

**ZONING ORDINANCE**  
**FOR**  
**BULLS GAP, TENNESSEE**

Amended Through July 2014

Prepared for

**The Bulls Gap Planning Commission**

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# **ZONING ORDINANCE FOR BULLS GAP, TENNESSEE**

An ordinance, in pursuance of the authority granted by Sections 13-7-201 through 13-7-210, Tennessee Code Annotated, for the purpose of promoting the public health, safety, morals, convenience, order, prosperity and general welfare; to provide for the establishment of districts within the corporate limits; to regulate, within such districts, the location, height, bulk, number of stories and size of buildings and structures, the percentage of lot occupancy, the required open spaces, the density of population and the uses of land, buildings and structures; to provide methods of administration of this ordinance and to prescribe penalties for the violation thereof.

BE IT ORDAINED by the Board of Mayor and Aldermen as follows:

## **ARTICLE I. SHORT TITLE**

This ordinance shall be known as the “Zoning Ordinance of Bulls Gap, Tennessee,” and the map herein referred to, which is identified by the title, “Bulls Gap, Tennessee, Zoning Map” and dated June 20, 2011 and subsequent amendments thereto, shall be known as the Zoning Map of Bulls Gap, Tennessee. The Zoning Map of Bulls Gap, Tennessee and all explanatory matter thereon are hereby adopted and made a part of this ordinance.

## **ARTICLE II. PURPOSE**

The zoning regulations and districts as herein set forth have been made in accordance with a comprehensive plan for the purpose of promoting the health, safety, morals, and the general welfare of the community. They have been designed to lessen congestion in the streets, to secure safety from fire, panic and other dangers, to provide adequate light and air, to prevent the overcrowding of land, to avoid undue concentration of population, to facilitate the adequate provision of transportation, water, sewerage, schools, parks, and other public requirements. They have been made with reasonable consideration, among other things, as to the character of each district and its particular suitability for particular uses, and with a view of conserving the value of buildings and encouraging the most appropriate use of land throughout the town.

## **ARTICLE III. DEFINITIONS**

Unless otherwise stated the following words shall, for the purpose of this ordinance, have the meaning herein indicated. Words used in the present tense include the future. The singular number includes the plural and the plural the singular. The word “shall” is mandatory, not directory. The word “used” or “occupied” as applied to any land or building shall be construed to include the word “intended” arranged or designated to be used or occupied.

301. Alley. A public way which affords only a secondary means of access to property and public travel.

302. Apartment. A room or suite of rooms in a multiple dwelling intended to be designed for use as a residence by a single family.

303. Arterial Streets. A street that provides for traffic movement between areas and across portions of the town and secondarily for direct access to abutting land, as shown on the Major Thoroughfare Plan of the Town of Bulls Gap.

304. Boarding or Rooming House. A building containing a single dwelling unit and not more than five guest rooms where lodging is provided with or without meals for compensation.

305. Buffer Strip. A plant or fencing material acceptable to the building inspector which has such growth characteristics as will provide an obscuring screen not less than six feet in height

306. Buildings. Any structure having a roof supported by columns or by walls and intended for the shelter, housing or enclosure of persons, animals or chattel.

306.1. Principal Building: A building in which is conducted the main or principal use of the lot on which said building is located.

306.2. Accessory building or use: A building or use customarily incidental and subordinate to the principal building or use and located on the same lot with such building or use.

307. Building Height. The vertical distance measured from the finished grade at the building line to the highest point of the roof.

308. Business Sign. A sign which directs attention to a business or profession conducted on the premises. A “For Sale” sign or a “To Let” sign for the property on which it is displayed shall be deemed a business sign.

309. Clinic. A structure used in providing medical services for outpatients only. This section does not apply to Methadone Treatment Clinics or Facilities, Pain Management Clinics, or Substance Abuse Treatment Facilities, as defined elsewhere in this Article.

310. Club. Buildings and facilities owned or operated by an association or persons 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.

311. Collector Street. A street providing for traffic movement within the city as shown on the Major Thoroughfare Plan of the Town of Bulls Gap, Tennessee.

312. Condominium. A multi-unit structure offering individual ownership of said units.

313. Day Care Center. A place operated by a person, society, agency, corporation, institution, or other group that receives pay for the care of eight or more children under seventeen years of age for less than twenty-four hours per day, without transfer of custody. The term “Day Care Center” also includes child development centers, nursery schools, day nurseries, play-schools, and kindergarten as well as agencies providing before and after school care, regardless of name, purpose, or auspices. (Excluding schools grades 1 - 12 and kindergartens operated by governmental units or by religious organizations.)

314. Dwelling, Single Family. A building designed, constructed and used for one dwelling unit.

315. Dwelling, Two Family or Duplex. A building designed, constructed or reconstructed and used for two dwelling units that are connected by a common structural wall.

316. Dwelling, Multiple-Family. A building designed, constructed or reconstructed and used for two or more dwelling units, with each dwelling unit having a common structural wall with any other dwelling unit on the same floor.

