

DISTRICT REGULATIONS AND STANDARDS

§ 157.035 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.

(Prior Code, 7 TCC 1-5(a))

§ 157.036 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.

(Prior Code, 7 TCC 1-5(b))

§ 157.037 EFFECT ON EXISTING AGREEMENTS.

This chapter is not intended to abrogate any easement, covenant, or any other private agreement, provided that where the regulations of this chapter are more restrictive or impose higher standards or requirements than such easements, covenants, or other private agreements, the requirements of this chapter shall govern.

(Prior Code, 7 TCC 1-5(c))

§ 157.038 EXISTING VIOLATIONS.

Any building, structure, or use that was not lawfully existing at the time of the adoption of this chapter 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 chapter.

(Prior Code, 7 TCC 1-5(d))

§ 157.039 AGRICULTURAL EXEMPTION.

Buildings, structures, or land used or to be used specifically for agriculture, as herein defined, are exempt from the requirements of this chapter, except that such buildings or structures must comply with the applicable setback requirements.

(Prior Code, 7 TCC 1-5(e))

§ 157.040 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 chapter.

(Prior Code, 7 TCC 1-5(f))

§ 157.041 LOT DIVISION.

No zoning lot shall hereafter be divided into two 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.

(Prior Code, 7 TCC 1-5(g)) Penalty, see § 157.999

§ 157.042 LOT DEPTH.

The minimum lot depth of all lots or parcels shall be 125 feet. The lot depth shall be measured at the shortest distance between the rear and front line.

(Prior Code, 7 TCC 1-5(h))

§ 157.043 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.

(Prior Code, 7 TCC 1-5(i)) Penalty, see § 157.999

§ 157.044 MINIMUM FLOOR AREAS OF A DWELLING.

The minimum floor area of a dwelling per unit shall be as follows:

- (A) Single- and two-family dwelling: 700 square feet per dwelling unit; and
- (B) Multi-family dwelling: 400 square feet per dwelling unit.

(Prior Code, 7 TCC 1-5(j))

§ 157.045 NUMBER OF BUILDINGS PERMITTED PER LOT.

- (A) Every single-family dwelling hereafter erected, constructed, or placed on property shall be located on a separate zoning lot.
- (B) In no case shall there be more than one single-family dwelling on one zoning lot, except for accessory buildings or uses as defined herein.

(Prior Code, 7 TCC 1-5(k)) Penalty, see § 157.999

§ 157.046 ACCESSORY BUILDINGS, STRUCTURES, AND USES.

- (A) 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.
- (B) In the Residential Districts without a variance, the aggregate ground floor area of all accessory buildings on a lot shall not exceed the greater of:
 - (1) The ground floor area of the dwelling on that lot which shall include any attached structures, except decks or open porches; or
 - (2) 4% of the area of the lot for the first acre plus 1% of all area above one acre; or
 - (3) 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. In the R-1 and R-2 Zoning Districts to qualify for this limitation all lot line setbacks for the new or expanded accessory building must be double the normal required setbacks.
- (C) In the Residential Districts the accessory structures shall not be located in, or project upon, the minimum required front yard.
- (D) Shipping/Cargo Containers, 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.
- (E) 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.
- (F) 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.
- (G) The conversion of a recreation vehicle, manufactured/mobile home, or semi-trailer into an accessory structure shall be prohibited

- (H) Shipping/Cargo Containers may be permitted, upon approval of a building permit, in the A-1, A-2, C-1, C-2, I-1, I-2 and Conservation Zoning Districts but not within a platted residential subdivision or on parcels less than 1 acre and shall adhere to the following provisions:
- (1) Said containers shall not be permitted as the sole structure on the property;
 - (2) Said containers shall not be used for human habitation or used to store hazardous materials;
 - (3) Said containers shall not be stacked on top of each other;
 - (4) The maximum number of shipping containers shall be limited to 2 per property;
 - (5) Said containers shall only be 400 square feet in size or less;
 - (6) Said containers shall not be modified or altered and no additions shall be added;
 - (7) Said containers may be allowed without a permanent foundation;
 - (8) Electrical, mechanical or plumbing installations shall be prohibited;
 - (9) Said containers shall be painted a dark solid color and contain no graphics and corrosion shall be covered or repaired. Any cargo container that becomes unsound, unstable, or otherwise dangerous shall immediately be removed or repaired;
 - (10) Said containers in the C-1 and C-2 Zoning District shall also be screened from Residential Zoning Districts or any lot occupied by a residential use;
 - (11) Containers shall not be placed on driveways or in parking lots except for temporary storage as mentioned above.
- (I) The following accessory structures may be permitted without a principal structure:
- (1) Agricultural structures;
 - (2) Open Picnic Shelters
- (J) The uses permitted in one district shall not be permitted in any other district unless specifically stated.

(Prior Code, 7 TCC 1-5(l))

§ 157.047 HEIGHT.

- (A) 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.

