

CHAPTER 3
GENERAL PROVISIONS

SECTION

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

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

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

1. An existing nonconforming use of a building may be changed to a conforming use or to another nonconforming use of the same classification; provided, however, that establishment of another nonconforming use of the same classification shall be subject to the written approval of the board of zoning appeals and subject to such conditions as the board of zoning appeals may require in order to protect the area.
2. A nonconforming use of land shall be restricted to the area occupied by such use as of the effective date of the zoning code. A nonconforming use of a building or buildings shall not be enlarged to either additional land or buildings after the effective date of the zoning code.

3. When a nonconforming use of any structure or land, including nonconforming mobile homes or mobile home parks, has been discontinued for a period of six months, it shall not be reestablished or changed to any use not in conformity with the provisions of the zoning code. Immediately upon the removal of a nonconforming mobile home or discontinuance of a nonconforming mobile home or travel trailer park the nonconformity of such structure and use of land shall lapse.
4. Any nonconforming building or nonconforming use, which is damaged by fire, flood, wind, or other act of God or man, may be reconstructed and used as before, if it be done within twelve (12) months of such damage, unless damaged to the extent of more than seventy-five (75) percent of its fair sales value immediately prior to damage in which case any repair or reconstruction shall be in conformity with the provisions of the zoning code.
5. A nonconforming building or building housing nonconforming use shall not be structurally altered except in conformance with the provisions of the zoning code. This provision shall not be construed to prevent normal maintenance and repairs or alterations required for structural safety. (Ord. No. 382, sec. 11-303)

11-304. Only one Principal Building on any Lot. Only one principal building and its customary accessory buildings may be erected on any lot. This provision does not prohibit group housing developments as permitted under section 11-503 of tis code. (Ord. No. 382, sec. 11-304)

11-305. Lot Must Abut a Public Street. No building shall be erected on a lot which does not abut at least one public street, unless an easement at least thirty (30) feet in width to a street is provided. Such building shall conform to the lot and yard requirements of the district in which it is located. (Ord. No. 382, sec. 11-305)

11-306. Rear Yard Abuts a Public Street. When the rear yard of a lot abuts a public street, all structures built in that rear yard shall observe the same setback from the line, center line of the street or property line as required for adjacent properties which front on that street. (Ord. No. 382, sec. 11-306)

11-307. Reduction in Lot Area Prohibited. No lot, even though it may consist of one or more adjacent lots of record, shall be reduced in area so that yards, lot area per family, lot width, building area, or other requirements of the zoning code are not maintained. This section shall not apply when a portion of a lot is acquired for a public purpose. (Ord. No. 382, sec. 11-307)

11-308. Obstruction to Vision at Street Intersection Prohibited. On a corner lot, not in the central business district, within the area formed by the center lines of the intersecting or intercepting streets and a line joining points on such center lines shall be no obstruction to vision between the height of three and one-half (3 ½) feet and ten (10) feet above the average grade of each street at the center line thereof. The requirements of this section shall not be construed to prohibit any necessary retaining wall. (Ord. No. 382, sec. 11-308)

11-309. Off-Street Automobile Storage.

1. In all districts, except the C-1, Central Business District, there shall be provided, at such time any building or structure is erected or enlarged or increased in capacity, off-street parking spaces. The number of parking spaces provided shall meet the minimum requirements for the specific uses as set forth below. For uses not specifically mentioned herein, off-street parking requirements shall be determined by the planning commission.
 - a. Single and two-family dwellings. No less than two (2) spaces for each dwelling unit.
 - b. Multiple-family dwellings. Not less than one and one-half (1 ½) spaces per dwelling unit.