317. Family. An individual or two or more persons related by blood, marriage, legal adoption, or legal guardianship, living together as one housekeeping unit using one kitchen, and providing meals or lodging to not more than three unrelated persons living together as one housekeeping unit using one kitchen.

318. Home Occupation. An occupation for gain or support which is customarily conducted in the home, which is incidental to the use of the building or structure as a dwelling unit, which employs not more than one person not a resident of the premises, and which does not occupy more than thirty (30) percent of the total floor area of the dwelling.

319. Lot. A parcel of land which fronts on and has access to a public street and which is occupied by a building or buildings with customary accessories and open space.

319.1 Lot Area. The total horizontal area with the lot lines of a lot exclusive of streets and easements of access to other property.

319.2. Lot, corner. A lot abutting on two or more streets other than an alley, at their intersection.

319.3. Lot line. The property line bounding a lot.

319.4. Lot line, front. The lot line separating the lot from the street other than an alley, and in the case of a corner lot, the shortest lot line along a street other than an alley.

319.5. Lot line, rear. The lot line which is opposite and most distant from the front lot line. In the case of an irregular, triangular or other shaped lot, a line 10 feet in length within the lot parallel to and at a maximum distance from the front lot line.

319.6. Lot line, side. Any lot line not a front or rear lot line.

319.7. Lot width. The average horizontal distance between the side lot lines, ordinarily measured parallel to the front lot line.

320. Methadone Treatment Clinic or Facility. A licensed facility for counseling of patients and the distribution of methadone, suboxone, or similar drugs for outpatient, non-residential purposes only. A methadone treatment clinic or facility is not a clinic or pain management clinic.

321. Mobile Home. A detached single-family dwelling unit with all of the following characteristics: Designed for long-term occupancy and containing sleeping accommodations, a tub or shower bath, and kitchen facilities, with plumbing and electrical connections provided for attachment to outside systems; designed to be transported after fabrication on its own wheels, or on flatbed or other trailers or detachable wheels; and arriving at the site where it is to be occupied as a dwelling complete, including major appliances and furniture, and ready for occupancy except for minor and incidental unpacking and assembly operations, location on foundation supports, connection to utilities, and the like.

322. Nonconforming Structure or Use. A lawful existing structure or use at the time this ordinance or any amendment thereto becomes effective which does not conform to the requirements of the zone in which it is located.

323. Nursing Home. One licensed by the State of Tennessee.

324. Pain Management Clinic. A privately-owned facility in compliance with the requirements of TCA § 63-1-302 through § 63-1-311 in which a medical doctor, an osteopathic physician, an advanced practice nurse, and/or a physician assistant provides pain management services to patients, a majority of whom are issued a prescription for, or are dispensed opioids, benzodiazepine, barbiturates, or carisoprodal, but not including suboxone, for more than ninety (90) days in a twelve-month period. This section does not apply to the following facilities as described at TCA § 63-1-302:

324.1. A medical or dental school, an osteopathic medical school, nursing school, a physician assistant program or an outpatient clinic associated with any of the foregoing schools or programs;

324.2. Hospital as defined in TCA § 68-11-201, including any outpatient facility or clinic of a hospital;

324.3. Hospice services as defined in TCA § 68-11-201;

324.4. A nursing home as defined in TCA § 68-11-201;

324.5. A facility maintained or operated by the State of Tennessee; or

324.6. A hospital or clinic maintained or operated by the federal government.

325. Sign, Advertising. An attached, free standing or structural poster panel or painted or lighted sign for the purpose of conveying information to the public or directing attention to a business, product, service, or entertainment which is not conducted, sold or operated on the premises where the sign is located.

326. Story. That portion of a building included between the upper surface of the floor next above; or any portion of a building used for human occupancy between the topmost floor and the roof. A



basement not used for human occupancy other than for a janitor or domestic employee shall not be counted as a story.

327. Street. Any public or private way set aside for public travel. The word “street” shall include the words “road,” “highway,” and “thoroughfare.”

328. Structure. Anything constructed or erected, the use of which requires location on the ground, or attachment to something having location on the ground.

329. Substance Abuse Treatment Facility. A licensed facility with the purpose of providing outpatient treatment, counseling or similar services to individuals who are dependent on legal and illegal drugs, opiates, alcohol or other similar substances. A substance abuse treatment facility is not a medical clinic or methadone treatment clinic or facility as per the Bulls Gap Zoning Ordinance.

330. Total Floor Area. The area of all floors of a building including finished attic, finished basement and covered porches.

331. Travel Trailer. Any vehicle used, or so constructed as to permit its being used as conveyance upon the public streets or 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 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.

332. Travel Trailer Park. Any plot of land upon which two or more travel trailers are located and used as temporary living or sleeping quarters. The occupants of such parks may not remain in the same trailer park more than thirty (30) days.

333. Yard. An open space on the same lot with a principal building, open, unoccupied and unobstructed by buildings from the ground to the sky except as otherwise provided in this ordinance.

333.1. Yard, front. A yard between side lot lines and measured horizontally at right angles to the front lot line from the nearest point on a principal building. Any yard meeting this definition and abutting on a street other than an alley, shall be considered a front yard.

