Pulp or paper  
Rubber

Starch  
Sulfuric Acid  
Tar or asphalt roofing  
Turpentine  
Vinegar  
Yeast  
Oil Drilling or production  
Petroleum refining  
Planing mill  
Radium extraction  
Rock crushing  
Rock, sand and gravel storage  
Rolling mill  
Salt works  
Sand blasting  
Sewage disposal  
Soap works  
Smelting  
Storage or baling of bottles, junk, old iron,  
rags, rubber or scrap paper  
Sugar refining  
Tannery  
Wool pulling or scouring  
Wood or bone distillation

Any similar use comparable in character, type or effect on the surrounding area to the above uses.

**1001.3** Unless the Soddy-Daisy Municipal Planning Commission shall find by clear and convincing evidence that the proposed use of the property will not have a deleterious effect on adjoining landowners or other members of the public, the uses listed below shall not be permitted within five hundred feet (500') of any occupied dwelling except such as may exist upon the property, any public park or school, state highway or first class county road as shown upon an official highway plan of Hamilton County, subdivision lands restricted to residential use by recorded deed restriction, or URBAN RESIDENTIAL or RURAL RESIDENTIAL DISTRICTS by this Resolution or amendments thereto: (Amended 9/6/18, 2018-19 Ord. No. 4)

Acid manufacture  
Asphalt mixing plant  
Distillation of bones

Dog and cat food factory  
 Fish cannery  
 Manufacture or storage of explosives  
 Fertilizer works  
 Garbage, offal or dead animal reduction or disposal, excepting Waste to Energy. Waste to Energy shall not be within 300 feet of any occupied dwelling, public park or school. (Amended 9/6/18, 2018-19 Ord. No. 4)  
 Any storage of inflammable liquids in individual containers or tanks of greater than 60 gallon capacity each, above ground shall be permitted only if the distance requirements to property lines and buildings are at least as great as those required in the State of Tennessee Department of Insurance and Banking Division of Fire Prevention Regulations No. 1, Flammable Liquids, Section V.  
 Glue Manufacture  
 Oil refining  
 The feeding of garbage to hogs or other animals  
 Rubbish dumps  
 Slaughter house  
 Any other use dangerous by reason of explosion hazard or noxious or offensive by reason of the emission of smoke, dust, fumes, odor, vibration, or noise.

**1001.3.1** For the purposes of this subsection, "deleterious effect" means any other use dangerous by reason of fire or explosion hazard or noxious or offensive by reason of the emission of smoke, dust, fumes, odor, vibration, or noise or other conditions that might constitute a nuisance. (Amended 9/6/18, 2018-19 Ord. No. 4)

**1001.3.2** A special use permit granted under this Section 1001 is subject to revocation should the Planning Commission find, after notice and hearing, that the activities on the property have a deleterious effect on the adjoining landowners or the public at large. (Amended 9/6/18, 2018-19 Ord. No. 4)

**1001.4** The uses specified in ARTICLE IV, Section 1001.2, and 1001.3 shall not be permitted except upon conditional permit of the Soddy-Daisy Municipal Planning Commission. Any person desiring such a conditional permit shall apply to the Soddy-Daisy Municipal Planning Commission, which shall hold a public hearing thereon, notice of which shall be given by one publication in a daily newspaper of general circulation throughout the county and by personal service or by first class mail to the adjoining and other property owners within a radius of 300 feet of the property affected and, in addition, where such conditional permit shall pertain to land within three (3) miles on a direct line from a corporate limit of any incorporated municipality, by personal service or by first class mail to the mayor of such municipality; such distance is to be ascertained by the building commissioner. Any person, firm, or corporation aggrieved thereby may appeal from the decision of the Soddy-Daisy Municipal

Planning Commission as to its decision concerning a use permitted under ARTICLE IV, Sections 1001.2 and 1001.3, such appeal shall be to the City Commission of Soddy-Daisy at its next regular meeting following the expiration of ten (10) days after the decision of the Soddy-Daisy Municipal Planning Commission. At the hearing before the City Commission, the decision of the Soddy-Daisy Municipal Planning Commission as to a use permitted under ARTICLE IV, Sections 1001.2 and 1001.3 shall constitute nothing more than a recommendation, and the City Commission shall determine the appropriate action to be taken upon the request for a conditional permit de novo.

In order that the Planning Commission may evaluate the effect on nearby uses and on the community at large, the applicant for an Industrial Conditional Permit for a use permitted under ARTICLE IV, Sections 1001.2 and 1001.3 may be requested to:

1. Furnish complete plans and method of operation.
2. Have present at the hearing for said permit an Engineering Consultant in this particular phase of industry to fully evaluate all areas of control of vibration, dust, noxious odors, fumes and nuisance factor, etc.

(Section 1001.4, Amended 9/6/18, 2018-19 Ord. No 4)

**1001.5** The following uses are expressly prohibited in the M-1 Industrial District:

Any use that allows the property owner to claim the tax exemption provided by T.C.A. § 67-5-212 for said property. (Amended 1/19/12, 2011-12 Ord. 6)

**1002.** BUILDING HEIGHT LIMIT

None.

**1003.** AREA REGULATIONS

**1003.1** Minimum Lot Area for Residential Lots

Except as provided in ARTICLES V and VII, the minimum lot area for any lot except those used or intended to be used solely for commercial or industrial purposes shall be as follows:



	PUBLIC WATER & SANITARY SEWER	PUBLIC WATER & SEPTIC TANKS	INDIVIDUAL WELLS & SEPTIC TANKS
SINGLE FAMILY DWELLINGS	7,500 sq. ft.	13,000 sq. ft.	25,000 sq. ft.
TWO FAMILY DWELLINGS	9,500 sq. ft.	18,000 sq. ft.	28,000 sq. ft.

There shall be no minimum lot area for any lot used or intended to be used solely for commercial, industrial or other non-residential purposes. In addition to the minimum lot area, lot used for residential purposes shall have a minimum depth of one hundred feet (100') and a minimum frontage of seventy-five feet (75').

**1003.2**      Front Yard Required

Except as provided in ARTICLES V and VII, there shall be on each lot a front yard of a minimum depth of twenty-five feet (25').

**1003.3**      Side Yard Required

Except as provided in ARTICLES V and VII, There shall be on each side of each lot a side yard of a minimum width of ten feet (10') plus five feet (5') for each ten feet (10') or fraction thereof of building height over twenty feet (20').

(RESERVED SPACE)

**1003.4**      Rear Yard Required

Except as provided in ARTICLE V and VII, there shall be on each lot a rear yard of a minimum depth of ten feet (10') plus five feet (5') for each ten feet (10') or fraction thereof of building over twenty feet (20').

**1003.5**      Distance Between Buildings

No main building shall be closer than fifteen feet (15') to any other main building, and no dwelling shall be closer than twenty-five feet (25') to any other dwelling or main building on the same lot.

**1100.**      **FH FLOOD HAZARD DISTRICT** (Amended 9/2/10, 2010-11 Ord. 2)

**1101.**      FINDINGS OF FACT

**1101.1**      The City of Soddy-Daisy, Tennessee, Mayor and its Legislative Body wishes to maintain eligibility in the National Flood Insurance Program (NFIP) and in order to do so must meet the NFIP regulations found in Title 44 of the Code of Federal Regulations (CFR), Ch. 1, Section 60.3.

**1101.2**      Areas of the City of Soddy-Daisy, Tennessee are subject to periodic inundation which could result 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.

**1101.3**      Flood losses are caused by the cumulative effect of obstructions in floodplains, causing increases in flood heights and velocities; by uses in flood hazard areas which are vulnerable to floods; or construction which is inadequately elevated, floodproofed, or otherwise unprotected from flood damages.

**1102.**      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. This Ordinance is designed to:

**1102.1**      Restrict or prohibit uses which are vulnerable to flooding or erosion hazards, or which result in damaging increases in erosion, flood heights, or velocities;

**1102.2**      Require that uses vulnerable to floods, including community facilities, be protected against flood damage at the time of initial construction;

**1102.3**      Control the alteration of natural floodplains, stream channels, and natural protective barriers which are involved in the accommodation of floodwaters;

**1102.4**      Control filling, grading, dredging and other development which may increase flood damage or erosion;

1102.5 Prevent or regulate the construction of flood barriers which will unnaturally divert flood waters or which may increase flood hazards to other lands.

1103. OBJECTIVES

The objectives of this Ordinance are:

- 1103.1 To protect human life, health, safety and property;
- 1103.2 To minimize expenditure of public funds for costly flood control projects;
- 1103.3 To minimize the need for rescue and relief efforts associated with flooding and generally undertaken at the expense of the general public;
- 1103.4 To minimize prolonged business interruptions;
- 1103.5 To minimize damage to public facilities and utilities such as water and gas mains, electric, telephone and sewer lines, streets and bridges located in floodprone
- 1103.6 To help maintain a stable tax base by providing for the sound use and development of floodprone areas to minimize blight in flood areas;
- 1103.7 To ensure that potential homebuyers are notified that property is in a floodprone area;
- 1103.8 To maintain eligibility for participation in the NFIP.

1104. DEFINITIONS

Unless specifically defined below, words or phrases used in this Ordinance shall be interpreted as to give them the meaning they have in common usage and to give this Ordinance its most reasonable application given its stated purpose and objectives.

**"Accessory Structure"** means a subordinate structure to the principal structure on the same lot and, for the purpose of this Ordinance, shall conform to the following:

1. Accessory structures shall only be used for parking of vehicles and storage.
2. Accessory structures shall be designed 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, collapse, and lateral movement, which otherwise may result in damage to other structures.
5. Utilities and service facilities such as electrical and heating equipment shall be elevated or otherwise protected from intrusion of floodwaters.

**"Addition (to an existing building)"** means any walled and roofed expansion to the perimeter or height of a building.

**"Appeal"** means a request for a review of the local enforcement officer's interpretation of any provision of this Ordinance or a request for a variance.

**"Area of Shallow Flooding"** means a designated AO or AH Zone on a community's Flood Insurance Rate Map (FIRM) with one percent or greater annual chance of flooding to an average depth of 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. Such flooding is characterized by ponding or sheet flow.

**"Area of Special Flood-related Erosion Hazard"** is the land within a community which is most likely to be subject to severe flood-related erosion losses. The area may be designated as Zone E on the Flood Hazard Boundary Map (FHBm). After the detailed evaluation of the special flood-related erosion hazard area in preparation for publication of the FIRM, Zone E may be further refined.

**"Area of Special Flood Hazard"** see **"Special Flood Hazard Area"**.

**"Base Flood"** means the flood having a one percent chance of being equaled or exceeded in any given year. This term is also referred to as the 100-year flood or the one (1)-percent annual chance flood.

**"Basement"** means any portion of a building having its floor subgrade (below ground level) on all sides.

**"Building"** see **"Structure"**.

**"Development"** means any man-made change to improved or unimproved real estate, including, but not limited to, buildings or other structures, mining, dredging, filling, grading, paving, excavating, drilling operations, or storage of equipment or materials.

**"Elevated Building"** means a non-basement building built to have the lowest floor of the lowest enclosed area elevated above the ground level by means of solid foundation perimeter walls with openings sufficient to facilitate the unimpeded movement of floodwater, pilings, columns, piers, or shear walls adequately anchored so as not to impair the structural integrity of the building during a base flood event.

**"Emergency Flood Insurance Program"** or **"Emergency Program"** means the program as implemented on an emergency basis in accordance with Section 1336 of T.C.A. It is intended as a program to provide a first layer amount of insurance on all insurable structures before the effective date of the initial FIRM.

**"Erosion"** means the process of the gradual wearing away of land masses. This peril is not "per se" covered under the Program.

**"Exception"** means a waiver from the provisions of this Ordinance which relieves the applicant from the requirements of a rule, regulation, order or other determination made or issued pursuant to this Ordinance.

**"Existing Construction"** means any structure for which the "start of construction" commenced before the effective date of the initial floodplain management code or ordinance adopted by the community as a basis for that community's participation in the NFIP.

**"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, the installation of utilities, the construction of streets, final site grading or the pouring of concrete pads) is completed before the effective date of the first floodplain management code or ordinance adopted by the community as a basis for that community's participation in the NFIP.

**"Existing Structures"** see **"Existing Construction"**.

**"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 or tidal waters.
2. The unusual and rapid accumulation or runoff of surface waters from any source.

**"Flood Elevation Determination"** means a determination by the Federal Emergency Management Agency (FEMA) of the water surface elevations of the base flood, that is, the flood level that has a one percent or greater chance of occurrence in any given year.

**"Flood Elevation Study"** means an examination, evaluation and determination of flood hazards and, if appropriate, corresponding water surface elevations, or an examination, evaluation and determination of mudslide (i.e., mudflow) or flood-related erosion hazards.

**"Flood Hazard Boundary Map (FHBM)"** means an official map of a community, issued by FEMA, where the boundaries of areas of special flood hazard have been designated as Zone A.

**"Flood Insurance Rate Map (FIRM)"** means an official map of a community, issued by FEMA, delineating the areas of special flood hazard or the risk premium zones applicable to the community.

**"Flood Insurance Study"** is the official report provided by FEMA, evaluating flood hazards and containing flood profiles and water surface elevation of the base flood.

**"Floodplain" or "Floodprone Area"** means any land area susceptible to being inundated by water from any source (see definition of "flooding").

**"Floodplain Management"** means the operation of an overall program of corrective and preventive measures for reducing flood damage, including but not limited to emergency preparedness plans, flood control works and floodplain management regulations.

**"Flood Protection System"** means those physical structural works for which funds have been authorized, appropriated, and expended and which have been constructed specifically to modify flooding in order to reduce the extent of the

area within a community subject to a "special flood hazard" and the extent of the depths of associated flooding. Such a system typically includes hurricane tidal barriers, dams, reservoirs, levees or dikes. These specialized flood modifying works are those constructed in conformance with sound engineering standards.

**"Flood proofing"** means any combination of structural and nonstructural additions, changes, or adjustments to structures which reduce or eliminate flood damage to real estate or improved real property, water and sanitary facilities and structures and their contents.

**"Flood-related Erosion"** means the collapse or subsidence of land along the shore of a lake or other body of water as a result of undermining caused by waves or currents of water exceeding anticipated cyclical levels or suddenly caused by an unusually high water level in a natural body of water, accompanied by a severe storm, or by an unanticipated force of nature, such as a flash flood, or by some similarly unusual and unforeseeable event which results in flooding.

**"Flood-related Erosion Area" or "Flood-related Erosion Prone Area"** means a land area adjoining the shore of a lake or other body of water, which due to the composition of the shoreline or bank and high water levels or wind-driven currents, is likely to suffer flood-related erosion damage.

**"Flood-related Erosion Area Management"** means the operation of an overall program of corrective and preventive measures for reducing flood-related erosion damage, including but not limited to emergency preparedness plans, flood-related erosion control works and floodplain management regulations.

**"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 a designated height.

**"Freeboard"** means a factor of safety usually expressed in feet above a flood level for purposes of floodplain management. "Freeboard" tends to compensate for the many unknown factors that could contribute to flood heights greater than the height calculated for a selected size flood and floodway conditions, such as wave action, blockage of bridge or culvert openings, and the hydrological effect of urbanization of the watershed.

**"Functionally Dependent Use"** means a use which cannot perform its intended purpose unless it is located or carried out in close proximity to water. The term includes only docking facilities, port facilities that are necessary for the loading and unloading of cargo or passengers, and ship building and ship repair facilities, but does not include long-term storage or related manufacturing facilities.

**"Highest Adjacent Grade"** means the highest natural elevation of the ground surface, prior to construction, adjacent to the proposed walls of a structure.

**"Historic Structure"** means any structure that is:

1. Listed individually in the National Register of Historic Places (a listing maintained by the U.S. Department of Interior) or preliminarily 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 the Tennessee inventory of historic places and determined as eligible by states with historic preservation programs which have been approved by the Secretary of the Interior; or
4. Individually listed on the City of Soddy-Daisy, Tennessee inventory of historic places and determined as eligible by communities with historic preservation programs that have been certified either:
  - a. By the approved Tennessee program as determined by the Secretary of the Interior or
  - b. Directly by the Secretary of the Interior.

**"Levee"** means a man-made structure, usually an earthen embankment, designed and constructed in accordance with sound engineering practices to contain, control or divert the flow of water so as to provide protection from temporary flooding.

**"Levee System"** means a flood protection system which consists of a levee, or levees, and associated structures, such as closure and drainage devices, which are constructed and operated in accordance with sound engineering practices.

**"Lowest Floor"** means the lowest floor of the lowest enclosed area, including a basement. An unfinished or flood resistant enclosure used solely for parking of vehicles, building access or storage in an area other than a basement area is not considered a building's lowest floor; provided, that such enclosure is not built so as to render the structure in violation of the applicable non-elevation design requirements of this Ordinance.

**"Manufactured Home"** means a structure, transportable in one or more sections, which is built on a permanent chassis and designed for use with or without a permanent foundation when attached to the required utilities. The term "Manufactured Home" does not include a "Recreational Vehicle".

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

**"Map"** means the Flood Hazard Boundary Map (FHBM) or the Flood Insurance Rate Map (FIRM) for a community issued by FEMA.

**"Mean Sea Level"** means the average height of the sea for all stages of the tide. It is used as a reference for establishing various elevations within the floodplain. For the purposes of this Ordinance, the term is synonymous with the National Geodetic Vertical Datum (NGVD) of 1929, the North American Vertical Datum (NAVD) of 1988, or other datum, to which Base Flood Elevations shown on a community's Flood Insurance Rate Map are referenced.

**"National Geodetic Vertical Datum (NGVD)"** means, as corrected in 1929, a vertical control used as a reference for establishing varying elevations within the floodplain.

**"New Construction"** means any structure for which the "start of construction" commenced on or after the effective date of the initial floodplain management Ordinance and includes any subsequent improvements to such structure.

**"New 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, 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 this ordinance or the effective date of the initial floodplain management ordinance and includes any subsequent improvements to such structure.

**"North American Vertical Datum (NAVD)"** means, as corrected in 1988, a vertical control used as a reference for establishing varying elevations within the floodplain.

**"100-year Flood"** see **"Base Flood"**.

**"Person"** includes any individual or group of individuals, corporation, partnership, association, or any other entity, including State and local governments and agencies.

**"Reasonably Safe from Flooding"** means base flood waters will not inundate the land or damage structures to be removed from the Special Flood Hazard Area and that any subsurface waters related to the base flood will not damage existing or proposed structures.

**"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;
4. Designed primarily not for use as a permanent dwelling but as temporary living quarters for recreational, camping, travel, or seasonal use.

**"Regulatory 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 a designated height.

**"Riverine"** means relating to, formed by, or resembling a river (including tributaries), stream, brook, etc.

**"Special Flood Hazard Area"** is the land in the floodplain within a community subject to a one percent or greater chance of flooding in any given year. The area may be designated as Zone A on the FHBM. After detailed ratemaking has been completed in preparation for publication of the FIRM, Zone A usually is refined into Zones A, AO, AH, A1-30, AE or A99.

**"Special Hazard Area"** means an area having special flood, mudslide (i.e., mudflow) and/or flood-related erosion hazards, and shown on an FHBM or FIRM as Zone A, AO, A1-30, AE, A99, or AH.

**"Start of Construction"** includes substantial improvement, and means the date the building permit was issued, provided the actual start of construction, repair, reconstruction, rehabilitation, addition, placement, or other improvement was within 180 days of the permit date. The actual start means either the first placement of permanent construction of a structure (including a manufactured home) on a site, such as the pouring of slabs or footings, the installation of piles,



the construction of columns, or any work beyond the stage of excavation; and includes the placement of a manufactured home on a foundation. Permanent construction does not include initial 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. 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.

**"State Coordinating Agency"** the Tennessee Department of Economic and Community Development's, Local Planning Assistance Office, as designated by the Governor of the State of Tennessee at the request of FEMA to assist in the implementation of the NFIP for the State.

**"Structure"** for purposes of this Ordinance, means a walled and roofed building, including a gas or liquid storage tank, that is principally above ground, as well as a manufactured home.

**"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 fifty percent (50%) of the market value of the structure before the damage occurred.

**"Substantial Improvement"** means any reconstruction, rehabilitation, addition, alteration or other improvement of a structure in which the cost equals or exceeds fifty percent (50%) of the market value of the structure before the "start of construction" of the initial improvement. This term includes structures which have incurred "substantial damage", regardless of the actual repair work performed. The market value of the structure should be (1) the appraised value of the structure prior to the start of the initial improvement, or (2) in the case of substantial damage, the value of the structure prior to the damage occurring.

The term does not, however, include either: (1) Any project for improvement of a structure to correct existing violations of State or local health, sanitary, or safety code specifications which have been pre-identified by the local code enforcement official and which are the minimum necessary to assure safe living conditions and not solely triggered by an improvement or repair project or; (2) Any alteration of a "historic structure", provided that the alteration will not preclude the structure's continued designation as a "historic structure".

**"Substantially Improved Existing Manufactured Home Parks or Subdivisions"** is where the repair, reconstruction, rehabilitation or improvement of the streets, utilities and pads equals or exceeds fifty percent (50%) 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.

**"Violation"** means the failure of a structure or other development to be fully compliant with the community's floodplain management regulations. A structure or other development without the elevation certificate, other certification, or other evidence of compliance required in this Ordinance is presumed to be in violation until such time as that documentation is provided.

**"Water Surface Elevation"** means the height, in relation to the National Geodetic Vertical Datum (NGVD) of 1929, the North American Vertical Datum (NAVD) of 1988, or other datum, where specified, of floods of various magnitudes and frequencies in the floodplains of riverine areas.

**1105. GENERAL PROVISIONS**

**1105.1 Application**

This Ordinance shall apply to all areas within the incorporated area of the City of Soddy-Daisy, Tennessee.

**1105.2 Basis for Establishing the Areas of Special Flood Hazard**

The Areas of Special Flood Hazard identified on the City of Soddy-Daisy, Tennessee, as identified by FEMA, and in its Flood Insurance Study (FIS) and Flood Insurance Rate Map (FIRM), **Community ID 475445 and Panel Number(s) 108, 109, 115, 118, 120, 209, 226, 227, 228, 229, 231**, dated **Nov. 7, 2002**, along with all supporting technical data, are adopted by reference and declared to be a part of this Ordinance.

**1105.3 Requirement for Development Permit**

A development permit shall be required in conformity with this Ordinance prior to the commencement of any development activities.

**1105.4 Compliance**

No land, structure or use shall hereafter be located, extended, converted or structurally altered without full compliance with the terms of this Ordinance and other applicable regulations.

**1105.5 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 conflicts or overlaps with another regulatory instrument, whichever imposes the more stringent restrictions shall prevail.

**1105.6 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 Tennessee statutes.

**1105.7 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 floods 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 Soddy-Daisy, Tennessee or by any officer or employee thereof for any flood damages that result from reliance on this Ordinance or any administrative decision lawfully made hereunder.

## **1105.8**      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 shall constitute a misdemeanor punishable as other misdemeanors as provided by law. Any person who violates this ordinance or fails to comply with any of its requirements shall, upon adjudication therefore, be fined as prescribed by Tennessee statutes, and in addition, shall pay all costs and expenses involved in the case. Each day such violation continues shall be considered a separate offense. Nothing herein contained shall prevent the City of Soddy-Daisy, Tennessee from taking such other lawful actions to prevent or remedy any violation.

## **1106.**      ADMINISTRATION

### **1106.1**      Designation of Ordinance Administrator

The Building Official is hereby appointed as the Administrator to implement the provisions of this Ordinance.

### **1106.2**      Permit Procedures

Application for a development permit shall be made to the Administrator on forms furnished by the community prior to any development activities. The development permit may include, but is not limited to the following: plans in duplicate drawn to scale and showing the nature, location, dimensions, and elevations of the area in question; existing or proposed structures, earthen fill placement, storage of materials or equipment, and drainage facilities. Specifically, the following information is required:

#### **1106.2.1**      Application Stage

- a. Elevation in relation to mean sea level of the proposed lowest floor, including basement, of all buildings where Base Flood Elevations are available, or to certain height above the highest adjacent grade when applicable under this Ordinance.
- b. Elevation in relation to mean sea level to which any non-residential building will be floodproofed where Base Flood Elevations are available, or to certain height above the highest adjacent grade when applicable under this Ordinance.
- c. A FEMA Flood proofing Certificate from a Tennessee registered professional engineer or architect that the proposed non-residential floodproofed building will meet the Flood proofing criteria in Sections 1107.1 and 1107.2.
- d. Description of the extent to which any watercourse will be altered or relocated as a result of proposed development.

#### **1106.2.2**      Construction Stage

Within AE Zones, where Base Flood Elevation data is available, any lowest floor certification made relative to mean sea level shall be prepared by or under the direct supervision of, a Tennessee registered land surveyor and certified by same. The Administrator shall record the elevation of the lowest floor on the development

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permit. When Flood proofing is utilized for a non-residential building, said certification shall be prepared by, or under the direct supervision of, a Tennessee registered professional engineer or architect and certified by same.

Within approximate A Zones, where Base Flood Elevation data is not available, the elevation of the lowest floor shall be determined as the measurement of the lowest floor of the building relative to the highest adjacent grade. The Administrator shall record the elevation of the lowest floor on the development permit. When Flood proofing is utilized for a non-residential building, said certification shall be prepared by, or under the direct supervision of, a Tennessee registered professional engineer or architect and certified by same.

For all new construction and substantial improvements, the permit holder shall provide to the Administrator an as-built certification of the lowest floor elevation or Flood proofing level upon the completion of the lowest floor or Flood proofing.

Any work undertaken prior to submission of the certification shall be at the permit holder's risk. The Administrator shall review the above-referenced certification data. Deficiencies detected by such review shall be corrected by the permit holder immediately and prior to further work being allowed to proceed. Failure to submit the certification or failure to make said corrections required hereby, shall be cause to issue a stop-work order for the project.

**1106.3**      **Duties and Responsibilities of the Administrator**

Duties of the Administrator shall include, but not be limited to, the following:

- 1106.3.1**      Review all development permits to assure that the permit requirements of this Ordinance have been satisfied, and that proposed building sites will be reasonably safe from flooding.
- 1106.3.2**      Review proposed development to assure that all necessary permits have been received from those governmental agencies from which approval is required by Federal or State law, including Section 404 of the Federal Water Pollution Control Act Amendments of 1972, 33 U.S.C. 1334.
- 1106.3.3**      Notify adjacent communities and the Tennessee Department of Economic and Community Development, Local Planning Assistance Office, prior to any alteration or relocation of a watercourse and submit evidence of such notification to FEMA.
- 1106.3.4**      For any altered or relocated watercourse, submit engineering data/analysis within six (6) months to FEMA to ensure accuracy of community FIRM's through the Letter of Map Revision process.
- 1106.3.5**      Assure that the flood carrying capacity within an altered or relocated portion of any watercourse is maintained.
- 1106.3.6**      Record the elevation, in relation to mean sea level or the highest adjacent grade, where applicable, of the lowest floor (including basement) of all new and substantially improved buildings, in accordance with Section 1106.2.
- 1106.3.7**      Record the actual elevation, in relation to mean sea level or the highest adjacent grade, where applicable to which the new and substantially improved buildings have been floodproofed, in accordance with Section 1106.2.
- 1106.3.8**      When Flood proofing is utilized for a nonresidential structure, obtain certification of design criteria from a Tennessee registered professional engineer or architect, in accordance with Section 1106.2.

- 1106.3.9** 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), make the necessary interpretation. Any person contesting the location of the boundary shall be given a reasonable opportunity to appeal the interpretation as provided in this Ordinance.
- 1106.3.10** When Base Flood Elevation data and floodway data have not been provided by FEMA, obtain, review, and reasonably utilize any Base Flood Elevation and floodway data available from a Federal, State, or other sources, including data developed as a result of these regulations, as criteria for requiring that new construction, substantial improvements, or other development in Zone A on the City of Soddy-Daisy, Tennessee FIRM meet the requirements of this Ordinance.
- 1106.3.11** Maintain all records pertaining to the provisions of this Ordinance in the office of the Administrator and shall be open for public inspection. Permits issued under the provisions of this Ordinance shall be maintained in a separate file or marked for expedited retrieval within combined files.

**1107. PROVISIONS FOR FLOOD HAZARD REDUCTION**

**1107.1 General Standards**

In all areas of special flood hazard, the following provisions are required:

- 1107.1.1** New construction and substantial improvements shall be anchored to prevent flotation, collapse and lateral movement of the structure;
- 1107.1.2** Manufactured homes shall be installed using methods and practices that minimize flood damage. They must be elevated and anchored to prevent flotation, collapse and lateral movement. Methods of anchoring may include, but are not limited to, use of over-the-top or frame ties to ground anchors. This requirement is in addition to applicable State of Tennessee and local anchoring requirements for resisting wind forces.
- 1107.1.3** New construction and substantial improvements shall be constructed with materials and utility equipment resistant to flood damage;
- 1107.1.4** New construction and substantial improvements shall be constructed by methods and practices that minimize flood damage;
- 1107.1.5** All 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;
- 1107.1.6** New and replacement water supply systems shall be designed to minimize or eliminate infiltration of flood waters into the system;
- 1107.1.7** 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;
- 1107.1.8** On-site waste disposal systems shall be located and constructed to avoid impairment to them or contamination from them during flooding;
- 1107.1.9** Any alteration, repair, reconstruction or improvements to a building that is in compliance with the provisions of this Ordinance, shall meet the requirements of "new construction" as contained in this Ordinance;

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- 1107.1.10** Any alteration, repair, reconstruction or improvements to a building that is not in compliance with the provision of this Ordinance, shall be undertaken only if said non-conformity is not further extended or replaced;
- 1107.1.11** All new construction and substantial improvement proposals shall provide copies of all necessary Federal and State permits, including Section 404 of the Federal Water Pollution Control Act amendments of 1972, 33 U.S.C. 1334;
- 1107.1.12** All subdivision proposals and other proposed new development proposals shall meet the standards of Section 1107.2;
- 1107.1.13** When proposed new construction and substantial improvements are partially located in an area of special flood hazard, the entire structure shall meet the standards for new construction;
- 1107.1.14** When proposed new construction and substantial improvements are located in multiple flood hazard risk zones or in a flood hazard risk zone with multiple Base Flood Elevations, the entire structure shall meet the standards for the most hazardous flood hazard risk zone and the highest Base Flood Elevation.

**1107.2** Specific Standards

In all Areas of Special Flood Hazard, the following provisions, in addition to those set forth in Section 1107.1, are required:

**1107.2.1** Residential Structures

In AE Zones where Base Flood Elevation data is available, new construction as substantial improvement of any residential building (or manufactured home) shall have the lowest floor, including basement, elevated to 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 equalization of flood hydrostatic forces on both sides of exterior walls shall be provided in accordance with the standards of this section: "Enclosures".

Within approximate A Zones where Base Flood Elevations have not been established and where alternative data is not available, the administrator shall require the lowest floor of a building to be elevated to a level of at least three (3) feet above the highest adjacent grade (as defined in Section 1104). Should solid foundation perimeter walls be used to elevate a structure, openings sufficient to facilitate equalization of flood hydrostatic forces on both sides of exterior walls shall be provided in accordance with the standards of this section: "Enclosures"

**1107.2.2** Non-Residential Structures

In AE Zones, where Base Flood Elevation data is available, new construction and substantial improvement of any commercial, industrial, or non-residential building, shall have the lowest floor, including basement, elevated or floodproofed to no lower than one (1) foot above the level of the Base Flood Elevation. Should solid foundation perimeter walls be used to elevate a structure, openings sufficient to facilitate equalization of flood hydrostatic forces on both sides of exterior walls shall be provided in accordance with the standards of this section: "Enclosures"

In approximate A Zones, where Base Flood Elevations have not been established and where alternative data is not available, new construction and substantial improvement of any commercial, industrial, or non-residential building, shall have

the lowest floor, including basement, elevated or floodproofed to no lower than three (3) feet above the highest adjacent grade (as defined in Section 1104). Should solid foundation perimeter walls be used to elevate a structure, openings sufficient to facilitate equalization of flood hydrostatic forces on both sides of exterior walls shall be provided in accordance with the standards of this section: "Enclosures"

Non-Residential buildings located in all A Zones may be floodproofed, in lieu of being elevated, provided that all areas of the building below the required elevation are watertight, with walls substantially impermeable to the passage of water, and are built with structural components having the capability of resisting hydrostatic and hydrodynamic loads and the effects of buoyancy. A Tennessee registered professional engineer or architect shall certify that the design and methods of construction are in accordance with accepted standards of practice for meeting the provisions above, and shall provide such certification to the Administrator as set forth in Section 1106.2.

#### **1107.2.3     Enclosures**

All new construction and substantial improvements that include fully enclosed areas formed by foundation and other exterior walls below the lowest floor that are subject to flooding, shall be designed to preclude finished living space and designed to allow for the entry and exit of flood waters to automatically equalize hydrostatic flood forces on exterior walls.

- a.     Designs for complying with this requirement must either be certified by a Tennessee professional engineer or architect or meet or exceed the following minimum criteria.
  - 1)     Provide a minimum of two openings having a total net area of not less than one (1) square inch for every square foot of enclosed area subject to flooding;
  - 2)     The bottom of all openings shall be no higher than one (1) foot above the finished grade;
  - 3)     Openings may be equipped with screens, louvers, valves or other coverings or devices provided they permit the automatic flow of floodwaters in both directions.
- b.     The enclosed area shall be the minimum necessary to allow for parking of vehicles, storage or building access.
- c.     The interior portion of such enclosed area shall not be finished or partitioned into separate rooms in such a way as to impede the movement of floodwaters and all such partitions shall comply with the provisions of Section 1107.2.

