

**ARTICLE 5
DISTRICT REGULATIONS AND STANDARDS**

7TCC 1-5 (a) Uniformity of Application. The provisions herein shall be held to be the minimum requirements for the promotion of the public health, safety, morals, and welfare.

7TCC 1-5 (b) General Requirement. No building, structure, or land located within the County's zoning jurisdiction shall be used or occupied, and no building or structure shall be erected, moved, reconstructed, extended, enlarged, or altered unless in accordance with all the regulations and standards herein specified for the district in which it shall be located.

7TCC 1-5 (c) Effect on Existing Agreements. This Ordinance is not intended to abrogate any easement, covenant, or any other private agreement provided that where the regulations of this ordinance are more restrictive or impose higher standards or requirements than such easements, covenants, or other private agreements, the requirements of this ordinance shall govern.

7TCC 1-5 (d) Existing Violations. Any building, structure, or use, which was not lawfully existing at the time of the adoption of this ordinance remains unlawful hereunder to the extent that, and in any matter that said unlawful building, structure, or use is in conflict with the requirements of the ordinance.

7TCC 1-5 (e) Agricultural Exemption. Buildings, structures or land used or to be used specifically for "agriculture" as herein defined, are exempt from the requirements of this ordinance, except that such buildings or structures must comply with the applicable setback requirements.

7TCC 1-5 (f) Public Utility Exemption. As required by statute, the type or location of any poles, towers, wires, cables, conduits, vaults, laterals or any similar distributing equipment of a public utility are exempt from the requirements of this Ordinance.

7TCC 1-5 (g) Lot Division. No zoning lot shall hereafter be divided into two (2) or more zoning lots and no portion of any zoning lot shall be sold, unless all zoning lots resulting from each such division or sale shall conform to the applicable regulations of the zoning district in which the property is located.

7TCC 1-5 (h) Lot Depth. The minimum lot depth of all lots or parcels shall be one hundred twenty-five (125) feet. The lot depth shall be measured at the shortest distance between the rear and front line.

7TCC 1-5 (i) Main Structures and Uses. In no case other than in planned unit developments shall there be more than one main or principal structure, or main or principal use on one lot or tract of land.

7TCC 1-5 (j) Minimum Floor Area of a Dwelling. The minimum floor area of a dwelling per unit shall be as follows:

- (1) Single and two-family dwelling: seven hundred (700) square feet per dwelling unit.
- (2) Multi-family dwelling: four hundred (400) square feet per dwelling unit.

7TCC 1-5 (k) Number of Buildings Permitted Per Lot. Every single family dwelling hereafter erected constructed or placed on property shall be located on a separate zoning lot. In no case shall there be more than one (1) single family dwelling on one (1) zoning lot except for accessory buildings or uses, as defined herein.

7TCC 1-5 (l) Accessory Buildings, Structures and Uses.

- (1) Accessory buildings, structures, and uses shall be compatible with the principal use or structure and shall not be constructed or established prior to the establishment or construction of the principal use or structure.

- (2) In the Residential Districts without a special use permit, the aggregate ground floor area of all accessory buildings on a lot shall not exceed the greater of:
 - i. The ground floor area of the dwelling on that lot which shall include any attached structures, except decks or open porches; or
 - ii. 4% of the area of the lot for the first acre plus 1% of all area above one acre; or
 - iii. Lot size of more than two (2) acres there shall be no limit, except all accessory structures shall not exceed the Lot Coverage requirement for the district in which it is located. To qualify for this limitation all lot line setbacks for the new or expanded accessory building must be double the normal required setbacks.
- (3) In the Residential Districts the accessory structures shall not be located in, or project upon, the minimum required front yard.
- (4) Semi-trailers or portable buildings or structures, may be permitted in any district when used as temporary buildings for offices or storage of material and equipment as incidental to and on the same lot or adjacent lots during construction operations of the principal structure, for a period not to exceed twelve (12) months.
- (5) Manufactured/mobile homes, semi-trailers, recreational vehicles, buses or vans shall not be used for storage purposes in any district except that semi-trailers may be used for temporary storage as defined above for a period not to exceed twelve (12) months.
- (6) Manufactured/mobile homes shall not be parked or stored on any other lot, other than in a lawfully established manufactured/mobile home park, or a place of business for sale of manufactured/mobile homes.
- (7) The uses permitted in one district shall not be permitted in any other district unless specifically stated.
- (8) The conversion of a recreation vehicle, manufactured/mobile home, semi-trailer container, semi-trailer or enclosed box trailer into an accessory structure shall be prohibited.
- (9) The following accessory structure may be permitted without a principal structure:
 - i. Agricultural structures;
 - ii. Open Picnic Shelters

