

**ZONING ORDINANCE 173-88 OF  
DOVER, TENNESSEE**

**ADOPTED: MARCH 14, 1988**

**AMENDED: January 25, 2021**

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**for the Municipal Zoning Ordinance of**  
**Dover, Tennessee**  
**Last Amended: January 25, 2021**

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## **AMENDMENTS**

<b><u>DATE</u></b>	<b><u>ORDINANCE NO.</u></b>	<b><u>AMENDMENTS</u></b>
June 11, 1990	195-90	Article V, Amended Subsection 5.051.1, Subpart E, 1, Minimum Lot Size.
September 4, 1990	201-90	Article IV, Section 4.080, Deleted in its Entirety and Replaced with New Section.
March 14, 2005	304-05	Article IV, Section 4.080, Part J and Part K, Amended
April 21, 2008	338-08	Article IV, Section 4.090, Deleted in its Entirety. Article V, the MHP, Mobile Home Park District, added as Subsection 5.051.5.
September 9, 2008	343-08	Article V, Section 5.051.3, R-3, High-Density Residential District, Deleted in its entirety and Replaced with new text, and Added new Section 5.051.4, R-4, High-Density Residential District.
September 9, 2008	344-08	Article VII, Section 7.030, Building Permits, Deleted in its entirety and Replaced with new text, Section 7.030, Zoning Compliance Permit (Building Permits).
September 9, 2008	345-08	Article IV, Added, Section 4.100, Development Standards for Communications Towers and Antennas.
April 13, 2009	349-09	Article VII, Section 7.020, Administration and Enforcement, Added Subpart G.
May 10, 2010	358-10	Article V, Section 5.020, Zoning Map of Dover, Tennessee, Amended to Adopt New Map
September 27, 2010	362-10	Article V, Section 5.054 Floodplain District, Deleted in its entirety and Replaced with Section 5.054 Floodplain

Overlay District.

Article VI, Section 6.030 Special Provisions Governing Nonconforming Buildings Within Floodplain Districts, Deleted in its entirety and replaced with (RESERVED).

October 10, 2011

371-11

Amendments to update terminology, definitions, and reference. Article II, Section 2.020 Definitions, Article III, Section 3.110, Buffer Strips, Article IV, Section 4.079, Building Spacing, Article V, Section 5.010, Classification of Districts and Section 5.051.4, R-4 High- Density Residential District, and Article VII, Section 7.030, Zoning Compliance Permit (Building Permits) Amended.

January 25, 2021

446-20

Article V, Section 5.054 Floodplain District, Deleted in its entirety and Replaced with Section 5.054 Floodplain Overlay District.

**Article I  
Enactment**

Section

- 1.010 Authority
- 1.020 Title
- 1.030 Enactment
- 1.040 Purpose

**1.010 Authority.** An ordinance in pursuance to the authority granted by Sections 13-7-201 through 13-7-401, Tennessee Code Annotated, to provide for the establishment of districts within the corporate limits of the Town of Dover, Tennessee: to regulate, within such districts the location, height, bulk, number of stories and size of buildings and other structures, the percentage of the lot which may be occupied, the sizes of yards, courts and other open spaces, the density of population, and the use of buildings, structures and land for trade, industry, residence, recreation, public activities and other purposes including area subject to flooding; to provide methods of administration of this ordinance; and to prescribe penalties for the violation thereof.

**1.020 Title.** This ordinance shall be known as the Zoning Ordinance of Dover, Tennessee, dated, March 14, 1988. The zoning map shall be referred to as the Official Zoning Map of Dover, Tennessee, and all explanatory matter there on is hereby adopted and made a part of this ordinance.

**1.030 Enactment.**

WHEREAS, Section 13-7-201 through 13-7-401 of the Tennessee Code Annotated, empowers the town to enact a zoning ordinance and to provide for its administration, enforcement, and amendment, and

WHEREAS, the Board of Mayor and Aldermen deem it necessary, for the purpose of promoting the public health, safety, morals, convenience, order, prosperity, and general welfare of the town to enact such an ordinance, and

WHEREAS, all the requirements of Section 13-7-201 through 13-7-401 of the Tennessee Code Annotated, with regard to the preparation of the zoning plan by the planning commission and subsequent action of the Board of Mayor and Aldermen have been met.

NOW, THEREFORE, BE IT ORDAINED BY THE BOARD OF MAYOR AND ALDERMEN THAT THE ZONING ORDINANCE OF DOVER, TENNESSEE BE ENACTED INTO LAW.

