

CHAPTER 2

GENERAL ZONING PROVISIONS

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14-201. Purpose of zoning code. The zoning regulations and districts as herein set forth have been made in accordance with a comprehensive plan for the purpose of promoting the public health, safety, morals, convenience, order, prosperity, and general welfare of the community. They have been designed to lessen congestion in the streets, to secure safety from fires, floods, 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 peculiar uses, and with a view of conserving the value of buildings and encouraging the most appropriate use of land throughout the town. (1979 Code, § 11-201)

14-202. Title. Chapters 2 through 15 of this title shall be known as the "Zoning Ordinance of Cumberland Gap, Tennessee," dated May 21, 1975. The zoning map shall be referred to as the "Zoning Map of Cumberland Gap, Tennessee," and it along with all explanatory matter thereon are hereby adopted and made a part of chapters 2 through 15 of this title. (1979 Code, § 11-202, as amended by Ord. #6-2018, Dec. 2018 *Ch 7-01-07-19*)

14-203. Definitions. For the purpose of chapters 2 through 15 of this title, and in order to carry out the provisions and intentions as set forth herein, certain words, terms, and phrases are to be used and interpreted as defined hereinafter. Words used in the present tense shall include the future tense; words in the singular number include the plural and words in the plural number include the singular; the word "person" includes a firm, partnership, or corporation as well as an individual; the term "shall" is always mandatory and not directory; and the word "may" is permissive. The word "used" or "occupied" as applied to any land or building shall be construed to include the words "intended, arranged, or designed to used or occupied."

The following words, terms, and phrases are hereby defined as follows and shall be interpreted as such throughout chapters 2 through 15 of this title. The terms not herein defined shall have the meaning customarily assigned to them.

(1) "Access." The right to cross between public and private property, thereby permitting pedestrians and vehicles to enter and leave property.

(2) "Accessory building." A subordinate building, the use of which is incidental to that of a main building and located on the same lot therewith.

(3) "Accessory use." A use customarily incidental, appropriate, and subordinate to the principal use of land or buildings and located upon the same lot therewith.

(4) "Alley." A minor right-of-way, dedicated to the public use, which affords a secondary means of vehicular access to the back or side of properties otherwise abutting a street, and which may be used for public utility purposes.

(5) "Area, building." The total areas taken on a horizontal plane at the main grade level of the principal building and all accessory buildings exclusive of uncovered porches, terraces, and steps.

(6) "Automobile, wrecking, junk, or salvage yard." Any lot or place which is exposed to weather and upon which five (5) motor vehicles of any kind, incapable of being operated, and which it would not be economically practical to make operative, are placed, located, or found.

(7) "Building area of a lot." That portion of a lot bounded by the required rear yard, side yards, and the building setback line.

(8) "Building." Any structure intended for shelter, housing, or enclosure of persons, animals, or chattel, including lunch wagons, dining cars, and similar structures whether stationary or movable.

(9) "Building, main or principal." A building in which is conducted the principal use of the lot on which it is situated. In any residential district any dwelling shall be deemed to be a main building of the lot on which it is situated.

(10) "Building setback line." A line delineating the minimum allowable distance between the property line and a building on a lot, within which no building or other structure shall be placed except as otherwise provided.

(11) "Customary home occupations." See § 14-1103.

(12) "Dwelling, multiple." A dwelling designed for occupancy by two (2) or more families living independently of each other.

(13) "Dwelling unit." An enclosed structure or building or portion thereof designed and utilized as an abode. The term shall not include mobile homes, trailers, tents, motels, or other structures designed or used primarily for transient residents.

(14) "Flood." An overflow of lands not normally covered by water that results in significant adverse effects in the vicinity.

(15) "Floodway fringe areas." The channel of Gap Creek and the part of the adjoining floodplain designed to be the minimum area required for the passage of flood flow and in which no structures or filling shall be allowed.

(16) "Height of building." The vertical distance from the established average sidewalk grade, street grade, or finished grade at the building setback line, whichever is the higher, to the highest point of the building.

(17) "Junk yard or salvage yard." A lot, land, or structure, or part thereof, used primarily for the collecting, storage, and sale of waste paper, rags, scrap metal, or discarded material; or for the collecting, dismantling, storage, and salvaging of machinery or vehicles not in running condition, or for the sale of part thereof.