- c. Boarding houses and rooming houses. No less than one (1) space for each one (1) room occupied by boarders or roomers.
 - d. Hotels, motels, and other tourist accommodations. Not less than one (1) space for each room offered for tourist accommodation.
 - e. Manufacturing or other industrial use. Not less than one (1) space for each two (2) persons employed or intended to be employed on a single shift, with a minimum of five (5) spaces provided for any establishment.
 - f. Commercial building or use. One space for each one hundred and fifty (150) square feet of usable floor space plus one (1) space per two (2) employees, based on the design capacity of the largest shift.
 - g. Shopping centers. Not less than one (1) space for each two hundred and fifty (250) square feet of net floor area.
 - h. Medical or dental clinics. Four (4) spaces per doctor or dentist or one (1) space for each one hundred (100) square feet of usable floor space, whichever is greater.
 - i. Filling stations. Three (3) spaces for each grease rack or similar facility.
 - j. Theaters, auditoriums, churches, stadiums, or other uses designed to draw an assembly of person. Not less than one space for each five (5) seating spaces provided in such place of assembly.
 - k. Office. One (1) space for each one hundred (100) square feet of office space.
 - l. Restaurants. One (1) space per one hundred and fifty (150) square feet of floor area, plus one (1) space for each two (2) employees. (For drive-in restaurants, one (1) space per fifty (50) square feet of floor area.)
 - m. Mobile home parks. Two (2) spaces for each mobile home space provided.
2. 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.
 3. 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 use which will be closed at night or on Sundays.
 4. Remote parking space. If the off-street parking space required by the zoning code cannot be reasonably provided on the same lot on which the principal use is located, such space may be provided on any land within four hundred (400) feet of any public 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 the zoning code, has been made for the principal use.
 5. Requirements for design of parking lots.
 - a. Except for parcels of land devoted to one and two-family residential uses, all areas devoted to off-street parking shall be so designed and be of such size that no vehicle is required to back into a public street to obtain egress.
 - b. Each parking space shall be no less than two hundred (200) square feet in area.

- c. Entrances and exits for all off-street parking lots shall comply with the requirements of Section 11-310 of this code.
- d. The parking lot shall be drained to eliminate surface water. (Ord. No. 382, Section 11-309)

11-310. Access Control. In order to promote the safety of the motorist and pedestrian and to minimize traffic congestion and conflict by reducing the points of contact, the following regulations shall apply:

- 1. A point of access for vehicles onto a street shall not exceed thirty (30) feet in width.
- 2. There shall be no more than two (2) points of access to any one public street for each four hundred (400) feet of lot frontage, or fraction thereof; provided, however, that lots less than one hundred (100) feet in width shall have not more than one point of access to any one public street.
- 3. Where two driveways are provided for one lot frontage, the clear distance between driveways shall not be less than twenty-five (25) feet.
- 4. No point of access shall be allowed within twenty (20) feet of the right-of-way line of any public intersection.
- 5. No curbs on city streets or rights-of-way shall be cut or altered without written approval of the street department, or if a state highway, a permit must be obtained from the Tennessee Department of Highways. (Ord. No. 382, Section 11-310)

11-311. Off-Street Loading and Unloading Space Required. Every building or structure hereafter constructed and used for industry, business, or trade involving the receipt or distribution of vehicles, materials, or merchandise shall provide space for the loading and unloading of vehicles off the street or public alley. Such space shall have access to a public or private alley or if there is no alley, to a public street. The minimum required spaces for this provision shall be based on the total usable floor area of each principal building according to the following table:

Total usable floor area in square feet for each principal building	Spaces required (See Sec. 11-203 (19))
0 to 5,000 sq. ft.	One (1) space
5,000 to 10,000 sq. ft.	Two (2) spaces
10,000 to 15,000 sq. ft.	Three (3) spaces
15,000 to 20,000 sq. ft.	Four (4) spaces
Over 20,000 sq. ft.	Four (4) spaces plus one (1) space for each additional 20,000 square feet.

(Ord. No. 382, Sec. 11-311)

11-312. Maximum Building Height. No structure shall be erected which exceeds three (3) stories or fifty (50) feet in height except as provided by Section 11-506. (Ord. No. 382, sec. 11-312).

11-313. Site Plan Review Requirements for Commercial, Industrial, Multi-Family, Public, and Semi-Public Uses. (Amended by Ordinance 2003-11) A site plan must be submitted to the planning commission for any commercial, industrial, multi-family (2 or more units), public, or semi-public construction proposed in the City of LaFollette. Before the issuance of a building permit for such construction, seven (7) copies of a site plan must be submitted to the building inspector for planning commission review and approval. (Approval of a site plan shall expire within six (6) months after the date of its approval, unless a building permit has been issued within that period for the proposed development.)