#### **1107.2.4     Standards for Manufactured Homes and Recreational Vehicles**

- a.     All manufactured homes placed, or substantially improved, on: (1) individual lots or parcels, (2) in expansions to existing manufactured home parks or subdivisions, or (3) in new or substantially improved manufactured home parks or subdivisions, must meet all the requirements of new construction.
- b.     All manufactured homes placed or substantially improved in an existing manufactured home park or subdivision must be elevated so that either:

- 1) In AE Zones, with Base Flood Elevations, the lowest floor of the manufactured home is elevated on a permanent foundation to no lower than one (1) foot above the level of the Base Flood Elevation or
  - 2) In approximate A Zones, without Base Flood Elevations, the manufactured home chassis is elevated and supported by reinforced piers (or other foundation elements of at least equivalent strength) that are at least three (3) feet in height above the highest adjacent grade (as defined in Section 1104).
- c. Any manufactured home, which has incurred "substantial damage" as the result of a flood, must meet the standards of Sections 1107.1 and 1107.2.
  - d. All manufactured homes must be securely anchored to an adequately anchored foundation system to resist flotation, collapse and lateral movement.
  - e. All recreational vehicles placed in an identified Special Flood Hazard Area must either:
    - 1) Be on the site for fewer than 180 consecutive days;
    - 2) Be fully licensed and ready for highway use (a recreational vehicle is ready for highway use if it is licensed, on its wheels or jacking system, attached to the site only by quick disconnect type utilities and security devices, and has no permanently attached structures or additions), or;
    - 3) The recreational vehicle must meet all the requirements for new construction.

#### **1107.2.5 Standards for Subdivisions and Other Proposed New Development Proposals**

Subdivisions and other proposed new developments, including manufactured home parks, shall be reviewed to determine whether such proposals will be reasonably safe from flooding.

- a. All subdivision and other proposed new development proposals shall be consistent with the need to minimize flood damage.
- b. All subdivision and other proposed new development proposals shall have public utilities and facilities such as sewer, gas, electrical and water systems located and constructed to minimize or eliminate flood damage.
- c. All subdivision and other proposed new development proposals shall have adequate drainage provided to reduce exposure to flood hazards.
- d. In all approximate A Zones require that all new subdivision proposals and other proposed developments (including proposals for manufactured home parks and subdivisions) greater than 50 lots or 5 acres, whichever is the lesser, include within such proposals Base Flood Elevation data (See Section 1107.5).

#### **1107.3 Standards for Special Flood Hazard Areas with Established Base Flood Elevations and With Floodways Designated**

Located within the Special Flood Hazard Areas established in Section 1105.2, are areas designated as floodways. A floodway may be an extremely hazardous area due to the velocity of floodwaters, debris or erosion potential. In addition, the area



must remain free of encroachment in order to allow for the discharge of the base flood without increased flood heights and velocities. Therefore, the following provisions shall apply:

- 1107.3.1** Encroachments are prohibited, including earthen fill material, new construction, substantial improvements or other development within the regulatory floodway. Development may be permitted however, provided it is demonstrated through hydrologic and hydraulic analyses performed in accordance with standard engineering practices that the cumulative effect of the proposed encroachments or new development shall not result in any increase in the water surface elevation of the Base Flood Elevation, velocities, or floodway widths during the occurrence of a base flood discharge at any point within the community. A Tennessee registered professional engineer must provide supporting technical data, using the same methodologies as in the effective Flood Insurance Study for the City of Soddy-Daisy, Tennessee and certification, thereof.
- 1107.3.2** New construction and substantial improvements of buildings, where permitted, shall comply with all applicable flood hazard reduction provisions of Sections 1107.1 and 1107.2.
- 1107.4** Standards for Areas of Special Flood Hazard Zones AE with Established Base Flood Elevations but Without Floodways Designated
- Located within the Special Flood Hazard Areas established in Section 1105.2, where streams exist with base flood data provided but where no floodways have been designated (Zones AE), the following provisions apply:
- 1107.4.1** No encroachments, including fill material, new construction and substantial improvements shall be located within areas of special flood hazard, unless certification by a Tennessee 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 (1) foot at any point within the community. The engineering certification should be supported by technical data that conforms to standard hydraulic engineering principles.
- 1107.4.2** New construction and substantial improvements of buildings, where permitted, shall comply with all applicable flood hazard reduction provisions of Sections 1107.1 and 1107.2.
- 1107.5** Standards for Streams without Established Base Flood Elevations and Floodways (A Zones)
- Located within the Special Flood Hazard Areas established in Section 1105.2, where streams exist, but no base flood data has been provided and where a Floodway has not been delineated, the following provisions shall apply:
- 1107.5.1** The Administrator shall obtain, review, and reasonably utilize any Base Flood Elevation and floodway data available from any Federal, State, or other sources including data developed as a result of these regulations (see 2 below), as criteria for requiring that new construction, substantial improvements, or other development in approximate A Zones meet the requirements of Sections 1107.1 and 1107.2.
- 1107.5.2** Require that all new subdivision proposals and other proposed developments (including proposals for manufactured home parks and subdivisions) greater than 50

lots or 5 acres, whichever is the lesser, include within such proposals Base Flood Elevation data.

- 1107.5.3** Within approximate A Zones, where Base Flood Elevations have not been established and where such data is not available from other sources, require the lowest floor of a building to be elevated or floodproofed to a level of at least three (3) feet above the highest adjacent grade (as defined in Section 1104). All applicable data including elevations or Flood proofing certifications shall be recorded as set forth in Section 1106.2. Openings sufficient to facilitate automatic equalization of hydrostatic flood forces on exterior walls shall be provided in accordance with the standards of Section 1107.2.
- 1107.5.4** Within approximate A Zones, where Base Flood Elevations have not been established and where such data is not available from other sources, no encroachments, including structures or fill material, shall be located within an area equal to the width of the stream or twenty feet (20), whichever is greater, measured from the top of the stream bank, unless certification by a Tennessee 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 (1) foot at any point within the City of Soddy-Daisy, Tennessee. The engineering certification should be supported by technical data that conforms to standard hydraulic engineering principles.
- 1107.5.5** New construction and substantial improvements of buildings, where permitted, shall comply with all applicable flood hazard reduction provisions of Sections 1107.1 and 1107.2. Within approximate A Zones, require that those subsections of Section 1107.2 dealing with the alteration or relocation of a watercourse, assuring watercourse carrying capacities are maintained and manufactured homes provisions are complied with as required.
- 1107.6** Standards For Areas of Shallow Flooding (AO and AH Zones)
- Located within the Special Flood Hazard Areas established in Section 1105.2, are areas designated as shallow flooding areas. These areas have special flood hazards associated with base flood depths of one (1) to three (3) feet where a clearly defined channel does not exist and where the path of flooding is unpredictable and indeterminate; therefore, the following provisions, in addition to those set forth in Sections 1107.1 and 1107.2, apply:
- 1107.6.1** All new construction and substantial improvements of residential and non-residential buildings shall have the lowest floor, including basement, elevated to at least one (1) foot above as many feet as the depth number specified on the FIRM's, in feet, above the highest adjacent grade. If no flood depth number is specified on the FIRM, the lowest floor, including basement, shall be elevated to at least three (3) feet above the highest adjacent grade. Openings sufficient to facilitate automatic equalization of hydrostatic flood forces on exterior walls shall be provided in accordance with standards of Section 1107.2.
- 1107.6.2** All new construction and substantial improvements of non-residential buildings may be floodproofed in lieu of elevation. The structure together with attendant utility and sanitary facilities must be floodproofed and designed watertight to be completely floodproofed to at least one (1) foot above the flood depth number specified on the FIRM, with walls substantially impermeable to the passage of water and with structural components having the capability of resisting hydrostatic and hydrodynamic loads and the effects of buoyancy. If no depth number is specified on the FIRM, the structure shall be floodproofed to at least three (3) feet above the

highest adjacent grade. A Tennessee registered professional engineer or architect shall certify that the design and methods of construction are in accordance with accepted standards of practice for meeting the provisions of this Ordinance and shall provide such certification to the Administrator as set forth above and as required in accordance with Section 1106.2. Adequate drainage paths shall be provided around slopes to guide floodwaters around and away from proposed structures.

**1107.7**      Standards For Areas Protected by Flood Protection System (A-99 Zones)

Located within the Areas of Special Flood Hazard established in Section 1105.2, are areas of the 100-year floodplain protected by a flood protection system but where Base Flood Elevations have not been determined. Within these areas (A-99 Zones) all provisions of Sections 1106 and 1107 shall apply.

**1107.8**      Standards for Unmapped Streams

Located within the City of Soddy-Daisy, Tennessee, are unmapped streams where areas of special flood hazard are neither indicated nor identified. Adjacent to such streams, the following provisions shall apply:

**1107.8.1**      No encroachments including fill material or other development including structures shall be located within an area of at least equal to twice the width of the stream, measured from the top of each stream bank, unless certification by a Tennessee registered professional engineer is provided demonstrating that the cumulative efforts 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 (1) foot at any point within the locality.

**1107.8.2**      When a new flood hazard risk zone, and Base Flood Elevation and floodway data is available, new construction and substantial improvements shall meet the standards established in accordance with Sections 1106 and 1107.

**1108.**      VARIANCE PROCEDURES

**1108.1**      Municipal Board of Zoning Appeals

**1108.1.1**      Authority

The City of Soddy-Daisy, Tennessee Municipal Board of Zoning Appeals shall hear and decide appeals and requests for variances from the requirements of this Ordinance.

**1108.1.2**      Procedure

Meetings of the Municipal Board of Zoning Appeals shall be held at such times, as the Board shall determine. All meetings of the Municipal Board of Zoning Appeals shall be open to the public. The Municipal Board of Zoning Appeals shall adopt rules of procedure and shall keep records of applications and actions thereof, which shall be a public record. Compensation of the members of the Municipal Board of Zoning Appeals shall be set by the Legislative Body.

**1108.1.3**      Appeals: How Taken

An appeal to the Municipal Board of Zoning Appeals may be taken by any person, firm or corporation aggrieved or by any governmental officer, department, or bureau affected by any decision of the Administrator based in whole or in part upon the provisions of this

Ordinance. Such appeal shall be taken by filing with the Municipal Board of Zoning Appeals a notice of appeal, specifying the grounds thereof. In all cases where an appeal is made by a property owner or other interested party, a fee of one hundred and fifty dollars (\$150.00) for the cost of publishing a notice of such hearings shall be paid by the appellant. The Administrator shall transmit to the Municipal Board of Zoning Appeals all papers constituting the record upon which the appeal action was taken. The Municipal Board of Zoning Appeals shall fix a reasonable time for the hearing of the appeal, give public notice thereof, as well as due notice to parties in interest and decide the same within a reasonable time which shall not be more than fifteen (15) days from the date of the hearing. At the hearing, any person or party may appear and be heard in person or by agent or by attorney.

#### **1108.1.4    Powers**

The Municipal Board of Zoning Appeals shall have the following powers:

a.        Administrative Review

To hear and decide appeals where it is alleged by the applicant that there is error in any order, requirement, permit, decision, determination, or refusal made by the Administrator or other administrative official in carrying out or enforcement of any provisions of this Ordinance.

b.        Variance Procedures

In the case of a request for a variance the following shall apply:

- 1) The City of Soddy-Daisy, Tennessee Municipal Board of Zoning Appeals shall hear and decide appeals and requests for variances from the requirements of this Ordinance.
- 2) Variances may be issued for the repair or rehabilitation of historic structures as defined, herein, upon a 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 necessary deviation from the requirements of this Ordinance to preserve the historic character and design of the structure.
- 3) In passing upon such applications, the Municipal Board of Zoning Appeals shall consider all technical evaluations, all relevant factors, all standards specified in other sections of this Ordinance, and:
  - a) The danger that materials may be swept onto other property to the injury of others;
  - b) The danger to life and property due to flooding or erosion;
  - c) The susceptibility of the proposed facility and its contents to flood damage;
  - 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 use;

- f) The availability of alternative locations, not subject to flooding or erosion damage, for the proposed use;
  - g) The relationship of the proposed use to the comprehensive plan and floodplain management program for that area;
  - h) The safety of access to the property in times of flood for ordinary and emergency vehicles;
  - i) 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;
  - j) The costs of providing governmental services during and after flood conditions including maintenance and repair of public utilities and facilities such as sewer, gas, electrical, water systems, and streets and bridges.
- 4) Upon consideration of the factors listed above, and the purposes of this Ordinance, the Municipal Board of Zoning Appeals may attach such conditions to the granting of variances, as it deems necessary to effectuate the purposes of this Ordinance.
  - 5) Variances shall not be issued within any designated floodway if any increase in flood levels during the base flood discharge would result.

## **1108.2      Conditions for Variances**

- 1108.2.1**      Variances shall be issued upon a determination that the variance is the minimum relief necessary, considering the flood hazard and the factors listed in Section 1108.1.
- 1108.2.2**      Variances shall only be issued upon: a showing of good and sufficient cause, a determination that failure to grant the variance would result in exceptional hardship; or a determination that the granting of a variance will not result in increased flood heights, additional threats to public safety, extraordinary public expense, create nuisance, cause fraud on or victimization of the public, or conflict with existing local laws or Ordinances.
- 1108.2.3**      Any applicant to whom a variance is granted shall be given written notice that the issuance of a variance to construct a structure below the Base Flood Elevation will result in increased premium rates for flood insurance (as high as \$25 for \$100) coverage, and that such construction below the Base Flood Elevation increases risks to life and property.
- 1108.2.4**      The Administrator shall maintain the records of all appeal actions and report any variances to FEMA upon request.

## **1109.      LEGAL STATUS PROVISIONS**

### **1109.1      Conflict with Other Ordinances**

In case of conflict between this Ordinance or any part thereof, and the whole or part of any existing or future Ordinance of the City of Soddy-Daisy, Tennessee, the most restrictive shall in all cases apply.

**1109.2      Severability**

If any section, clause, provision, or portion of this Ordinance shall be held to be invalid or unconstitutional by any court of competent jurisdiction, such holding shall not affect any other section, clause, provision, or portion of this Ordinance which is not of itself invalid or unconstitutional.

**1400.      R-5 SINGLE LOT MOBILE HOME DISTRICT REGULATIONS**

**1401.      PURPOSE OF THE ZONE**

The Single Lot Mobile Home District is established for the purpose of allowing single-family and duplex residential development on individual lots, provided in each case that they comply with height, density and area requirements as specified in Section 1400 of these Regulations, and with the purpose to permit and regulate compatible residential uses as defined in this regulation.

**1402.      USE REGULATIONS**

**1402.1      Principal Uses Permitted**

**1402.11**      One Family dwellings, including mobile homes and modular units.

**1402.12**      Two Family dwellings.

**1402.13**      Schools.

**1402.14**      Parks, playgrounds, and community buildings.

**1402.15**      Golf courses, except driving ranges, miniature courses, and other similar commercial operations.

**1402.16**      Firehalls and other public buildings.

**1402.17**      Churches.

**1402.18**      Kindergartens operated by religious or governmental agencies.

**1402.19**      Day care homes.

**1402.20      Accessory Uses Permitted**

**1402.21**      Buildings, structures, and uses customarily incident to any of the above uses, when located on the same lot or tract, and not involving the conduct of business, subject to the regulations and restrictions of ARTICLES V and VII.

1402.30 Additional Uses Permitted

Upon Conditional Permit of the Board of Appeals, subject to the Principles and Limitations prescribed by ARTICLE VII, Section 106.4.

1402.31 Day Care Centers, except that such uses shall require a conditional permit under the terms of ARTICLE VII, Section 146.

1402.32 Kindergartens, except those operated by governmental units or religious organizations; except that such shall require a conditional permit under the requirements of ARTICLE VII, Section 147.

1402.4 Special Exceptions for Planned Unit Development

Flexibility in the arrangement of residential uses may be permitted by the City Commission as special exceptions in any R-1 RESIDENTIAL DISTRICT, provided that the minimum size of any tract of land sought to be used for planned unit shall be ten (10) acres and that a desirable environment through the use of good design procedures is assured, allowing Flexibility in individual yard requirements to provide for multi-family dwelling units, townhouses, and two family units, except that such use or uses shall require a Special Conditional Permit under the terms of ARTICLE VI of these regulations.

1403. HEIGHT REGULATIONS

1403.1 Building Height Limit

Except as provided in ARTICLES V and VII, and in special conditional permits, no buildings shall exceed two and one half (2 1/2) stories or thirty-six feet (36') in height.

1404. AREA REGULATIONS

1404.1 Minimum Lot Area

The minimum building site area shall be as follows:

	PUBLIC WATER & SANITARY SEWER	PUBLIC WATER & SEPTIC TANK	INDIVIDUAL WELLS & SEPTIC TANK
Single-Family Dwellings	7,500 sq. ft.	13,000 sq. ft.	25,000 sq. ft.
Two-Family Dwellings	9,500 sq. ft.	18,000 sq. ft.	28,000 sq. ft.

In addition to the minimum lot area, lots used for residential purposes shall have a minimum depth of one hundred feet (100') and a minimum frontage of seventy-five feet (75').

**1404.2      Percentage of Lot Occupancy**

No dwelling shall occupy more than thirty-five percent (35%) of its lot, and no building shall occupy more than fifty percent (50%) of its lot.

**1404.3      Front Yard Required**

Except as provided in ARTICLES V and VII, there shall be on each lot a front yard of a minimum depth of twenty-five feet (25').

**1404.4      Side Yard Required**

Except as provided in ARTICLES V and VII, there shall be on each side yard a minimum depth of ten feet (10'). (For corner lots, see ARTICLE V, Section 103.3).

**1404.5      Rear Yard Required**

Except as provided in ARTICLES V and VII, there shall be a rear yard of a minimum depth of twenty-five feet (25').

**1405.      GENERAL PROVISIONS**

All mobile homes shall be tied down in a manner meeting safety and performance requirements of any governmental regulations covering tie-down and anchoring devices, as specified by the Soddy-Daisy Inspection Department. All accessory buildings to the principal building (whether attached or detached) shall be subject to the same permit procedures and other regulations pertaining to dwelling units.

**1500.      R-T/Z RESIDENTIAL TOWNHOUSE/ZERO LOT LINE DISTRICT**

**1501.      STATEMENT OF INTENT**

It is the intent of this section to provide regulations for the development of townhouses (also called row houses and attached homes), single-family zero lot-line dwellings (also called patio homes), and/or mixed use moderate density residential development in a manner which is attractive, provides for efficient use of land, and is compatible with surrounding development. It is further intended that these regulations provide for standards which will foster compatibility between R-T/Z development and lower density, standard single-family uses. It is also intended that R-T/Z development be sold in "fee simple" to encourage owner occupancy. For purposes of the R-T/Z District, the term "exterior street" existing prior to the R-T/Z development, the term "interior street" refers to any street built as part of the R-T/Z development, both sides of which are zoned R-T/Z.



1502.

PERMITTED USES

1. Single-family detached dwellings, (excluding factory manufactured homes constructed as a single, self-contained unit and mounted on a single chassis).
2. Townhouses.
3. Zero lot line single-family detached dwellings (excluding factory manufactured homes constructed as a single, self-contained unit and mounted on a single chassis).
4. Parks, playgrounds, schools, churches, and community buildings which are complimentary to the immediate neighborhood.
5. Golf courses except driving ranges, miniature courses and other similar commercial operations.
6. Accessory uses and buildings.
7. Home occupations.
8. Kindergartens, operated by governmental units or religious organizations.

1502.1

USES PERMITTED ON REVIEW

In the R-T/Z Zone, the following uses and their accessory uses may be permitted subject to review and approval of the Planning Commission in accordance with the provisions set forth in Article X, Section 103 of this Ordinance.

1. Kindergartens, except those operated by governmental units or by religious organizations.
2. Daycare centers.

1503.

HEIGHT, AREA, AND BUILDING REGULATIONS

1. Maximum density shall not exceed eight (8) units per acre for attached or detached dwelling units.
2. All residential development (detached and attached dwelling units) shall be developed utilizing an approved public water supply and sanitary sewer. Residential development relying on individual wells and septic tanks is prohibited.
3. Minimum lot width for zero lot line or single-family detached units shall be thirty-five feet (35'). Minimum lot width for townhouses shall be twenty-four feet (24').

4. All buildings must set back at least forty feet (40') from any exterior dedicated public street. The setback may be reduced to twenty-five feet (25') if berm and landscaping is provided along the exterior street(s).
5. No building shall be located less than twenty-five feet (25') from any boundary of the R-T/Z zone, except on side yards where an R-T/Z zone abuts R-3, R-4, or any commercial or industrial zone.
6. Front setback from any interior street shall be twenty-five feet (25') or ten feet (10') if rear parking and loading is provided.
7. Side yard setback for zero lot line units must be from zero (0) to a tenth of a foot or a minimum of ten feet (10') if buildings are to be separated over a tenth of a foot. The opposite side yard must be at least ten feet (10') and must be kept perpetually free of permanent obstructions (such as accessory buildings).
8. For zero lot line units, no windows, doors, or other openings are permitted on a zero lot line side of the structure.
9. Townhouse buildings (a continuous row of townhouse units) shall be separated by not less than forty feet (40') except fifteen feet (15') from end to end.
10. The rear yard setback for any detached unit shall be a minimum of twenty-five feet (25'). The setback is to be measured from the property line and not from any access drive or alley right-of-way.
11. Maximum height of buildings shall be thirty-five feet (35') or two and one-half (2 1/2) stories.
12. Sidewalks, if provided, are to be built according to jurisdictional standards.
13. All property lines abutting R-1 zoned property must have a grass covered berm (height to be determined based on terrain conditions) with sight-obscuring landscaping subject to review and approval of a site specific landscape plan. Existing foliage and natural terrain may be considered in lieu of berm and landscaping if intent of this section is met.
14. Townhouse development which fronts on exterior public streets must have front yards which are at least sixty-five percent (65%) grass/landscaping with any driveway and/or sidewalk to be composed of concrete or pavers. Landscaping along all property lines fronting exterior streets must be provided subject to review and approval of a site specific landscape plan.

15. A site sketch plan shall be submitted with the rezoning application and shall show the following:
  - a. Zoning of adjacent properties
  - b. Number, location and size of lots
  - c. Open space/recreation areas if provided
  - d. Off-street parking
  - e. Site access and preliminary street layout
  - f. All buffer, landscape and screen areas including site specific landscape plan
  - g. Acreage
  - h. Approximate range of unit size
16. A preliminary subdivision plat must be approved prior to second reading of the ordinance rezoning the property.

**1504. OFF STREET PARKING REGULATIONS**

1. Off-street parking shall be provided on the same lot or on a lot adjacent to the structure it serves at a rate of two (2) spaces per dwelling unit. Units with four (4) bedrooms or more shall be required to have three (3) parking spaces.
2. There shall be one (1) space for every three (3) seats in the main auditorium of churches and other public buildings.

**1505. PROVISIONS FOR SPECIAL ACCESS AND UTILITY EASEMENTS**

Due to the special nature of these housing types, the Planning Commission or legislative body may insist on special access easements and other arrangements to provide for adequate servicing and maintenance of the structures even though such easements and provisions might not normally be specified in the Soddy-Daisy Subdivision Regulations. These easements and special covenants are to be shown on the subdivision plat at the time of its recording. In addition, deed restrictions or other provisions may be required to assure that any remodeling or reconstruction of destroyed units will be accomplished in a fashion which will be compatible with the remaining units.

**1506. STANDARDS FOR OPEN SPACE DESIGN**

**1506.1 Minimum Percentage of Open Space**

The minimum percentage of land that shall be designated as permanent open space,

not to be further subdivided, and protected through a conservation easement held by the City of Soddy-Daisy, a recognized land trust conservancy, or home owners association, shall be as specified below:

1. A minimum of twenty-five percent (25%) of the total tract area, after deducting the following kinds of unbuildable land:
  - a. wetlands,
  - b. all of the floodway and floodway fringe within the 100-year floodplain, as shown on official FEMA maps,
  - c. land with slopes exceeding twenty-five percent (25%),
  - d. land required for street rights-of-way (10% of net tract area), and
  - e. land under permanent easement prohibiting future development (including easements for drainage, access, and utilities).
2. All designated open space shall be restricted from further subdivision through a permanent conservation easement, in a form acceptable to the City of Soddy-Daisy and duly recorded in the Hamilton County Register of Deeds Office.
3. At least twenty-five percent (25%) of the minimum required open space shall be suitable for active recreation purposes, and no more than fifty percent (50%) shall be utilized for that purpose, in order to preserve a reasonable proportion of the natural areas on the site. The purposes for which open space areas are proposed shall be documented by the applicant.

## ARTICLE V

### GENERAL PROVISIONS AND EXCEPTIONS

#### 100. EXCEPTIONS TO THE FOREGOING REGULATIONS FOR ALL DISTRICTS

#### 101. USE EXCEPTIONS

##### 101.1 Accessory Use Exceptions

The following accessory uses, in addition to those hereinbefore mentioned, shall be permitted in any district provided that such accessory uses do not alter the character of the premises in respect to their use for the purposes permitted in the district.

101.2 The renting of rooms and the providing of board for not to exceed three (3) paying guests.

101.3 News and refreshment stands, recreation and service buildings, in connection with parks, playgrounds, golf courses, and public utility facilities.

101.4 Real estate offices of a temporary character, when built according to plans and in locations approved by the Board of Appeals.

#### 102. HEIGHT EXCEPTIONS

102.1 Towers (not including telecommunication towers, see ARTICLE IX), gables, spires, penthouses, scenery lofts, cupolas, water tanks, silos, artificial windbreaks, windmills and similar structures; necessary mechanical appurtenances and industrial buildings may be built and used to a greater height than the limit established for the district in which such structures are located, provided, however, that no structures in excess of the allowable building height shall be used for sleeping or eating quarters or for any commercial purposes other than such as may be incidental to the permitted uses of the main building.

102.2 Where the average slope of a lot is greater than one foot rise or fall in seven feet of distance from the established street elevation of the property line opposite the center of the building an additional story will be permitted on the downhill side of any building.

#### 103. AREA EXCEPTIONS

103.1 Measurement of Front Yard Depth from Future Street lines in any location for which an official highway plan of Hamilton County has been adopted, establishing definite future widths for highways, the front yard depth required in any district shall be measured from the proposed street or highway lines as shown upon the official highway maps, instead of from the present front lot line as described in the regulations for the several districts.

103.2

Front Yard Depths Determined by Adjoining Development

If forty percent (40%) or more of the frontage on a street or road between two intersecting streets or roads one thousand three hundred twenty feet (1,320') or less apart, or within six hundred feet (600') of either side of the building site of any proposed building, has been occupied by buildings having an average depth of front yard, measured to the front line of the building, either greater or less than that required by the regulations for any given district, the front yard depth shall be the distance of the average front yard depth so determined, except where a greater front yard depth is required by a recorded subdivision plat.

103.3

Side Yards on Corner Lots

On corner lots in the AGRICULTURAL DISTRICT, URBAN RESIDENTIAL, and RURAL RESIDENTIAL DISTRICTS, the minimum width of the side yard next to the side street or road shall be twenty feet (20'). On corner lots in the LOCAL BUSINESS and GENERAL BUSINESS DISTRICTS, the minimum width of such side yard shall be ten feet (10'). Fences and walls not more than six feet (6') high may be erected, but no fence, wall or shrubbery shall be maintained within twenty-five feet (25') of any street intersection so as to interfere with traffic visibility around the corner.

103.4

Yard Reduction on Small Lots of Record

On lots of record on which one fifth (1/5) of the depth of the lot is less than the front yard depth required or on which one fifth (1/5) of the width is less than the width of the side yards required, the required depths and widths of front, rear, and side yards shall be one fifth (1/5) of the respective dimensions of the lot.

103.5

Any Lot of Record May Be Used as a Building Site

Any lot shown on a recorded subdivision, or any lot for which a deed is of record in the office of the Register of Deeds of Hamilton County at the time of passage of this Ordinance, or any lot resulting from the resubdivision of lots of record provided that the resubdivided lot(s) are as large, or larger than, the lot(s) of record, may be used as a building site, but the yard areas shall conform to the yard area requirements for the use and the district in which such lot is located.

103.6

Projections Into Yard Areas

103.61

Porches, porticos, porte-cocheres and similar permanently unenclosed ground-story projections not more than twelve feet (12') in height above the reference level may extend into a required yard not more than ten feet (10') but not nearer in any case than ten feet (10') to a front or rear or exterior side lot line, or nearer than three feet (3') to an interior side lot line.

103.62

Cornices, belt course, canopies, chimneys and similar projections may extend into a required yard not more than two feet (2') but not nearer to a side lot line than three

feet (3') in any case.

**103.7      Location of Accessory Buildings on a Lot**

- 103.71**      A detached accessory building shall not occupy more than one-third (1/3) of the area of a rear yard.
- 103.72**      Detached accessory buildings in the AGRICULTURAL, URBAN RESIDENTIAL, RURAL RESIDENTIAL, and LOCAL BUSINESS DISTRICTS shall conform to the following regulations as to their location on the lot, provided, however, that where the slope of the front half of the lot is greater than one foot (1') rise or fall for each seven feet (7') of distance perpendicular to the front line of the lot, or where the elevation of the front half of the lot is more than four feet (4') above or below the established street elevation at the property line, a private garage may be built to the street and side lines.
- 103.73**      In the case of an interior lot abutting upon one street, no detached accessory building shall be erected, altered or moved so as to encroach upon the front half of the lot.
- 103.74**      In the case of an interior lot abutting upon two or more streets, no detached accessory building shall be erected, altered or moved so as to encroach upon the one quarter of the lot nearest either street.
- 103.75**      In the case of a corner lot, no accessory building shall be erected, altered or moved nearer than one-third (1/3) of the depth or width of the lot to the front and side street, or road lines respectively.
- 103.76**      No detached accessory building shall be erected, altered or moved so as to be within five feet of the side line of the front half of an adjacent lot.
- 103.77**      Outside toilets shall be located at least fifty feet (50') from any street or road line, at least fifteen feet (15') from any side or rear lot line, and at least twenty-five feet (25') from any main building, or as much of such set back as the dimensions of the lot permit.
- 103.78**      Notwithstanding any requirements in this section, the foregoing rules shall not require any detached accessory building to be more than seventy-five feet (75') from any street bounding the lot.
- 103.79**      Small storage buildings, not larger than 12' x 12' and with a maximum height to the low point of the eaves of six feet (6'), may be located in the side and rear yards provided that:
- (1) The buildings shall be set back at least five feet (5') from the side and rear lot lines, and

- (2) In the case of a corner lot, the accessory building may not project into the side yard adjacent to the street.

104. GENERAL PROVISIONS FOR ALL DISTRICTS

104.1 No Lot of Record May Be Diminished Below District Requirements

No lot of record shall hereafter be so diminished or no new lot shall be established so that the lot area shall be smaller than prescribed by these regulations, except that lot(s) may be created that are smaller than prescribed by these regulations when the lot(s) are the result of the resubdivision of lot(s) of record, and the newly created lot(s) are as large as, or larger than, the previous lot(s).

104.2 No Yard Counted Twice

No yard or open space required by these regulations shall be considered as providing a yard or other open space of more than one (1) building.

104.3 Vehicle Parking Space Required

No building or land shall be used for any purpose which will cause customers, employees, or residents to park their vehicles of transportation for one (1) hour or more, or in a LOCAL BUSINESS DISTRICT and GENERAL BUSINESS DISTRICT, located on a major highway for any period of time, unless space for such parking is provided or maintained on the lot or tract used.

104.5 No Permit for Buildings on Lots Without Publicly Accepted Access

104.51 No building permit shall be issued for a building or use on a lot which does not:

1. Abut on an already constructed, dedicated and publicly accepted municipal or county street or road; or
2. Abut on a street in a subdivision which has received final approval but not yet recorded and for which proper bond has been posted; or
3. Abut on a permanent recorded easement or right-of-way which provides access to a public accepted road, provided that one of the following criteria is met:
  - (a) Easements or rights-of-way utilized for access must be at least fifteen feet (15') in width for each lot served, or a minimum width of fifty feet (50') for common easements which are allowed to serve no more than three (3) lots; or
  - (b) Easements or rights-of-way which were established and existing prior to the effective date of this Ordinance (1973) may be acceptable in spite of



width if, in the opinion of the City Manager, the pre-existing easement as described by deed or other legal instrument will provide safe and adequate access to the property in question at no expense or potential damage to the public welfare.

**104.52** Easements or rights-of-way for access which were established prior to December 5, 1978 shall be further defined and described by statements in the deed which will set forth the limits of public liability and responsibility to properties and citizens which are reserved by such accessways. These statements shall include, but shall not be limited to the following:

1. The permanent access easement is to be privately maintained by the owners and not by the City of Soddy-Daisy.
2. The owners are responsible for providing for all utilities and services to the public road. The City of Soddy-Daisy is not responsible for providing services beyond the limits of the public road.