(18) "Loading and unloading space." An area ten (10) feet by forty (40) feet with a fourteen (14) foot height clearance providing for the standing, loading, or unloading of a truck or other vehicles.

(19) "Lot." A piece, parcel, or plot of land in one ownership, which may include one or more lots of record, occupied or to be occupied by one principal building and its accessory buildings including the open spaces required under chapters 2 through 15 of this title.

(20) "Lot, lines." The boundary dividing a given lot from the street, an alley, or adjacent lots.

(21) "Lot of record." A lot which is part of a subdivision recorded in the office of the county registrar of deeds, or a lot described by metes and bounds, the description of which has been recorded in the office of the county registrar of deeds prior to the effective date of the provisions of chapters 2 through 15 of this title.

(22) "Mobile home or trailer." An enclosed structure intended for year-round occupancy as a residential unit and designed and constructed in such a manner as to facilitate movement from one location to another. Essential elements of the design are steel beams parallel to the long axis of the unit which support the weight load of the unit; axle(s) or the capability of affixing axel(s) to the steel beams of the unit for the purpose of transporting the unit; and trailer hitch or capability of affixing a trailer hitch to the unit for the purpose of transporting the unit.

(23) "Nonconforming use." A building, structure, or use of land existing at the time of enactment of the provisions of chapters 2 through 15 of this title or subsequent amendment thereto which does not conform to the regulations of the district in which it is located.

(24) "Open space." An area on the same lot with a main building which is open, unoccupied, and unobstructed by structures from the ground to the sky except as otherwise provided in chapters 2 through 15 of this title.

(25) "Noxious matter." Material (in gaseous, liquid, solid, particulate, or any other form) which is capable of causing injury to living organisms, chemical reactions, or detrimental effects upon the social, economic, or psychological well-being of individuals.

(26) "Parking lot." An off-street facility including parking spaces along with adequate provisions for drives and aisles for maneuvering and getting access, and for entrance and exit.

(27) "Parking space." An off-street space available for parking one motor vehicle and having an area of not less than two hundred (200) square feet exclusive of passageways and driveways giving access thereto, and having access to a street or alley.

(28) "Principal use." The specific primary purpose for which land or a building is used.

(29) "Sign, billboard, or other advertising device." Any structure or part thereof or device attached thereto or represented thereon, which shall display or include any letter, words, model, banner, flag, pennant, insignia, or representation used as, or which is in the nature of an announcement, direction, or advertisement. The word "sign" includes the word "billboard" or any other type of advertising device, but does not include the flag, pennant, or insignia of any nation, state, city, or other political unit.

(30) "Story." That portion of a building included between the upper surface of any floor and the upper surface of the floor next above; or any portion of a building included between the topmost floor and the roof which is used for human occupancy or in which the floor area with eight (8) feet or more of head clearance equals fifty (50) percent or more of floor area of the next story below. Provided it is not used as a dwelling unit, a top floor in which the floor area with eight (8) feet or more of head clearance equals less than fifty (50) percent of the floor area of the story next below shall be a "half-story." A basement shall be considered as a story if its ceiling is more than five (5) feet above the level from which the "height of building" is measured or if it is used for residential purposes.

(31) "Street." A public or private thoroughfare which affords the principal means of access to abutting property.

(32) "Structure." Any combination of materials, including buildings, constructed or erected, the use of which required location on the ground or attachment to anything having location on the ground and including among other things, signs, billboards, and fences.

(33) "Swimming pools." An outdoor swimming pool shall be any pool or open tank not located within a completely enclosed building and containing or normally capable of containing water to a depth at any point greater than one and one-half (1) feet.

(34) "Travel trailer." A vehicular portable structure designed as a temporary dwelling for travel, recreation, and vacation uses.

(35) "Travel trailer park." A plot of land designed and equipped to accommodate travel trailers for short periods of time.

(36) "Use." The purpose for which land or a building or other structure is designed, arranged, or intended, or for which it is or may be occupied or maintained.

(37) "Yard." A yard is 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 chapters 2 through 15 of this title, provided that accessory buildings may be located in a rear yard.

(38) "Yard, front." The yard extending across the entire width of the lot between the nearest part of the principal building, including covered porches, and the front lot line.