(Prior Code, 7 TCC 1-5(m))

§ 157.048 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 chapter. All setbacks shall be measured from the overhang of the proposed structure.

(Prior Code, 7 TCC 1-5(n))

§ 157.049 FENCING.

Fences that are open or solid are allowed in all districts with the following conditions, unless otherwise regulated herein.

- (A) In all residential districts, platted subdivisions, and around dwelling units in the agriculture districts, only open fences which do not exceed four feet in height are allowed along the front property line to the building setback line.
- (B)
 - (1) In all residential districts and platted subdivisions, fences which do not exceed six feet in height are allowed to the side and rear of the principal structure.
 - (2) All solid fences shall be constructed with the finished side out.
- (C) Fences may be placed up to a property line, provided that fences shall not encroach into rights- of-way.
- (D) 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 feet in height.
- (E)
 - (1) Barbed wire and electric fences shall be located not less than ten feet from residential district boundary lines.
 - (2) Barbed wire fence and electric fences shall not be located in any residential district.
- (F)
 - (1) Fences that are located around non-agriculture or non-residential uses and also in a non- residential district may be either open or solid fences and shall not exceed eight feet in height.
 - (2) The Zoning Board of Appeals may, as a special use, authorize the construction of a fence higher than eight feet if it is determined the public welfare is served.
- (G) 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.
- (H) Fencing exempt from permit requirements:
 - (1) Fencing used for agriculture purposes/operations;
 - (2) Ornamental fencing consisting of decorative posts, lattices, arbors, or trellises; and
 - (3) Fences comprising of less than 24 feet of total lineal distance per parcel. Such fences shall adhere to all other fencing regulations.

(Prior Code, 7 TCC 1-5(o))

§ 157.050 SWIMMING POOLS.

- (A) General provisions. All swimming pools shall adhere to the accessory structure setback of the zoning district in which it is being placed. In addition, all pools shall be constructed or installed in accordance with the International Swimming Pool and Spa Code, adopted by reference and as amended in the Tazewell County Building and Property Maintenance Code, Chapter 154.

(Prior Code, 7 TCC 1-5(p)) (Ord. LU-17-05, passed 9-27-2017; LU-22-07, passed 8-31-22) Penalty, see § 157.999

§ 157.051 DRIVEWAYS.

A driveway shall be a minimum of one 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.

(Prior Code, 7 TCC 1-5(q))

§ 157.052 HOME OCCUPATIONS.

Any home occupation which is customarily, in whole or in part, conducted in a residential or agriculture district shall be permitted in such district, provided that all of the following criteria are met:

- (A) A home occupation shall not be conducted from an accessory building;
- (B) There shall be no exterior indication of the home occupation other than one sign and no variation from the residential character of the dwelling;
- (C) 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 square feet;
- (D) 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;
- (E) 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;
- (F) There shall be no exterior storage of materials or equipment;
- (G) 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;
- (H) The home occupation shall not include the conducting of retail sales on the premises, other than by mail, phone, or internet;
- (I) The home occupation shall not be open to the public between the hours of 8:00 p.m. and 9:00 a.m.;
- (J) A home occupation shall also include the use of a part of the dwelling as office for activities carried on away from the premises; and
- (K) Permissible home occupations include, but are not limited to, the following:
 - (1) Art studio;
 - (2) Barber or beauty shop (to include not more than one chair);
 - (3) Profession office or clergyman, lawyer, physician, dentist, architect, engineer, or accountant;
 - (4) Seamstress;
 - (5) Teaching music, dancing, or other instruction (limited to one pupil at a time); and
 - (6) Repair services limited to watches, clocks, computers, televisions, stereos, radio receiving sets, and small household appliances.
- (L) Permits for all Home Occupations shall be renewed on an annual basis and a fee shall be paid in accordance with §157.601 Fees Charged for Building Permits. At the time of annual renewal of the permit, the Community Development Administrator shall verify that the home occupation continues to meet the standards as set forth in this section and may inspect any home occupation to verify such compliance.

(Prior Code, 7 TCC 1-5(r))

§ 157.053 ZERO LOT LINE DUPLEX.

A duplex of which both dwelling units may be sold separately if:

- (A) At the time the dwelling units are severed from common ownership, the owner or owners of the two 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;

- (B) A re-subdivision plat dividing the lot has been approved by the County Plat Officer prior to recording. A formal subdivision procedure shall not be required; and
- (C) The duplex otherwise complies with the requirements of this chapter, as amended from time to time. The subdivided lot shall be considered one lot for purposes of all other provisions of this chapter.

(Prior Code, 7 TCC 1-5(s))

§ 157.054 RECREATIONAL VEHICLES.