7TCC 1-5 (m) Height.

- (1) The height of any main or principal structure, accessory building or structure may exceed the maximum permitted height by one foot for each additional foot by which the width of each yard exceeds the minimum yard dimension for the district in which such structure or building is located.
- (2) The height limitations established for each district shall not apply to public utility poles and lines, communication support structures, skylights, chimneys, fire towers, spires, silos, grain elevators, cooling towers, heating ventilation, air conditioning equipment, and other necessary mechanical appurtenances.

7TCC 1-5 (n) Setback Lines. All main or principal structures and accessory buildings shall be positioned in conformity with the setback line regulations as set forth in the applicable sections of this Ordinance. All setbacks shall be measured from the overhang of the proposed structure.

7TCC 1-5 (o) Fencing. Fences that are open or solid are allowed in all districts with the following conditions, unless otherwise regulated herein:

- (1) In all residential districts, platted subdivisions, and around dwelling units in the agriculture districts, only open fences, which do not exceed four (4) feet in height, are allowed along the front property line to the building setback line.
- (2) In all residential districts and platted subdivisions, fences, which do not exceed six (6) feet in height are allowed to the side and rear of the principal structure. All solid fences shall be constructed with the finished side out.
- (3) Fences may be placed up to a property line provided that fences shall not encroach into rights-of-ways.
- (4) Fences may be placed on a corner lot beginning at the building setback line along the side and rear property line not to exceed six (6) feet in height.
- (5) Barbed wire and electric fences shall be located not less than ten (10) feet from Residential District boundary lines. Barbed-wire fence and electric fences shall not be located in any Residential District.
- (6) Fences that are located around non-agriculture or nonresidential uses and also in a nonresidential district may be either open or solid fences and shall not exceed eight (8) feet in height. The Zoning Board of Appeals may, as a Special Use, authorize the construction of a fence higher than eight (8) feet if it is determined the public welfare is served.
- (7) A property owner may install a fence within a dedicated easement at his or her own risk. In no case, however, shall a fence be constructed within a dedicated drainage easement.
- (8) Fencing exempt from permit requirements:
 - i. Fencing used for agriculture purposes/operations.
 - ii. Ornamental fencing consisting of decorative posts, lattices, arbors, trellises.
 - iii. Fences comprising of less than twenty four (24) feet of total lineal distance per parcel. Such fences shall adhere to all other fencing regulations.

7TCC 1-5 (p) Swimming Pools.

- (1) A wall or fence enclosure of four (4) feet minimum height shall be constructed to completely enclose the pool area for all swimming pools built below ground level. The fence shall be so constructed as to not allow a five inch diameter sphere to pass through the fence. These fences shall be equipped with self-closing and self-latching devices in such a manner as to be an effective barrier to small children.
- (2) As an alternative to a fence as set forth above, a power safety cover, meeting the performance specifications of the ASTM Designation F1346, which is hereby adopted by reference, maybe installed. Such evidence must be provided to the Community Development Administrator that the power safety cover meets the performance specifications mentioned above.
- (3) No in ground pool shall be filled with water until such time that a fence is completed or the power safety cover is installed.