**104.6** No Permit for Buildings in New Unrecorded Subdivisions Containing More Than Four (4) Lots

Notwithstanding any foregoing regulations, no permit shall be issued for a building or structure to be located on a lot in a new subdivision containing more than four (4) lots, that has not been approved by the Soddy-Daisy Municipal Planning Commission and recorded in the offices of the Hamilton County Register, unless such subdivision already exists, and lots have been sold in it prior to the time of passage of this Ordinance. (November 21, 1945)

**104.7** Minimum Elevation Regulations

**104.8** Non-Conforming Uses

**104.81** Non-Conforming Uses May Be Continued Until Abandoned

The existing lawful use of land under this Ordinance, although such use may not conform to the provisions hereof, may be continued, but if such non-conforming use is discontinued for a period of six (6) months the future use of said land shall be in conformity with the provisions of this Ordinance. Mobile homes, existing on lots where mobile homes are not a permitted use, shall be treated as non-conforming uses as specified in this section.

**104.82** Non-Conforming Uses and Building May Be Extended

The existing lawful use of a building or structure under this Ordinance may be continued, although such use does not conform with the provisions hereof, and such use may be extended throughout the building to an extent and amount not to exceed the amount of existing nonconforming use, provided that structural

alterations, other than those required by law, shall not exceed twenty-five percent (25%) of the assessed valuation of the building. Nothing in this section shall prevent the replacement of a mobile home, that is a legal non-conforming use in all Zones with the exception of Commercial and Industrial Zones with another mobile home, provided that a new building permit shall be issued for this mobile home specifying that the mobile home meets all the current regulations concerning plumbing, electrical codes, zoning setbacks and the current construction standards of the Tennessee Manufactured Housing Association.

**104.83      Destruction of Non-Conforming Building Ends the Exception**

If any existing non-conforming building or structure is destroyed by fire, explosion, flood, acts of God or act of the public enemy to the extent of more than fifty percent (50%) of the assessed value thereof, the said building and associated lot or tract shall be subject to all the regulations of the district in which it is located. However, a lot that had a single use consisting of a legal nonconforming mobile home in the Agricultural and Rural Residential Districts that was destroyed by any of the above, may, prior to the expiration of six (6) months, have another mobile home placed on the lot, provided that a new building permit shall be issued for this mobile home specifying that the mobile home meets plumbing, electrical codes, zoning setbacks and the current construction standards of the Tennessee Manufactured Housing Association.

**104.84      Non-Conforming Buildings Under Construction Permitted**

Nothing herein shall require any change in the plans construction or designated use of a building upon which actual construction has begun to the extent of erection of the ground story framework including the second tier of beams at the time of passage of this Ordinance.

**104.85      Regulations Apply to Further Non-Conforming Uses**

The foregoing provisions shall also apply to buildings, structures and uses made non-conforming by future district boundary or regulation changes.

**104.9        Conflict With Existing Building and Area Regulations**

It is not intended by this Ordinance to interfere with or abrogate or annul any easement, covenants or other agreements between parties, provided, however, that where this Ordinance imposes a greater restriction upon the uses of buildings or requires larger open space than is imposed or required by other resolutions, rules or regulations or by easements, covenants, or agreements the provisions of this Ordinance shall govern.

**104.10      General Provisions for All Districts**

To restrict any lot used for residential purposes to no more than one (1) principal building per lot with the exception of:

- (1) Apartments
- (2) Mobile homes in mobile home parks

**105.1      Single Wide, Double Wide and Modular Home Requirements**

**105.1.1    Single Wide Mobile Homes**

Single wide mobile homes to be placed as a home within the City must comply with the federal manufactured home construction and safety standards. Single wide mobile homes, other than new, cannot exceed 24 months of age and must be inspected by the City's inspector prior to being located on an individual lot. These age restriction and foundation requirements are not applicable if located in a mobile home park. The inspection shall include electrical, plumbing, structural integrity, visual aesthetics and overall condition of the mobile home.

The 24-month age limitation for location on individual lots may be waived if the owner shows, to the satisfaction of the City Commission, that a single wide mobile home's electrical, plumbing, structural integrity, visual aesthetics and overall conditions are such that the mobile home is sufficiently well-maintained to not be deleterious to the quality of the neighborhood of the individual lot or the property values therein. In no instance shall any waiver be issued for a single wide mobile home six (6) previous model years or more from the calendar year in which the waiver is sought. For example, the latest model year for which a waiver could issue in calendar year 2002 would be 1997.

**105.1.2    Manufactured, Modular and Site-built Homes**

Manufactured homes and modular homes (as such terms are defined in the Tennessee Code Annotated) newly erected or newly located in the City must comply with the federal manufactured home construction and safety standards and must be new in construction. Site-built homes newly erected or newly located in the City must meet current City building code requirements and must be new in construction.

The limitation requiring new manufacture or construction imposed by this section may be waived if the owner shows, to the satisfaction of the City Commission, that the home's electrical, plumbing, structural integrity, visual aesthetics and overall condition are such that the home is sufficiently well-maintained to not be deleterious to the quality of the neighborhood of the individual lot or the property values therein.

**105.1.3    Waiver of Age Restriction**

A waiver of the restrictions of Section 105.1.2 shall be permitted only if: (a) the home is replacing and upgrading an existing home; or (b) if, in the judgement of the City Commission, the home upgrades the fair market value of the individual lot in question by a fair market value factor of 400% or over, and will not detract

from the property values of surrounding properties. The 400% fair market value factor will be determined upon satisfactory evidence to be presented by the property owner to the City Manager. If the property owner disagrees with the City Manager's decision, the owner may give notice of appeal within ten (10) days of the City Manager's decision, and the matter will be heard by the City Commission at its next regular meeting, if said notice is given within three (3) days of said meeting. A waiver will only be granted when the home is to be used only for the personal and primary residence of the property owner.

**105.1.4      Application**

It is intended by this section that, absent a waiver as provided in this Section 105.1, only homes of new construction be placed on vacant lots within the City. The restrictions of this Section 105.1 limiting the relocation of homes that are not new in construction or manufacture applies to such homes originally located on a lot outside the City, and to such homes originally located on a lot inside the City.

**105.2      Footing, Foundation, and Electrical Inspection Requirements**

Set up of single wide, double wide, and modular homes will be regulated by the "City Standards for Single Wide and Double Wide Mobile Homes". (See Appendix A)

**APPENDIX A**  
**CITY OF SODDY-DAISY**  
**STANDARDS FOR**  
**SINGLE AND DOUBLE-WIDE MOBILE HOMES**  
**INSPECTIONS REQUIRED**

**1. FOOTING (must be inspected before concrete is poured)**

Front yard set back must be a minimum of 25 feet from the City right-of-way. Right-of-way must be obtained from City Hall prior to footing installation. Right-of-way is measured from center of paved roadway.

Single-wide footings  
Double-wide footing

**2. FOUNDATION ENCLOSURE, DECKS, PORCH AND STEPS**

Front porch minimum 4 ft. x 8 ft.  
Back porch minimum 4 ft. x 4 ft.  
Hand rail must be a minimum of 36 inches in height with pickets no more than 4 inches apart.  
Underpinning required. Solid material only. NO LATTICE OR PLYWOOD ALLOWED.  
Anchors/tie downs required as per manufacturer's specifications.

**3. ELECTRICAL HOOK UP**

- A) The above inspections must be made in the order listed.
- B) Wiring must be done by a licensed electrical contractor.

**4. DRIVEWAYS**

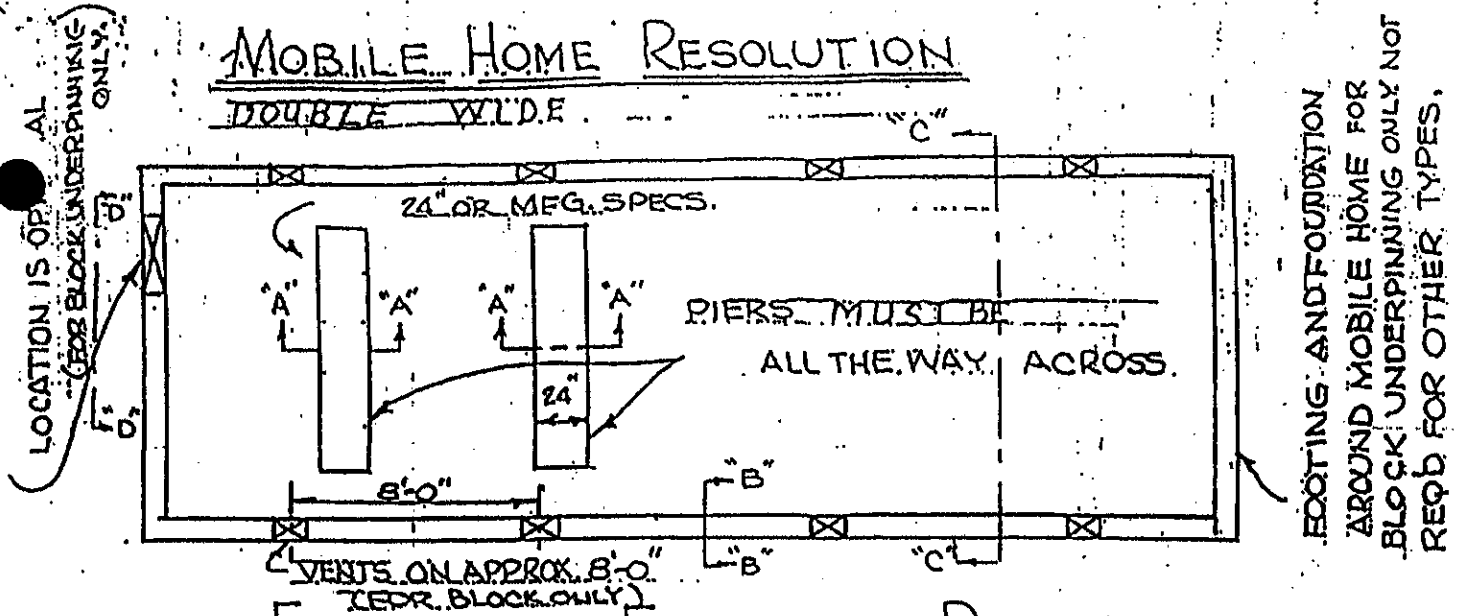
Driveways must meet the requirements of Soddy-Daisy Municipal Code Title 12, Section 108 relative to driveway connections.  
(1998-99 Ordinance No. 3)

**ALL THE ABOVE MUST BE COMPLETED BEFORE POWER CAN BE TURNED ON.**

**ANY DEVIATIONS MUST BE APPROVED BY THE DEPARTMENT OF BUILDING AND ZONING.**

# MOBILE HOME RESOLUTION

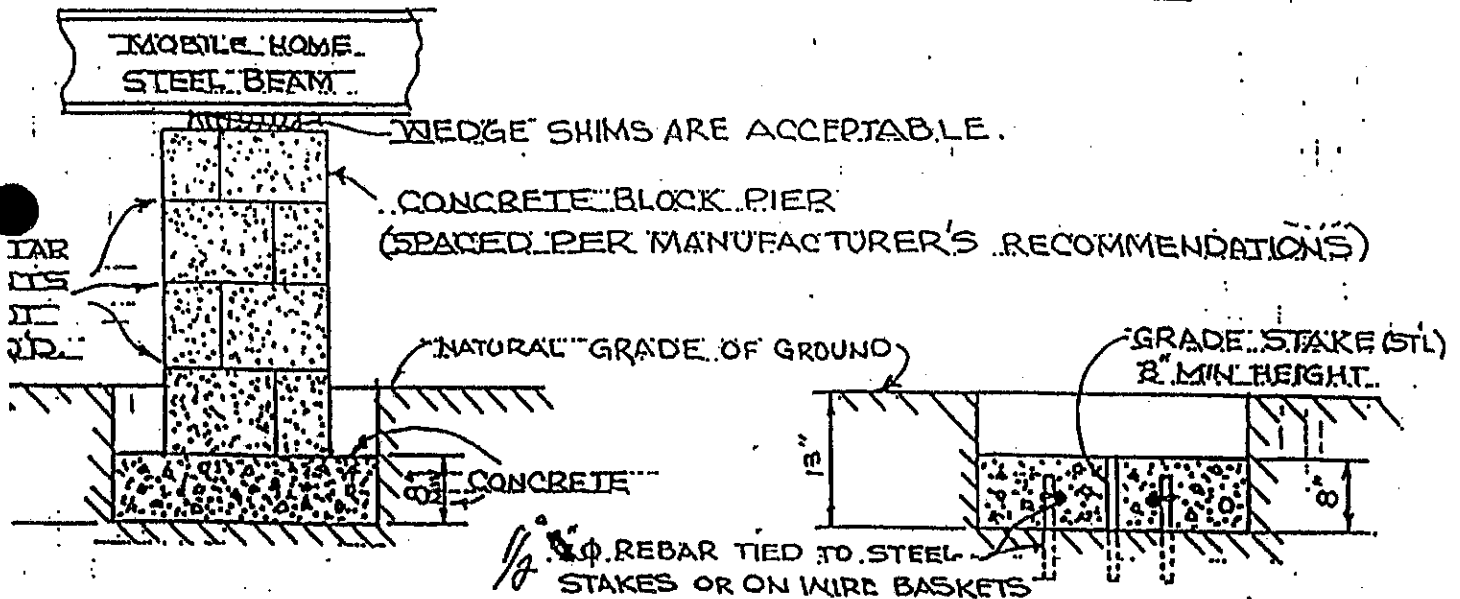
DOUBLE WIDE



## FOOTING AND FOUNDATION DIAGRAM

(OUTSIDE FOOTING REQ'D FOR BLOCK UNDERPINNING ONLY)

ALL TYPES UNDERPINNING ACCEPTABLE

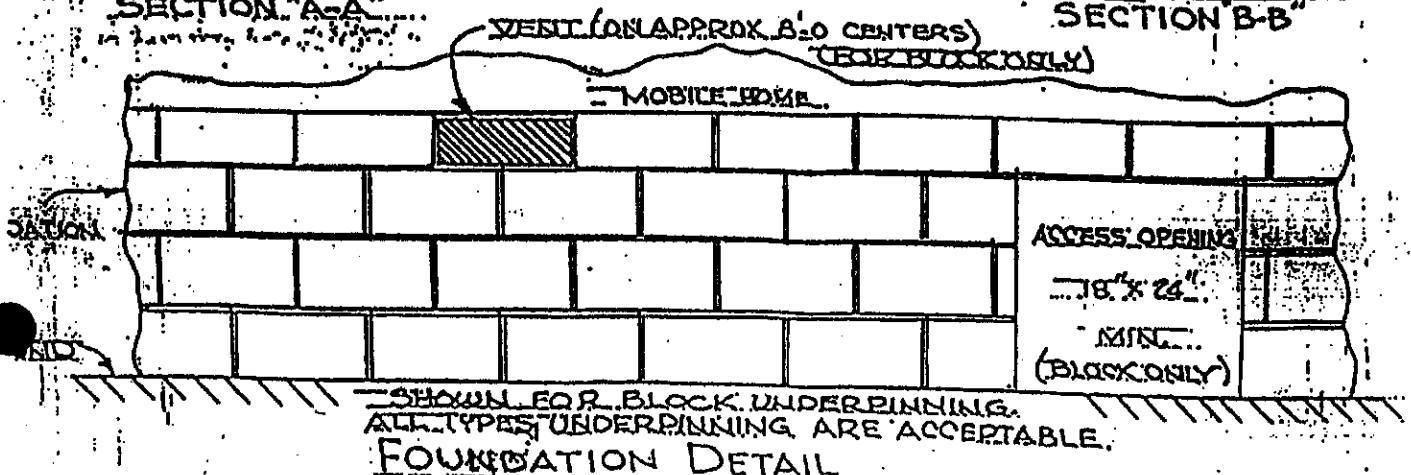


### PIER DETAIL

SECTION A-A

### FOOTING DETAIL

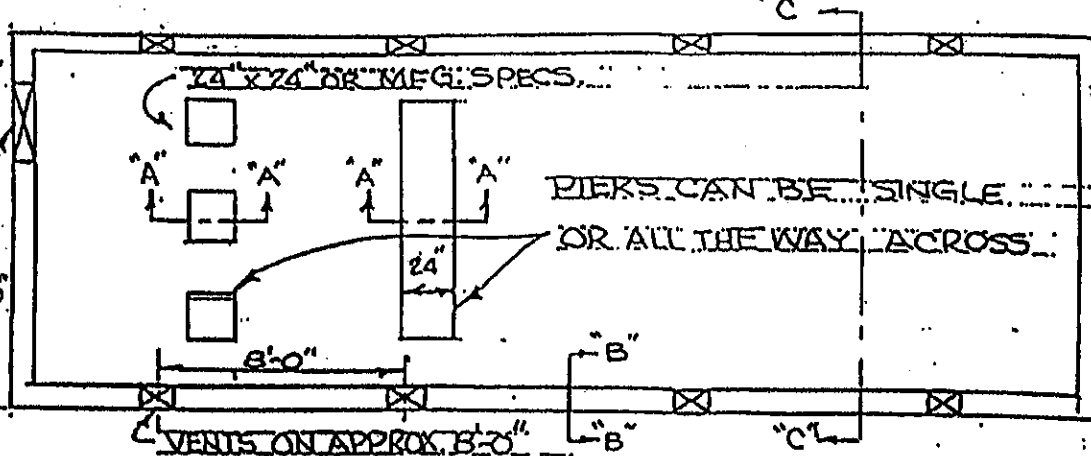
SECTION B-B



### FOUNDATION DETAIL

# MOBILE HOME RESOLUTION

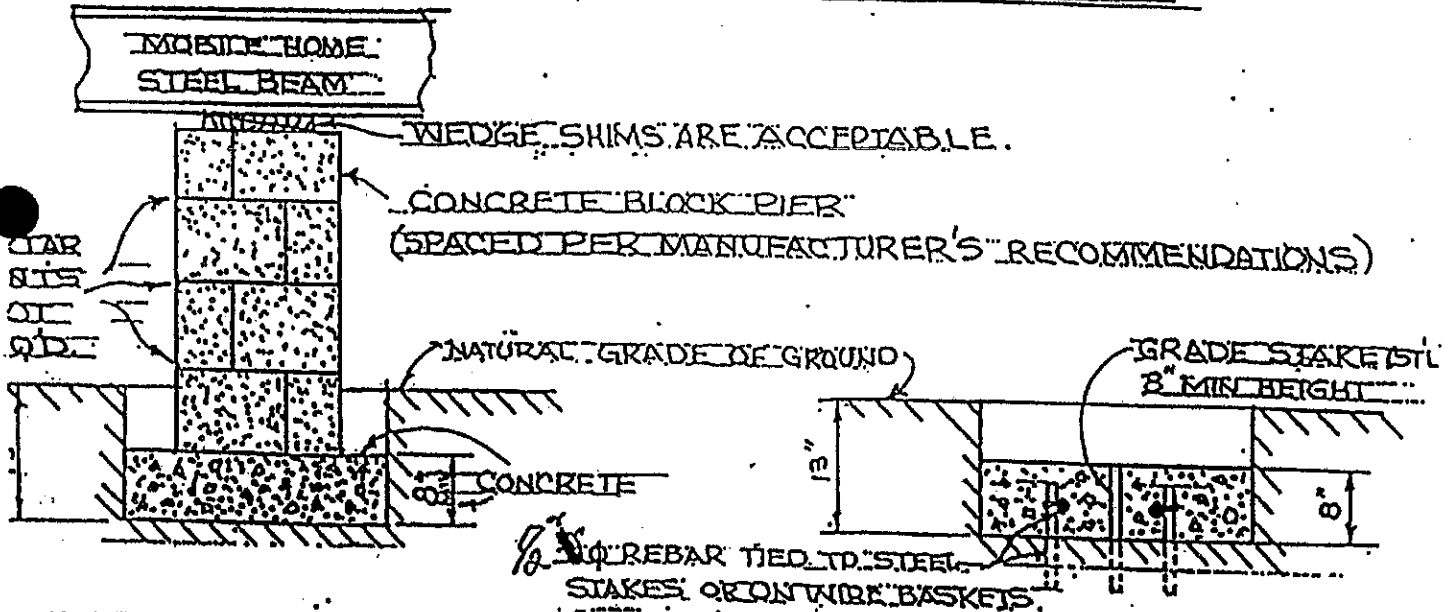
SINGLE WIDE



FOOTING AND FOUNDATION  
AROUND MOBILE HOME: FOR  
BLOCK UNDERPINNING ONLY. NOT  
REQD FOR OTHER TYPES.

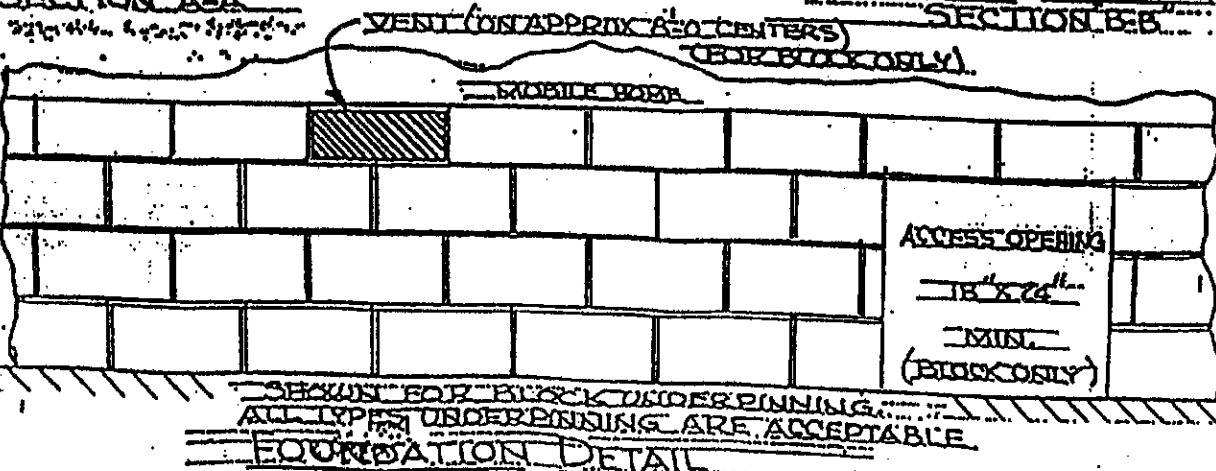
## FOOTING AND FOUNDATION DIAGRAM

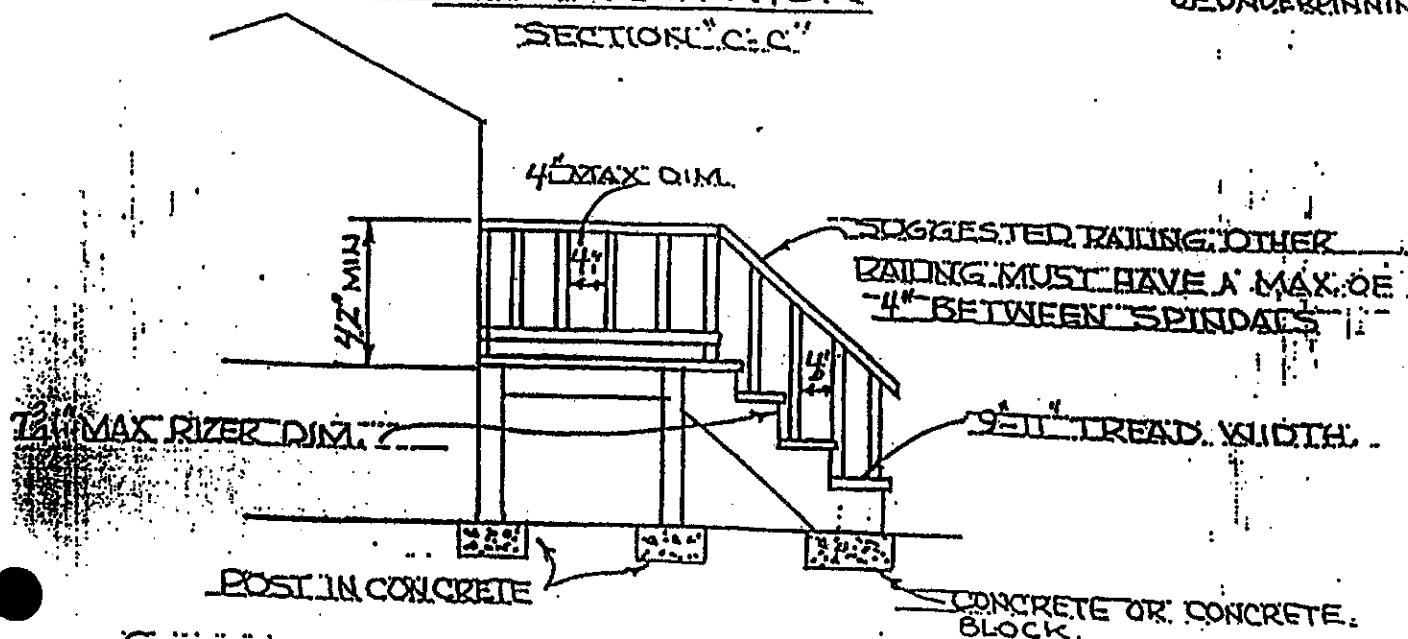
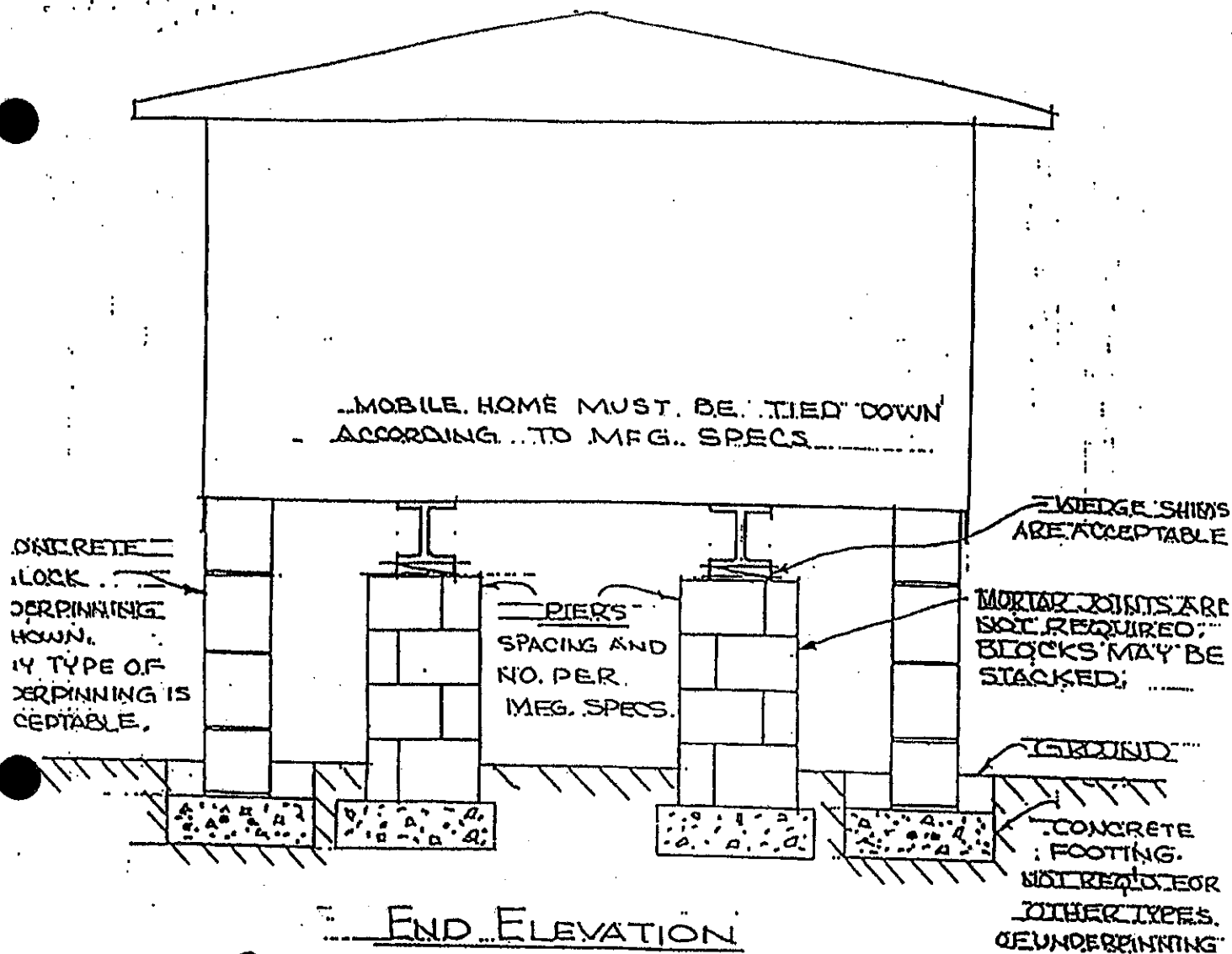
(OUTSIDE FOOTING REQD FOR BLOCK UNDERPINNING ONLY)  
ALL TYPES UNDERPINNING ACCEPTABLE



### PIER DETAIL SECTION A-A

### FOOTING DETAIL SECTION B-B





SOMETHING SIMILAR TO ABOVE FOR EVERY DOOR OPENING.  
MUST BE PERMANENTLY FIXED PORCH AND/STEPS.



## ARTICLE VI

### SPECIAL CONDITIONS PERMIT

#### 100. PLANNED UNIT DEVELOPMENT

##### 100.1 Purpose

The purpose of the Planned Unit Development (sometimes hereinafter referred to as PUD) is to provide the opportunities to create more desirable environments through the application of flexible and diversified land development standards under a comprehensive plan and program professionally prepared. The Planned Unit Development is intended to be used to encourage the application of new techniques and technology to community development which will result in superior living or development arrangements with lasting values. It is further intended to achieve economies in land development, maintenance, street systems, and utility networks while providing building groupings for privacy, usable attractive open spaces, safe circulations, and the general well-being of the inhabitants.

#### 101. PUD REGULATIONS

##### 101.1 Location

A PUD may be located in an R-1 SINGLE-FAMILY RESIDENTIAL DISTRICT, R-2 URBAN RESIDENTIAL DISTRICT, R-2A RURAL RESIDENTIAL DISTRICT, and in the R-5 SINGLE LOT MOBILE HOME DISTRICT, provided that the PUD Plan has been reviewed by the Soddy-Daisy Municipal Planning Commission and recommended for approval.

##### 101.2 Permitted Uses in PUDs

101.21 One-family dwellings, except that mobile homes are allowed only in Single Lot Mobile Home District PUDs;

101.22 Two-family dwellings;

101.23 Apartment houses, townhouses;

101.24 Schools;

101.25 Parks, playgrounds, and community buildings;

101.26 Golf courses, except driving ranges, miniature courses, "Par 3" courses, and other similar commercial operations;

101.27 Fire halls and other public buildings;

- 101.28 Churches;
- 101.29 Accessory uses and buildings customarily incident and subordinate to the above.

101.3 HEIGHT AND AREA REGULATIONS

- 101.31 No building shall exceed two and one-half (2 ½) stories or thirty-five feet (35') in height, except as provided in ARTICLE VII, Section 106.464.
- 101.32 The minimum development site for PUD shall be at least ten (10) acres.
- 101.33 No free-standing building shall be closer than twenty feet (20') to any other free-standing building if built of fire resistive construction, and no closer than twenty-five feet (25') to the exterior property line.

101.4 OFF-STREET PARKING REGULATIONS

Off-street parking shall be provided on a site adjacent to the building in accordance with the following requirements:

- 101.41 There shall be at least two (2) spaces per dwelling unit for townhouses, duplexes, and single-family dwellings.
- 101.42 There shall be at least one and one-half (1 ½) spaces per dwelling unit for apartment houses.
- 101.43 There shall be at least one space for every three (3) seats in the main auditorium of churches and other public buildings.
- 101.44 Parking spaces for parks, playgrounds, and community buildings in the development may be required according to the design of the Planned Unit Development.

101.5 GENERAL PROVISIONS

- 101.51 A PUD will be shown on the zoning map when the Final PUD Plan has been approved by the Planning Commission. A PUD may be located within an area zoned R-2A RURAL RESIDENTIAL, R-2 URBAN RESIDENTIAL, R-1 SINGLE-FAMILY RESIDENTIAL, or R-5 SINGLE LOT MOBILE HOME DISTRICT, as delineated on the zoning maps of Hamilton County.

102. DEVELOPMENT STANDARDS AND SITE IMPROVEMENTS

102.1 Minimum Elevations

- 102.11 All lots shall have a building area above the 100-year flood stage as delineated on the maps and profiles drawn by T.V.A. and on file in the Planning Commission office.