333.2. Yard, rear. A yard between side lot lines and measured horizontally at right angles to the rear lot line from the rear lot line to the nearest point on a principal building.

333.3. Yard, side. A yard between the front and rear yard measured horizontally at right angles from the side lot line to the nearest point on a principal building.

333.4. Yard, street side. A yard adjacent to a street between the front yard and rear lot line measured horizontally and at right angles from the side lot line to the nearest point on a principal building.

## **ARTICLE IV. ESTABLISHMENT OF DISTRICTS**

401. Classification of Districts. For the purpose of this ordinance, Bulls Gap, Tennessee is hereby divided into five districts, designated as follows:

Residence	-	R-1 District	-	Low Density
Residence	-	R-2 District	-	Medium Density
Residence	-	R-3 District	-	High Density
Business	-	B-1 District	-	Central Business
Business	-	B-2 District	-	Neighborhood Business
Business	-	B-3 District	-	Arterial Business
Industrial	-	M-1 District	-	Industrial

402. Boundaries of Districts.

402.1. The boundaries in Section 401 of this Article are established, as shown on the map entitled "Zoning Map of Bulls Gap, Tennessee," dated June 20, 2011 and subsequent amendments thereto.

402.2. Unless otherwise indicated on the zoning map, the boundaries are lot lines, the center lines of streets or alleys or a specified distance therefrom, or the corporate limit lines as they existed at the time of the enactment of the ordinance. Questions concerning the exact locations of district boundaries shall be determined by the building inspector and his decision may be appealed to the Board of Zoning Appeals.

## **ARTICLE V. GENERAL PROVISIONS**

For the purpose of this ordinance the following general provisions shall apply to the town as a whole:

501. 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, whether operated for or without compensation. This ordinance shall not regulate buildings used solely and expressly for bona fide agriculture operations.

### 502. Continuance of Nonconforming Uses.

502.1. Any building or use existing at the time of enactment or subsequent amendment of this ordinance, but not in conformity with its provisions may be continued with the following limitations: Any building or use which does not conform to the provisions of this ordinance or subsequent amendment may not be:

502.11. Changed to another nonconforming use.

502.12. Reestablished after discontinuance for twelve (12) months.

502.13. Extended except in conformity with this ordinance.

502.14. Rebuilt or repaired after damage exceeding seventy-five (75) percent of the fair sales value of the building immediately prior to damage as determined by the building inspector.

502.2. Nonconforming mobile home - A mobile home deemed to be a legal nonconforming use at the time of the adoption of this ordinance and located on a single lot may be replaced under the following conditions:

502.21. Provided that they are replaced within 45 days of the removal or destruction of the previous mobile home;

502.22. Provided that the replacement mobile home is of structural quality equal to or exceeding that of the previous mobile home in the opinion of the building inspector;

502.23. Provided that they meet the front side and rear yard requirements of the district in which they are located.

502.3. Industrial, commercial, or other business establishments shall comply with provisions established in 13-7-208, Tennessee Code Annotated.

### 503. Only One Principal Building on Any Lot.

503.1. In residential districts only one principal building and its customary accessory buildings may hereafter be erected on any lot unless specifically accepted as follows:

503.2. One garage apartment will be allowed in addition to a residence on a residential lot provided that lot size, setback and other requirements of the ordinance are met.

503.3. No residential building shall be erected on a lot which does not abut at least one public street for at least forty (40) feet.

503.4. The equipment of an accessory building with sink, cook stove or other kitchen facilities for the independent occupancy thereof, shall be prima facie evidence that such building is not an accessory building but a separate dwelling and must meet all minimum standards of lot area and yard requirements of the district in which it is located.

504. Reduction in Lot Area Prohibited. No lot shall be reduced in area so that yards, lot area per family, lot width, building area or other requirements of this ordinance are not maintained. This section shall not apply when a portion of a lot is acquired for a public purpose.

505. Obstruction to Vision at Street Intersections Prohibited. On a corner lot within the area formed by the center lines of the intersecting streets and a line joining points on such center lines at a distance of ninety (90) feet from their intersection, there shall be no obstruction to vision between a height of three and one-half (3-1/2) feet and a height of ten (10) feet above the average grade of each street at the center line thereof.

506. Off-Street Loading and Unloading Space Required. Every building or structure hereafter constructed and used for industry, business or trade shall provide adequate space for the loading and unloading of vehicles off the street or public alley. Such space shall have access to a public or private or, if there is no alley, to a public street.

507. Conformity to Subdivision Regulations. No building permit shall be issued for or no building shall be erected on any lot within the municipality, unless the street giving access to the lot upon which said building is proposed to be placed shall have been accepted or opened as a public street prior to that time or unless such street corresponds in its location and lines with a street shown on a subdivision plat approved by the Bulls Gap Planning Commission.

508. Height and Density. No building or structure shall hereafter be erected or altered so as to exceed the height limit, to accommodate or house a greater number of families, to have narrower or smaller front yards or side yards than are required or specified in the regulations herein for the district in which it is located.