The site plan shall be submitted at least ten (10) days prior to the meeting at which it is to be reviewed. All site plans shall be professionally prepared and certified by a licensed surveyor, engineer, architect, and/or landscape architect, as may be appropriate, and in accordance with state law regarding the practice of these professions. It shall be drawn to a scale of not less than 1"=20', however the planning commission may allow large sites at 1"=50'. Each site plan shall display the following information:

1. **Property Lines.** Locations and dimensions of all property lines bounding the development site.
2. **Buildings, Streets, and Easement Locations.** Locations and dimensions of all existing and proposed buildings, street rights of way, and easements.
3. **Ingress and Egress.** Locations and dimensions of all entrances and exits onto a public thoroughfare. The design shall conform to all applicable provisions of the zoning ordinance.
4. **Parking.** Indications of parking areas on the site and the number of parking spaces. The design shall conform to all applicable provisions of the zoning ordinance.
5. **Loading and Unloading.** Locations of areas meant for loading and unloading.
6. **Water Service and Wastewater Disposal.** Existing and proposed structures for water service and sanitary wastewater disposal.
7. **Stormwater Drainage.** A certified plan for stormwater drainage shall be included with the site plan, which identifies all easements, drainage structures including size/capacities, and other pertinent information concerning the assumptions upon which the plan is based. The estimated stormwater runoff based on a ten (10) year 24 hour storm event shall be calculated for pre-development and post-development. The amount of runoff shall not be increased and shall be accommodated on site.
8. **Topographic Information (existing and proposed).** Existing and proposed topographic contours at 5 foot intervals for all sites.
9. **Open Space and Landscaping Requirements.** These requirements are established to protect and enhance the community's environmental, economic, and aesthetic quality in support of the primary purpose of the zoning ordinance to promote the public health, safety, and general welfare. To that end, these requirements have been designed to reduce visual and functional conflicts and to preserve a sense of privacy between land uses and activity areas by providing for the preservation, installation, and maintenance of landscape materials along certain property boundaries, and to reduce the impact of noise, glare, heat, dust, and fumes associated with vehicle parking areas upon contiguous properties by providing for the preservation, installation, and maintenance of landscape materials. The following requirements for open space and landscaping are established:
 - (a) Landscaping shall mean planting of grass, trees, shrubs, or other comparable surface cover. Where landscape features exist on site which can meet the purpose of this section, all or part

of such features may be used to meet the requirements of this section upon the approval of the planning commission.

- (b) All developments shall meet the minimum yard (open space) requirements established in Chapter 4 “Zoning Districts” and Chapter 5 “Exceptions and Modifications” of this zoning ordinance.
- (c) For commercial, multi-family, and office developments the following regulations shall apply. For each acre, or fraction thereof, the following minimum standards shall be required on the development site:
- (i) **Canopy Tree:** Three (3) canopy trees with a minimum five (5) inch caliper; or six (6) canopy trees with a minimum three (3) inch caliper; or eight (8) canopy trees with minimum two (2) inch caliper.
 - (ii) **Shrubs:** Thirty-five (35) shrubs with a minimum height of 18 inches.
 - (iii) **Minimum Area:** There shall be a minimum of ten (10) square feet of landscaping for each parking space provided within the development. Retail automobile sales establishments shall conform to one-half the minimum requirements.
 - (iv) **Location:** Landscaping shall be integrated into parking areas, buffer areas and open spaces. The design shall maximize the visual effect to motorist and adjacent properties. Consideration will be given to mature trees which remain on the site following completion of construction. Trees with a caliper size less than the minimum standard stated above will not be calculated as mature trees.
 - (v) **Screening and Buffering:** Parking areas contiguous to residential districts shall be screened/buffered so as to reduce the impacts of headlight glare, noise, and traffic movement. Screening/buffering shall be accomplished by utilizing berms, evergreens, shrubs, deciduous trees, or any combination of said items. Screening/buffering shall not be less than six (6) feet in height and shall be permanently maintained.
- (d) For industrial developments the following regulations shall apply. For each acre, or fraction thereof, the following minimum standards shall be required on the development site:
- (i) **Minimum Area:** There shall be a minimum of ten (10) square feet of landscaping for each parking space provided within the development.
 - (ii) **Location:** Landscaping shall be integrated into parking areas, regulatory yards, and other buffer and open spaces. The design shall maximize the visual effect to adjacent properties. Consideration will be given to mature trees which remain on the site following completion of construction.
 - (iii) **Screening and Buffering:** Parking areas and property lines contiguous to residential districts shall be screened/buffered so as to reduce the impacts of headlight glare, noise, and traffic movement. Screening/buffering shall be accomplished by utilizing berms, evergreens, shrubs, deciduous trees or any combination of said items. Screening/buffering shall not be less than six (6) feet in height and shall be permanently maintained.