- 102.12 Streets may not be at an elevation less than one foot (1') below the flood level given above.
- 102.2 Site Improvements
- 102.21 All dedicated public streets shall be constructed in accordance with the Soddy-Daisy Subdivision Regulations on rights-of-way having a minimum width of fifty feet (50').
- 102.22 There shall be constructed sidewalks, or an equivalent paved internal pedestrian circulation system. The minimum width of such sidewalks shall be four feet (4'). No sidewalks or other internal paved areas shall be located within a public right-of-way.
- 102.23 Curbs and gutters shall be constructed on all dedicated public streets.
- 102.24 Storm drainage structures shall be constructed in accordance with plans and specifications approved and stamped by a registered civil engineer.
- 102.25 There shall be a sanitary sewer system, utilizing a package sewage treatment plant, septic tanks, or tying into an existing municipal sewer, and approved by the Chattanooga-Hamilton County Health Department (septic tanks) or Hamilton County Water and Wastewater Treatment Authority (sewers).
- 102.3 Building Construction
- No multi-family structure in a PUD shall have more than four (4) contiguous apartment units that are not separated by fire proof construction.
103. COMPUTATION OF DENSITY
- 103.1 The maximum number of dwelling units in a PUD to be located in an R-1 SINGLE-FAMILY RESIDENTIAL DISTRICT shall be computed by multiplying the gross acreage to be developed by 4.5, excluding any area to be developed as a church or school.
- 103.2 The maximum number of dwelling units in a PUD to be located in an R-2 URBAN RESIDENTIAL or R-2A RURAL RESIDENTIAL DISTRICT shall be computed by multiplying the gross acreage to be developed by 7.0, excluding any area to be developed as a church or school.
- 103.3 The maximum number of dwelling units in a PUD to be located in a R-5 SINGLE LOT MOBILE HOME DISTRICT shall be computed by multiplying the gross acreage to be developed by 7.0, excluding any area to be developed as a church or school.

104. OPEN SPACE REQUIREMENTS

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

104.2 Said open space shall be maintained in one of the following methods:

- a. by the developer or management authority of the PUD;
- b. by a Home Owner's Association established by deed restrictions.

105. STAGING

105.1 The applicant may elect to develop the site in successive stages in a manner indicated in the Planned Unit Development Plan; however, each such stage shall be substantially complete within itself.

105.2 The Planning Commission may recommend that the City Commission require that development be done in stages if public facilities are not adequate to service the entire development initially.

106. CHANGES AND MODIFICATIONS

106.1 Major Changes

106.11 Major changes in the Planned Unit Development after it has been adopted shall be considered the same as a new petition and shall be made in accordance with the procedure specified in Section 107.

106.2 Minor Changes

106.21 Minor changes in the Planned Unit Development Plan may be approved by the Planning Commission provided that such changes:

- a. do not increase the densities;
- b. do not change the outside (exterior) boundaries;
- c. do not change any use;
- d. do not materially change the location or amount of land devoted to specific land uses;
- e. do not significantly change the exterior appearance from those shown on any plans which may be submitted or presented by the developer.

106.22 Minor changes may include, but are not limited to: minor shifting of the location of buildings, proposed streets, public or private ways, utility easements, parks or other public open spaces, or other features of the plan.

107.

APPLICATION PROCEDURE FOR PLANNED UNIT DEVELOPMENT

107.1

To obtain a Special Conditions Permit to develop a Planned Unit Development, the developer shall submit a Preliminary Planned Unit Development Plan to the Soddy-Daisy Municipal Planning Commission for its review and recommendation to the City Commission. The Preliminary PUD Plan shall be drawn at a minimum scale of one inch equals one hundred feet (1" = 100') and shall:

- a. define the location, size, accessibility, and existing zoning of the proposed site;
- b. Indicate the surrounding type of development and land use;
- c. Set forth the type of development proposed, the density of the proposed development, and the location of all structures, parking areas, and open space;
- d. show a plan for streets, thoroughfares, public utilities, school, and other public or community uses.
- e. In addition to the above, the Planning Commission or the City Commission may require such other additional information as may be determined necessary to adequately review the proposed development.

107.2

The Planning Commission shall hold a public hearing on the proposed Preliminary PUD Plan. Notice and publication of such public hearings shall conform to the procedures used by the Soddy-Daisy Municipal Planning Commission.

107.3

Upon the approval or disapproval by the Planning Commission, the Preliminary PUD Plan shall be submitted to the City Commission for consideration, public hearing (in accordance with the procedures for and amendment as specified in ARTICLE VII, Section 107) and action. The recommendation of the Planning Commission shall be accompanied by a report stating the reasons for the approval or disapproval of the Preliminary PUD Plan, with specific reference to, but not limited to, the following conditions:

- a. The property adjacent to the area included in the plan will not be adversely effected.
- b. The plan is consistent with the intent and purpose of these Regulations to promote public health, safety, morals, and general welfare.
- c. That the buildings shall be used only for single-family dwellings, two-family dwellings, or multi-family dwellings, and the usual accessory uses such as private or storage garages, storage space, and for community activities, including school and/or churches.
- d. There is a need for such development in the proposed location.
- e. There is reasonable assurance that development will proceed according to the spirit and letter of the approved plans.

107.4

Upon approval by the City Commission of the Preliminary PUD Plan, the City Commission shall direct the issuance of a Special Conditions Permit to develop a Planned Unit Development to the owner-developer, subject to the approval of the Final PUD Plan by the Soddy-Daisy Municipal Planning Commission.

- 107.5 No building permits shall be issued until after approval of the Final PUD Plan by the Planning Commission. The building inspector shall revoke any permit issued in reliance upon said plan as finally approved at such time as it becomes obvious that such plan is not being complied with.
- 107.6 No Preliminary PUD Plan shall be approved by the City Commission unless it is first submitted to and approved by the Soddy-Daisy Municipal Planning Commission or, if disapproved, shall receive the favorable vote of a majority of the entire membership of the City Commission.
- 107.7 Upon approval by the City Commission, the developer shall then complete a Final PUD Plan for review by the Soddy-Daisy Municipal Planning Commission. The Final PUD Plan shall conform to the Preliminary PUD Plan and shall include the following items, if applicable: such items, and in such format, as may be required according to procedures adopted and published by the Soddy-Daisy Municipal Planning Commission.
- 107.8 Any Special Conditions Permit shall expire twelve (12) months from and after its issuance if the development as planned has not been adhered to or is not being adhered to; provided however, that for good cause shown said Special Conditions Permit may be extended by the City Commission for additional periods not to exceed one (1) year.

## ARTICLE VII

### ADMINISTRATION AND ENFORCEMENT

#### 100. PERMITS

#### 101. PERMITS REQUIRED

A written building permit shall be obtained from the City Building Inspector before starting or proceeding with the erection, alteration or moving of any building or structure, or changing the use of any building structure or land, except that no permit shall be required for agricultural uses and accessory farm buildings in an AGRICULTURAL DISTRICT, or for home gardening or similar uses in any district, provided a permit is required for residences.

#### 102. PERMITS FOR ACCESSORY BUILDINGS

Each permit issued for a main building shall cover all accessory buildings constructed at the same time, otherwise each accessory or other building or structure including billboards, advertising structures and signs, shall require a separate permit.

#### 102.1 Temporary Use Permits

The building inspector may issue a Temporary Use Permit for the following temporary uses, provided that all of the specific provisions of each Temporary Use Permit are met.

#### 102.2 Travel Trailers in Authorized Mobile Home Parks subject to:

- (a) No travel trailer shall be located in a Mobile Home Park until the owner of the Mobile Home has provided written documentation to the building inspector that the Mobile Home Park has been lawfully approved and licensed as a Mobile Home Park.
- (b) No travel trailer shall be located or continued in a Mobile Home Park until the owner of such Mobile Home Park has been issued a Temporary Use Permit by the building inspector for each travel trailer located in the Mobile Home Park.
- (c) Each travel trailer shall occupy a "conventional" mobile home plot, as shown on the Mobile Home Plot Plan. No permits shall be issued for travel trailers that are located outside a clearly defined individual mobile home plot, as shown on the Mobile Home Plot Plan.
- (d) No more than one (1) travel trailer may occupy a Mobile Home Plot. No more than eight (8) travel trailers per acre shall be permitted, as required for

conventional mobile homes in ARTICLE VII, Section 130.2, of this Ordinance.

- (e) Facilities for disposal of sewage waste, approved by the Department of Environment and Conservation, shall be provided on-site by the owner of the Mobile Home Park to accommodate each travel trailer that is permitted in a Mobile Home Park
- (f) Electrical service to each travel trailer shall be provided by the owner of the Mobile Home Park by means of a permanent electrical source, independent of any mobile home, travel trailer or other structure on the site, that is designed and installed in compliance with all applicable electrical and building codes. In no case shall electricity be provided to the travel trailer by means of an extension cord or other temporary electrical line.
- (g) To maintain the integrity of the Mobile Home Park, no accessory structures providing public restrooms or shower facilities shall be installed to accommodate travel trailer occupants.
- (h) No public accouterments that are associated with Travel Trailer Parks shall be permitted in a Mobile Home Park.
- (i) Each Temporary Use Permit shall require a nonrefundable fee of twenty-five dollars (\$25.00).
- (j) Temporary Use Permits shall not extend for a duration of greater than six (6) months and shall expire on the 31<sup>st</sup> day of December of each year. [Permits that do not extend to the maximum of six (6) months shall not be prorated at a reduced permit fee.]
- (k) Continuance of a travel trailer in a Mobile Home Park, beyond the expiration of the initial Temporary Use Permit, shall require submission of application for and issuance of a new Temporary Use Permit prior to the continuance of such use.
- (l) A Temporary Use Permit shall not be renewed more than three (3) consecutive times for the same resident residing in the travel trailer.
- (m) An applicant for Temporary Use Permit may appeal the restriction specified in (l) above in the case of exception or hardship to the Soddy-Daisy Board of Zoning Appeals.

**103. FEES FOR PERMITS**

**104. BUILDING INSPECTOR**

**104.1 Establishment of Office of Building Inspection**

There is hereby created the Office of Building Inspector of the City of Soddy-Daisy.  
(ARTICLE VII, ADMINISTRATION AND ENFORCEMENT)



**104.2     Duties of the Building Inspector**

It shall be the duty of the Building Inspector, among other things, to administer the provisions of this Ordinance pertaining to the issuance or withholding of permits for the erection, alteration, and use of buildings, structures, and land as prescribed in the foregoing Sections. The Building Inspector shall issue or withhold any permit, in any form, as directed by the Board of Appeals; failure to do so shall be a misdemeanor with penalties as provided by this Ordinance. The Building Inspector shall not be liable for legal action for the issuance of any such permit by direction of the Board.

**105.     ENFORCEMENT**

**105.1     Enforcing Officer**

It shall be the duty of the Soddy-Daisy Police Department and of all officers of said City otherwise charged with the enforcement of the law to enforce this Zoning Ordinance and all the provisions of the same.

**105.2     Penalties for Violation**

It shall be unlawful to erect, construct, reconstruct, alter, maintain, or use any building or structure or to use any land or to otherwise act or fail to act in violation of any provision of this Zoning Ordinance or any amendment thereof. Any person violating this regulation shall be punished by a fine of \$50.00. Each and every day during which such unlawful erection, construction, reconstruction, alteration, maintenance, or use continues shall be deemed a separate offense.

**105.3     Remedies for Removing Violations**

In case any building or structure is or is proposed to be erected, constructed, reconstructed, altered, maintained, or used or any land is or is proposed to be used in violation of this Ordinance or of any regulation or provision enacted or adopted by the City Commission under the authority granted by this Ordinance, the Building Inspector of the City of Soddy-Daisy shall, upon request by the City Commission, the City Manager or Board of Appeals, where such violation occurs or is threatened or may, upon the request of any adjacent or neighboring property owner who would be specially damaged by such violation, in addition to other remedies provided by law, institute injunction, mandamus, abatement, or any other appropriate action, actions, proceeding or proceedings to prevent, enjoin, or abate, or remove such unlawful erection, construction, reconstruction, alteration, maintenance, or use.

**106.     APPEALS**

**106.1     Creation and Membership of a Zoning Board of Appeals**

The City Commission of the City of Soddy-Daisy established a Zoning Board of Appeals in accordance with T.C.A. 13-7-205, effective October 24, 1996, as follows:  
The Board shall consist of five (5) members who shall be appointed by the mayor for

three year terms. Of the initial Board, two (2) members shall serve for one (1) year, two (2) members for (2) years, and one (1) member for three (3) years. Thereafter, members shall serve for three (3) year terms. A term of membership is to be considered to have begun on April 1 of the year of appointment. The mayor shall have the power to appoint and reappoint members as of April 1 of any year to bring the terms of the Board into compliance with section should the schedule of terms described herein fall out of compliance. Until such time, members whose terms have expired shall be considered de facto members of the Board. Members of the Board shall serve without compensation.

#### **106.2     Meetings and Rules of Order**

At the first meeting after the first of April of each year, the Board shall elect a chairman and vice-chairman from its own membership. The Board shall fix its place of meeting and shall conduct at least one (1) regular meeting a month, provided there are applications to be reviewed by the Board. Other meetings of the Board shall be held on the call of the chairman and at such times as the Board may determine. The presence of 3 members shall constitute a quorum. In all other matters, such rules being of public record. The city attorney or his designated representative shall be present at each Board meeting if requested by the Board. (1996-97 Ord. 6, 2001-02 Ord. 2)

#### **106.3     Jurisdiction of the Board**

The Board shall have the following powers:

- (1) To make special exceptions to the terms of the zoning regulations in harmony with their general purpose and intent and under the conditions set forth in the following paragraphs, upon the request of the owner of the property in question.
- (2) To interpret the zoning maps and pass upon disputed questions of foot lines or zone boundary lines or similar questions as they arise in the administration of the zoning regulations.
- (3) To hear and decide appeals from property owners on actions or decisions by an administrative official in the administration or enforcement of the zoning ordinance.
- (4) To review Conditional Permits and other special permits specified in the Ordinance to determine that the provision of the Ordinance are met. In the case of Conditional Permits and other special permits, the Board may set a time period for the permits, at the conclusion of which the Board may review for an extension of an additional time period or the termination of the permit.

#### **106.4     Power to Direct Issuance of Conditional and Temporary Permits**

Variances and Conditional Permits in all Districts (See ARTICLE V, Section 101.1).

##### **106.4.1     The Board shall have the power to authorize the issuance of conditional permits for**

the purposes and uses specifically noted in ARTICLE IV, Section 100, 200, 300, 400, 500 and 600.

**106.5     Applications to the Board**

Persons desiring consideration by the Board shall apply to the Secretary of the Board and shall supply such information as the Board may require to identify the land and determine the reason for the appeal or review. Each application by a property owner shall be accompanied by a receipt for a fee of fifty dollars (\$50.00), paid to the City of Soddy-Daisy to cover the cost of handling the application, no part of which fee is returnable.

- 106.5.1**   Persons objecting to the relief sought by the applicant or interested in the review or determination made by the Board may likewise set forth their views and actual evidence in writing and be signed by the objectors. The application and objections shall be submitted to the Board within three (3) business days prior to any hearing.

**106.6     Notices**

A notice of the public hearings held by the Board shall be sent by regular mail to each of the property owners within a minimum of three hundred feet (300') of each property in question before the Board. Said notice will be mailed at least seven (7) days prior to the public hearing by the Board. The most recently updated tax roll for the City of Soddy-Daisy will be the source of ownership information for Board purposes. A notice shall be published one (1) day in a daily paper at least seven (7) days before the hearing.

**106.7     Hearings**

All official actions of the Board shall be subject to due notices and public hearings, as established by its rules. Any interested person may appear and be heard subject to procedures adopted by the Board.

- 106.7.1**   A review by the Planning Commission Staff may be required for the purpose of obtaining information available as to the effect of a proposed variance, conditional permit, or administrative ruling upon the use, enjoyment, safety, and value of the land and buildings nearby.

- 106.7.2**   A review by the City Officials may be required for the purpose of obtaining information as to the effect if a proposed variance, conditional permit or administrative ruling upon the flow of traffic, congestion, parking, service for utilities and similar matters usually pertaining to the functions of their office.

- 106.7.3**   The Board shall make and record findings of fact relevant to their decisions and shall accept letters and petitions for the record and shall particularly examine the facts relating to the conditions set forth in Article VII, Section 106 of this ordinance.

- 106.7.4**   The Board shall make a determination that it has been delegated authority to render a  
(ARTICLE VII, ADMINISTRATION AND ENFORCEMENT)

decision in each case and that it is not performing a legislative function not delegated by the legislative body of the City.

**106.8**      Condition for Board Decisions

Before a variance or special exception may be granted, the Board must find that <sup>all</sup> the following conditions exist:

- (1) That by reason of exceptional narrowness, shallowness, or shape of a specific piece of property at the time of enactment for the zoning regulations, or by reason of exceptional topographic conditions or other extraordinary and exceptional situation or condition of such piece of property, the strict application of the zoning ordinance would result in peculiar and practical difficulties or undue hardships upon the owner to develop his property in accordance with the use provisions of the zoning regulations.
- (2) That the relief of the peculiar hardships, practical difficulties or undue hardships granted by the Board would not constitute substantial detriment to the public good or substantially impair the intent and purpose of the zoning ordinance.
- (3) That the peculiar hardship, practical difficulties, or undue hardships would apply to the particular land or building regardless of the owner.
- (4) That the peculiar hardship, practical difficulties, or undue hardship is not created as the result of an act upon the part of the applicant.
- (5) That the peculiar hardship, practical difficulties, or undue hardships asserted by the applicant relate only to the premises for the benefit of which the variance or special exceptions sought and would not be generally applicable to other premises in the City or the personal conditions of the applicant.

**106.9**      Provided, however, that where the application for a variance or special exception involves only the addition to or extension of an existing building or structure, the Board may allow such addition or extension when said setback distances than the existing structure or structures on the same adjacent property, provided further, that such addition or extension is not in conflict with the character of the area in which the property is located or the comprehensive zoning plan.

**106.10**      In each case, the Board shall find that the use where proposed will be in harmony with general intent and purpose of the zoning ordinance and shall require such yard requirements, screening, landscaping, ingress and egress controls, sign controls, as reasonable controls so as to make the conditional property use compatible with surrounding property uses and in conformance with the general intent and purpose of the zoning ordinance.

#### 106.11 Board's Findings

- (1) The Board shall make its findings in writing on each of the conditions stipulated in Article VII, Section 106, and on such additional items presented as evidence which have influenced its decision. The decision of the Board shall become effective immediately. Such decision, affirming, revising, or modifying the order, requirement, decision, or determination of the administrator of the zoning ordinance and such conditional permits and other special permits or special exceptions or variances to the provisions of the zoning ordinance shall be effective for an unlimited period of time unless otherwise specified by this Ordinance or the Board.
- (2) If the decision of the Board has not fully utilized and confirmed by the construction of the improvements contemplated by the applicant within the period of one (1) year or other time certain stipulated by the Board, then the applicant will be required to reapply to the Board and the application will be reheard upon the ground stipulated by the applicant as of the time of the new application.
- (3) The Board shall not rehear any case upon the same grounds within a minimum period of one (1) year of its previous hearing date.
- (4) The Board may adopt for its record such policies as can be reasonably developed for its own guidance in dealing with the more common types of request for adjustment.

#### 106.12 Records

The Board shall keep a duplicate record of its proceedings, findings, and action in each case, giving specific reasons for its action and for any deviation from policy it might have established in past cases. The vote of each member on each question shall appear in the record. All records of the Board shall be open to the public.

#### 106.13 Stay

Upon applying for special exception, variance, interpretation, or review by the Board, the applicant shall stay any cut or fill of property, construction, or alteration on the building or property for which action by the Board is sought.

#### 106.14 Appeal from the Board's Decision

The action of the Board of Appeals for variances and special permits shall be final, provided, an appeal from the action of the Board may be taken to a court of competent jurisdiction by any aggrieved, affected party.

#### 106.15 Administration

The City Manager or his/her designated assistant shall be the Secretary of the Board.

he/she shall conduct all official correspondence subject to the rules and direction of the Board, and send out all notices and attend all meetings, keep the minutes, compile the records and maintain the official files for the Board or cause the same to be done.

**107. METHOD OF APPEALS TO BOARD**

**107.1 Occasions For Appeal**

Appeal from the decision of the City Building Inspector may be taken to the Board whenever the applicant contends that the reasons for withholding a permit are inapplicable or unjust. Similarly, the decision of the Inspector granting and issuing a permit may be appealed to the Board by any person, firm, or corporation aggrieved thereby; but such appeal shall not suspend nor supersede the issuance of the permit unless the appellant give bond, in an amount and with security satisfactory to the Board, payable to the applicant for the permit, to cover all cost, damage, and expense that may accrue to him in the event that the appeal be not successfully maintained. An appeal from the decision of the City Building Inspector may not be taken until after 15 days, but shall be taken within 30 days from the date of the decision appealed from. Applications for grant of conditional permits shall also be made to the Board as prescribed below or to the Soddy-Daisy Municipal Planning Commission as prescribed in ARTICLE IV, Section 1001.4. Appeals from the Inspector's action in granting or refusing the issuance of a permit pertaining to ARTICLE IV, Section 1000, shall be to the Soddy-Daisy Municipal Planning Commission, which shall conduct a hearing upon such appeal after the notice and advertisement specified in ARTICLE IV, Section 1001.4. Such an appeal to the Soddy-Daisy Municipal Planning Commission shall not suspend or supersede the issuance of the permit unless the appellant give bond, in amount and with security satisfactory to the Soddy-Daisy Municipal Planning Commission, payable to the applicant for the permit, to cover all cost, damage, and expense that may accrue to him in the event that the appeal be not successfully maintained.

**108. APPLICATION THROUGH BUILDING INSPECTOR**

Appeals and applications for variances and conditional permits shall be made through the office of the Building Inspector and transmitted by him to the Board or the Soddy-Daisy Municipal Planning Commission, as the case may be, in the form of a written application (1) for a building permit, (2) for a variation or grant for conditional permit. Said applications shall be accompanied by the following material:

**109. COMPLETE PLANS AND DESCRIPTIVE MATERIAL TO BE SUBMITTED**

Complete plans and description of the property involved and ground plans of the proposed buildings and uses, and, where required by the Board, or the Soddy-Daisy Municipal Planning Commission, as the case may be, building plans, and elevations, and information on methods of operations and forms of operation contracts, leases, or other legal instruments.

110. EVIDENCE REQUIRED

Evidence which, in the opinion of the applicant, satisfies the requirements precedent to grants of variance placed on the Board of Appeals, or the Soddy-Daisy Municipal Planning Commission, as the case may be, in the above part of this Section, concerning practical difficulty, unnecessary hardship, special or temporary conditions, safeguards against injury to the public interest, and similar evidence.

111. FEEES FOR PUBLIC HEARING EXPENSE

A fee of \$10, due and payable at the time of application for grant shall be paid to the Building Inspector, as agent for the Board, or the Soddy-Daisy Municipal Planning Commission, as the case may be, to cover the cost of notices and other expenses incidental to the hearing. And part of this sum not used for such expense shall be refunded to the applicant with the notice of the decision of the Board, or the Soddy-Daisy Municipal Planning Commission.

112. PUBLIC HEARING REQUIRED

Upon receipt in proper form of any such appeal or application, the Board shall hold a public hearing, thereon, notice of which shall be given, at least seven (7) days, prior to date of such hearing by one publication in a daily newspaper of general circulation through out the county and by personal service or by registered mail to the adjoining and other property owners within a radius of one-hundred (100) yards of property affected. Procedure upon such appeal or application pertaining to land in INDUSTRIAL DISTRICT, shall be according to the provisions of ARTICLE IV, Section 1001.4.

113. CONDITIONS ON APPROVAL OF BOARD OF APPEALS

If the Board finds that there are good and substantial reasons for issuance of the permits, and that the conditions and restrictions described in this Section have been satisfactorily met, it may grant the variance requested and direct the issuance of a permit by affirmative vote of three (3) members of the Board, provided that a 4/5 vote of the Board shall be required to reverse a decision of the Building Inspector.

- 113.1 In approving any variance or issuance of any conditional permit under the provisions of this Section, the Board may designate such conditions in connection therewith, as will in its opinion secure substantially the objectives of the regulation or provision from which such variance is granted. Where necessary, the Board may require appropriate guarantees to insure that the conditions designated in connection therewith are being or will be complied with.

114. COURT REVIEW OF BOARD OF APPEALS

114.1 METHOD OF APPEAL TO COURT

Any person, firm, or corporation aggrieved by any decision of the Board may  
(ARTICLE VII, ADMINISTRATION AND ENFORCEMENT)

present to a court of competent jurisdiction a petition duly verified setting forth that such decision is illegal, in whole or in part, specifying the grounds of the illegality. Such petition shall be presented to the court within the time allowed by law. Such petition shall not be filed with respect to the decision of the Building Inspector or any administrative officer, without recourse to the Board of Appeals.

115. FINAL ACTION OF THE COURT

Upon the presentation of such petition, the Court may allow a writ of certiorari directed to the Board to review such decisions of the Board. Unless ordered by the court, the allowance of the writ shall not stay proceedings upon the decision appealed from. The Board shall be required to turn over to the court certified copies of all papers acted on by it, and any other information as may be pertinent and material to show the grounds of the decision appealed from.

If upon the hearing, it shall appear to the court that testimony is necessary for the proper disposition of the matter, it may take evidence or appoint a referee to take evidence which shall constitute a part of the proceedings upon which the determination of the court shall be made. The court may reverse or affirm, wholly, or partly, or may modify the decision brought up for review.

116. COSTS NOT TO BE CHARGED TO BOARD

Costs shall not be allowed against the Board unless it shall appear to the court that it acted with gross negligence or in bad faith or with malice in making the decision appealed from.

117. INTERPRETATION

In interpreting and applying the provisions of this Ordinance, they shall be held to be the minimum requirements for the promotion of the public safety, health, convenience, comfort, property, or general welfare.

118. AMENDMENT

118.1 Initiation of Amendments

The City Commission of Soddy-Daisy may from time to time, after report thereon by the Planning Commission and after public hearings as required by law, amend, supplement, or change the number, shape, or boundaries of Districts, or any regulations or provisions of this Ordinance. An amendment, supplement, or change may be initiated by the City Court, the Planning Commission, or by petition of the owners of 50% or more of the frontage within a given area.

118.2 Whenever the owners of such land desire a reclassification of their property, or a change in regulations applying thereto, they shall present to the Planning Commission a petition duly signed and acknowledged by them, requesting an amendment supplement, or change of the regulations prescribed for such property.



PUBLIC HEARING ON AMENDMENTS

Upon receipt of a petition or proposal for change, the Planning Commission shall prepare a report on the proposed change, approving or disapproving the proposal or petition, or may specify conditions of approval or a recommended modification of the proposed change, with reason therefore, and submit to the City Commission through the City Manager's office. The City Manager, at the request of any interested party, shall thereupon give notice of a public hearing to be held by the City Commission, at a regular session of the City Commission meeting, to be held not less than fifteen (15) days from the date of publication of the notice. Such notice shall be by publication in a daily newspaper of general circulation throughout the City. At the discretion of the City Manager, notice may be given by personal service or by mail, registered or otherwise, to any or all of the owners of property affected.

A petition for the same zone or a less restrictive zone, special permit, other permits, closures and abandonment cases shall not be heard by the City Commission for a period of six (6) months following denial of a previous petition involving the same property or any part thereof.

ACTION OF THE CITY COMMISSION

After the official hearing by the City Commission as described above, the City Commission shall, by a majority of vote of the full membership of the Commission approve or disapprove the proposed amendment, or approve the amendment with modifications, but if modifications of the proposed change are made by the City Commission, the modified amendment shall be referred back to the Planning Commission for report, as prescribed above.

In case of

- (1) a report from the Planning Commission disapproving or approving conditionally the proposed amendment, or
- (2) a protest against such amendment, presented to the Planning Commission or City Commission duly signed and acknowledged by
  - (a) the owners of 20% or more of the area for which a change in classification is requested, or
  - (b) the owners of 20% or more of all dwellings within three hundred feet (300') thereof, or
  - (c) the owners of 20% or more of all land adjacent thereto and within three hundred feet (300') thereof, no such amendment change of supplement shall be adopted except by 4/5 vote of the full membership of the City Commission.

121. FEEES FOR ADMINISTRATIVE COSTS

The Planning Commission is authorized to charge the petitioner an amount that is commensurate with the cost of processing the application.

122. INCORPORATION OF AMENDMENT IN THE LANGUAGE OF THIS ORDINANCE

The phrase used in this Ordinance "at the time of passage of this Ordinance" shall in its application to land, and buildings, properties and uses affected by an amendment to this Ordinance be read to mean "at the time of passage of this amendment".

123. FARM STANDS

Temporary stands for the sale of products grown or produced on the premises shall be permitted in any district as an accessory use provided, (a) that the application for such permit to erect such stand agrees to remove same during seasons when not in use, (b) that any such stand shall not be closer than ten feet (10') to any street or road right-of-way line, (c) that location and building plans be approved by the Board of Appeals.

124. TEMPORARY PERMITS FOR NON-CONFORMING USES

The Board may order the issuance of temporary permits for the temporary non-conforming uses or for uses incidental to the development of the area; and on any lot adjoining one occupied at the time of passage of this Ordinance by a non-conforming use impairing the value of such lot for the uses normally permitted upon it authorize such temporary modification of any regulations herein applying to such lot as the Board may deem necessary to secure its equitable and appropriate development; provided that such temporary permit shall be granted for an initial period of not to exceed one (1) year, renewable annually at the discretion of the Board, and provided further that concerning a permit for a non-conforming building or structure the Board may require a bond or bill of sale to the City, effective in case such building or structure is not removed or remodeled to conform with the requirements of the District within which located, within thirty (30) days from the date of notice of expiration of the permit.

125. EXTENSION OF DISTRICT BOUNDARIES DIVIDING LOTS OF RECORD

The Board may allow the extension of District where the boundary line thereof divides a lot in one ownership at the time of passage of this Ordinance, but such extension shall not exceed one hundred feet (100').

126. REMODELING OF NON-CONFORMING BUILDINGS

The Board may allow the reconstruction and remodeling of a non-conforming building in accordance with plans and specifications approved by the Board where, in the judgment of the Board such reconstruction and remodeling will in the matter of

front, side, and rear yards, structural character, and exterior appearance of said building make said non-conforming building safer and more healthful and bring it and its subsequent uses into fairer conformity with its surroundings.

127. Conditional Permits as specified in ARTICLE IV, Sections 101.13, 201.3, 301.3, 401.3, 501.3, 601.3, 701.1, 801, 901.1, 1001.2.

127.1 A Special Permit for funeral homes may be granted by the Board of Appeals in the O-1 Office District.

128. HOTELS

A permit may be granted on condition that plans for water supply and sewage disposal have been approved by the Hamilton County Health Department (septic tanks) or Hamilton County Water and Wastewater Treatment Authority (sewers); that the building height is limited to two stories unless the structure consists of fireproof construction; that off-street parking of one car area for each guest room is provided; that the minimum lot area be one (1) acre, with the Board of Appeals or Soddy-Daisy Municipal Planning Commission, as the case may be, having the authority to increase the depth of Local Business District by a maximum of one hundred fifty feet (150'); that the maximum building coverage shall not exceed fifty percent (50%) of the lot area; and that the set-back requirements of the district in which these operations are located shall apply.

128.5 OPEN AIR MARKETS

A revocable conditional permit may be granted for operation of an open air market, as defined in Article II of the Ordinance, provided that the following conditions are met:

- (a) Parking shall be provided as a rate of two spaces for every stall, booth, or vendors lot; or (alternatively) at least two-thirds of the entire site shall be set aside as usable customer space.
- (b) Access and egress to public streets shall be established and maintained in a manner approved by the Street Superintendent.
- (c) Public sanitary facilities shall be provided as follows:
  - 1. Whenever business is conducted on undeveloped property zoned for open air markets, sanitary facilities including but not limited to toilets, water and trash containers will be made available at the start of each business day.
  - 2. Either permanent toilet fixtures or portable facilities approved for public use by the City of Soddy-Daisy and shall be made available in the following ratio:
    - a. Property less than one acre: two (2) toilet units shall be provided.
    - b. One (1) - three (3) acres: four (4) toilet units shall be provided.
    - c. More than three (3) acres: six (6) toilet units shall be provided.

3. All portable toilets will be emptied, sanitized and serviced not less than two times a week or more frequently if needed, and the contents emptied in an approved water treatment facility.
  4. Potable drinking water either under pressure or furnished in an approved dispenser will be made available so there will be a drinking fixture or dispenser for each acre of used property or fraction thereof. Single service cups, in an approved dispenser, will be made available.
  5. A covered trash receptacle, capable of holding not less than ten (10) gallons will be made available by each vendor who leases, rents or is furnished space to barter or sell merchandise. All trash and debris must be picked up and removed from the area, curb or street by close of business day.
- (d) A board or chain link fence at least four (4) feet high shall be erected along any boundary adjacent to a school, church, or residential land use.
  - (e) Alteration or deletion of any parking space or sanitary facility, or abridgment of any condition agreed to at the time of issuance of the conditional permit shall constitute grounds for revocation of the permit. Upon verification by the City Building Inspector that such alteration, deletion, or abridgment has occurred, the operator of the open air market shall be summoned before the Board of Zoning Appeals to show cause why the special permit should not be permanently revoked. Failure to appear, or failure to correct deficiencies found by the Board within ten (10) days following the hearing shall result in automatic revocation of the special permit and the operator shall cease to use the property as an open air market until such time as a new conditional permit is applied for and received.

## 129. MOBILE HOME PARKS

A permit may be granted for a mobile home park in the MOBILE HOME DISTRICT, under the conditions listed below:

### 129.1 Location

The main entrance to the mobile home park shall be on an existing collector street, or on or within five hundred feet (500') (measured along the street) of a major street (as designated on the General Plan adopted by the Chattanooga-Hamilton County Regional Planning Commission).