509. Annexations. All territory which may hereafter be annexed to the Town of Bulls Gap, Tennessee, shall be considered to be in the R-1 (Low Density) Residential District until otherwise classified.

510. Off-Street Automobile Parking. Off-street automobile parking spaces, including spaces for use by the handicapped shall be provided on every lot on which any of the following uses are hereafter established. The number of automobile parking spaces provided shall be at least as great as the number specified below for various uses. Each space shall have at least two hundred square feet in area and shall have vehicular access to a public street. Turning space shall be provided so that no vehicle will be required to back into the street.

510.1. Automobile repair garages: One space for each regular employee plus one space for each 250 square feet of floor space used for repair work.

510.2. Churches: One space for each four (4) seats or their equivalent.

510.3. Clubs and lodges: One space for each three hundred (300) square feet of floor space.

510.4. Dwellings

510.41. Single and duplex: Two spaces for each unit.

510.41. Multiple-family: Two spaces for each unit.

510.5. Funeral parlors: One space for each four (4) seats in the chapel.

510.6. Gasoline service stations and similar establishments: Four (4) spaces for each bay or similar facility plus one space for each employee.

510.7. Hospitals and nursing homes: One space for each two staff or visiting doctors plus one space for each two employees and one space for each four beds, computed on the largest number of employees on duty at any period of time.

510.8. Hotels and motels: One space for each three (3) employees plus one space for each guest room.

510.9. Industry: One space for each two (2) employees, computed on the largest number of persons employed at any period day or night.

510.10. Offices

510.101. Medical: One space for each two hundred (200) square feet of floor space.

510.102. Other professional and general: One space for each three hundred (300) square feet of floor space.

510.11. Places of public assembly: One space for each three (3) seats in the principal assembly room or area.

510.12. Recreation and amusement areas without seating capacity: One space for each four (4) customers, computed on maximum service capacity.

510.13. Restaurants: One space for each employee per shift, plus one space for each one hundred (100) square feet of floor space devoted to patron use.

510.14. Retail business and similar uses: One space for each two hundred (200) square feet of gross floor space.

510.15. Schools: One space for each faculty member and other employees, plus 6 spaces for visitors.

510.16. Wholesale business: One space for each two (2) employees based on maximum seasonal employment.

510.17. If off-street parking space required above cannot be reasonably provided on the same lot on which the principal use is conducted, the Board of Zoning Appeals may permit such space to be provided on other off-street property provided such space lies within four hundred (400) feet of the main entrance to such principal use. Such vehicle standing space shall be deemed to be required open space associated with the permitted use and shall not thereafter be reduced or encroached upon in any manner.

510.18. Extension of parking space into a residential district: Required parking space may extend up to 120 feet into a residential zoning district, provided that: (1) the parking space adjoins a commercial or industrial district; (2) has its only entrance and exit upon the same street as the property in the commercial or industrial district from which it provides the required parking space; and (3) is separated from abutting properties in the residential district by a plant or fence buffer strip as determined by the building inspector.

### 511. Signs.

511.1. Advertising Signs. Advertising Signs are permitted in the B-2, B-3, and M-1 Zones, and must meet the following conditions:

511.1.1. The base of any sign shall be no more than 400 feet from the nearest right-of-way of an Arterial Road as designated on the Town of Bulls Gap, TN Major Road Plan,

511.1.2. No sign shall be less than 15 feet from any lot line or other structure,

511.1.3. No sign shall be closer than 300 feet to any other Advertising Sign on the same side of an Arterial Road,

511.1.4. All signs shall comply with the height restrictions in Article VII of this Ordinance,

511.1.5. No sign shall pose a danger or distraction, whether because of placement, height, glare, or any other feature, to pedestrians or motorists, and

511.1.6. All signs shall conform to all other federal, state, and local restrictions.

512. Ingress and Egress. A plan for adequate and safe ingress and egress for all land uses shall be required. Residential plans shall be approved by the building inspector. Business and industrial plans shall be approved by the planning commission.

513. Mobile Homes. The use of mobile homes as dwellings are permitted only in licensed and approved mobile home parks.

## **ARTICLE VI.**

### **PROVISIONS GOVERNING USE DISTRICTS**

601. R-1 (Low-Density) Residential District. It is the intent of this district to establish low density residential areas along with open areas which appear likely to develop in a similar manner. The requirements for the district are designed to protect essential characteristics of the district, to promote and encourage an environment for family life and to prohibit all business activities. In order to achieve the intent of the R-1 (Low-Density) Residential District, as shown on the Zoning Map of the Town of Bulls Gap, Tennessee, the following uses are permitted:

601.1. Single family dwellings.

601.2. Customary general farming.

601.3. Customary Incidental Home Occupations. A home occupation shall be clearly incidental to and subordinate to the principal residential use. The home occupation shall be carried on by residents of the dwelling plus one additional person may be employed who is not a resident of the dwelling. The home occupation may not display or create outside the building any external evidence of the home occupation except for an unanimated, non-illuminated flat or window sign having an area of not more than two (2) square feet. The home occupation shall not utilize more than thirty (30) percent of the total floor area of the dwelling. The parking and traffic generated by the home occupation shall not be significantly different than that generated by the normal single family dwelling unit. No sounds, dust, or odors shall be created that are not compatible with single family residences.