- (4) All above ground pools of four (4) feet in depth or more shall not be required to be enclosed a fence. Each of these pools, shall have retractable ladders installed in such a way as to be an effective barrier to small children. It is the responsibility of the owners of such pools to enforce the provisions of this section and to see that such retractable ladders are effective barriers to small children.
- (5) Failure to comply with the specific regulations for swimming pools is subject to a petty offense subject to a fine not to exceed \$200.00. Each day the violation continues shall constitute a separate offense.

7TCC 1-5 (q) Driveways.

- (1) A driveway shall be a minimum of one (1) foot from a side or rear property line, except for the lot lines between properties where both properties share a common driveway created by a recorded easement.

7TCC 1-5 (r) Home Occupations. Any home occupation which is customarily, in whole or in part, conducted in a residential or agriculture districts shall be permitted in such districts provided that all of the following criteria are met:

- (1) A home occupation shall not be conducted from an accessory building.
- (2) There shall be no exterior indication of the home occupation other than one sign and no variation from the residential character of the dwelling.
- (3) Only one sign shall be allowed in connection with a home occupation and shall not be illuminated; not exceed beyond lot lines; and not exceed two (2) square feet.
- (4) There are no commodities sold, or services rendered that require receipt and delivery of merchandise, goods, or equipment other than by a passenger motor vehicle or by mail or package delivery vehicles such as Federal Express and UPS.
- (5) Activities of the home occupation on the premises must be conducted entirely within the dwelling and only by members of the family residing on the premises.
- (6) There shall be no exterior storage of materials or equipment.
- (7) The home occupation shall not utilize mechanical, electrical, or other equipment which produces noise, electrical or magnetic interference, vibration, heat, glare, or other nuisances outside the dwelling.
- (8) The home occupation shall not include the conducting of retail sales on the premises, other than by mail, phone or internet.
- (9) The home occupation shall not be open to the public between the hours of 8:00 p.m. and 9:00 a.m.
- (10) A home occupation shall also include the use of a part of the dwelling as office for activities carried on away from the premises.
- (11) Permissible Home Occupations include but are not limited to, the following:
 - Art Studio
 - Barber or beauty shop (to include not more than one chair)
 - Profession office or clergyman, lawyer, physician, dentist, architect, engineer or accountant
 - Seamstress
 - Teaching music, dancing or other instruction (limited to one pupil at a time)
 - Repair services limited to watches, clocks, computers, televisions, stereos, radio receiving sets, and small household appliances.

7TCC 1-5 (s) Zero Lot Line Duplex. A duplex of which both dwelling units may be sold separately if:

- (1) At the time the dwelling units are severed from common ownership, the owner or owners of the two (2) dwelling units have signed an agreement to run with the land, in a form adequate to ensure access for maintenance and providing for maintenance of the walls and driveways or a set of covenants and restrictions are in place to provide for said maintenance. Nothing in this Section shall be interpreted as permitting the construction of any adjacent buildings using only one wall for both buildings; each building shall have its own wall.
- (2) A re-subdivision plat dividing the lot has been approved by the Tazewell County Plat Officer prior to recording. A formal subdivision procedure shall not be required.
- (3) The duplex otherwise complies with the requirements of this Ordinance, as amended from time to time. The subdivided lot shall be considered one lot for purposes of all other provisions of this Ordinance.

7TCC 1-5 (t) Recreational Vehicles.