- (A) In the A-1 and A-2 Zoning Districts on parcels 40 acres and less, and not in a platted subdivision, not more than four operable recreational vehicles may be parked or stored outdoors provided, any operable recreational vehicle is parked or stored at least three feet from a side and rear property line and behind the front yard setback line.
- (B) In a platted subdivision, regardless of the zoning classification, or on R-1, R-2, and Rural Residential zoned parcels, not more than three operable recreational vehicles may be parked or stored outdoors accessory to a residence.
- (C) A utility trailer containing another recreational vehicle shall count as one recreational vehicle.
- (D) 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 feet from a side or rear property line.
- (E) 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 60 days in a calendar year while parked on the premises.
- (F) 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 County Health Department, said use of a recreational vehicle may be permitted as a seasonal use.

(Prior Code, 7 TCC 1-5(t))

§ 157.055 ACCESSORY DWELLINGS.

An accessory dwelling shall be permitted in any residential and agriculture district in accordance with the following requirements:

- (A) The principal use of the lot shall be a single-family dwelling;
- (B) No more than one accessory dwelling shall be located on a lot;
- (C) The accessory dwelling shall be owned by the same person who occupies the habitable principal dwelling;
- (D) The accessory dwelling shall share the driveway serving the principal dwelling;
- (E) The accessory dwelling shall have a floor area no greater than 50% of the floor area of the principal dwelling, with a minimum of 350 square feet and a maximum of 800 square feet;
- (F) 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;
- (G) An accessory dwelling may be located in an detached accessory structure for the residents of the principal dwelling;
- (H) The accessory dwelling shall not be used for rental property for non-family members; and
- (I) A 911 address shall be obtained for the accessory dwelling.

(Prior Code, 7 TCC 1-5(u)) (Ord. LU-17-14, passed 11-15-2017)

§ 157.056 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.

- (A) All outdoor lighting for non-residential uses shall be located, screened, or shielded so that neighboring properties are not illuminated.
- (B) No outdoor lighting shall be of such intensity or brilliance so as to cause glare or to impair the vision of drivers.
- (C) Except as specifically exempted in division (D) below, the maximum permitted luminaire height shall be 40 feet.
- (D) 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 80 feet.
- (E) Conditions relating to the location and hours of operation for outdoor lighting may be imposed on outdoor recreational uses.
- (F) No flickering or flashing lights shall be permitted, other than holiday decorations.
- (G) Nothing in this section is intended to negate any other State or Federal requirements.

(Prior Code, 7 TCC 1-5(v))

§ 157.057 YARDS.

- (A) Notwithstanding any other provisions of this chapter, the minimum yard dimensions specified hereafter shall not be reduced except through action by the ZBA.
- (B) 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.

(Prior Code, 7 TCC 1-5(w))

§ 157.058 CONTIGUOUS PARCELS.

When two 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 ownership, they shall be used as one zoning lot.

(Prior Code, 7 TCC 1-5(x))

§ 157.059 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.

(Prior Code, 7 TCC 1-5(y))

§ 157.060 CHICKENS/FOWL.

Specific requirements for chickens/fowl in the R-1 Low Density Residential and R-2 Multi Family Residential Districts:

- (A) Roosters shall be prohibited;
- (B) The slaughtering of chickens/fowl shall not be allowed on-site, except for humane reasons;
- (C) Chickens/fowl shall be kept for personal use only and shall be contained within a coop or enclosure/run at all times;
 - (1) Coop:
 - i. The structure (coop) behind the rear plane of the existing dwelling;
 - ii. Located not closer than 10 feet from the side and rear yard property lines;
 - iii. A minimum of 30 feet away from any existing structure on any adjoining parcel, such as dwellings, patios, porches, gazebos, decks, or swimming pools, but not including storage structures such as unattached garages or sheds;
 - iv. The coop shall be covered and ventilated to protect chickens/fowl from inclement weather and predators and
 - v. The coop shall provide a minimum of four square feet per chicken to allow for free movement. and electric service to the coops shall not be provided by an extension cord;
 - (c) Fenced Enclosure:
 - vi. The enclosure shall provide ten square feet per chicken to allow for outdoor time;
 - vii. The fenced enclosure or run shall be ten feet from any side or rear yard property lines
 - viii. A 50-foot minimum lateral distance from the fenced enclosure to any well, in clay or loam soils, shall be maintained. For other soils the County Health Department may be called on for assistance in determining a proper distance;
- (D) Coops and fenced enclosures/runs shall be cleaned on a regular basis and remain free from undue accumulated waste, such as to cause odors reasonably detectable on adjacent properties;
- (E) All feed, except when placed for consumption by chickens/fowl, shall be kept in containers with tightly fitted lids that are rodent-proof; and
- (F) The number of chicken/fowl shall be allowed on the following minimum lot sizes.

¼ Acre (10,890 Sq Ft) to 2 acres = 6 chickens
2.01 Acres to 9.99 = Not to exceed the density of animal units per acres as provided in § 157.005 DEFINITIONS.

- (G) Failure to comply with the above restrictions above, as a permitted use, will require special use approval of the Zoning Board of Appeals in compliance with the regulation under Chickens/fowl subject to the regulations under §§ 157.435 through 157.447