601.4. Public owned buildings and uses, schools offering general education, and churches and other semi-public uses provided that:

601.41. The location of these uses shall first be reviewed and approved by the Bulls Gap Planning Commission.

601.42. The buildings are placed not less than thirty (30) feet from the side and rear property lines.

601.43. There are planted buffer strips along side and rear property lines.

601.5. Accessory Uses, Structures, and Outdoor Storage: Accessory uses, structures, and outdoor storage Customary accessory buildings shall be located in rear yards not closer than ten (10) feet to any property line.

602. Medium Density Residential District (R-2). It is the intent of this district to provide areas for single and multi-family dwellings, to encourage development and continued use of the land for residential purposes, to prohibit business and industrial uses; and other uses which would interfere with development or continuation of single or multi-family dwellings. In order to achieve the intent of the Medium Density Residential District (R-2), as shown on the Zoning Map of the Town of Bulls Gap, Tennessee, the following uses are permitted:

602.1. Any use permitted in the R-1 Residential District.

602.2. Multiple family dwellings.

602.3. Funeral homes, offices for doctors, lawyers, dentists, architects, real estate agencies and insurance agencies provided that:

602.31. They shall be located on designated arterial or collector streets.

602.32. The building shall be placed not less than fifty (50) feet from all property lines.

602.33. There is a planted buffer strip on the side and rear property lines.

603. High Density Residential District (R-3). It is the intent of this district to provide areas for single and multi-family dwellings, to encourage development and continued use of the land for residential purposes, to prohibit business and industrial uses; and other uses which would interfere with development or continuation of single or multi-family dwellings. In order to achieve the intent of the High Density Residential District (R-3), as shown on the Zoning Map of the Town of Bulls Gap, Tennessee, the following uses are permitted:

603.1. Any use permitted in the R-1 or R-2 Residential Districts.

603.2. Mobile homes and mobile home parks, provided they meet requirements of all applicable town codes and ordinances.

604. Central Business District (B-1). It is the intent of this district to establish an area for concentrated business development that the general public requires. The requirements are designed to protect the essential characteristics of the district by promotion of business and public uses which serve the general public and to discourage industrial and wholesale development which do not lend themselves to pedestrian traffic. In order to maintain and enhance the unique aesthetic characteristics of the community and achieve the intent of the Central Business District (B-1), site plans shall be required for all new construction. These site plans shall include: the proposed location of all structures, off-street parking provisions, location of all ingress and egress points, location and size of proposed utilities, landscaping features, and any other plans deemed pertinent. Prior to the issuance of the building permit, the site plans shall be reviewed and approved by the planning commission to determine if they are in keeping with the comprehensive planning program of the Town of Bulls Gap, Tennessee. In order to achieve the intent of the district, as shown on the Zoning Map of the Town of Bulls Gap, Tennessee, the following uses are permitted:

604.1. Single and multi-family residences, except mobile homes and mobile home parks.

604.2. Stores and shops conducting retail business.

604.3. Personal, business, and professional services.

604.4. Public and semi-public buildings and uses.

604.5. Business signs.



605. Neighborhood Business District (B-2). It is the intent of this district to establish business areas to serve surrounding residential districts. The district regulations are intended to discourage strip business development and encourage grouping of uses in which parking and traffic congestion is reduced to a minimum. In order to maintain and enhance the unique aesthetic characteristics of the community and achieve the intent of the Neighborhood Business District (B-2), site plans shall be required for all new construction. These site plans shall include: the proposed location of all structures, off-street parking provisions, location of all ingress and egress points, location and size of proposed utilities, landscaping features, and any other plans deemed pertinent. Prior to the issuance of the building permit, the site plans shall be reviewed and approved by the planning commission to determine if they are in keeping with the comprehensive planning program of the Town of Bulls Gap, Tennessee. In order to achieve the intent of the district, as shown on the Zoning Map of the Town of Bulls Gap, Tennessee, the following uses are permitted:

605.1. Any use permitted in the R-2 (Residential District).

605.2. Grocery stores, drug stores, hardware stores, shoe repair shops, barber and beauty shops, laundromats and laundry pick-up stations, restaurants, day care centers and similar uses.

605.3. Business signs, provided that all signs, except one detached sign, shall be erected flat against the front or side of a building or within eighteen (18) inches thereof. All signs shall not project above buildings nor have flashing intermittent or moving illumination.

605.4. Gasoline service stations provided that all structures, including underground storage tanks, shall be placed not less than thirty (30) feet from all property lines. Points of access and egress shall be not less than fifteen (15) feet from the intersection of street lines.

605.5. Accessory uses, structures, and outdoor storage: accessory uses, structures, and outdoor storage shall not be located closer than ten (10) feet to any property line. Accessory uses in front and side yards may be required, at the discretion of the town's authorized representative, to be screened from public view.