- (1) In the A-1 and A-2 zoning district on parcels 40 acres and less, and not in a platted subdivision, not more than four (4) operable recreational vehicles may be parked or stored outdoors provided any operable recreational vehicle is parked or stored at least three (3) feet from a side and rear property line and behind the front yard setback line.
- (2) In a platted subdivision, regardless of the zoning classification, or on R-1, R-2, and Rural Residential zoned parcels, not more than three (3) operable recreational vehicles may be parked or stored outdoors accessory to a residence.
- (3) A utility trailer containing another recreational vehicle shall count as one (1) recreational vehicle.
- (4) In the R-1, R-2 and Rural Residential District any operable recreational vehicle parked or stored in a side or rear yard shall be a minimum of three (3) feet from a side or rear property line.
- (5) Recreational vehicles occupied for dwelling purposes shall be located in a recreational vehicle park, unless the occupant is a bona fide guest of the dwelling owner. Such bona fide guest shall not occupy the recreational vehicle for more than sixty (60) days in a calendar year while parked on the premises.
- (6) In the A-1, A-2 and Conservation Zoning Districts when the applicant desires to use a recreational vehicle on private property strictly for recreational purposes and not for permanent habitation, and the location of the recreational vehicle does not hinder the use, degrade or affect the value and appearance of adjoining properties, and adequate water supply and sewage disposal facilities are provided and approval obtained from the Tazewell County Health Department, said use of a recreational vehicle may be permitted as a seasonal use.

7TCC 1-5 (u) Accessory Dwellings. An accessory dwelling shall be permitted in any residential district in accordance with the following requirements:

- (1) The principal use of the lot shall be a single family dwelling.
- (2) No more than one (1) accessory dwelling shall be located on a lot.
- (3) The accessory dwelling shall be owned by the same person as the principal dwelling.
- (4) The accessory dwelling shall share the driveway serving the principal dwelling.

- (5) The accessory dwelling shall have a floor area no greater than fifty percent (50%) of the floor area of the principal dwelling, with a minimum of 350 square feet and a maximum of 800 square feet.
- (6) If the entrance of the accessory dwelling is separate from the entrance to the principal dwelling, then that entrance shall not face any street on which the lot fronts.
- (7) If the accessory dwelling will be in a detached accessory structure, then that structure shall also serve as a garage for residents of the principal dwelling.

7TCC 1-5 (v) Outdoor Lighting. The following restrictions shall apply to any outdoor lighting located in any district and should serve to protect against excessive glare and light spilling over to neighboring properties:

- (1) All outdoor lighting for nonresidential uses shall be located, screened, or shielded so that neighboring properties located in residential districts are not illuminated.
- (2) No outdoor lighting shall be of such intensity or brilliance so as to cause glare or to impair the vision of drivers.
- (3) Except as specifically exempted in subsection 4 below, the maximum permitted luminaire height shall be forty (40) feet.
- (4) Outdoor recreational uses permitted as part of a special use shall meet all of the requirements of this section, with the exception that the permitted post height cannot exceed eighty (80) feet.
- (5) Conditions relating to the location and hours of operation for outdoor lighting may be imposed on outdoor recreational uses.
- (6) No flickering or flashing lights shall be permitted, other than holiday decorations.

7TCC 1-5 (w) Yards. Notwithstanding any other provisions of this Ordinance, the minimum yard dimensions specified hereafter shall not be reduced except through action by the ZBA. The following yard regulations and standards shall apply to all lots or tracts of land on which a structure is located.

- (1) Yards shall be kept unobstructed for their entire depth except as specified hereafter.
- (2) Private driveways, service drives, easements, sidewalks, flagpoles, arbors, trellises, fences, walls, ornamentation, vegetation, columns, light poles, hydrants, accessory signs, seasonal decorations, and utility devices may be placed in any yard.
- (3) Agriculture may be carried on in any yard except as hereinafter provided.

7TCC 1-5 (x). Contiguous Parcels. When two (2) or more parcels of land, each of which lacks adequate area and dimension to qualify for a permitted use under the requirements of the zoning district in which they are located, and are held in one (1) ownership, they shall be used as one (1) zoning lot.

7TCC 1-5 (y). Open Storage of Junk. Junk, as herein defined, shall not be stored in an open area. However, this provision shall exclude lawfully established junkyards or other uses engaged in collecting and/or processing of scrap iron and other metals.