(39) "Yard, rear." The yard extending across the entire width of the lot between the nearest part of the principal building, including covered porches, and the rear lot line.

(40) "Side yard." A yard extending along the side lot line from the front yard to the rear yard, and lying between the side lot line and the nearest part of the principal building, including covered porches, and attached carports. (1979 Code, § 11-203, as amended by Ord. #6-2018, Dec. 2018 *Ch7_01-07-19*)

14-204. Zoning district map. The location and boundaries of the zoning districts established by chapters 2 through 15 of this title are bounded and defined as shown on the map entitled Zoning Map of Cumberland Gap. The zoning map or zoning map amendment(s) shall be dated with the effective date of the ordinance that adopts the zoning map or zoning map amendment(s). Certified prints of the adopted zoning map or zoning map amendment shall be maintained in the City Hall of Cumberland Gap and shall be available for inspection by the public at all reasonable times, as long as chapters 2 through 15 of this title remain in effect. (1979 Code, § 11-204 as amended by Ord. #6-2018, Dec. 2018 *Ch7_01-07-19*)

14-205. Interpretation of district boundaries. Unless otherwise noted, boundaries indicated as approximately following the center lines of streets, highways, or alleys shall be constructed as following such center lines. Boundaries which are indicated as approximately following platted lot lines shall be construed as following lot lines. Boundaries which are indicated as approximately following city limits shall be construed as following such city limits. Boundaries indicated as following railroad lines shall be construed to be midway between the main tracks. Boundaries which are indicated as approximately following the center lines of streams, rivers, and lakes, shall be construed to follow such center lines.

Distances not specifically indicated on the official zoning map shall be determined by the scale of the map. Questions concerning the exact locations of district boundaries shall be resolved by the board of zoning appeals.

Where a district boundary divides a lot existing at the time the provisions of chapters 2 through 15 of this title take effect and the major portion of said lot is in the less restricted district, the regulations relative to that district may extend as well to such portions of said lot as are not more than twenty (20) feet within the more restricted district. (1979 Code, § 11-205, as amended by Ord. #6-2018, Dec. 2018 *Ch7_01-07-19*)

14-206. Application of district regulations. The regulations set by chapters 2 through 15 of this title within each district shall be minimum regulations and shall apply uniformly to each class or kind of structure or land. No building, structure, or land shall hereafter be used or occupied, and no building or structure or part thereof shall hereafter be erected, constructed, reconstructed, moved, or structurally altered except in conformity with all of the regulations herein specified for the district in which it is located. No building or other structure shall hereafter be erected or altered to exceed the height or bulk; to accommodate or house greater number of families; to occupy a greater percentage of lot area; to have narrower or smaller rear yards, front yards, side yards, or other open space; than herein required.

No part of a yard, or other open space, or off-street parking or loading space required about or in connection with any building for the purpose of complying with chapters 2 through 15 of this title shall be included as part of a yard, open space, or off-street parking and loading space similarly required for any other building. No yard or lot existing at the time of passage of the provisions of chapters 2 through 15 of this title shall be reduced in dimension or area below the minimum requirements set forth herein. Yards or lots created after the effective date of this code shall meet at least the minimum requirements established by chapters 2 through 15 of this title. (1979 Code, § 11-206, as amended by Ord. #6-2018, Dec. 2018 *Ch7_01-07-19*)

14-207. Classification of districts. For the purpose of chapters 2 through 15 of this title, the Town of Cumberland Gap, Tennessee, is hereby divided into seven (7) zoning districts as follows:

<u>Zoning Districts</u>	<u>District Abbreviations</u>
Low density residential	R-1
Medium density residential	R-2
Central business district	C-1
Central business district	C-1A
Highway business district	C-2
Highway business district	C-3
Highway business district	C-4
Historic district	H-1
Floodplain district	FP-1

(1979 Code, § 11-207, as amended by Ord. #0071, Nov. 1983, and Ord. #6-2018, Dec. 2018 *Ch7_01-07-19*)

14-208. Specific district regulations. The regulations of chapters 2 through 15 of this title shall apply in the zoning districts established in § 14-207. (1979 Code, § 11-208, as amended by Ord. #6-2018, Dec. 2018 *Ch7_01-07-19*)

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