### 129.2 Mobile Home Plot Requirements

Mobile home plots shall be clearly defined and mobile homes parked so that there will be at least fifteen feet (15') of clear space between mobile homes or any attachment, such as a garage or porch, fifteen feet (15') between mobile homes and any building or structure, and at least fifteen feet (15') between any mobile home and the mobile home park property line, or the inside edge of the greenbelt planting strip, if that type of screening is used. (See Section 129.9)

The individual plot sizes for mobile home spaces shall be determined as follows:

- a. Minimum width shall be equal to the width of the mobile home plus twenty feet (20').

- b. Minimum depth--with end parking of an automobile--shall be equal to the length of the mobile home plus thirty feet (30').
- c. Minimum depth--with side or driveway parking--shall be equal to the length of the trailer plus twenty feet (20').

In no case shall the minimum width be less than twenty-eight feet (28') and the minimum depth less than fifty-five feet (55'), and such spaces shall be used for parking mobile homes no larger than eight feet (8') wide and thirty-five feet (35') long.

- d. Distance across drives; The minimum distance between mobile homes, measured across any driveway, shall be thirty-six feet (36').
- e. If fences are used to separate plots, no mobile home may be parked within ten feet (10') of a fence.
- f. In no case shall there be over a two-foot (2') difference in elevation from one end of the mobile home pad to the other.

#### 129.3 Density

The density of mobile homes within the park shall not exceed eight (8) mobile homes per acre.

#### 129.4 Parking Mobile Homes

No mobile home plot shall be so laid out that it requires backing or turning by the mobile home or its transport vehicle in a public right-of-way to place it in its permanent position.

#### 129.5 Driveways in the Mobile Home Park

Driveways shall be at least twenty-four feet (24') wide. The driveways shall be constructed with a four inch (4") base of crushed stone and a surface of asphaltic concrete at least two inches (2") thick, or a double bituminous surface treatment.

#### 129.6 Off-Street Parking

There shall be 1 ½ off-street parking spaces per mobile home plot. At least one (1) parking space shall be located adjacent to or on each plot.

#### 129.7 Recreation Space

Each mobile home park shall have eight percent (8%) of the total park area (exclusive of plots, driveway, and planting strips) devoted to outdoor recreation, and maintained and equipped by the park owner.

Signs

Only one (1) sign shall be permitted for each mobile home park, and it shall be set back twenty-five feet (25') from the front property line. It shall not exceed twenty square feet (20 sq. ft.) in area. If illuminated, the sign must be indirectly lit in such a way that the light source cannot be seen from any public way or adjoining property. The lighting intensity shall not exceed twenty-five foot (25')-candles at the face of the sign. No flashing or intermittent lights will be permitted.

Screening

The mobile home park shall be screened on all lot lines by one (1) of the methods given below, as selected by the owner. The requirements may be reduced or eliminated by the Board of Appeals in those parts of the perimeter where the screen would create a traffic hazard.

- a. A greenbelt planting strip, not less than fifteen feet (15') in width. Such greenbelt shall be composed of at least:
  - \* One (1) row of deciduous and evergreen trees, spaced not more than fifteen feet (15') apart, at least eight feet (8') tall, and with a minimum trunk diameter of one and one-half inches (1 1/2") at planting, and
  - \* One (1) row of shrubs, with a ratio of two (2) deciduous to one (1) evergreen shrub, spaced an average of five feet (5') apart. Such shrubs shall be a minimum of thirty inches (30") in height at planting and expected to grow to a height of eight feet (8') in three (3) or four (4) full growing seasons.
- b. Natural vegetation can be retained if it meets the intent of this section or supplemented to meet the intent of this section.
- c. A sight obscuring screen (either solid or veil block, or some form of fence that is at least fifty percent (50%) opaque and at least six feet (6') high.)

Storage Building(s)

There shall be a covered storage area not less than sixteen square feet (16 sq. ft.) in floor area, and not less than six feet (6') high for each mobile home plot. This storage area can be in the form of:

- a. Community storage building(s) containing bins; to be covered, lighted, and sidewalled; constructed out of any suitable building material; to be maintained and equipped by the park owner.
- b. A small storage building, to be covered and sidewalled, for each mobile home plot; constructed out of any suitable building material.
- c. A joint use of part of a recreation building through additions to the recreation building.

**129.11**      Compliance with the Tennessee Trailer Court Act

All mobile home parks shall comply with all the regulations of the Tennessee Trailer Court Act, T.C.A. Sections 53-3201-53-3220.

**129.12**      Special Procedures for Applying for a Conditional Permit for a Mobile Home Park

Each applicant for a Conditional Permit for a Mobile Home Park shall submit to the Board of Appeals, two (2) copies of a site plan drawn to a scale no smaller than one inch equals fifty feet (1" = 50'), and showing the following:

- a. Name of the actual or beneficial owner(s)
- b. Location of the tract
- c. Tract boundaries and acreage
- d. Drainage and contours at five feet (5') intervals
- e. The number, location, and size of all mobile home plots
- f. Driveways, parking spaces, sidewalks or foot paths, patios, and runways
- g. Buildings, noting type of material to be used and purpose of building
- h. Size and location of nearest public water line
- i. Type and location of sewage disposal facilities
- j. Recreation Space
- k. Screening
- l. Distance to the nearest fire department that can provide service to the mobile home park

**129.13**      The Board of Appeals shall submit one (1) copy of the site plan to the Chattanooga-Hamilton County Health Department (septic tanks) or Hamilton County Water and Wastewater Treatment Authority (sewers) for their review, approval, and specified limitations on the number of mobile home plots and separate washing machines that can be allowed, based upon the capacity of the sewage disposal facilities. The Health Department or Hamilton County WWTAs written review must be received by the Board of Appeals before action can be taken upon the request for a permit.

**130.**      TRAVEL TRAILER CAMPS

A permit may be granted to develop and operate a camp for travel trailers and other camping facilities, under the conditions listed below:

**130.1**      Site Plan

The owner shall submit to the Board of Appeals a site plan of the proposed camp, drawn to a scale no smaller than one inch equals fifty feet (1" = 50') and showing:

- (1) Name of the actual or beneficial owner(s)
- (2) Location of the tract
- (3) Tract boundaries and acreage
- (4) The number and general location of the trailer stands
- (5) Driveways and parking spaces

- 7
- (6) Size and location of the nearest public water line that is approved by the Groundwater Department (if used)
  - (7) Type and location of sewage disposal facilities
  - (8) Rest rooms and shower facilities

**130.2**      Density

There shall be no more than ten (10) trailers per acre. There shall be at least twenty feet (20') between all trailers with their two vehicle and any other trailer or tow vehicle.

**130.3**      Signs

There shall not be more than one (1) sign for each travel trailer camp, and it shall be set back thirty-five feet (35') from the street. It shall not exceed twenty square feet (20 sq. ft.) in area. If illuminated, the sign shall be indirectly lit in such a way that the light source cannot be seen from any public way or adjoining property. The lighting intensity shall not exceed twenty-five foot (25') -candles at the face of the sign. No flashing or intermittent lights will be permitted.

**130.4**      Set-back Requirements

No trailer or tent may be located within:

thirty-five feet (35') of the front property line  
twenty-five feet (25') of the rear property line, and  
fifteen feet (15') of the side property lines

**130.4.1**      Temporary Use Permits Required (Amended 4/20/17, 2016-17 Ord. 20)

- (a) No travel trailer shall be located or continued in a Travel Trailer Camp or TCM Tourist Court and Motel District until the owner of such Camp or property has been issued a Temporary Use Permit by the building inspector for each travel trailer located in the camp or on the parcel.
- (b) Each Temporary Use Permit shall require a non-refundable fee.
- (c) Electrical service to each travel trailer shall be provided by the owner of the Mobile Home Park by means of a permanent electrical source, independent of any mobile home, travel trailer or other structure on the site, that is designed and installed in compliance with all applicable electrical and building codes. In no case shall electricity be provided to the travel trailer by means of a extension cord or other temporary electrical line.
- (d) Temporary Use Permits for Travel Trailer Camps or TCM Tourist Court and Motel District parcels shall not extend for a duration of greater than ninety (90) days. (Permits that do not extend to the maximum of ninety (90) days shall not be prorated at a reduced permit fee.)



- (e) Continuance of a travel trailer in a travel trailer camp, beyond the expiration of the initial Temporary Use Permit, shall require issuance of a new Temporary Use Permit prior to the continuance of such use.
- (f) A Temporary Use Permit shall not be renewed more than one (1) consecutive time for the same resident residing in the travel trailer.
- (g) No more than two (2) temporary use permits, whether renewed consecutively or with an interval between them, shall be granted for any twenty-four (24) month period, the twenty-four (24) month period to be measured from the first day of the issuance of the permit to the day before the two-year anniversary of the initial issuance. For example, if the initial permit was issued on August 1, 2017, the twenty-four (24) month period in which only two temporary use permits can be issued expires on July 31, 2019. (Amended 10/5/17, 2017-18 Ord. 3)

### **130.5      Accessory Uses**

There may be one (1), but not more than one (1), small food market located on the Travel Trailer Camp site. It shall have no more than one thousand square feet (1,000 sq. ft.) in floor area, and be in business to serve the transients of the camp.

### **130.6      There may be one (1), but not more than one (1), structure containing a laundrette and/or dry cleaning establishment. This building shall be located on the site and shall contain no more than six hundred square feet (600 sq. ft.) in floor area. Such building shall be heated, lighted, sidewalled, and covered.**

### **130.7      Compliance with Tennessee Trailer Court Act**

All travel trailer camps shall comply with the requirements of the Tennessee Trailer Court Act, T.C.A. Sections 53-3201 thru 53-3220, regarding water supply, sewage disposal facilities, refuse storage, collection, and disposal.

### **130.8      High-Rise Multi-Family Structures**

A conditional permit may be granted by the Board of Appeals for the construction of structures exceeding 2 ½ stories and thirty-five feet (35') in the APARTMENT-TOWNHOUSE DISTRICT, in the MOBILE HOME DISTRICT, and in Planned Unit Development, provided the following conditions are met:

1. There is at least a six inch (6") water line serving the site.
2. Fire hydrants are installed so that all buildings can be reached with a two hundred fifty foot (250') hose.
3. There is an internal fire protection system in each structure over two and one half (2 ½) stories or thirty-five feet (35'), consisting of at least:
  - a. Enough four inch (4") standpipes, with one and one half inch (1 ½") reducers, on each floor so that a one hundred foot (100') hose will

reach to within thirty feet (30') of all parts of the floor area. A six inch (6") standpipe is required for all buildings over seventy-five feet (75') in height.

- b. One hundred feet (100') of one and one half inch (1 ½") hose, with nozzle, attached to each standpipe on each floor and mounted on a pin rack.
  - c. Two (2) Class ABC-type fire extinguishers installed on each floor near the pin racks.
  - d. Each standpipe shall be equipped with a siamese fire department inlet connection located on a street front of the building.
- 4. The building shall be so constructed so as to have a one (1) hour fire rating between adjacent (horizontally and/or vertically) dwelling units.
  - 5. The stairwell and stairwell doors shall be so constructed as to have a two (2) hour fire rating. The stairs shall open directly out of the main hallways.
  - 6. Exit lights shall be placed at all doors leading out of the buildings and at stairwells. All doors that are used as a means of egress from a building shall swing outward and shall be equipped with panic bars.
  - 7. The total number of dwelling units may not exceed the density allowed in that district.
  - 8. For every one foot (1') of additional height over thirty-five feet (35'), the structure shall be set back one (1) additional foot from all property and/or building lines, as specified elsewhere in these regulations.

**131. AMUSEMENT RESORTS (Permanent Facilities)**

Includes shows, concerts, racing events, fairs, or any other such use which is

(RESERVED SPACE)

staged for the entertainment and/or participation of an assembled group of persons at or on locations where structures, buildings, and/or other facilities necessary for the public welfare are provided. A revocable Conditional Permit may be granted by the Soddy-Daisy Municipal Planning Commission on condition that the proposed use and/or related activities or method of operation will not be detrimental to the surrounding area or to the public health or welfare. The approval of a Conditional Permit may allow both continuous or intermittent operation or use provided that the conditions of the permit are met.

131.1 So that the Planning Commission may evaluate the effect of the proposed use and its effect on the surrounding area and on the public health and welfare, the applicant(s) shall submit the following information with the application for a Conditional Permit.

131.2 Six (6) copies of a site plan showing the following:

- 131.3
- a. Location of all building(s) and an explanation of their use(s).
  - b. Location of pedestrian and vehicular entrance and exit points.
  - c. Location and size of all parking areas and traffic circulation routes.
  - d. Location, type, and number of health, medical, and sanitary facilities approved by the Chattanooga-Hamilton County Health Department (septic tanks) or Hamilton County Water and Wastewater Treatment Authority (sewers).

131.4 The permit may be revoked by the City of Soddy-Daisy judge, Chattanooga-Hamilton County Health Department, Hamilton County Water and Wastewater Treatment Authority or Soddy-Daisy Police Department, where it appears that the use, its method of operation, or effect is in fact seriously detrimental to the character of the surrounding area, and such revocation shall not be cause for action against the Soddy-Daisy Municipal Planning Commission, any other city agency, or the Chief of Police, who is charged with the enforcement of this Ordinance.

132. AMUSEMENT RESORTS (Temporary Facilities)

Includes shows, concerts, racing events, fairs, or any other such use that is staged for the entertainment and/or participation of an assembled group of persons where structures of buildings or other facilities necessary for the public welfare are not in existence.

132.1 A revocable Conditional Permit may be issued by the Planning Commission on an adequate tract of land, located within an AGRICULTURAL DISTRICT and either serviced by public roads, or by an approved ingress and egress from a public road. The approval of a Conditional Permit may allow either continuous or intermittent operation or use provided that the conditions of the permit are met.

132.2 So that the Planning Commission may evaluate the effect of the proposed use and its effect on the surrounding area and on the public health, safety, and welfare, the

applicant(s) shall submit the following information with the application for a Conditional Permit.

- 132.3 A detailed description of the intended use or purpose for requesting a Conditional Permit.
- 132.4 The names and addresses of the property owners and officials sponsoring, owning, or directing the proposed event or use.
- 132.5 The number of persons expected to attend.
- 132.6 The calendar dates and time of the event.
- 132.7 The submission of six (6) copies of a map drawn to a scale of 1"=100', showing the following information:
- 132.8 A location map drawn to a scale of 1"=2000' showing the location of the tract in relation to the surrounding area, and showing all roads, with names, servicing the tract.
- 132.9 Property lines of the tract.
- 132.10 Location of proposed event within the tract.
- 132.11 Location of entrance and exit points on all access and service roads.
- 132.12 Location of parking areas and all internal vehicle circulation routes.
- 132.13 Location of medical facilities if required by the Chattanooga-Hamilton County Health Department or Hamilton County Water and Wastewater Treatment Authority.
- 132.14 Location of water supplied including drinking water.
- 132.15 Location of fire-fighting equipment.
- 132.16 Location of toilet and other sanitary facilities.
- 132.17 Location of sheltered areas, including over-night facilities, if any.
- 132.18 Six (6) copies of an operational plan, approved by the Soddy-Daisy Police Department, pertaining to traffic, parking, entrance and exit points, and public safety. The following minimum requirements shall be met:
- 132.19 Sufficient parking space to store and allow circulation of the greatest anticipated number of vehicles to be at the event at any time.
- 132.20 Guards or policemen, to be supplied by the applicant and approved by the Soddy-Daisy Police Department.

132.21 Six (6) copies of an operational plan, approved by the Chattanooga-Hamilton County Health Department (septic tanks) or Hamilton County Water and Wastewater Treatment Authority, concerning medical facilities. The following minimum requirements shall be met:

133. TOILETS

- a) Portable toilets sufficient in number and as approved by the Health Department.
- b) Facilities will be provided for both sexes and so labeled.
- c) Latrines or slit trenches will be acceptable providing the location, design, method of screening, and number are approved by the Health Department prior to construction.

134. WATER \*(All water to be from an approved source)

- a) Potable water under pressure and from an approved supply is preferred. Drinking fountains and/or faucets will be located in strategic places throughout the area.
- b) When water under pressure is not available, portable water tanks, coolers, and other means of dispensing water which meets with Health Department approval will be acceptable if approved in advance.

135. FOOD

- a) All catering trucks, concession stands, or any other devices used for sale, dispensing or preparation of food and beverage must be approved by the Health Department prior to the operating of the event.

136. TRASH AND SOLID WASTE

- a) Covered trash containers will be provided as required by the Health Department.
- b) Concession stands or other food and beverage services will provide covered trash containers for their respective facilities.
- c) Trash containers must be emptied daily or more frequently, if necessary.
- d) Large commercial type "dumpsters" will be acceptable for collection stations if location is approved by the Health Department.

137. AID STATIONS

- a) At least one Registered Nurse or Nurses will be on duty at all times, as required by the Health Department.

- b) A licensed Medical Doctor and sufficient ambulance service will be on call if required by the Health Department.
- c) Tentage and cots will be provided for an aid station when a mobile medical unit is not available if such is required by the Health Department.

**138. CLEAN-UP**

- a) Area must be left in a manner acceptable by the Health Department—trash and debris to be removed and slit trenches covered.
- 138.1** Submission of an approved bond or certified check payable to City of Soddy-Daisy, of sufficient amount to ensure that the conditions of the permit are met and for the restoration of the tract (including collection and disposition of solid waste, rebuilding of damaged facilities, etc.) following the termination of the event.
- 138.2** A permit may be revoked by the City Judge, Chattanooga-Hamilton County Health Department, Hamilton County Water and Wastewater Treatment Authority or Soddy-Daisy Police Department where it appears that:
- 138.3** The application is materially false or purposely misleading, and such fact was not earlier discovered despite due diligence prior to such time.
- 138.4** The number of persons reasonably expected to attend is unexpectedly greater than the number initially projected, and the applicant(s) is (are) unable to provide sufficient monies to ensure adequate police protection or is unable, by reason of such increase, to provide proportionately greater sanitary, water, food, and other health facilities.
- 138.5** New or substantially changed conditions have arisen so as to imperil or materially endanger the public health, morals, safety, or welfare.
- 138.6** The granting of approval of a Conditional Permit shall not constitute a representation, guarantee, or warranty of any kind or nature by City of Soddy-Daisy or the Soddy-Daisy Municipal Planning Commission, by any officer or employee thereof or the Chief and/or any of his deputies of the practicability of the intended use, the safety of spectators or participants and shall create liability upon or cause of action against such public body, official, or employee for any damage that may result to persons or property.

**139. STORAGE GARAGES**

A permit may be granted subject to approval by the Board, or the Soddy-Daisy Municipal Planning Commission, as the case may be, of location and building plans.

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\* Normally, for any overnight accommodations, two (2) gallons of water per person is the minimal volume of water needed in a twenty-four (24) hour period.

140.

PUBLIC UTILITIES

A permit may be granted for public utility uses, structures, and accessory facilities, including transmission, lines, substations, railroad yards, lines and stations, airports, terminals, and hangars, bus loading or waiting platforms or buildings, dams, temporary work camps, or other governmental agency uses and buildings, temporary contractors camps, and buildings on public works projects and other similar public service uses and buildings, radio and television broadcasting stations, studios, towers, and facilities, on condition that location of building plans be approved by the Board of Appeals, or the Soddy-Daisy Municipal Planning Commission, as the case may be.

141.

GRAVEL PITS AND QUARRIES

A permit may be granted on condition that location and method of operation be approved by the Board of Appeals, or the Soddy-Daisy Municipal Planning Commission, as the case may be.

142.

CEMETERIES, MAUSOLEUMS, AND CREMATORIES

A permit may be granted provided that the applicant furnish satisfactory proof of convenience, necessity, and absence of harmful effect on surrounding property.

143.

DAY CARE CENTERS

A Revocable Conditional Permit may be granted for a Day Care Center on condition that the location, means of ingress and egress, building plans and elevations, and such other pertinent items of the development as deemed reasonable to maintain the residential character of the neighborhood, be approved by the Planning Commission, and that such permit may be revoked following a public hearing by said Planning Commission if conditions of the permit are not adhered to, or if the use becomes incompatible with the surrounding uses. Notification of revocation shall be in writing and postmarked at least ten (10) days prior to the public hearing of the Planning Commission and such notification to the last known address of the principal parties shall be deemed to be sufficient.

Any applicant aggrieved by the decision of the Planning Commission may appeal by common law writ of certiorari to any court of competent jurisdiction.

144.

OUT DOOR AMUSEMENTS

A conditional permit may be granted in the Agricultural District for a density outdoor use on the following conditions.

1. All lights are placed so that they will not shine in adjacent residential areas.
2. Any excess noise will not be offensive to adjoining residential neighbors.

3. Adequate provision has been made for off-street parking and points of ingress and egress.



## ARTICLE VIII

### ACCESS CONTROL, PARKING AND SITE PLAN REQUIREMENTS

#### 800. 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 Soddy-Daisy, it is necessary to classify such streets as follows: arterial street, collector street; and local street. The classification of each street shall be as shown on the Chattanooga Urban Area 2015 Transportation Plan which is kept in the Municipal Building. (The provisions in this section for arterial streets shall apply to both principal and all minor arterials on the Plan; collector street provisions apply to collectors on the Plan; and minor street provisions apply to all local streets on the Plan.)

#### 801. DEVELOPMENT REQUIRING ACCESS CONTROL PLAN

Commercial and industrial establishments and apartment complexes of three (3) or more dwelling units must file an access control plan meeting all requirements of this Section and must have such plan approved by the Planning Commission prior to obtaining a building permit. This access control plan is often part of a "Site Plan" as specified in Section 1211 of this Ordinance. However, in the event that such a site plan is not required, an access control plan must still be submitted and approved. Although access control plans are not required for single-family homes and duplexes, the provisions of 1204.1, 1204.2, and 1204.3 of this section shall nevertheless be adhered to for access to these land uses.

#### 802. GENERAL ACCESS REGULATIONS APPLYING TO ALL CLASSIFICATIONS OF STREETS

##### 802.1 Maximum Width of All Access Points:

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

##### 802.2 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.

**802.3**      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.

**802.4**      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 lowest classification when necessary to lessen serious congestion on the major street. If access is allowed onto two (2) or more streets, the number of access points shall conform to those allowed for each street classification (see Subsection 1204).

**802.5**      Gasoline Service Stations:

Gasoline service stations shall be allowed two (2) access points onto the same street to allow proper circulation past the gasoline pumps. This is regardless of lot width or street classification provided the required site plan is approved by the Planning Commission.

**803.**      CONSTRUCTION OF FRONTAGE ROADS AND INTERIOR CIRCULATION DRIVES

In order to limit the number of individual access points to an arterial or collector street, the Planning Commission shall encourage and may require the development of Frontage Roads and Interconnecting Interior Circulation Drives.

**803.1**      Frontage Roads:

Frontage roads are those which parallel the existing street and extend across the entire frontage of a particular large property or group of properties. Frontage roads may be required to provide safe and efficient public access to individual properties eliminating the traffic congestion which would be caused if each parcel had its own access onto the arterial or collector street. Access points between the frontage road and the arterial street shall be no closer together than five hundred (500) feet and no closer together than three hundred feet (300) along collector streets. All frontage roads shall be built to the standards specified in the Soddy-Daisy Subdivision Regulations and shall be dedicated as public streets and then maintained by the City of Soddy-Daisy.

Access requirements for property served by a frontage road shall be the same as for property fronting a minor street (i.e., at least 100 feet apart) except that the Planning Commission may also allow a regrouping of access points onto the frontage road in accordance with an approved site plan which does not destroy the intent of these access control provisions.

Interior Circulation Drives:

Interior circulation drives are needed in large developments which require large parking areas. These drives interconnect all parking lot access points with all buildings and areas of vehicular parking, loading, and servicing. They are constructed to provide safe and efficient vehicular movement between specified access points of a development or a series of developments. The Planning Commission shall encourage and may require that the interior circulation drives of adjacent developments be connected to eliminate the need to use the public streets to drive from one to another. All circulation drives shall be clearly defined and marked appropriately with arrows, etc., to assist public circulation into and out of the property and its parking areas.

An area of land not less than ten feet (10') deep shall be provided between the public street right-of-way line and the edge of all proposed frontage roads or interior circulation drives. This area will separate the roadways with a minimum turning radius. Such area shall be landscaped and grassed.

The width, placement, and design of frontage roads and interior circulation drives shall be reviewed by the planning staff and shall be approved by the Planning Commission.

## 804.

SPECIFIC NUMBER OF ACCESS POINTS ALLOWED FOR EACH STREET CLASSIFICATION

Wherever topographical features, existing developmental patterns, or other factors make the construction of frontage roads unfeasible, the Planning Commission shall allow direct access to the existing streets according to the following minimum requirements for each street classification:

## 804.1

Access Points for Arterial Streets (includes principal and minor arterials):

In the absence of a frontage road, all lots having between 100 and 500 feet of frontage shall have no more than one (1) point of access to the public arterial. For lots with over five hundred feet (500') of frontage, additional access points shall be allowed provided they are spaced at least five hundred feet (500') apart from each other and from the first access point. For development generating high overall or high peak traffic volumes, the Planning Commission may lessen the distance between access points to allow improved access provided a carefully planned pattern of internal and external channelization is prepared and approved.

When a lot of record fronting an arterial street has less than one hundred feet (100) of frontage, the Planning Commission shall first attempt to obtain joint access with either adjacent property or access onto a frontage road. If this is not feasible, one single access point may be allowed.

## 804.2

Access Points for Collector Streets (also called urban collector streets):

In the absence of a frontage road, all lots less than three hundred feet (300') in width

shall have no more than one (1) point of access to any one public street. For lots with over three hundred feet (300') of frontage, additional access points shall be allowed provided they are spaced at least three hundred feet (300') apart from each other and from the first access point.

**804.3      Access Points for Local Streets**

All lots of less than one hundred feet (100') shall have no more than one (1) point of access to the minor street. For lots with over one hundred feet (100') of frontage, additional access points shall be allowed provided they are spaced at least one hundred feet (100') apart from each other and from the first access point. (Frontage Roads shall also be considered on Local Streets in order to provide the most lenient access provisions to developers who construct these beneficial facilities.)

**805.      OFF-STREET PARKING REQUIREMENTS**

**806.      AMOUNT REQUIRED**

Off-street automobiles storage or standing space shall be provided on each lot upon which any of the following uses are hereinafter established. One (1) passenger vehicle space shall be determined as a minimum of 9 feet in width and a minimum of 20 feet in length of parking space and such space shall be provided with vehicular 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:

**806.1      Dwellings:**

No less than two (2) spaces for each family dwelling unit.

**806.2      Boarding Houses and Rooming Houses:**

Not less than one (1) space for each room occupied by boarders or roomers.

**806.3      Tourist Accommodations, Hotels, or Motels:**

Not less than one (1) space for each room offered for tourist accommodation.

**806.4      Any Auditorium, Church, Stadium, or Other Place of Public Assembly:**

Not less than one (1) space for every four (4) seats provided in such places of assembly. For places of public assembly where seating is not a measure of public assembly where seating is not a measure of capacity, such as clubhouses, funeral parlors, etc., at least one (1) space for each fifty square feet (50 sq. ft.) of floor space devoted to that particular use shall be provided.

**806.5      Manufacturing or Other Industrial Use:**

Not less than two (2) spaces for every five (5) persons employed or intended to be

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employed on a single shift, with a minimum of five (5) spaces provided for any establishment.

**806.6      Commercial Building or Use:**

One (1) space for each one hundred fifty square feet (150 sq. ft.) of usable floor space. Usable floor space is to be determined, by staff, based on the nature of the business.

**806.7      Medical or Dental Clinics and Hospitals:**

One (1) space for each two hundred and fifty square feet (250 sq. ft.) of floor area with five (5) spaces a minimum.

**806.8      Service Stations:**

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

**806.9      Offices:**

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

**806.10      Restaurants:**

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

**807.      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.

**808.      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 on Sundays.

**809. 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 feet (500') 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.

**810. REQUIREMENTS FOR DESIGN OR PARKING LOTS**

**810.1** Except for parcels of land devoted to one- or 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.

**810.2** Each parking space shall be a minimum of 9 feet in width and a minimum of 20 feet in length.

**810.3** Entrances and exits for all off-street parking lots shall comply with the requirements of Section 804.

**810.4** The parking lot shall be drained to eliminate surface water.

**811. SITE PLAN REQUIREMENTS**

**812. DEFINITIONS**

For the purposes of Section 812, et seq. the following words and phrases shall have the meaning assigned below, except in those instances where the context clearly indicates a different meaning:

**812.1** Building: Any structure built for the support, shelter, housing, or enclosure of persons, animals or property of any kind.

**812.2** City: The City of Soddy-Daisy, Tennessee.

**812.3** Dwelling: A building or portion thereof which is designed or used exclusively for residential purposes.

**812.4** Dwelling Unit: A group of one or more rooms designed for or intended for occupancy by a single family.

**812.5** Row Dwellings: One of a series of three or more attached dwelling units under a common roof with a common exterior wall and separated from one another by continual vertical party walls without openings from basement to roof.

- 812.6 Single Family Dwellings: A detached building designed for or intended to be occupied by one (1) family.
- 812.7 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.
- 812.8 Structure: Anything which is built or constructed, an assembly of materials or any piece of work artificially built up or composed or parts joined together in some definite manner.
- 812.9 Two Family Dwelling: A building designed for or intended to be occupied by not over two families, living independently of each other. This shall include both duplex (one (1) dwelling unit above another) and semidetached (two (2) dwelling units having a common vertical party wall).

813. EXCEPTIONS

The provision of this chapter shall not apply to:

- 813.1 Single family dwellings, two family dwellings, accessory buildings thereto or to the land on which they are situated or proposed.
- 813.2 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 square feet (1,000 sq. ft.), which ever is smaller.
- 813.3 New buildings where the total gross floor area does not exceed one thousand square feet (1,000 sq. ft.); 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 flood plain and the site is not in excess of ten thousand square feet (10,000 sq. ft.).
- 813.4 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.
- 813.5 Grading of open areas, either by excavation or fill for the sole purpose of bringing the land to a grade compatible with the surrounding area, provided the Planning Staff finds on an 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 flood plains and will not cause problems of erosion, ponding and/or silting on adjoining properties.

814.

APPROVED SITE PLAN REQUIRED TO ERECT BUILDINGS

Except as hereinafter provided in Section 1213, 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 certification of accuracy by seal, address, and signature of a licensed civil engineer to diminish threats to the public health and safety caused by the runoff of excess stormwater, to minimize movement of soils resulting from excavating, filling, and grading of lots and other parcels or areas, determine the maximum flow and direction of drainage from commercial or industrial development into channel, conduits, canals, ditches, streams, swells, culverts, and/or streets of the City of Soddy-Daisy, and has been submitted and approved in accordance with the provisions of this chapter.

815.

APPROVED SITE PLAN REQUIRED TO ENLARGE BUILDINGS

Except as hereinafter provided in Section 1213, it shall be unlawful for any person to alter any building or structure on any land within the City of Soddy-Daisy, 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 chapter.

816.

APPROVED SITE PLAN REQUIRED TO DISTURB LAND

Except as hereinafter provided in Section 1213, 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 until a site plan has certification of accuracy by seal, address, and signature of a licensed civil engineer to diminish threats to the public health and safety caused by the runoff of excess storm water, to minimize movement of soils resulting from excavating, filling, and grading of lots and other parcels or areas, determine the maximum rate of flow and direction of drainage from commercial or industrial development into channel, conduits, canals, ditches, streams, swells, culverts, and/or streets of the City of Soddy-Daisy, and has been approved in accordance of this chapter.

817.

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 chapter, except in accordance with the approved final site plan.

818.

PERMITS NOT TO BE ISSUED WITHOUT APPROVED SITE PLANS

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 chapter until a site plan has been submitted and approved in accordance with the provisions of this chapter.



**819.        SITE PLAN SUBMISSION**

The owner or developer shall submit three (3) copies of the proposed site plan to the Soddy-Daisy Municipal Planning Commission on or before the second Wednesday of each month for review. The Soddy-Daisy Municipal Planning Commission shall consider the site plan on the second Wednesday of the following month in light of the provisions of this chapter 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 Secretary.

**820.        SITE PLAN**

**821.        THE SITE PLAN SHALL SHOW THE FOLLOWING:**

**821.1        Name of development or address.**

**821.1.1      Type of use.**

**821.1.2      Location map.**

**821.2        Name and address of owner of record and the applicant.**

**821.3        Present zoning of the site and abutting property.**

**821.4        Date, scale and north point with reference to source of meridian.**

**821.5        Courses and distances of center lines of all streets and all property lines.**

**821.6        All building restricting lines, highway setback lines, easements, covenants, reservation and rights-of-way.**

**821.7        The total land area.**

**821.8        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 line illustrating two foot or five foot contours as required by the Planning Commission and by spot elevations where necessary to indicate flat areas, as based on U.S.C. and G.S. datum.**

**822.        THE SITE PLAN SHALL SHOW THE LOCATION OF THE FOLLOWING WHEN EXISTING:**

**822.1        Sidewalks, streets, alleys, easements and utilities.**

- 822.2 Buildings and structures.
- 822.3 Public Sewer Systems.
- 822.4 Slopes, terraces, and retaining walls.
- 822.5 Driveways, entrances, exits, parking areas and sidewalks.
- 822.6 Water mains and fire hydrants.
- 822.7 Trees and shrubs.
- 822.8 Recreational areas, and swimming pools.
- 822.9 Natural and artificial water courses.
- 822.10 Limits of flood plains.