606. Arterial Business District (B-3). It is the intent of this district to establish business areas that encourage groupings of compatible business activities; reduce traffic congestion to a minimum and enhance the aesthetic atmosphere. In order to maintain and enhance the unique aesthetic characteristics of the community and achieve the intent of the Arterial Business District (B-3), site plans shall be required for all new construction. These site plans shall include: the proposed location of all structures, off-street parking provisions, location of all ingress and egress points, location and size of proposed utilities, landscaping features, and any other plans deemed pertinent. Prior to the issuance of the building permit, the site plans shall be reviewed and approved by the planning commission to determine if they are in keeping with the comprehensive planning program of the Town of Bulls Gap, Tennessee. In order to achieve the intent of the district, as shown on the Zoning Map of the Town of Bulls Gap, Tennessee, the following uses are permitted:

606.1. Any use permitted in the B-1 or B-2 Business Districts.

606.2. Automobile sales and service.

606.3. Mobile home sales.

606.4. Funeral homes.

606.5. Places of amusement and assembly.

606.6. Lodges and clubs; hotels and motels; restaurants and similar services.

606.7. Parking lots and garages.

607. Industrial District (M-1). It is the intent of this district to establish industrial characteristics, promote industrial business and wholesale uses and discourage residential development. Site plans shall be required for all new construction. These plans shall include: the proposed location of all structures, off-street parking provisions, location of all ingress and egress points, location and size of proposed utilities, landscaping features, and any other plans deemed pertinent. Prior to the issuance of the building permit, the site plans shall be reviewed and approved by the planning commission to determine if they are in keeping with the comprehensive planning program of the Town of Bulls Gap, Tennessee. In order to achieve the intent of the district, as shown on the Zoning Map of Bulls Gap, Tennessee, the following uses are permitted:

607.1. Any use permitted in the B-1, B-2 and B-3 business districts except residences.

607.2. Bakers, bottling works, cabinet making, carpenter's shop, clothing manufacturing, dairy, welding, fruit making or packing, machine shop, printing, publication or engraving, tinsmith, trucking terminals, wrecking yards and warehouses.

607.3. Any industry which, in the opinion of the town's authorized representative, does not cause obnoxious noise, fire hazards or other objectionable conditions.

607.4. Uses Permitted Upon Review: Methadone Treatment Clinics or Facilities, Pain Management Clinics, and Substance Abuse Treatment Facilities.

607.4.1. The consideration for approval by the Board of Zoning Appeals of a use permitted upon review under this section shall be contingent upon the receipt of the appropriate license and/or certificate of need by the State of Tennessee.

607.4.2. Maps showing existing land use and zoning within one-quarter (1/4) mile of the proposed site should be submitted with an application for Use of Review approval along with the license of the applicant, certificate of need, site plan, survey or other information deemed reasonable by the Board of Zoning Appeals for use in making a thorough evaluation of the proposal.

607.4.3. The site of the use under review must be located on and have access to an Arterial street.

607.4.4. Measurement shall be made in a straight line on the Bulls Gap Zoning Map from the nearest property line of the lot on which the use under review is to be situated to the nearest property line of the following uses:

607.4.4.1. The site shall not be located within five hundred (500) feet of a school, day care facility, park, church, synagogue, mosque, mortuary, hospital or pharmacy.

607.4.4.2. The site shall not be located within five hundred (500) feet of any establishment that sells alcoholic beverages for either on-or-off-premises consumption.

607.4.4.3. The site shall not be located within five hundred (500) feet of any area devoted to public recreation activity.

607.4.4.4. The site shall not be located within five hundred (500) feet of any amusement catering to family entertainment.

607.4.4.5. The site shall not be located within five hundred (500) feet of any residential dwelling at the time of approval.

607.4.4.6. The site shall not be located within (1/2) mile from any other clinic or facility permitted upon review under this section.

**ARTICLE VII.**  
**AREA, YARD, AND HEIGHT REQUIREMENTS**

701. Area Requirements

<b>DISTRICT</b>	<b>AREA (ft<sup>2</sup>)</b>	<b>Ft<sup>2</sup> PER ADDITIONAL FAMILY</b>	<b>LOT WIDTH (Ft)</b>
R-1	15,000		100
R-2	14,000	Efficiency apt: add 1,500; One bedroom apt. add 2,000; Two bedroom apt. add 2,500; Three bedroom apt. add 3,000	100
R-3	12,000		100
B-1			
B-2			
B-3			
M-1	1 Acre		

702. Yard (Setback) Requirements

<b>DISTRICT</b>	<b>FRONT (Ft)</b>	<b>SIDE (Ft EACH SIDE)</b>	<b>REAR (Ft)</b>
R-1	30	15	30
R-2	30	8 (Per Story)	25
R-3	30	15	25
B-1			
B-2	50	50	50
B-3	35	25	25
M-1	50	50	50

703. Height Requirements

<b>DISTRICT</b>	<b>MAXIMUM HEIGHT OF STRUCTURES (Ft)</b>
R-1	35
R-2	35
R-3	35
B-1	50
B-2	50
B-3	50
M-1	75

## **ARTICLE VIII. EXCEPTIONS AND MODIFICATIONS**

**801. Lot of Record.** Where the owner of a lot consisting of one or more adjacent lots of official record at the time of the adoption of this ordinance does not own sufficient land to enable him to conform to the yard or other requirements of this ordinance, an application may be submitted to the Board of Zoning Appeals for a variance from the terms of this ordinance, in accordance with Article X, Section 1004.3. Such lot may be used as a building site, provided, however, that the yard and other requirements of the district are complied with as close as is possible.