823. THE SITE PLAN SHALL SHOW THE LOCATION, DIMENSIONS, SIZE AND HEIGHT OF THE FOLLOWING WHEN PROPOSED:

- 823.1 Sidewalks, streets, alleys, easements and utilities.
- 823.2 Buildings and structures.
- 823.3 Public sewer systems.
- 823.4 Slopes, terraces, and retaining walls.
- 823.5 Driveways, entrances, exits, parking areas and sidewalks.
- 823.6 Water mains and fire hydrants.
- 823.7 Trees and shrubs.
- 823.8 Recreational areas.
- 823.9 Distances between buildings.
- 823.10 Estimates of the following:
- 823.11 Number of dwelling units.
- 823.12 Number of parking spaces.

- 823.13 Number of loading spaces.
- 823.14 Square feet of floor space.
- 823.15 Number of commercial or industrial tenants and employees.
- 823.16 Plans for collecting storm water and methods of treatment of natural and artificial water courses including a delineation of limits of flood plains, if any.
- 823.17 Proposed grading, surface drainage, terraces, retaining wall heights, grades on paving areas and ground floor elevations of proposed buildings and structures, and proposed topography of site shall be shown by two or five foot contours as required by the Planning Commission.
824. **REQUIREMENTS, REGULATIONS AND RESTRICTIONS**
- 824.1 Any building or structure erected or altered shall comply with the provisions of the Code of the City of Soddy-Daisy, Tennessee, 1990 as amended and any applicable laws of the State of Tennessee.
- 824.2 Any work or development on the site, including but not limited to the following shall comply with the provisions of the Code of the City of Soddy-Daisy, Tennessee, 1990, as amended and any applicable laws of the State of Tennessee: the grading of land, the installation of utilities, the construction of curbs, gutters, and sidewalks, the construction of streets, alleys and retaining walls, the construction of drains and sewers, the construction of off-street parking, and the construction or erection of any improvement on the site.
- 824.3 Any building or structure shall be reasonably accessible to fire, police, emergency and service vehicles. When deemed necessary for access by the Fire Chief, emergency vehicle easements shall be provided. The access for Fire, Police and emergency vehicles shall be unobstructed at all times.
- 824.4 Off-street parking facilities shall have a reasonable slope and be accessible, safe and properly drained.
- 824.5 Adequate water mains and fire hydrants shall be provided in accessible places in accordance with good fire fighting and fire prevention practice acceptable to the Chief of the Fire Department.
- 824.6 Adequate provision shall be made for the collection and disposition of all on and off-site sanitary sewage.
- 824.7 The obstruction of natural water courses shall be avoided.

- 824.8** Adequate provisions shall be made to control the slippage, shifting, erosion, accretion and subsidence of soil.
- 824.9** All new construction, other than single or two family residential structures, shall have exterior walls (excluding windows and doors) that are addressed on and/or visible from Dayton Pike, Sequoyah Road, Harrison Lane, Thrasher Pike (from Corridor "J" to Dayton Pike), Tsati Terrace [formerly Hixson Pike] (from Dayton Pike to Dallas Hollow Road), and the commercial areas along Depot Street, Ducktown Street, and Wall Street be faced with materials such as stone, brick, or other masonry products a minimum of 50% on the exterior walls of the building that abut and/or are visible from said streets and any side that faces another street on corner lots. (2016-17 Ord. 21)
- Designer or architectural metals may be used in conjunction with the above listed materials. (2006-07 Ord. 9)
- 824.9.1** New additions to structures, other than one and two family residential, that increase in size shall use in-kind materials to match original structure with the exception of metal buildings.
- All requirements shall be subject to the review and approval of the Soddy-Daisy Planning Commission.
- Designated industrial parks (as defined by the City of Soddy-Daisy) are exempt from these requirements. (2006-07 Ord. 9)
- 824.10** Dumpsters and refuse containers if visible from any street shall be screened from all streets with a site obscuring wood fence or masonry material walls, to the height of the dumpster or container. (2005-06 Ord. 21)

**825. APPEALS**

If an applicant determines that his site plan has been unjustly disapproved or that the Planning Commission has made requests for conformity to standards other than those set forth in this ordinance, he may appeal the decision of the Planning Commission to the Soddy-Daisy Zoning Board of Appeals.

## LANDSCAPE REQUIREMENTS

830.

### PURPOSE

Soddy-Daisy's scenic landscapes are closely tied to a community's quality of life, community identity, and civic pride. These landscapes also form the critical first impressions of potential new employees, homeowners, and tourists, thus affecting Soddy-Daisy's economy.

Landscaping provides important environmental benefits such as reducing air pollution and stormwater runoff, improving water quality, and creating wildlife habitats. Landscaping requirements are one of the many tools used for protection and enhancing a community's scenic quality.

The purpose and intent of this Article are the following:

- To promote the scenic quality of the community;
- To improve the appearance of parking areas and property abutting public rights-of-way;
- To protect property values;
- To reduce stormwater runoff and improve water quality;
- To provide transition between incompatible land uses; and
- To provide relief from traffic, noise, heat, glare, dust, and debris.

831. DEFINITIONS

Caliper

A measurement of the tree trunk diameter measured at 2 and ½ feet above grade level.

Class I Shade Trees

Any plant having a central trunk, an expected maturity height of at least 35 feet, and an expected minimum mature canopy spread of 15 feet.

Class II Shade Trees

Any plant having a central trunk, a maximum expected maturity height of 25 feet.

Gross Floor Area

The total interior space as defined by the Southern Standard Building Code.

Impervious Surfaces

Includes concrete, asphalt, brick, metal, or any other material constructed or erected on landscaped or natural buffer areas that impede the percolation of water into the ground.

Interior Parking Bay

All parking bays that do not qualify as a perimeter bay.

Landscaped Area/Landscape Yard

An area to be planted with grass, trees, shrubs or other natural ground cover. No impervious surfaces are permitted in these areas.

Landscape Island

A landscaped area defined by a curb and surrounded by paving on all sides.

Landscaped Peninsula

A landscaped area defined by a curb and surrounded by paving on three sides.

Natural Buffer

An area of land set aside for preservation in its natural vegetative state. Plants may not be removed with the exception of poisonous or non-native plant species. In addition, fill/cutting activities, storage of materials, and impervious surfaces are not permitted in these areas.

New Development

Construction of a new building or structure on its own lot is considered as new development. New buildings or a structure constructed on a lot which already contains existing buildings is considered as an expansion.

Perimeter Bay

All parking bays that are adjacent to the perimeter of a development.

Screening Shrubs

Evergreen shrubs that maintain their foliage year-round.

Screening Trees

Evergreen trees that maintain their foliage year-round.

Street Yard

A designated landscaped area where private property abuts the public street right-of-way for planting of grass, trees, and shrubs.

832. GENERAL PROVISIONS

832.1 Applicability

The requirements of this Section shall apply to:

- a. All New Public/Private Development;
- b. Existing Public/Private Developments:
  - For existing developments and parking facilities, expansion in gross floor area (GFA) or parking spaces will trigger landscaping requirements based on the scope of work proposed as established below.
  - Landscaping requirements shall not prevent an existing manufacturing facility from expanding.
  - Where both the building expansion and parking lot expansion requirements are applicable, the building expansion requirements shall supercede.

832.2 Building Expansions

When an expansion:

- a. increases GFA more than 25%, but no more than 50%, then:
  - the entire property shall comply with the street yard requirements
  - 50% of the existing parking lot and all of any expanded parking lot portions shall comply with the parking lot landscaping requirements
  - the entire property shall comply with all of the screening requirements
- b. increases GFA more than 50%, then:
  - meet all of the landscaping ordinance requirements.

832.3 Parking Lot Expansions

When an expansion:

- a. of at least ten (10) spaces increases the total number of parking spaces by no more than 25%, then:
  - the expanded portion of the parking lot shall comply with the landscaping requirements
- b. of at least ten (10) spaces increases the total number of parking spaces more than 25%, but no more than 50%, then:
  - 50% of the existing parking lot(s) within the property and all of any expanded parking lot portions shall comply with the parking lot landscaping requirements



- c. of at least ten (10) spaces increases the total number of parking spaces more than 50%, then:

- The expanded and existing parking lot(s) within the property shall comply with the parking lot landscaping requirements.

**832.4**      **Exemptions:**

One-family detached, two families, and three family residential structures on their own lot are exempt from landscaping requirements.

**833.**      **LANDSCAPE/PLANT INSTALLATION PLAN SUBMITTAL**

The Landscape/Plant Installation Plan may be incorporated into the site plan, provided the scale is not less than 1 inch equals 40 feet. The following elements shall be shown on the Landscape/Plant Installation Plan:

- existing trees or natural areas to be retained;
- location of all required landscaping areas (street yard, landscaped peninsulas, landscaped islands, and screening buffers);
- location, installation, size, quantity, spacing between trees and shrubs used for screening are to be installed per Section 840 and 842.

**834.**      **HARDSHIPS**

**834.1**      **Intent**

This Section does not intend to create undue hardship on affected properties. The required landscaping should not exceed 15% of the total lot area. For existing developments, where the GFA or parking areas are being increased, and the loss of off-street parking spaces (required by zoning ordinance) as a result of compliance with the landscaping provisions should not exceed 10%.

**834.2**      **Special Administrative Remedies**

- a. Lots with a depth of one hundred fifty (150) feet or less, or an area of fifteen thousand (15,000) square feet or less have the following special exceptions:
1. An automatic 50% reduction in landscape yard depth requirements for screening, street yard, and parking lot landscaping sections; and
  2. A 25% reduction in planting requirements for all sections except for the required evergreen plantings for screening.
- b. Lots which front on more than one street have the following special exception:

- c. In situations where the landscape requirements would result in the demolition of an existing building, a loss of more than 10% of the gross required off-street parking for an existing development; or a loss greater than 15% of the lot area for development, the following administrative remedies may be applied:
  - 1. Reduce the required minimum landscaped area widths up to 50%
  - 2. Reduce the tree planting requirements by up to 25%

834.3

Administrative Guidelines

- a. Where possible, reduction of landscaping requirements in one area should be offset by an increase of landscaping requirements in other portions of the site.
- b. The first priority is to provide trees along the street frontage.
- c. The second priority is to provide trees within portions of the parking lot that are highly visible from the street.
- d. A screen should always be provided if it is required by this Section. Where there are space limitations, reduce the landscape yard as necessary. If the planting area is less than five (5) feet in width, require a minimum six (6) feet tall wood or composite or masonry wall.
- e. The building inspector or city manager may waive or substitute any landscaping requirements if existing vegetation and/or trees located on the same lot meet the intent of the Soddy-Daisy Landscape Ordinance. (2005-06 Ord. 20)

835.

CONFLICT WITH OTHER ARTICLES IN THE ZONING ORDINANCE AND EXISTING ZONING CONDITIONS

Where any requirement of this Section conflicts with the requirement of another Article or existing conditions in the Zoning Ordinance, the most restrictive requirements shall apply.

836.

STREET YARD REQUIREMENTS

836.1

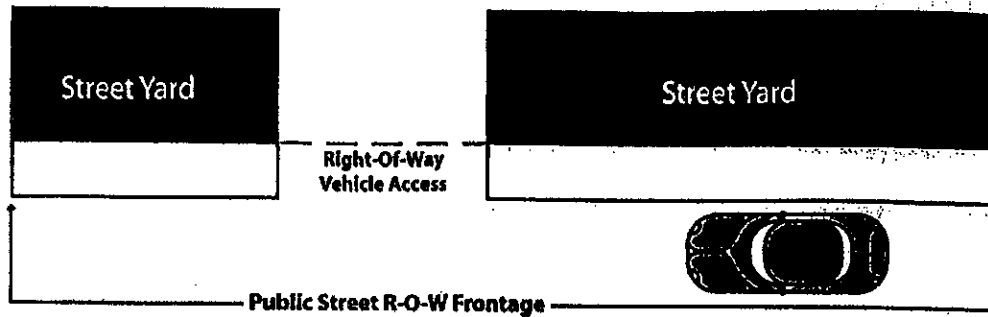
Intent

The intent of this Section is to add quality and definition to the street by planting trees within a landscaped area along the edges of the right-of-way.

836.2

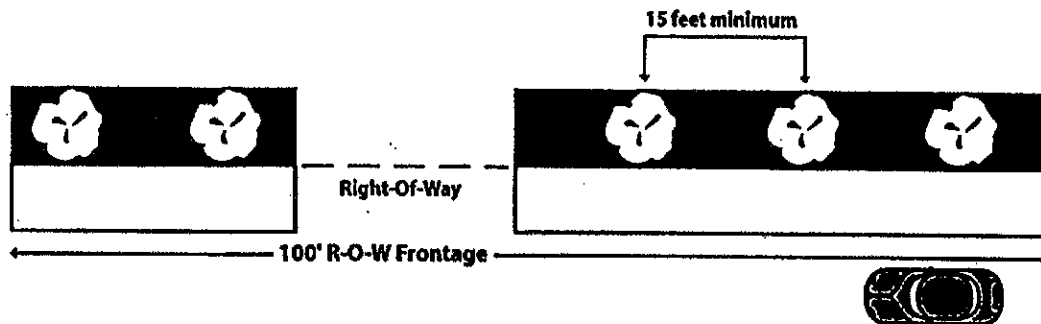
Dimensions

- a. Except for points of access, a street yard shall be provided where the proposed development site adjoins the public street right-of-way. Alleys are exempt from this requirement.



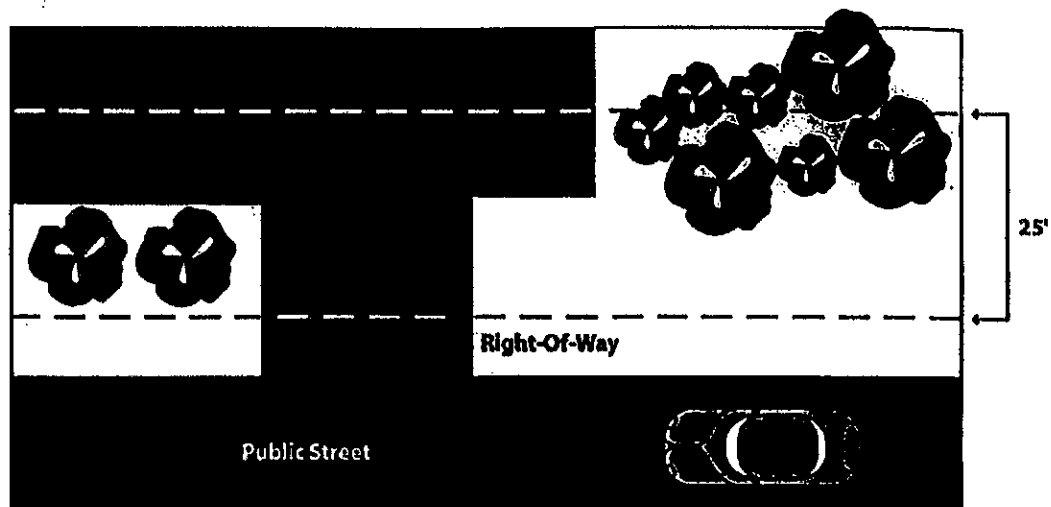
- b. The street yard shall have a minimum depth of four (4) feet as measured from the edge of the public street right-of-way towards the interior of the property. The yard shall consist of sod grass or other natural living ground cover material. No impervious surfaces are permitted in the street yard area.

### 836.3 Plantings



- Trees shall be planted within the street yard at a minimum ratio of one (1) tree per thirty (30) linear feet of right-of-way frontage. Trees do not have to be evenly spaced in thirty (30) feet increments. Fractions of trees shall be rounded up to the nearest whole number.
- The minimum spacing between trees in fifteen (15) feet measured trunk to trunk. The maximum spacing is fifty (50) feet measured trunk to trunk.
- The trees referred to in this section shall have a minimum expected maturity height of at least twenty (20) feet (see Plant Installation Specifications Section: Class II Shade Trees, page 104.14).

837. EXISTING WOODLANDS



- a. Existing woodlands along the street right-of-way frontage can be substituted for the street yard requirements subject to the following:
  1. Existing woodlands to be set aside shall have a minimum depth of twenty-five (25) feet as measured from the public street right-of-way;
  2. Number of woodland trees (not including prohibited trees) having a minimum caliper of 6 inches shall equal or exceed the minimum street tree planting ratio of 1 tree per thirty-five (35) linear feet;
  3. No impervious surfaces are permitted within the protected woodlands area except for approved access points to the site; and
  4. No cutting/filling activities or storage of materials/equipment are permitted within the protected woodlands.

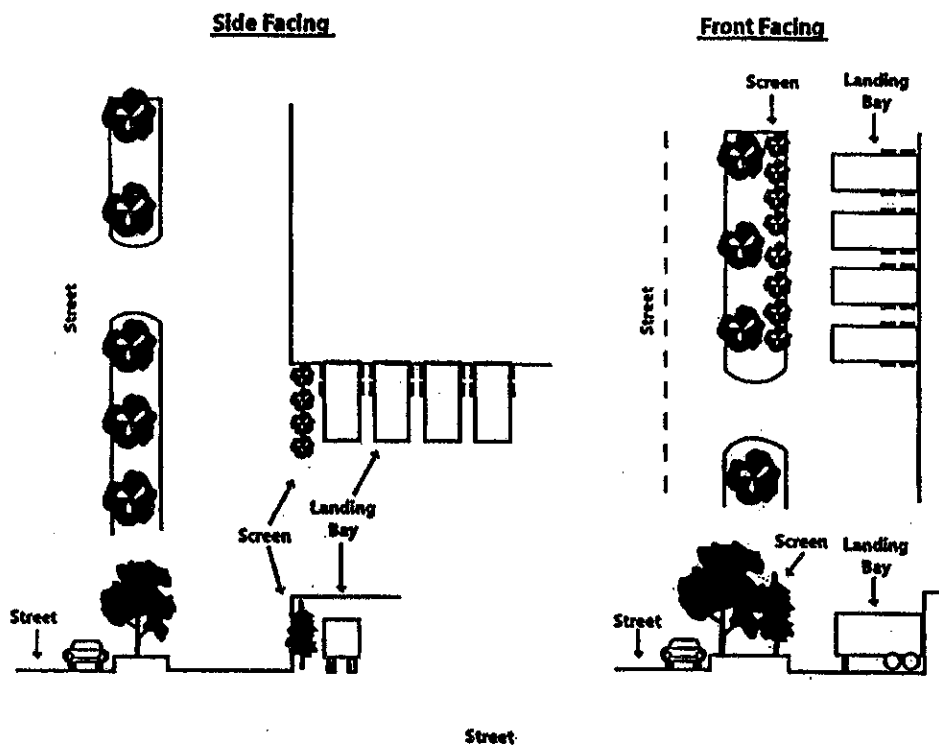
838. EXEMPTIONS/SPECIAL SITUATIONS

- a. Properties adjoining rights-of-way that encroach into established parking areas more than twenty feet (20') have the following street yard options:
  1. Plant street trees within the right-of-way provided written permission is obtained from the owner of the public right-of-way;
  2. If permission cannot be obtained to plant in the right-of-way, no street yard will be required. However, the street trees will be relocated somewhere within the site in an area highly visible from the street. These trees cannot be used to meet requirements in other sections.
- b. Existing street trees planted within the right-of-way (not including the center median or opposite side of the street) and approved by the city building inspector can be used to meet the street yard requirements.

- c. Storm water facilities may be located within the street yard subject to the following conditions:
  1. No riprap, crushed stone, concrete, or other impervious materials are exposed; and
  2. Trees and other living organic materials can be planted along the storm water facility.
- d. With the written approval of the right-of-way owner, portions of the public right-of-way may be used to meet the street yard requirements.

839. **LOADING BAY SCREENING**

- a. Side and front-facing truck delivery stalls and loading bays shall be screened from the public right-of-way as described below.



840. **SCREENING REQUIREMENTS**

840.1 **Intent**









To provide a transition between incompatible land uses and to protect the integrity of less-intensive uses from more intensive uses, screening and buffering will be required. The purpose of the screen is to provide a year-round visual obstruction. The buffer

provides transition between the incompatible uses by requiring a landscape yard of a minimum specified depth along the shared property line.

840.2 Procedure

Refer to the matrix below to determine any screening requirements for the proposed development. First, identify the type of zoning for the proposed development (along the left side of the matrix) and each adjoining property (along the top of the matrix). Find where the zoning of the proposed development and each adjoining property intersect on the matrix. If a screen is required, a capital letter will indicate the type of screen to be applied. A description of each screen type is provided on the next page.

**EXISTING**

	Industrial	Commercial	Office	High-Density Residential	Low-Density Residential
Industrial		C	B	A	A
Commercial				B	B
Office				C	B
Residential High-Density	A	B	C		C

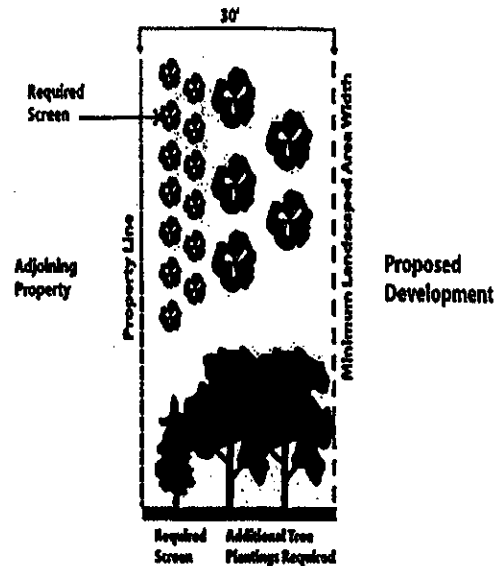
No screen or buffer required = 

**ZONING DISTRICTS**

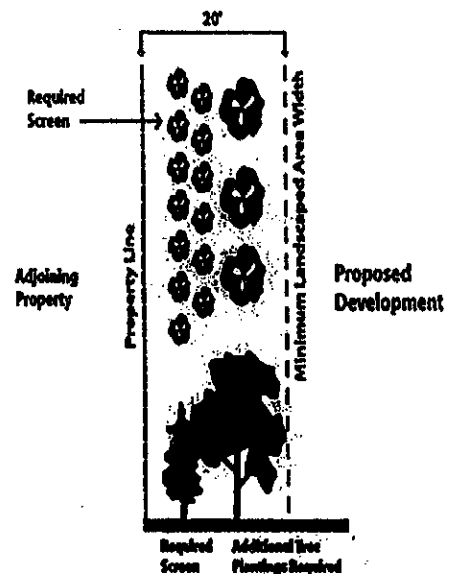
Industrial	M-1, M-2
Commercial	TCM, C-2, C-3
Office	O-1
Residential ( High-Density )	R-3, R-3MD, R-T/Z, MH
Residential ( Low-Density )	A-1, R-1, R-2, R-5 , R-2A

Screening Types**Type A - 30 feet deep Landscape Yard planted with:**

- Evergreen trees spaced a maximum of 10 feet on-center or two staggered rows (spaced a maximum of 7 feet apart) of shrubs spaced a maximum of 8 feet on-center; and
- 2 rows of Class I Shade Trees spaced a maximum of 35 feet on-center.
- All plantings shall meet the installation and planting size requirements specified in the Plant Installation Specifications Section (pp. 104.13-104.16).

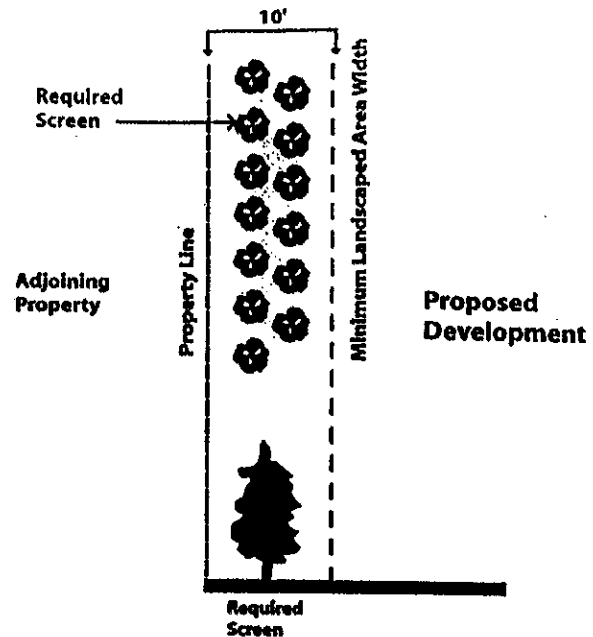
**Type B - 20 feet deep Landscape Yard planted with:**

- Evergreen trees spaced a maximum of 10 feet on-center or two staggered rows (spaced a maximum of 7 feet apart) of shrubs spaced a maximum of 8 feet on-center; and
- 1 row of Class I Shade Trees spaced a maximum of 35 feet on-center.
- All plantings shall meet the installation and planting size requirements specified in the Plant Installation Specifications Section (pp. 104.13-104.16).



**Type C - 10 feet deep Landscape Yard planted with:**

- Evergreen trees spaced a maximum of 10 feet on-center or two staggered rows (spaced a maximum of 7 feet apart) of shrubs spaced a maximum of 8 feet on-center;
- All plantings shall meet the installation and planting size requirements specified in the Plant Specifications Section (pp. 104.13-104.16).



**Type D - Screening of Dumpsters - Screened in the manner described below:**

- Screening shall be a minimum height of 6 feet.
- All four sides of the dumpster shall be screened.
- The screen should incorporate access to the dumpster by using a wood fence or other opaque device to serve as a gate.
- Screening materials can be any combination of evergreen plantings, wood, composite or masonry material.

**Type E - Stormwater Facilities - located in the landscaped yard subject to the following conditions:**

- No rip-rap, crushed stone, concrete or other impervious materials are exposed.
- Trees and other living organic materials can be planted along the stormwater facility.

**841. STORMWATER CREDITS**

**RESERVED FOR FUTURE USE**

**842. PLANT INSTALLATION SPECIFICATIONS**

**842.1 Intent**

All landscaping materials shall be installed in a professional manner, and according to accepted planting procedures of the landscape industry. Planting methods and the season of planting will optimize chances for long-term plant survival and continued vigor.



Class II Shade Trees

These trees are intended to be used for planting under overhead power lines only where they encroach into the property. All Class II Shade Trees shall be installed at a minimum caliper of 1 and ½ inches as measured at 2 ½ feet above grade level from the base of the tree. Class II trees shall have a maximum expected maturity height of 20 feet and a minimum canopy spread of 10 feet.

Recommended SpeciesScientific Name

Acer buergeranum  
Acer campestre  
Acer ginnala  
Amelanchier species  
Cercis canadensis  
Cornus florida  
Cornus kousa and cultivars  
Crataegus crusgalli var. inermis  
Crataegus viridis 'Winter King'  
Koelreuteria paniculata  
Lagerstroemia indica cultivars  
Magnolia virginiana  
Prunus campanulata  
Prunus subhirtella vanautumnalis  
Prunus yedoensis

Common Name

Trident Maple  
Hedge Maple  
Amur Maple  
Serviceberry  
Redbud  
Flowering Dogwood  
Kousa Dogwood  
Thornless Cockspur Hawthorne  
Winter King Hawthorne  
Golden Raintree  
Crapemyrtle  
Sweetbay Magnolia  
Okame Cherry  
Autumn Flowering Cherry  
Yoshino Cherry

Screen Trees

Screening trees are used to meet the tree planting requirements of the Screening Section. All screening trees shall be installed at a minimum height of 8 feet and have a minimum expected mature spread of 8 feet.

Recommended SpeciesScientific Name

Cedrus atlantica  
Cedrus deodara  
Cupressocyparis leylandii  
Ilex attenuate 'Fosteri'  
Ilex opaca  
Juniperus virginiana  
Magnolia grandiflora  
Pinus echinata  
Pinus taeda  
Pinus virginiana  
Tsuga canadensis  
Tsuga caroliniana

Common Name

Atlas Cedar  
Deodar Cedar  
Leyland Cypress  
Foster Holly  
American Holly  
Eastern Red Cedar  
Southern Magnolia  
Shortleaf Pine  
Loblolly Pine  
Virginia Pine  
Canadian Hemlock  
Carolina Hemlock

#### 842.4 Screening Shrubs

All screening shrubs shall be installed at a minimum size of 3 gallons and have an expected maturity height of at least 8 feet and a mature spread of at least 5 feet.

##### Recommended Species

<u>Scientific Name</u>	<u>Common Name</u>
Ilex aquifolium	English Holly
Ilex cornuta 'Burfordii'	Burford Holly
Ilex cornuta 'Nellie R. Stevens'	Nellie R. Stevens Holly
Myrica cerifera	Wax Myrtle
Prunus caroliniana	Cherrylaurel
Prunus laurocearusus	English Laurel
Thuja occidentalis	Eastern Arbor Vitae
Viburnum rhytidophyllum	Leatherleaf Viburnum

#### 842.5 Prohibited Plants

The following plants are prohibited from being used to meet these requirements due to problems with hardiness, maintenance, or nuisance:

<u>Scientific Name</u>	<u>Common Name</u>
Acer saccharinum	Silver Maple
Ailanthus altissima swingle	Tree of Heaven
Albiza julibrissin	Mimosa
Alliaria petiolata	Garlic Mustard
Celastrus orbiculata	Asian Bittersweet
Dioscorea oppositifolia	Air-Potato
Elaeagnus umbellata	Autumn Olive
Elaeagnus pungens	Thorny Olive
Euonymus fortunei	Winter Creeper
Hedera helix	English Ivy
Lespedeza cuneata	Sericea lespedeza
Ligustrum sinense	Chinese Privet
Ligustrum vulgare	Common Privet
Lonicera fragrantissima	January Jasmine
Lonicera japonica	Japanese Honeysuckle
Lonicera maackii	Amur Bush Honeysuckle
Lonicera morrowii	Morrow's Bush Honeysuckle
Lonicera tatarica	Tartarian Honeysuckle, Twin-sisters
Lonicera x bella	Bush Honeysuckle
Lythrum salicaria	Purple Loosestrife
(All Varieties & Cultivars)	
Microstegium vimineum	Japanese Grass
Morus rubra or alba	Mulberry
Myriophyllum spicatum	Eurasian Water Milfoil

Scientific Name

Paulownia tomentosa  
Phragmites australis  
Polygonum cuspidatum  
Populus alba  
Puearia montana  
Pyrus calleryana cultivars  
Rosa multiflora  
Solanum viarum  
Sorghum halepense  
Spiraea japonica  
Ulmus pumila

Common Name

Princess Tree  
Common Reed  
Japanese Knotweed, Japanese Bamboo  
Silver poplar  
Kudzu  
Bradford Pear  
Multiflora Rose  
Tropical Soda Apple  
Johnson Grass  
Japanese Spiraea  
Siberian elm

**843. UTILITY EASEMENT POLICY**

**843.1 Intent**

To avoid damage to utility lines and landscape plantings, all trees and shrubs should be planted outside of existing and proposed utility easements.

**843.2 Policy**

- a. Any tree or shrub used to meet the requirements of this Article shall not be located within proposed or existing utility easements unless it meets one of the special exceptions as defined below.

Special Exceptions

1. Written permission has been obtained from the holder of the utility easement.
  2. Where overhead power lines cross an area required by this Article to be planted with shade trees, smaller shade trees (listed in the Plant Installation Specification Section as Class II Shade Trees, p.104.13-104.16) may be substituted.
- b. If none of the special exceptions above apply, the following options shall be considered in order of priority:

**Priority 1:** Plant the tree as close to the easement as possible.

**Priority 2:** For highly visible areas (street yards, parking lots in front) plant the tree in the same general area where it can be seen from the street or parking lot.

- c. Utility easements can be used to meet the landscape yard requirements. The applicant is responsible for identifying existing and proposed utility easements within the property on the landscape site plan.

844. MAINTENANCE

The property owner shall be responsible for the maintenance of all provided landscaping. All landscaped areas must present a healthy, neat and orderly appearance and shall be kept free from refuse and weeds. Any dead or diseased plant material shall be replaced by the property owner with new plantings that meet the requirements of this Article.

845. CERTIFICATE OF OCCUPANCY/BONDING

If the landscaping has not been installed and inspected for proper installation prior to receiving Certificate of Occupancy, a Certificate of Occupancy may be granted provided the following conditions are met:

- a. Property owner posts a performance bond or irrevocable letter of credit with the City;
- b. The amount of the bond or letter of credit shall be based on material and installation costs of the uninstalled landscape material, including a 10% contingency cost, as shown on the submitted site plan; and
- c. The cost estimate of the landscaping shall be certified by a licensed landscape contractor.

After receiving the Certificate of Occupancy, the remaining landscape material shall be installed within one (1) year from the date the Certificate of Occupancy is issued. The bond or letter of credit shall be called if the required landscaping has not been installed by the end of the one (1) year period and the funds applied to complete the landscaping work.

846. APPEALS

Any person aggrieved by the administration, interpretation, or enforcement of this Article may appeal to the Zoning Board of Appeals within 60 days of the Building Inspection Office's decision. Decisions of the Zoning Board of Appeals may be appealed to court of competent jurisdiction. Should any court of competent jurisdiction find any portion of this Article to be unlawful or unconstitutional, such finding shall not affect this Article as a whole or any portion of it not found invalid.