**802. Front Yards.** The front yard requirements of this ordinance for dwellings shall not apply to any lot where the average depth of existing front yards on developed lots, located within one hundred (100) feet on each side of such lot and within the same block and zoning district and fronting on the same street as such lot, is less than the minimum required front yard depth. In such case, the minimum front yard shall be the average of the existing yard depths on the developed lots.

**803. Group Housing Project.** In the case of a group housing project of two or more buildings to be constructed on a plat of ground of at least one acre not subdivided or where the existing or contemplated street and lot layouts make impractical to apply the requirements of this ordinance to the individual building units in such housing projects, the application of the terms of this ordinance may be varied by the Board of Zoning Appeals in a manner that will be in harmony with the character of the neighborhood, will insure substantially the same character of occupancy and intensity of land use no higher and a standard of open space no lower than that permitted by this ordinance in the district in which the proposed project is to be located. However, in no case shall the Board of Zoning Appeals authorize a use prohibited in the district in which the project is to be located, or a smaller lot area per family than the minimum required in such district, or a greater height, or a larger coverage than the requirements of this ordinance permit in such district.

**804. Exceptions on Height Limits.** The height limitations of this ordinance shall not apply to church spires, belfries, cupolas and domes not intended for human occupancy, monuments, water towers, observation towers, transmission towers, windmills, chimneys, smokestacks, derricks, conveyors, flag poles, radio towers, masts and aerials.

## **ARTICLE IX. ENFORCEMENT**

**901. Enforcing Officer.** The provisions of this ordinance shall be administered and enforced by a building inspector appointed by the Board of Mayor and Aldermen, who shall have the power to make inspection of buildings or premises necessary to carry out his duties in the enforcement of this ordinance.

### **902. Building Permits and Certificates of Occupancy.**

902.1. Building permit required. It shall be unlawful to commence excavation for the construction of any building including accessory buildings, or to commence the moving or alteration of any building, including accessory buildings, until the building inspector has issued a building permit for such work.

902.2. Issuance of building permit. In applying to the building inspector for a building permit, the applicant shall submit a dimensional sketch or a scale plan indicating the shape, size, height, location on the lot of all buildings to be erected, altered or moved and of any building already on the lot. He shall also state the existing and intended use of all such buildings and supply such other information as may be required by the building inspector for determining whether the provisions of this ordinance are being observed. If the proposed excavation or construction as set forth in the application are in conformity with the provisions of this ordinance and other ordinances of the Town of Bulls Gap, then in force, the building inspector shall issue a building permit for such excavation or construction. If a building permit is refused, the building inspector shall state such refusal in writing with the cause.

902.21. The issuance of a permit shall in no case be construed as waiving any provision of this ordinance.

902.22. A building permit shall become void twelve (12) months from the date of issuance unless substantial progress has been made by that date on the project described therein.

902.23. Certificate of occupancy. No land or building or part thereof hereafter erected or altered in its use or structure shall be used until the building inspector shall have issued a certificate of occupancy stating that such land, building, or part thereof, and the proposed use thereof are found to be in conformity with the provisions of this ordinance.

Within five (5) days after notification that a building or premises or part thereof is ready for occupancy or use, it shall be the duty of the building inspector to make a final inspection thereof and to issue a certificate of occupancy if the land, building or part thereof and the proposed use thereof are found to conform with the provision of this ordinance; if such certificate is refused, to state such refusal in writing with the cause.

902.24. Records. A complete record of such application, sketches and plans shall be maintained in the office of the building inspector.

**903. Penalties.** Any person violating any provision of this ordinance shall be guilty of a misdemeanor, and upon conviction shall be fined not less than two dollars (\$2.00) nor more than

fifty dollars (\$50.00) for each offense. Each day such violation shall continue shall constitute a separate offense.

904. Remedies. In case any building or structure is erected, constructed, reconstructed, repaired, converted, or maintained, or any building, structure, or land is used in violation of this ordinance, the building inspector or any other appropriate authority or any adjacent or neighboring property owner who would be damaged by such violation, in addition to other remedies may institute injunction, mandamus or other appropriate action in proceeding to prevent the occupancy or use of such building, structure or land.



## **ARTICLE X. BOARD OF ZONING APPEALS**

1001. Creation and Appointment. A Board of Zoning Appeals is hereby established in accordance with Section 13-7-205, Tennessee Code Annotated, Volume 3, same being Section 5, Chapter 44 of the Public Acts of Tennessee of 1935. The Bulls Gap Planning Commission is hereby designated as the Board of Zoning Appeals. It shall be appointed by the Mayor of the Town and confirmed by the majority vote of the Board of Mayor and Aldermen. The term of individual membership shall be concurrent with appointment on the Bulls Gap Planning Commission.