## ARTICLE IX

### WIRELESS TELECOMMUNICATIONS TOWERS AND ANTENNAS

900.

#### PURPOSE

The purpose of this Ordinance is to establish general guidelines for the siting of wireless communications towers and antennas. The goals of this Ordinance are to:

- (1) protect residential areas and land uses from potential adverse impacts of towers and antennas
- (2) encourage the location of towers in non-residential areas
- (3) minimize the total number of towers throughout the community
- (4) strongly encourage the joint use of new and existing tower sites as a primary option rather than construction of additional single-use towers
- (5) encourage users of towers and antennas to locate them, to the extent possible, in areas where the adverse impact on the community is minimal
- (6) encourage users of towers and antennas to configure them in a way that minimizes the adverse visual impact of the towers and antennas through careful design, siting, landscape screening, and innovative camouflaging techniques
- (7) enhance the ability of the providers of telecommunications services to provide such services to the community quickly, effectively, and efficiently
- (8) consider the public health and safety of communication towers
- (9) avoid potential damage to adjacent properties from tower failure through engineering and careful siting of tower structures

In furtherance of these goals, the City of Soddy-Daisy shall give due consideration to the City of Soddy-Daisy's plans, zoning map, existing land uses, and environmentally sensitive areas in approving sites for the location of towers and antennas.

901.

#### Definitions

As used in this Ordinance, the following terms shall have the meanings set forth below:

901.1

#### Alternative tower structure

Man-made trees, clock towers, bell steeples, light poles and similar alternative-design mounting structures that camouflage or conceal the presence of antennas or towers.

- 901.2      Antenna  
Any exterior transmitting or receiving device mounted on a tower, building or structure and used in communications that radiate or capture electromagnetic waves, digital signals, analog signals, radio frequencies (excluding radar signals), wireless telecommunications signals or other communications signals.
- 901.3      Backhaul network  
The lines that connect a provider's towers/cell sites to one or more cellular telephone switching offices, and/or long distance providers, or the public switched telephone network.
- 901.4      FAA  
The Federal Aviation Administration.
- 901.5      FCC  
The Federal Communications Commission.
- 901.6      Height  
When referring to a tower or other structure, the distance measured from the finished grade of the parcel to the highest point on the tower or other structure, including the base pad and any antenna.
- 901.7      Preexisting towers and preexisting antennas  
Any tower or antenna for which a building permit or special use permit has been properly issued prior to the effective date of this Ordinance, including permitted towers or antennas that have not yet been constructed so long as such approval is current and not expired.
- 901.8      Tower  
Any structure that is designed and constructed primarily for the purpose of supporting one or more antennas for telephone, radio and similar communication purposes, including self-supporting lattice towers, guyed towers, or monopole towers. The term includes radio and television transmission towers, microwave towers, common-carrier towers, cellular telephone towers, alternative tower structures, and the like. The term includes the structure and any support thereto.

902.      APPLICABILITY

902.1      New Towers and Antennas

All new towers or antennas in the City of Soddy-Daisy shall be subject to these regulations, except as provided in Section 902.2 through 902.4, inclusive.

902.2      Amateur Radio Station Operators/Receive Only Antennas

This Ordinance shall not govern any tower, or the installation of any antenna, that is under seventy (70) feet in height and is owned and operated by a federally-licensed amateur radio station operator or is used exclusively for receive only antennas.

902.3 Preexisting Towers or Antennas

Preexisting towers and preexisting antennas shall not be required to meet the requirements of this Ordinance, other than the requirements of Sections 903.6 and 903.7.

902.4 AM Array

For purposes of implementing this Ordinance, an AM array, consisting of one or more tower units and supporting ground system which functions as one AM broadcasting antenna, shall be considered one tower. Measurements for setbacks and separation distances shall be measured from the outer perimeter of the towers included in the AM array. Additional tower units may be added within the perimeter of the AM array by right.

903. GENERAL REQUIREMENTS

903.1 Principal or Accessory Use

Antennas and towers may be considered either principal or accessory uses. A different existing use of an existing structure on the same lot shall not preclude the installation of an antenna or tower on such lot.

903.2 Lot Size

For purposes of determining whether the installation of a tower or antenna complies with district development regulations, including but not limited to setback requirements, lot-coverage requirements, and other such requirements, the dimensions of the entire lot shall control, even though the antennas or towers may be located on leased parcels within such lot.

903.3 Inventory of Existing Sites

Each applicant for an antenna and/or tower shall provide to the City Manager an inventory of its existing towers, antennas, or sites approved for towers or antennas, that are either within the jurisdiction of the City of Soddy-Daisy or within one mile of the border thereof, including specific information about the location, height, and design of each tower. The City Manager may share such information with other applicants applying for administrative approvals or special use permits under this Ordinance or other organizations seeking to locate antennas within the jurisdiction of the City of Soddy-Daisy, provided, however, that the City Manager is not, by sharing such information, in any way representing or warranting that such sites are available or suitable.

903.4 Aesthetics

Towers and antennas shall meet the following requirements:

- (1) Towers shall either maintain a galvanized steel finish or, subject to any applicable standards of the FAA, be painted a neutral color so as to reduce visual obtrusiveness.
- (2) At a tower site, the design of the buildings and related structures shall, to the extent possible, use materials, colors, textures, screening, and landscaping that will blend them into the natural setting and surrounding buildings.
- (3) If an antenna is installed on a structure other than a tower, the antenna and supporting electrical and mechanical equipment must be of a neutral color that is identical to, or closely compatible with, the color of the supporting structure so as to make the antenna and related equipment as visually unobtrusive as possible.

**903.5**

**Lighting**

Towers shall not be artificially lighted, unless required by the FAA or other applicable authority. If lighting is required, the lighting alternatives and design chosen must cause the least disturbance to the surrounding views.

**903.6**

**State of Federal Requirements**

All towers must meet or exceed current standards and regulations of the FAA, the FCC, and any other agency of the state or federal government with the authority to regulate towers and antennas. If such standards and regulations are changed, then the owners of the towers and antennas governed by this Ordinance shall bring such towers and antennas into compliance with such revised standards and regulations within six (6) months of the effective date of such standards and regulations, unless a different compliance schedule is mandated by the controlling state or federal agency. Failure to bring towers and antennas into compliance with such revised standards and regulations shall constitute grounds for the removal of the tower or antenna at the owner's expense.

**903.7**

**Building Codes: Safety Standards**

To ensure the structural integrity of towers, the owner of a tower shall ensure that it is maintained in compliance with standards contained in applicable state or local building codes and the applicable standards for towers that are published by the Electronic Industries Association, as amended from time to time. If, upon inspection, the City of Soddy-Daisy concludes that a tower fails to comply with such codes and standards and constitutes a danger to persons or property, then upon notice being provided to the owner of the tower, the owner shall have thirty (30) days to bring such tower into compliance with such standards. Failure to bring such tower into compliance within said thirty (30) days shall constitute grounds for the removal of the tower or antenna at the owner's expense.

**903.8**

**Measurement**

For purposes of measurement, tower setbacks and separation distances shall be  
(ARTICLE IX, WIRELESS TELECOMMUNICATIONS TOWERS & ANTENNAS)



calculated and applied to facilities located in the City of Soddy-Daisy irrespective of municipal and county jurisdictional boundaries.

**903.9**        Not Essential Services

Towers and antennas shall be regulated and permitted pursuant to this Ordinance and shall not be regulated or permitted as essential services, public utilities, or private utilities.

**903.10**       Franchises

Owners and/or operators of towers and antennas shall certify that all franchises required by law for the construction and/or operation of a wireless communication system in the City of Soddy-Daisy have been obtained and shall file a copy of all required franchises with the City Manager.

**903.11**       Public Notice

For purposes of this Ordinance, any special use request, variance request, or appeal of an administratively approved use or special use shall require public notice to all abutting property owners and all property owners of properties that are located within the corresponding separation distance listed in Section 906.2.5(ii), Table 2, in addition to any notice otherwise required by the Zoning Ordinance.

**903.12**       Signs

No signs shall be allowed on an antenna or tower.

**903.13**       Buildings and Support Equipment

Buildings and support equipment associated with antennas or towers shall comply with the requirements of Section 907.

**903.14**       Multiple Antenna/Tower Plan

The City of Soddy-Daisy encourages the uses of towers and antennas to submit a single application for approval of multiple towers and/or antenna sites. Application for approval of multiple sites shall be given priority in the review process.

**904.**        PERMITTED USES

**904.1**       General

The uses listed in this section are deemed to be permitted uses and shall not require administrative approval or a special use permit.

904.2

Permitted Uses

The following uses are specifically permitted:

- (1) Antennas or towers located on property owned, leased, or otherwise controlled by the City of Soddy-Daisy, provide a license or lease authorizing such antenna or tower has been approved by the City of Soddy-Daisy.

905.

ADMINISTRATIVELY APPROVED USES

905.1

General

The following provisions shall govern the issuance of administrative approvals for towers and antennas:

- (1) The City Manager may administratively approve the uses listed in this Section.
- (2) Each applicant for administrative approval shall apply to the City Manager providing the information set forth in Sections 906.2.1 and 906.2.3 of this Ordinance and a nonrefundable fee as established by resolution of the City Commission to reimburse the City of Soddy-Daisy for the costs of reviewing the application.
- (3) The City Manager shall review the application for administrative approval and determine if the proposed use complies with Sections 903, 906.2.4 and 906.2.5 of this Ordinance.
- (4) The City Manager shall respond to each such application within sixty (60) days after receiving it by either approving or denying the application. If the City Manager fails to respond to the applicant within said sixty (60) days, then the application shall be deemed to be approved.
- (5) In connection with any such administrative approval, the City Manager may, in order to encourage shared use, administratively waive any zoning district setback requirements in Section 906.2.4 or separation distance between towers in Section 906.2.4 or separation distances between towers in Section 906.2.5 by up to fifty percent (50%).
- (6) In connection with any such administrative approval, the City Manager may, in order to encourage the use of monopoles, administratively allow the reconstruction of an existing tower to monopole construction.
- (7) If an administrative approval is denied, the applicant shall file an application for a special use permit pursuant to Section 906 prior to filing any appeal that may be available under the Zoning Ordinance.

905.2

List of Administratively Approved Uses

The following uses may be approved by the City Manager after conducting an administrative review:

905.2.1

Locating a tower or antenna, including the placement of additional buildings or other supporting equipment used in connection with said tower or antenna, in the following zoning districts: Agricultural (A-1), General Business (C-3), Industrial (M-1), Rural Residential (R-2A). New towers must accommodate three (3) or more primary antennae and must be made available for co-location to more than one commercial communications company and not exceed two hundred (200) feet in height. In addition, the site size must be suitable to accommodate more than two equipment cabinets or structures used in association with antennas.

905.2.2

Locating antennas on existing structures or towers consistent with the terms of subsections (a) and (b) below:

- (a) Antennas on existing structures. Any antenna which is not attached to a tower may be approved by the City Manager as an accessory use to any commercial, industrial, professional, institutional, or multi-family structure of eight or more dwelling units, provided:
  - (i) The antenna does not extend more than thirty (30) feet above the highest point of the structure;
  - (ii) The antenna complies with all applicable FCC and FAA regulations; and
  - (iii) The antenna complies with all applicable building codes.
- (b) Antennas on existing towers. An antenna which is attached to an existing tower may be approved by the City Manager and, to minimize adverse visual impacts associated with the proliferation and clustering of towers, co-location of antennas by more than one carrier on existing towers shall take precedence over the construction of new towers, provided such co-location is accomplished in a manner consistent with the following:
  - (i) A tower which is modified or reconstructed to accommodate the co-location of an additional antenna shall be of the same tower type as the existing tower, unless the City Manager allows reconstruction as a monopole.
  - (ii) Height
    - (a) An existing tower may be modified or rebuilt to a taller height, not to exceed thirty (30) feet over the tower's existing height, to accommodate the co-location of an additional antenna.
    - (b) The height change referred to in subsection (iii)(a) may only occur one time per communication tower.

- (c) The additional height referred to in subsection (iii)(a) shall not require an additional distance separation as set forth in Section 906. The tower's premodification height shall be used to calculate such distance separations.

(iii) Onsite location

- (a) A tower which is being rebuilt to accommodate the co-location of an additional antenna may be moved onsite within fifty feet (50') of its existing location.
- (b) After the tower is rebuilt to accommodate co-location, only one tower may remain on the site.
- (c) A relocated onsite tower shall continue to be measured from the original tower location for purposes of calculating separation distances between towers pursuant to Section 906.2.5. The relocation of a tower hereunder shall in no way be deemed to cause a violation of Section 906.2.5.
- (d) The onsite relocation of a tower which comes within the separation distances to residential units or residentially zoned lands as established in Section 906.2.5 shall only be permitted when approved by the City Manager.

**905.2.3** New towers in non-residential zoning districts. Locating any new tower in a non-residential zoning district other than A-1, C-3, M-1 and R-2A, provided a licensed professional engineer certifies the tower can structurally accommodate the number of shared users proposed by the applicant; the City Manager concludes the tower is in conformity with the goals set forth in Section 900; the tower meets the requirements of Section 905.2.1 relative to height and excess capacity; the general requirements of Section 903; the setback requirements in Section 906.2.4 and separation distances in Section 906.2.5.

**905.2.4** Locating any alternative tower structure in a zoning district other than A-1, C-3, M-1 and R-2A that in the judgment of the City Manager is in conformity with the goals set forth in Section 900 of the Ordinance.

**905.2.5** Installing a cable microcell network through the use of multiple low-powered transmitters/receivers attached to existing wireline systems, such as conventional cable or telephone wires, or similar technology that does not require the use of towers.

**906. SPECIAL USE PERMITS**

**906.1 General**

The following provisions shall govern the issuance of special use permits for towers or antennas by the Planning Commission.

906.1.1 If the tower or antenna is not a permitted use under Section 904 of this Ordinance or permitted to be approved administratively pursuant to Section 905 of this Ordinance, then a special use permit shall be required for the construction of a tower or the placement of an antenna in all zoning districts.

906.1.2 In granting a special use permit, the Planning Commission may impose conditions to the extent the Planning Commission concludes such conditions are necessary to minimize any adverse effect of the proposed tower on adjoining properties.

906.1.3 Any information of an engineering nature that the applicant submits, whether civil, mechanical, or electrical, shall be certified by a licensed professional engineer.

906.1.4 An applicant for a special use permit shall submit the information described in this Section and a non-refundable fee as established by resolution of the City Commission to reimburse the City of Soddy-Daisy for the costs of reviewing the application of the City.

906.2 Towers

906.2.1 Information required. Applicants for a special use permit for a tower shall submit the following information:

- (i) A scaled site plan clearly indicating the location, type and height of the proposed tower, on-site land uses and zoning, adjacent land uses and zoning (including when adjacent to other municipalities, adjacent roadways, proposed means of access, setbacks from property lines, elevation drawings of the proposed tower and any other structures, topography, parking, and other information deemed by the City Manager to be necessary to assess compliance with this Ordinance.
- (ii) Legal description of the parent tract and leased parcel (if applicable).
- (iii) The setback distance between the proposed tower and the nearest residential unit, platted residentially zoned properties, and unplatted residentially zoned properties.
- (iv) The separation distance from other towers described in the inventory of existing sites submitted pursuant to Section 903.3 shall be shown on an updated site plan or map. The applicant shall also identify the type of construction of the existing tower(s) and the owner/operator of the existing tower(s), if known.
- (v) A landscape plan showing specific landscape materials.
- (vi) Method of fencing, and finished color and, if applicable, the method of camouflage and illumination.
- (vii) A description of compliance with Sections 903.3, 903.4, 903.5, 903.6, 903.7,

903.10, 903.12, and 903.13, 906.2.4, 906.2.5 and all applicable federal, state or local laws.

- (viii) A statement indicating the owner's commitment to allow feasible shared use of the tower and how many other users can be accommodated within the design parameters of the tower, as proposed. If the tower will not accommodate multiple users, a statement must be provided explaining why it is not either economically, aesthetically, and/or technologically feasible to construct the tower with co-location capability as set forth in subsection 906.2.3.
- (ix) Identification of the entities providing the backhaul network for the tower(s) described in the application and other cellular sites owned or operated by the applicant in the municipality.
- (x) A description of the suitability of the use of existing towers, other structures or alternative technology not requiring the use of towers or structures to provide the services to be provided through the use of the proposed new tower.
- (xi) A description of the feasible location(s) of future towers or antennas within the City of Soddy-Daisy based upon existing physical, engineering, technological or geographical limitations in the event the proposed tower is erected.

**906.2.2**

Factors considered in granting special use permits for towers. The Planning Commission shall consider the following factors in determining whether to issue a special use permit, although the Planning Commission may waive or reduce the burden on the applicant of one or more of these criteria if the Planning Commission concludes that the goals of this ordinance are better served thereby:

- (i) Height of the proposed tower;
- (ii) Proximity of the tower to residential structures and residential district boundaries;
- (iii) Nature of uses on adjacent and nearby properties;
- (iv) Surrounding topography;
- (v) Surrounding tree coverage and foliage;
- (vi) Design of the tower, with particular reference to design characteristics that have the effect of reducing or eliminating visual obtrusiveness;
- (vii) Proposed ingress and egress; and
- (viii) Availability of suitable existing towers, other structures, or alternative technologies not requiring the use of towers or structures, as discussed in Section 906.2.3 of this Ordinance.

- (ix) Suitability of the proposed tower for co-location of additional users.

906.2.3

AVAILABILITY OF SUITABLE EXISTING TOWERS, OTHER STRUCTURES, OR ALTERNATIVE TECHNOLOGY.

No new tower shall be permitted unless the applicant demonstrates to the reasonable satisfaction of the Planning Commission that no existing tower, structure or alternative technology that does not require the use of towers or structures can accommodate the applicant's proposed antenna. An applicant shall submit information requested by the Planning Commission related to the availability of suitable existing towers, other structures or alternative technology. Evidence submitted to demonstrate that no existing tower, structure or alternative technology can accommodate the applicant's proposed antenna may consist of any of the following:

- (i) No existing towers or structures are located within the geographic area which meet applicant's engineering requirements.
- (ii) Existing towers or structures are not of sufficient height to meet applicant's engineering requirements.
- (iii) Existing towers or structures do not have sufficient height structural strength to support applicant's proposed antenna and related equipment.
- (iv) The applicant's proposed antenna would cause electromagnetic interference with the antenna on the existing towers or structures, or the antenna on the existing towers or structures would cause interference with the applicant's proposed antenna.
- (v) The fees, costs, or contractual provisions required by the owner in order to share an existing tower or structure or to adapt an existing tower or structure for sharing are unreasonable. Costs exceeding new tower development are presumed to be unreasonable.
- (vi) The applicant demonstrates that there are other limiting factors that render existing towers and structures unsuitable.
- (vii) The applicant demonstrates that an alternative technology that does not require the use of towers or structures, such as a cable microcell network using multiple low-powered transmitters/receivers attached to a wireline system, is unsuitable. Costs of alternative technology that exceed new tower or antenna development shall not be presumed to render the technology unsuitable.

906.2.4

Setbacks.

The following setback requirements shall apply to all towers for which a special use permit is required; provided, however, that the Planning Commission may reduce the

standard setback requirements if the goals of this Ordinance would be better served thereby:

- (i) Towers must be set back a distance equal to at least seventy-five percent (75%) of the height of the tower from any adjoining lot line.
- (ii) Guys and accessory buildings must satisfy the minimum zoning district setback requirements.

**906.2.5**

**Separation.**

The following separation requirements shall apply to all towers and antennas for which a special use permit is required; provided, however, that the Planning Commission may reduce the standard separation requirements if the goals of this Ordinance would be better served thereby.

- (i) Separation from off-site uses/designated areas.
  - (a) Tower separation shall be measured from the base of the tower to the lot line of the off-site uses and/or designated areas as specified in Table 1, except as otherwise provided in Table 1.
  - (b) Separation requirements for towers shall comply with the minimum standards established in Table 1.



Table 1:

Off-site Use/Designated Area	Separation Distance
Single-family or duplex residential units <sup>1</sup>	200 feet or 300% height of tower whichever is greater
Vacant single-family or duplex residentially zoned land which is either platted or has preliminary subdivision plan approval which is not expired.	200 feet or 300% height of tower <sup>2</sup> whichever is greater
Vacant unplatted residentially zoned lands <sup>3</sup>	100 feet or 100% height of tower whichever is greater
Existing multi-family residential units greater than duplex units	100 feet or 100% height of tower whichever is greater
Non-residentially zoned lands or non-residential uses	None; only setbacks apply

(iii) Separation distances between towers.

- (a) Separation distances between towers shall be applicable for and measured between the proposed tower and preexisting towers. The separation distances shall be measured by drawing or following a straight line between the base of the existing tower and the proposed base, pursuant to a site plan, of the proposed tower. The separation distances (listed in linear feet) shall be as shown in Table 2.

<sup>1</sup>Includes modular homes and mobile homes used for living purposes.

<sup>2</sup>Separation measured from base to tower to closest building setback line.

<sup>3</sup>Includes any unplatted residential use properties without a valid preliminary subdivision plan or valid development plan approval and any multi-family residentially zoned land greater than duplex.

(iii) Table 2:

## Existing Towers - Types

	Lattice	Guyed	Monopole 75 Ft in Height or Greater	Monopole Less Than 75 Ft in Height
Lattice	5000	5000	1,500	750
Guyed	5000	5000	1,500	750
Monopole 75 Ft in Height or Greater.	1,500	1,500	1,500	750
Monopole Less Than 75 Ft in Height	750	750	750	750

906.2.6 Security Fencing.

Towers shall be enclosed by security fencing not less than six feet (6') in height and shall also be equipped with an appropriate anti-climbing device; provided however, that the Planning Commission may waive such requirements, as it deems appropriate.

906.2.7 Landscaping.

The following requirements shall govern the landscaping surrounding towers for which a special use permit is required; provided, however, that the Planning Commission may waive such requirements if the goals of this Ordinance would be better served thereby.

- (i) Tower facilities shall be landscaped with a buffer of plant materials that effectively screens the view of the tower compound from property used for residences. The standard buffer shall consist of a landscaped strip at least four feet (4') wide outside the perimeter of the compound.
- (ii) In locations where the visual impact of the tower would be minimal, the landscaping requirement may be reduced or waived.
- (iii) Existing mature tree growth and natural land forms on the site shall be preserved to the maximum extent possible. In some cases, such as towers sited on large, wooded lots, natural growth around the property perimeter may be sufficient buffer.

907. BUILDINGS OR OTHER EQUIPMENT STORAGE

907.1 Antennas Mounted on Structures or Rooftops. The equipment cabinet or structure used in association with antennas shall comply with the following:

907.1.1 The cabinet or structure shall not contain more than seven hundred fifty square feet (750 sq. ft.) of gross floor area or be more than fifteen feet (15') in height. In addition, for buildings and structures which are less than sixty-five feet (65') in height, the related unmanned equipment structure, if over one hundred square feet (100 sq. ft.) of gross floor area or eight feet (8') in height, shall be located on the ground and shall not be located on the roof of the structure.

907.1.2 If the equipment structure is located on the roof of a building, the area of the equipment structure and other equipment and structures shall not occupy more than ten percent (10%) of the roof area.

907.1.3 Equipment storage buildings or cabinets shall comply with all applicable building codes.

907.2 Antennas Mounted on Utility Poles or Light Poles.

The equipment cabinet or structure used in association with antennas shall be located in accordance with the following:

907.2.1 In residential or agricultural districts, the equipment cabinet or structure may be located:

- (i) In a front or side yard provided the cabinet or structure is no greater than eight feet (8') in height or one hundred square feet (100 sq. ft.) of gross floor area and the cabinet/structure is located a minimum of twenty-five feet (25') from all lot lines. The cabinet/structure shall be screened by an evergreen hedge with an ultimate height of at least forty-two to forty-eight (42-48) inches and planted height of at least thirty-six inches (36").

907.2.2 In commercial or industrial districts the equipment cabinet or structure shall be no greater than eight feet (8') in height or one hundred square feet (100 sq. ft.) in gross floor area. The structure or cabinet shall be screened by an evergreen hedge with an ultimate height of eight feet (8') and a planted height of at least thirty-six inches (36"). In all other instances, structures or cabinets shall be screened from view of all residential properties which abut or are directly across the street from the structure or cabinet by a solid fence eight feet (8') in height or an evergreen hedge with an ultimate height of eight feet (8') and a planted height of at least thirty-six inches (36").

907.3 Antennas Located On Towers

The related unmanned equipment structure shall not contain more than one hundred square feet (100 sq. ft.) of gross floor area or be more than eight feet (8') in height,

and shall be located in accordance with the minimum yard requirements of the zoning district in which located.

907.4      Modification Of Building Size Requirements

The requirements of Sections 907.1 through 907.3 may be modified by the City Manager in the case of administratively approved uses or by the Planning Commission in the case of uses permitted by special use to encourage co-location.

908.      REMOVAL OF ABANDONED ANTENNAS AND TOWERS

Any antenna or tower that is not operated for a continuous period of twelve (12) months shall be considered abandoned, and the owner of such antenna or tower shall remove the same within ninety (90) days of receipt of notice from the City of Soddy-Daisy notifying the owner of such abandonment. Failure to remove an abandoned antenna or tower within said ninety (90) days shall be grounds to remove the tower or antenna at the owner's expense. If there are two or more users of a single tower, then this provision shall not become effective until all users cease using the tower.

909.      NONCONFORMING USES

909.1      Not Expansion of Nonconforming Use

Towers that are constructed, and antennas that are installed, in accordance with the provisions of this Ordinance shall not be deemed to constitute the expansion of a nonconforming use or structure.

909.2      Preexisting Towers.

Preexisting towers shall be allowed to continue their usage as they presently exist. Routine maintenance (including replacement with a new tower of like construction and height) shall be permitted on such preexisting towers. New construction other than routine maintenance on a preexisting tower shall comply with the requirements of this Ordinance.

909.3      Rebuilding Damaged or Destroyed Nonconforming Towers or Antennas.

Notwithstanding Section 908, bona fide nonconforming towers or antennas that are damaged or destroyed may be rebuilt without having to first obtain administrative approval or a special use permit and without having to meet the separation requirements specified in Sections 906.2.4 and 906.2.5. The type, height, and location of the tower onsite shall be of the same type and intensity as the original facility approval. Building permits to rebuild the facility shall comply with the then applicable building codes and shall be obtained within one hundred eighty (180) days from the date the facility is damaged or destroyed. If no permit is obtained or if said permit expires, the tower or antenna shall be deemed abandoned as specified in Section 908.

**910.        SEVERABILITY**

The various parts, sections and clauses of this Ordinance are hereby declared to be severable. If any part, sentence, paragraph, section or clause is adjudged unconstitutional or invalid by a court of competent jurisdiction, the remainder of the Ordinance shall not be affected thereby.

**911.        REPEALER**

Any Ordinance or parts thereof in conflict with the provisions of this Ordinance are hereby repealed to the extent of such conflict.

**912.        EFFECTIVE DATE**

This Ordinance shall take effect June 1, 1998.

## ARTICLE X

### USES PERMITTED ON REVIEW

#### 100. PROCEDURE FOR AUTHORIZING USES PERMITTED ON REVIEW

The following procedure is established to provide procedures for review of a proposed use by the Planning Commission. 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 a nuisance, or noxious, dangerous or offensive. This procedure shall also be used in submitting special exceptions for Planning Commission review.

##### 100.1 Application

An application shall be filed with the Planning Commission 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 feet (200'), and other material pertinent to the request.

##### 100.2 Restrictions

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

##### 100.3 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.

##### 100.4 Time Limit

All applications reviewed by the Planning Commission shall be dedicated within sixty (60) days of the date of application, and the applicant shall be provided with either a written notice of approval or denial.

#### 200. Temporary Family Healthcare Structure as Permitted Accessory Use - Permit (T.C.A. §13-7-502) (Amended 1/19/17, 2016-17 Ord. 9)

- 200.1** As provided in this chapter, a permitted accessory use in any single-family residential zoning district on lots zoned for single-family detached dwellings, includes any temporary family healthcare structures that are:
- (A) For use by a caregiver in providing care for a mentally or physically impaired person; and
  - (B) On property owned by or occupied by the caregiver as their residence.
- 200.2** Temporary family healthcare structures shall comply with any requirements for accessory dwelling structures of this type. Temporary family healthcare structures shall comply with all setback requirements that apply to the primary structure and with any maximum floor area ratio limitations that may apply to the primary structure. Only one (1) temporary family healthcare structure shall be allowed on a lot or parcel of land.
- 200.3** Any person proposing to install a temporary family healthcare structure shall first obtain a permit from the City, for which the local government will charge a fee of one hundred dollars (\$100). The local government may not withhold such permit if the applicant provides sufficient proof of compliance with this section. The City may require that the applicant provide evidence of compliance with the section on an annual basis as long as the temporary family healthcare structure remains on the property. This evidence may involve the inspection by the building inspector of the temporary family healthcare structure at reasonable times convenient to the caregiver, not limited to any annual compliance confirmation.
- 200.4** Compliance with Local Codes and Ordinances and Applicable Requirements of Department of Health. (T.C.A. § 13-7-503)
- A temporary family healthcare structure installed pursuant to this part shall comply with any codes and ordinances to connect to any water, sewer, and electric utilities that are serving the primary residence on the property and shall comply with all applicable requirements of the department of health.
- 200.5** Signage, advertisement, or other promotion of existence of structure not permitted. (T.C.A. § 13-7-504)
- No signage advertising or otherwise promoting the existence of the structure shall be permitted either on the exterior of the temporary family healthcare structure or elsewhere on the property.

Removal of Structure - Revocation of Permit. (T.C.A. § 13-7-505)

- (A) Any temporary family healthcare structure installed pursuant to the section shall be removed by the property owner within thirty (30) days from which the mentally or physically impaired person is no longer receiving or is no longer in need of the assistance provided for in this section. The City may fine the property owner up to fifty dollars (\$50.00) per day for a violation of this section, with each day constituting a separate offense.
- (B) The City Commission, or Planning Commission on its behalf, may revoke the permit granted pursuant to § 13-7-502(b) if the permit holder violates this section. Additionally, the City Commission may seek injunctive relief or other appropriate actions or proceedings in the circuit court of that locality to ensure compliance with this section. The local codes department or building inspector is vested with all necessary authority on behalf of the governing body of the locality to ensure compliance with this section.



## **ARTICLE XI**

### **CONFLICTING ORDINANCES REPEALED**

100. Any Ordinance or parts of Ordinances heretofore adopted by the City Commission which are in conflict with the provisions of this Ordinance are hereby repealed and declared null and void.

## **ARTICLE XII**


### **VALIDITY AND SEPARABILITY**

100. Should any section, clause, or provision of this Ordinance be declared by the courts to be invalid, the same shall not affect the validity of the regulations as a whole or any part thereof, other than the part so declared to be invalid.

**ARTICLE XIII**

**EFFECTIVE DATE**

100. This Ordinance shall become effective from the date of passage by the Soddy-Daisy City Commission.

Signed:   
B. D. Privett, Mayor

Date: July 20, 2000

ARTICLE XIV  
ADVERTISING SIGNS

1400. DEFINITIONS.

For the purposes of this Article the following definitions shall apply:

Attached Sign. An attached sign shall mean a sign that is affixed or painted to a wall, building, or canopy having a permanent or changeable face.

Banner. Banner shall mean an on-premise sign which is made of fabric, paper or any other non-rigid material and which has no enclosing framework or internal supporting structure but not including balloon signs.

Balloon Sign. A sign painted onto or otherwise attached to or suspended from a balloon, whether such balloon is anchored or affixed to a building or any other portion of the premises or tethered to and floating above any portion of the premises.

Construction Sign. Construction sign means a sign conveying information about a building project, such as the name and use of the building being constructed, and the names of architects, engineers, contractors, and other persons involved with the construction project.

Controlled Access Facility. Controlled access facility shall mean any highway or street especially designed for through traffic and over, from, or to which owners, or occupants of abutting land or other persons generally have no right or easement of access from abutting properties. Such highways or streets may be parkways, from which trucks, buses, and other commercial vehicles shall be excluded; or they may be freeways open to use by all customary forms of street and highway traffic, and may, if so designated, include interstate connector roadways and airport access roadways.

Directional Sign. A permanent sign erected for purposes of identification, direction or public safety.

Height. Height shall mean the total measurement of the vertical side of the rectangle which is used to calculate "sign area" as specified in this section.

Incidental Sign. A sign generally informational that has a purpose secondary to the use of the lot on which it is located, such as "no parking", "entrance", "exit", "loading only", "no trespassing", "no hunting", "phone", "ATM", etc.

**Landmark Sign.** Landmark sign shall mean any on-premise sign which identifies any building or property which is included on the National Register of Historic Places, is listed as a certified Historic Structure, is listed as a National Monument or is listed under any similar state or national historical or cultural designation.

**Monument Sign.** A freestanding sign supported primarily by an internal structural framework or integrated into landscaping or other solid structural features other than support poles, braces and uprights and permanently attached to the ground. The perimeter of the sign is to be constructed of masonry, brick, stucco, or wood design weather resistant in nature.

**Off-Premise Sign.** Off-premise sign shall mean any sign which is not an on-premise sign.

**On-Premise Sign.** On-premise sign shall mean any sign whose content relates to the premises on which it is located, referring, exclusively to the name, location, products, persons, accommodations, services or activities conducted on or offered from or on those premises, or the sale, lease, or construction of those premises.

**Person.** Person shall mean individual, company, corporation, association, partnership, joint venture, business, proprietorship or any other legal entity.

**Political Sign.** Any temporary sign erected for the purpose of supporting a political candidate, stating a position regarding a political issue or similar purpose.

**Portable Sign.** A portable sign shall include any advertising sign or device, counterbalances sign, trailer sign, or variation thereof located on the ground, easily moveable, not permanently attached thereto and which is usually a two-sided sign, including any single or double surface painted or poster panel type sign or any variation thereof which is temporary in nature.

**Premises.** Premises shall mean all contiguous land in the same ownership which is not divided by any public highway, street or alley or right-of-way.

**Projecting Sign.** Projecting sign shall mean an on-premise sign attached to a building, canopy, awning or marquee and projecting outward therefrom in any direction a distance of more than eighteen (18) inches, provided, however, that no projecting sign shall extend horizontally from the building more than eight (8) feet at the greatest distance.

**Reader Board.** Reader board shall mean any on-premise sign attached to or made part of the support system of a freestanding sign which either displays interchangeable messages or advertises some product or service offered separately from the name of the premises where it is located, such as "Deli Inside", "Tune-Ups Available", "Year-End Special" and the like. Reader boards shall not exceed twenty-four (24) square feet in size for on-premises signs of

sixty-four square feet in size or smaller; shall not exceed thirty (30) square feet in size for signs one hundred and twenty-eight square feet in size or smaller; or forty-five (45) square feet in size for signs over one hundred twenty-eight (128) square feet in size.

**Real Estate Sign.** Signs advertising the sale or lease of real estate which are located upon the real estate offered for sale or lease, provided that such signs do not exceed thirty-two (32) square feet in sign area.

**Roof Sign.** Roof sign shall mean an attached or projecting sign (i) which is placed on top of or over a roof, excluding the mansard portion of a roof, or is attached to any flagpole, antenna, elevator housing facilities, air-conditioning towers or coolers, or other mechanical equipment on top of a roof, (ii) any portion of which extends above the top of the wall, canopy or awning to which such sign is attached, or (iii) any portion of which extends above the top of the mansard in the case of a mansard sign.

**Sign.** Sign shall mean any structure or wall or other object used for the display of any message or messages; such term shall include without limitation any structure, display, device or inscription which is located upon, attached to, or painted or represented on any land, on any building or structure, on the outside of a window, or on an awning, canopy, marquee, or similar appendage, and which displays or includes any message or messages, numeral, letter work, model, emblem insignia, symbol, device, light, trademark, or other representation used as, or in the nature of, an announcement, advertisement, attention-arrester, warning or designation of any person, firm, group, organization, place, community, product, service, businesses, profession, enterprise or industry. The following shall be excluded from this definition:

- (a) Signs or flags erected, provided, owned, authorized or required by a duly constituted governmental body, including, but not limited to, traffic or similar regulatory devices, legal notices, or warnings at railroad crossings.
- (b) Signs located inside a building.
- (c) Memorial plaques or tablets.
- (d) Gravestones.
- (e) Inside faces of scoreboard fences or walls on athletic fields.
- (f) Historical site plaques.
- (g) The display of street numbers.

- (h) Any message or messages on the clothing of any person or on motor vehicles unless otherwise prohibited in accordance with Section 1413.1 hereof.

**Sign Area.** Sign area shall mean for all signs except on-premises attached signs (as defined in Section 1417.2), the area within the rectangle which is defined by the larger of the lines which include the outer extremities of all letters, figures, characters, messages, graphics or delineations on any sign structure, or the lines which include the outer extremities of the framework or background of the sign structure. The support for the sign background, whether it be columns, a pylon, or a building or part thereof, shall not be included in the sign area unless it forms a part of the message of the sign to which it is attached.

**Snipe Sign.** Snipe sign shall mean any sign for which a permit has not been issued and which is attached in any way to a utility pole, tree, rock, fence, post, or other object.

**Special Event.** Special event shall mean a short-term event of unique significance not in excess of thirty (30) days; such term shall include only grand openings, health-related promotions or health-related service programs, going-out-of-business sales, fairs, religious celebrations and charity fund raisers, and shall not include other sales or promotions in the ordinary course of business.

**Width.** Width shall mean the total measurement of the horizontal side of the rectangle which is used to calculate "sign area" as specified in Section 1400.

1401.

**PERMIT REQUIRED TO ERECT, MAINTAIN SIGN.**

A sign permit must be obtained from the Building Inspection Department prior to the erection, installation or material alteration of any sign. As used in the preceding sentence, the term material alteration shall mean any change in (i) the height of a sign, (ii) the sign area of a sign, (iii) the location of a sign, (iv) the supporting structure of a sign, (v) the number of words in excess of six (6) inches in height for an attached sign; such term shall not include routine maintenance and repair or electrical work only for which an electrical permit must be obtained. Such sign permit shall be obtained in addition to any building permit otherwise required by this Ordinance.

**Exceptions.** No sign permit shall be required for any of the following on-premise signs:

Banners, Construction signs, flags, home occupation signs as defined in Article IV, incidental signs, landmark signs, real estate signs, and special event signs

1402.

APPLICATION FOR SIGN PERMIT, NOTIFICATION TO BUILDING INSPECTOR, EXPIRATION AND RENEWAL OF PERMITS.

Application for the sign permit required by the preceding section shall be made to the Building Inspection Department concurrently with a request for site plan review if required or at the time of issuance of a building permit if a site plan is not required. The application shall be accompanied by such drawings, plans, specifications and engineering designs in compliance with the provisions of the most recent building code adopted by the City of Soddy-Daisy for the proposed sign. The application shall include the property location, owner's name, address and telephone number, sign owner's name, address, telephone number, and contact person or persons in control of the premises, the address where such sign is to be located, together with the size of the proposed sign, and a description of any other signs located on such premises for which a permit has been issued and remains outstanding.

Any sign permit issued pursuant to this article for the erection of a sign shall expire one hundred eighty (180) days from the date of its issuance.

1403.

SCHEDULE OF PERMIT FEES: YEARLY MAINTENANCE AND SAFETY INSPECTION FEE: INVENTORY OF CERTAIN EXISTING SIGNS.

- (a) For off-premise signs, fees will be collected based on construction cost for each such sign, using the city building permit fee schedule.
- (b) For on-premise signs other than temporary signs, fees will be collected based on construction cost for each such sign, using the city building permit fee schedule for each attached and/or detached sign and each electric or illuminated sign.

The owner of each off-premise sign, shall pay to the City of Soddy-Daisy an annual maintenance and safety inspection fee at the rate of twenty-five (\$.25) cents per square foot of sign area. The annual maintenance and safety inspection fee for a sign shall not be collected unless and until such sign has been inspected by a representative of the Building Inspection Department. The Building Inspection Department may place upon any sign, subject to the annual maintenance and safety inspection, a sticker or other device to indicate the date of such inspection, provided that such sticker or device shall not interfere with the message of such sign. The annual maintenance and safety inspection fee for each sign shall be due and payable on July 1 of each calendar year and shall be delinquent if unpaid within thirty (30) days thereafter. A ten percent (10%) delinquent charge shall be added to any annual maintenance and safety inspection fee which remains unpaid after July 31 of the calendar year in which such fee is due. The Building Inspection Department shall cause notices of the annual maintenance and safety inspection fee to be mailed to the owner of each sign subject to such fee on or before June 1 of each calendar year and shall cause



delinquency notices to be mailed as soon as possible after August 1. Any new sign permit issued ninety (90) days prior to July 1 will be exempt from the annual maintenance and safety inspection until July 1 of the following year. No new sign permit or temporary sign permit shall be issued to any owner of any sign for which the annual maintenance and safety inspection fee and the delinquent charge thereon remains unpaid after September 1 in the calendar year in which such fee became due unless such signs(s) and supporting sign structure(s) shall be abated by action of the Building Inspector. If the annual maintenance and safety inspection fee and the delinquent charge thereon remain unpaid on a sign more than sixty (60) days after the date of the delinquent notice, such sign shall be subject to the provisions of Section 1426.

Every person maintaining an off-premise sign or signs as of the effective date of this ordinance shall, within one hundred twenty (120) days of said effective date, furnish to the Building Inspection Department an inventory of all such signs; said inventory shall specify the exact location, measurements and size of each sign including sign area as defined in Section 1400.

1404.

**POWER TO REVOKE PERMIT; REMEDIES FOR VIOLATION.**

- (a) If any sign permit is issued based upon any false or untrue information which is material to the application and the granting of a sign permit, the Building Inspector may revoke any such permit and may order the removal of such sign within thirty (30) days.
- (b) If the Building Inspector determines that any sign erected pursuant to a permit issued is in violation of any provision of this article by error in the construction of the sign, the Building Inspector shall notify the holder of the permit of the nature of the noncompliance and allow the holder a reasonable amount of time, but not less than fifteen (15) days nor in excess of sixty (60) days, to correct the defects. If such noncompliance cannot be corrected, removal of the noncomplying sign must be made within thirty (30) days of the expiration date given for the correction.
- (c) If any sign is erected without a sign permit but is otherwise erected in compliance with the provisions of this Ordinance, the Building Inspector may upon proper application for a sign permit and payment of double the normally required permit fee issue a sign permit for such sign, provided that any such permit issued shall in no event operate to relieve the person erecting a sign without a permit from any penalties provided by this article.

1405.

**OWNER'S NAME REQUIRED ON OFF-PREMISE SIGNS.**

No sign permit shall be issued to any applicant to erect an off-premise sign unless the applicant agrees to place and maintain on each such sign the name of and the

contact information for the person owning or in possession, custody or control thereof. The Building Inspector shall verify that the name of the said person placed upon the erection of such sign and it shall be kept thereon at all times while such sign is maintained.

1406. NON-CONFORMING SIGNS.

Non-conforming signs shall be subject to the following regulations:

- (a) Extension or expansion. A non-conforming sign shall not be enlarged, expanded, extended, or structurally altered as to create an additional nonconformity or to increase the extent of the existing nonconformity. This section shall not be construed to prohibit the changing of the message panel, provided there is no increase in the face area or height, or change in the face panel enclosure. Nothing herein allows a non-conforming sign to be placed nearer to a right-of-way, property line or power line than permitted by this article.
- (b) Removal or replacement.
  - (1) No non-conforming sign shall be removed and replaced or reconstructed on a different or same lot of record unless the replacement or reconstructed sign conforms to all the provisions of this article.
  - (2) Any sign in the city located in whole or in part on the public right-of-way is an unlawful non-conforming sign and shall not be replaced or altered unless it conforms with all the provisions of this article. In addition, any such sign shall, after alteration or replacement, not extend into the public right-of-way.

1407. OBSCENE DISPLAYS ON SIGNS.

No person carrying on the business of bill posting, sign or bulletin painting, card, sign or banner tacking, shall post or paint, or cause to be posted or painted, so that the same can be seen from the streets or other public places of the City, any advertisements containing pictures or illustrations of any obscene character, vulgar or offensive language or obscene pictures, as provided in any provision of Tennessee Code Annotated 39-15-901 (10) or any other provision of the law.

1408. SIGNS OVER STREETS, SIDEWALKS; WHERE OTHER ADVERTISING PROHIBITED.

- (a) No sign of any kind shall be permitted to project over or be suspended over or across any street or sidewalk except in accordance with the provisions of Section 1418 of this article.

- (b) No person shall paste, paint, print, rope, bill, nail or pin any sign or any advertisement or notice of any kind whatsoever or cause the same to be done, on any curbstone, or in any portion or part of any sidewalk or street, tree, lamppost, telephone or telegraph pole, awning, porch or balcony, or upon any other structure in the limits of any street or public right-of-way in the City, except such as may be required by this Code or other City ordinance.

**1409. CHANGE OF SIGN CLASSIFICATION.**

If for any reason an off-premise sign becomes an on-premise sign, such on-premise sign and its supporting structure shall be removed within thirty (30) days of the change of classification unless such sign is in compliance with all the provisions of this Article governing on-premise signs. If for any reason an on-premise sign becomes an off-premise sign, such off-premise sign and its supporting structure shall be removed within thirty (30) days unless such sign is in compliance with all of the provisions of this Article governing off-premise signs.

**1410. SIGNS DISTRACTING TO MOTOR VEHICLE OPERATORS PROHIBITED.**

Where there are entrance and exit ramps to any controlled access facility, or a confluence of traffic, or anywhere else where operators of vehicles might be required to make sudden decisions in order to safely operate their vehicles, then no signs shall be permitted or allowed that will be or is distracting to drivers and thereby hazardous and dangerous to the traveling public.

No off-premise or on-premise sign shall have moving parts, picture tubes, lights or illumination that vary in intensity, flash or change color, except (i) that tri-vision off-premise signs with moving parts shall be permitted, (ii) on-premise message centers shall be allowed provided a special permit has been obtained pursuant to the provisions of Section 1416 of this chapter, or (iii) on-premise signs displaying current time and/or temperature only through the use of lights that vary in illumination or intensity shall be allowed, provided that each display shall remain constant for a minimum of four (4) seconds.

No signs that resemble any regulatory or warning traffic control device or sign as found in the latest edition of the Manual on Uniform Traffic Control Devices for Streets and Highways shall be permitted.

**1411. GENERAL OFF-PREMISE SIGN REGULATIONS.**

**1411.1** Unless otherwise provided in this article, the following regulations shall govern the construction and maintenance of any off-premise sign within the City:

- (a) Billboards or other off premise advertising signs shall not exceed a maximum height of thirty-five (35) feet from the existing grade to the uppermost portion of the structure.

- (b) Billboards and other off premise advertising signs shall be required to meet the set back requirements as set forth in Section 1411.2.
- (c) Billboards or other off premise advertising signs shall not be located closer than three hundred (300) feet to any residence or within seven hundred and fifty (750) feet of any park, school, church, hospital, cemetery, historic building or government building.
- (d) No billboard or other off premise advertising sign shall be located closer than thirty-five hundred (3,500) feet in any direction to another billboard or other off premise advertisement sign.
- (e) Billboards or other off premise advertising signs shall not exceed three hundred and fifty (350) square feet in total area of combined faces.
- (f) Billboards or other off premise advertising signs shall be a monopole type construction and must be of steel material constructed to withstand a wind speed of ninety (90) M.P.H.
- (g) Billboards and other off premise advertising signs shall be tagged with the owner's name, business address, date installed, permit number from the City of Soddy-Daisy, and business phone number; this tag shall be placed to where it can be read without the use of ladder or other such device.

**1411.2** Signs with a sign area of less than seventy-five (75) square feet shall be located no closer than ten feet (10') to the closest edge of any public right-of-way. All signs with a sign area exceeding seventy-five (75) square feet shall be located no closer than twenty-five feet (25') from the closest edge of any public right-of-way.

**1411.3** No sign shall be located where prohibited or not permitted by Zoning Ordinance.

**1412. SCENIC CORRIDORS ESTABLISHED.**

There are hereby established scenic corridors defined to be those land areas within the city limits which lie within six hundred sixty (660) feet of either side of the outermost edge of any of the roads, rivers, or right-of-way more specifically designated herein which are either of uncommon visual importance or scenic attractiveness. Scenic corridors shall consist of certain strips of land six hundred sixty (660) feet on either side of the outermost edge of the right-of-way of all of the roads, routes and waterways specified in this Ordinance, within which scenic corridors all off-premises signs are regulated as set forth herein.

**1412.1** Off-premise signs along Scenic Corridors prohibited.

No off-premise advertising signs or billboards shall be permitted within the scenic corridors established along the following roads, and routes, and no off-premise

signs shall be permitted outside of any such scenic corridors which are principally oriented toward and are designed or situated to be observed from any of the following roads, routes, or waterways:

- (1) Highway 27 and any extension thereof including the "Corridor J" roadway from the southern Soddy-Daisy city limits northward to the northern most Soddy-Daisy city limits to the extent that said extension of "Corridor J" is within the city limits of Soddy-Daisy.
- (2) Sequoyah Road and any extension thereof including the roadway from the eastern most Soddy-Daisy city limits, west to intersection with Dayton Pike.
- (3) Harrison Lane and any extension thereof including the roadway from Daisy Dallas Road west to intersection with Dayton Pike.
- (4) Hixson Pike, also known as State Highway 319 and Tsati Terrace, including the intersection of Dayton Pike, south to Soddy-Daisy city limits.
- (5) Highway 111 from Highway 27 north to the Soddy-Daisy city limits.
- (6) Thrasher Pike and extension thereof including the roadway from the eastern most Soddy-Daisy city limits, west to the intersection with Dayton Pike.
- (7) Those lands which lie six hundred sixty feet (660') north, south, east, and west of North Chickamauga Creek.
- (8) Those lands which lie six hundred and sixty feet (660') north, south, east and west of Soddy Lake escarpment.

1413. PROHIBITED ON-PREMISE SIGNS AND OTHER DEVICES.

1413.1. Prohibited On-Premise Signs and Devices.

- (a) Use of the following on-premise signs shall be prohibited:
  - (1) Portable signs, except where specifically permitted for an authorized temporary use in accordance with the provisions of Section 1414.
  - (2) Banners over forty (40) square feet, except where specifically permitted for an authorized temporary use in accordance with the provisions of Section 1414; in no event may any banner be displayed unless it is secured on all corners in a manner designed to prevent excessive movement in the wind.
  - (3) Snipe signs.

- (4) Roof signs, except balloon signs permitted as temporary signs under Section 1414 of this article.
  - (5) Any sign painted on or attached to a vehicle or trailer and used as a stationary sign.
  - (6) Freestanding signs with moving parts, flashing or blinking lights, animation or sound-emitting devices (excluding two-way communication devices used solely for such two-way communication), except (i) that permanently attached message centers shall be permitted, and (ii) that signs displaying current time and/or temperature only through the use of lights that vary in illumination or intensity shall be allowed, provided, that each display shall remain constant for a minimum of four (4) seconds.
- (b) Except as provided in Section 1416, the use of streamers, pennants, pinwheels, flags (other than those permitted by Section 1421), tinsel and any other device which hangs freely and is intended to be wind-activated or to circulate, flap, rotate, blow or otherwise be put in motion by the wind shall be prohibited. The devices prohibited by this subsection (b) may be maintained following the effective date of this ordinance, but shall not be replaced following the effective date of this ordinance, provided, however, that all devices prohibited by this subsection (b) shall be removed no later than twelve (12) months after the effective date of this Ordinance.

**1414. TEMPORARY ON-PREMISE SIGNS, BANNERS, INCIDENTAL CONSTRUCTION AND SPECIAL EVENTS.**

**1414.1 Authorized Use of Temporary Signs.**

Banners, portable signs and balloon signs shall be allowed on-premise for certain temporary uses only. A temporary sign permit shall be required prior to placement or erection of such sign or banner. Each occupant of a premises shall be entitled to obtain a temporary sign permit. Any such temporary sign permit shall be issued only in accordance with the following:

- (a) **Limit on Use of Temporary Signs.** No occupant shall be eligible for issuance of temporary sign for more than a total of sixty (60) days during any calendar year, and no occupant shall be allowed to use more than one (1) temporary sign at a time. Calendar year is January 1 through December 31<sup>st</sup> of each year.
- (b) **Time Limit for Display of Temporary Signs.** All temporary sign permits shall state an effective date and an expiration date; such permits shall be issued in increments of one to fifteen (15) days. Any temporary sign and its supporting structure (including balloons) permitted shall be removed from public view at or before 11:59 p.m. of the expiration date on the temporary sign permit.

- (c) **Size and Placement of Temporary Signs.** No temporary sign shall exceed thirty-two (32) square feet in sign area. No temporary sign shall be placed closer than ten (10) feet to any public right-of-way, and no temporary sign may be placed in any public parking space.

**1414.2      Removal of Temporary Signs.**

The Building Inspector may, upon ascertaining a violation of the provisions of this Ordinance, cause a written notice to abate such nuisance to be served upon the offender, or his agent, and upon the owner or occupant of the premises. Such notice shall require abatement within not less than twenty-four (24) hours nor more than forty-eight (48) hours from the time of such notice. If a violation of the provisions of this Section is willful and intentional, the Building Inspector may issue a citation to city court to the offender in addition to or in lieu of any notice served upon the offender.

**1415.      BALLOON SIGNS.**

No balloon sign shall exceed a height of thirty (30) feet above the lowest point of the ground over which the balloon is situated. No part of any balloon sign shall be located closer than thirty (30) feet from any public right-of-way.

**1416.      SPECIAL EVENTS - ON PREMISE.**

- (a) The sponsor of a special event lasting three (3) days or less shall not be required to obtain a sign permit but shall notify the Building Inspector of such event in writing no less than five (5) business days before the beginning of such event. Such notification will include the name of the sponsor, the location of the event, the owner of the location, the dates of the event, and the type of special event.
- (b) The sponsor of a special event may use temporary on-premise signs, flags, lights, pennants, streamers, balloons, balloon signs and banners during the special event, provided, that the use of such signs and devices shall be subject to the provisions of this Ordinance and to any conditions placed upon such use by the Zoning Board of Appeals where a special permit must be obtained.
- (c) No part of any sign or other device for a special event may be placed closer than ten (10) feet to any open public right-of-way. No part of any sign or other device for a special event may be located within twenty-five (25) feet of two (2) open public rights-of-way.
- (d) All signs and other devices for a special event shall be promptly removed after the end of the special event and in no case shall such signs and devices remain on display longer than thirty-six (36) hours after the end of the special event.

- (e) No sponsor or occupant may display signs and devices for special events pursuant to this section on the same premises for more than a cumulative total of sixty (60) days per calendar year.

**1417. GENERAL REGULATION OF PERMANENT ON-PREMISE SIGNS.**

**1417.1 General Regulation of On-Premise Signs.**

Other than signs which are prohibited under the provisions of Section 1413 or which are permitted as Temporary Signs pursuant to Section 1414, this article shall regulate the general use of on-premise signs.

**1417.2 Attached On-Premise Sign Size Standards**

The total surface area of all on-premise signs for an individual business shall not exceed one and one half (1.50) square feet of surface area for each one (1) lineal foot of building face fronting on a dedicated and accepted public road right-of-way. The sign area shall be calculated per building face and the allowable sign area for each sign is restricted to the building face that applies to that calculation. The sum of the calculated square footage of two or more sides cannot be applied to a single building face.

**1417.3 Number and Height of Permitted On-Premise Signs.**

Each premises shall be allowed no more than one (1) detached sign per three hundred (300) feet or less of road frontage along a public street.

No sign shall be erected exceeding thirty-five (35) feet in height. There shall be an open and unobstructed space of not less than two (2) feet between the ground and the lower edge of the sign.

**1417.4 Maximum size limitations for detached signs**

- (a) The permitted size of a detached sign shall be determined in accordance with the distance of the sign set back from the right-of-way as specified in Section 1418, but the sign area of a detached sign (whether a freestanding sign, projecting sign, or multiple tenant sign) shall not exceed one hundred seventy-five (175) square feet in size per sign face, within the following areas:

- (1) Sequoyah Road from the eastern most Soddy-Daisy city limits, west to intersection with Dayton Pike, along Dayton Pike Three Hundred (300) feet north and south of center of intersection
- (2) Hixson Pike, also known as State Highway 319 and Tsati Terrace, including the intersection of Dayton Pike three hundred (300) feet north and south of the center of the intersection, south to Soddy-Daisy city limits.



- (3) Harrison Lane and extension thereof including the roadway from Daisy Dallas Road, west to the intersection with Dayton Pike along Dayton Pike three hundred (300) feet north and south of center of intersection.
- (4) Thrasher Pike and extension thereof including the roadway from the eastern most Soddy-Daisy city limits, west to the intersection with Dayton Pike and three hundred (300) feet north and south of center of intersection.

The sign area of a detached sign shall be calculated in accordance with the provisions of the defined term "Sign Area" in Section 1400 of this article, except that the dimensions of any reader board shall be calculated individually and not as if the reader board were included within the rectangular sign area of any other sign. The Zoning Board of Appeals may grant a variance to the thirty-five (35) feet height limit imposed in Section 1417.3 in the areas described in sub-paragraphs (a) (1) (2) (3), and (4) upon a showing of a substantial economic hardship. The Zoning Board of Appeals shall grant only the minimum relief necessary to remedy the particular hardship. In no event may the Zoning Board of Appeals grant a variance for a sign to be constructed to a height greater than ninety (90) feet.

- (b) The permitted size of a detached sign from the southern most Soddy-Daisy city limits north along Dayton Pike to the northern most Soddy-Daisy city limits with the exception of those allowed in Section 1417.4 (a) shall be determine as follows.
  - (1) Sign area of a detached sign (whether a freestanding sign or projecting sign) shall not exceed sixty-four (64) square feet in size per sign face for one occupant.
  - (2) For premises which have two (2) occupants, the sign area of a freestanding detached sign located along such frontage shall not exceed one hundred and twenty-eight (128) square feet.
  - (3) For premises which have three (3) or more occupants, the sign area of a freestanding detached sign located along such frontage shall not exceed one hundred and seventy-five (175) square feet.
  - (4) The sign area of a detached sign shall be calculated in accordance with the provisions of the defined term "Sign Area" in Section 1400 of this article, except that the dimensions of any reader board shall be calculated individually and not as if the reader board were included within the rectangular sign area of any other sign.

**1418. SET BACK REQUIREMENTS FOR DETACHED SIGNS.**

No detached on-premise sign may be closer than ten (10) feet to any street or right-

of-way. Notwithstanding the foregoing set-back limitations, any Projecting Sign which is attached to a building whose building line adjoins a public sidewalk or public right-of-way may extend out over the public sidewalk or right-of-way, but not over any public street and not in excess of the distance otherwise permitted.

**1419. MULTI-FAMILY / MANUFACTURED HOME PARK REQUIREMENTS.**

In any zoning district that permits multi-family, manufactured home parks and other group dwellings, informational signs are permitted, however the sign shall not exceed a total of sixty-four (64) square feet in area. Multi-family and other group dwelling sites that have multiple signs cannot exceed sixty-four (64) square feet in total sign area. Such signs shall indicate nothing other than name and/or address of the premises and other information relevant to the operation of the premises. Such sign may have indirect illumination but not have internal illumination. Such sign shall meet the setback standards for on-premise signs.

**1420. TRAFFIC DIRECTIONAL SIGNS.**

The number, height and set-back limitations in Section 1418 above shall not apply to on-premise entrance, exit or other directional traffic signs at any premises, provided that no such directional sign shall exceed thirty (30) inches in height nor more than six (6.0) square feet in sign area, and further provided that no such signs shall contain any words other than customary motor vehicle or pedestrian traffic directional instructions.

**1421. FLAGS.**

In addition to the display of the flag of the United States and/or State of Tennessee, each premises may display one (1) additional as an on-premise sign provided that such additional flag shall not exceed twenty-four (24) square feet in surface area and provided further that in no case shall such additional flag exceed the size of the flag of the United States displayed only on the same premises. Such additional flag may be displayed only on a flagpole and only when the flag of the United States or State of Tennessee is being displayed on a flagpole. At no time may such additional flag be secured by any means on more than one (1) side of the flag. The foregoing limitation on the display of flags shall not apply to stadiums or athletic fields in which sporting events are routinely held.

**1422. POLITICAL SIGNS.**

The provisions of this Article shall govern the use and placement of political signs.

Political signs with a sign area of more than thirty-two (32) square feet shall be subject to the provisions of Section 1411 governing off-premise signs, provided that any political signs at a campaign headquarters shall be governed as on-premise signs. Political signs with a sign area of thirty-two (32) square feet or less shall be subject to the following restrictions:

- (a) Political signs may not be erected sooner than thirty days prior to any election.
- (b) No political sign may be placed closer than seven (7) feet to the pavement or curb of any public or private street.
- (c) No political sign may be placed closer than twenty-five (25) feet to the closet edge of the pavement or curb of two (2) public or private streets.
- (d) No political sign may be placed upon or attached in any way to any tree, fence, fence post, utility pole, light pole or rock.
- (e) All political signs shall be removed within fifteen (15) days after the election to which they refer has been held. Such signs erected for a primary election may remain only if they continue to be valid for the next general election.
- (f) The Office of the Building Official or the Public Works Director may order the removal or relocation of any such sign which may constitute a hazard to the public traveling on public streets.
- (g) No political sign shall be located in a position which is principally designed to be viewed from a controlled access facility.

1423. REAL ESTATE SIGNS

Any sign pertaining to the sale, rental, management or lease of real property referred to in this section shall be subject to the following:

- (a) Real Estate signs shall not non-illuminated, and no more than one (1) sign per street frontage shall be posted on any property.
- (b) No Real Estate sign pertaining to residential property may contain more than eight (8) square feet of sign area. When computing the sign area, any marking or symbol which identifies a real estate licensee or group of real estate licensees shall be included.
- (c) No Real Estate sign pertaining to any other property other than residential may contain no more than thirty-two (32) square feet of sign area. When computing the sign area, any marking or symbol which identifies a real estate licensee or group of real estate licensees shall be included.
- (d) A placard stating "Open House" may be temporarily erected on the subject property but only for a period of seven (7) days prior to said date of open house. The placard shall be removed immediately following the open house.
- (e) One off premise directional sign may be permitted on private property only and shall not be erected on the public right-of-way.

1424. MAINTENANCE OF SIGNS.

For all signs and similar advertising structures including any existing conforming or nonconforming signs, the following regulations shall apply.

- (a) All signs, and the premises surrounding them, shall be properly maintained, clear of brush, trees, and other obstacles so as to make signs readily visible.
- (b) All signs, together with their support structures, braces, guys, anchors, and electrical equipment shall be kept in safe repair and shall be well maintained. All signs and support structures shall be maintained in such a manner so as to allow clear and unobstructed view of traffic when approaching an intersection or exiting or entering private property.
- (c) Any sign or similar advertising structure failing to meet the requirements of this section shall be repaired or removed within thirty (30) days after notification from the Building Inspector.
- (d) Banners and flags shall not be permitted to deteriorate to a tattered, torn, or faded condition and shall be attached properly at all times. The condition shall be repaired or removed within thirty (30) days after notification from the Building Inspector.
- (e) All on-premise signs shall be properly maintained. Exposed surfaces shall be clean and painted if paint is required. Defective parts shall be replaced. The Building Inspector shall order the removal of any on-premise sign which is defective, damaged or substantially deteriorated.

1424.1 Abandoned signs.

Abandonment of any sign shall terminate the right to maintain such sign, and the owner thereof shall be required to remove the sign. Any sign shall be considered abandoned in the following situations, regardless of any reservation of an intent not to abandon or of an intent to reserve the right to use the sign in the future:

- (a) An on-site or off-site sign displaying no advertising message for a period of one (1) year or more.
- (b) An on-site or off-site sign which advertises a terminated activity, business, product or service which has not been produced, conducted, sold or performed on the premises where the sign is located for a period of one (1) year or more.

1424.2 Disposal of glue, paste, waste material.

No person shall scatter, daub or leave any glue, paste or other like substance for affixing signs upon any street or sidewalk or scatter or throw any old signs or waste

material removed from signs on the surface of any public property, street or sidewalk or upon any private property.

**1425. VIOLATION DECLARED MISDEMEANORS: PENALTY.**

Any person who shall violate any provision of this article, or any person who shall fail or refuse to comply with any notice to abate or other notice issued by the Building Inspector within the time allowed by such notice, shall be guilty of a misdemeanor; each day of such violation or failure or refusal to comply shall be deemed a separate offense and punishable accordingly.

**1426. NOTICE REQUIRING ABATEMENT OF VIOLATION: ABATEMENT BY CITY: LIEN FOR COSTS.**

Upon ascertaining a violation of the provisions of this article, the Building Inspector shall cause to be served upon both the offender, or his agent, and upon the owner, or his agent, or the occupant(s) of the premises, a written notice to abate, which shall describe the conditions constituting a nuisance under this article, and state that the nuisance may be abated by the City at the expense of the offender, and/or the owner, and/or the occupant of the premises at the expiration of not less than fifteen (15) days nor more than sixty (60) days from the date of such notice if such condition is not corrected by the offender, or the owner, or the occupant, or the person in control of the premises. If, at the expiration of the time given to abate the nuisance in said notice to abate, the condition constituting a nuisance has not been corrected, then such condition may be corrected or the nuisance abated by the City of at the expense of the offender and/or the owner and/or the occupant of the premises under the directions of the Building Inspector. The City shall have a lien on the property upon which such sign is located to secure the amount expended for the abatement of such nuisance; the amount expended for the abatement of such nuisance shall include all unpaid annual maintenance and safety inspection fees and delinquent charges due for such sign.

**1427. APPEALS.**

An appeal to the Zoning Board of Appeals from any adverse decision of the City Manager or their designee may be filed in writing with the City Recorder, within ten (10) days from any such decision. The Zoning Board of Appeals shall within fifteen (15) days of the filing of the appeal, set a date upon which a hearing before the Board shall be held. The City Recorder shall promptly notify the person filing the appeal of the hearing date. The decision of the Zoning Board of Appeals upon any such appeal shall be final. The provisions of this section shall not be construed to allow the Zoning Board of Appeals to grant any variance or special exception to the provisions of this article except upon a showing of severe economic hardship as provided in Section 1417.4. Otherwise, the jurisdiction of the Zoning Board of Appeals upon any such appeal shall extend only to questions of fact and to questions involving the interpretation of the provisions of this article.