1002. Procedures. Meetings of the Board of Zoning Appeals shall be held at the call of the chairman and at such other times as the Board may determine. All meetings of the Board shall be open to the public. The Board shall adopt rules of procedure and shall keep records of application and actions thereon which shall be a public record.

1003. Appeals: How Taken. An appeal to the Board of Zoning Appeals may be taken by any person, firm or corporation aggrieved, or by any governmental officer, department, board or bureau affected by any decision of the building inspector based in whole or in part upon the provisions of this ordinance. Such appeal shall be taken by filing with the Board of Zoning Appeals a notice of appeal, specifying the grounds thereof. The Building Inspector shall transmit to the Board all papers constituting the record upon which the action appealed was taken. The Board shall fix a reasonable time for the hearing of the appeal, give public notice thereof, as well as due notice to the parties in interest, and decide the same within a reasonable time. Upon the hearing any person or party may appear and be heard in person or by agency or by attorney.

1004. Powers. The Board of Zoning Appeals shall have the following powers:

1004.1. Administrative review. To hear and decide appeals where it is alleged by the appellant that there is error in any order, requirement, permit, decision, determination or refusal made by the building inspector or other administrative official in the carrying out or enforcement of any provision of this ordinance.

1004.2. Special exceptions. To hear and decide applications for special exceptions upon which the Board of Zoning Appeals is specifically authorized to pass.

1004.3. Variance. To hear and decide applications for variance from the terms of this ordinance, but only where, by reason of exceptional narrowness, shallowness or shape of a specific piece of property at the time of the adoption of this ordinance was a lot of record; or where, by reason of exceptional topographic conditions or other extraordinary or exceptional situations or conditions of a piece of property the strict application of the provisions of this ordinance would result in exceptional practical difficulties to or exceptional and undue hardship upon the owner of such property, provided that such relief may be granted without substantial detriment to the public good and without substantially impairing the intent and purpose of this ordinance as specifically authorized in Article VIII, Section 801 and 803.

1004.41. In granting a variance the Board may attach thereto such conditions regarding the location, character and other features of the proposed building, structure or use as it may deem advisable in furtherance of the purpose of this ordinance.

1004.42. Before any variance is granted it shall be shown that special circumstances are attached to the property which do not generally apply to other property in the neighborhood.

## **ARTICLE XI. AMENDMENT**

1101. Procedure. The Board of Mayor and Aldermen may amend the regulations, boundaries, or any provision of this ordinance. Any member of the town board may introduce such amendment, or any official, board or any other person may present a petition to the Board of Mayor and Aldermen requesting an amendment or amendments to this ordinance.

1102. Application and fee. Citizens wishing to have the ordinance amended shall file an application according to the regulations of the planning commission. To partially defray the administrative cost, the applicant shall pay a filing fee to the Town of Bulls Gap of fifty dollars (\$50.00).

1103. Notice to property owners. The person requesting the rezoning must submit to the planning commission letters addressed to each property owner adjacent to the property in question containing information adequate to notify such owners of the intention to rezone the area for which the application is submitted and when and where a public hearing will be had before the planning commission. Such letters should be placed in unsealed stamped and addressed envelopes ready for mailing by the planning commission. The return address of the planning commission must appear on the envelope and a list of all persons to whom letters are sent must accompany the applications.

1104. Approval by Planning Commission. No such amendment shall become effective unless the same be first submitted for approval, disapproval or suggestions to the planning commission. If the planning commission with sixty (60) days disapproves after such submission, it shall require the favorable vote of a majority of the entire membership of the town board to become effective. If the planning commission neither approves or disapproves such proposed amendment within sixty (60) days after such submission, the action of such amendment by said board shall be deemed favorable.

1105. Introduction of Amendment. Upon the introduction of an amendment to this ordinance or upon the receipt of a petition to amend this ordinance, the Board of Mayor and Aldermen shall publish a notice of such request for an amendment together with the notice of time set for hearing by the Board of Mayor and Aldermen on the requested change. Said notice shall be published in some newspaper of general circulation in the Town of Bulls Gap, Tennessee. Said hearing by the Board of Mayor and Aldermen shall take place not sooner than fifteen (15) days after the date of publication of such notice.

## **ARTICLE XII. LEGAL STATUS PROVISIONS**

1201. 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 Town of Bulls Gap, the most restrictive shall in all cases apply.

1202. Validity. 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.

1203. Effective Date. This ordinance shall take effect and be in force immediately after its passage, the public welfare demanding it.

Certified by Planning Commission      November 16, 2009  
Date

Public Hearing      December 21, 2009  
Date

Passed on First Reading      November 16, 2009  
Date

Passed on Second Reading      December 21, 2009  
Date

Approved and Signed in Open Meeting      December 21, 2009  
Date

Signature on File  
Mayor

Signature on File  
City Recorder