**1.040 Purpose.** The purpose of this ordinance is to promote the public health, safety, morals, convenience, order, prosperity, and general welfare by:

- a. Enhancing the character and stability of residential, business, commercial, and industrial areas, and promoting the orderly and beneficial development of such

areas.

- b. Preventing overcrowding of land.
- c. Conserving the value of land and buildings.
- d. Minimizing traffic hazards and congestion.
- e. Preventing undue concentration of population.
- f. Providing for adequate light, air, privacy, and sanitation.
- g. Reducing hazards from fire, flood, and other dangers.
- h. Assisting in the economic provisions, utilization, and expansion of all services provided by the public, including but not limited to roads, water and sewer service, recreation, schools, and emergency services.
- i. Encouraging the most appropriate uses of land.
- j. Enhancing the natural, man-made and historical amenities of Dover, Tennessee

## **Article II Definitions**

### Section

2.010 Scope

2.020 Definitions

**2.010 Scope.** For the purpose of this ordinance and in order to carry out for the provisions and intentions as set forth herein, certain words, terms, and phrases are to be used and interpreted as follows:

- a. The word "person" includes a firm, association, organization, partnership, trust, company, or corporation as well as an individual.
- b. The present tense includes the future tense, the singular number includes the plural, and the plural number includes the singular.
- c. The word "shall" is mandatory.
- d. The word "may" is permissive.
- e. The words "used" or "occupied" includes the words "intended", "designed", or "arranged to be used" or "occupied".
- f. The word "lot" includes the words "plot" or "parcel".

**2.020 Definitions.** The following words, terms, and phrases are hereby defined as follows and shall be interpreted as such throughout this ordinance. Terms not herein defined shall have their standard dictionary definition or such as the context may imply.

**Access.** The right to cross between public and private property, thereby permitting pedestrians and vehicles to enter and leave property.

**Accessory Building.** A subordinate building, the use of which is incidental to that of a principal building and located on the same lot therewith.

**Accessory Use.** A use customarily incidental, appropriate, and subordinate to the principal use of land or buildings and located upon the same lot therewith.

**Advertising.** Includes any writing, printing, painting, display, emblem, drawing, sign, or other device designs used or intended for advertising, whether placed on the ground, rocks, trees, tree stumps, or other natural structures or on buildings, structures, milestones, signboards, wallboard, roofboard, frames, supports, fences, or other man- made structure, and any such advertising is a structure within the meaning of the word "structure" as utilized in this ordinance.

**Advertising Sign or Structure.** See Sign.

**Agricultural Use.** The use of a tract of land of not less than five acres including all forms of agriculture, growing of crops in the open, dairying, grazing, the raising and maintaining of



poultry and other livestock, horticulture, viticulture, floriculture, forests, and woods, provided that all appropriate laws and regulations are complied with. The feeding or disposal of community or collected garbage to animals shall not be deemed an agricultural use nor shall the raising of fur-bearing animals, fish or minnow hatcheries, riding stables, livery or boarding stables or dog kennels be so considered.

**Alley.** A minor right-of-way, dedicated to 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 and public service purpose.

**Alteration.** As applied to a building or structure, means a change or rearrangement in the structural parts, or an enlargement, whether by extending a side or by increasing its height or structural changes, other than repairs, that would affect safety. The term "alter" in its various modes and tenses and its practical forms, refers to the making of an alteration.

**Area, Building.** The total areas taken on a horizontal plan at the main grade level of the principal building and all accessory buildings exclusive of uncovered porches, terraces, and steps.

**Attached.** An enclosure having continuing walls, roof, and floor.

**Automobile Wrecking.** The dismantling, storage, sale, or dumping of used motor vehicles, trailers, or parts thereof.

**Automobile Wrecking, Junk, and Salvage Yards.** Any lot or place which is exposed to weather and upon which more than five motor vehicles of any kind, incapable of being operated, and which it would not be economically feasible to make operative, are placed, located, or found.

**Average Ground Elevation.** The elevation of the mean finished grade at the front of a structure.

**Basement.** A story partly or wholly underground. For purposes of height measurement, a basement shall be counted as a story when more than one-half (1/2) of its height is above the average ground elevation or when subdivided and used for commercial activities.

**Board.** The Dover, Tennessee Board of Zoning Appeals.

**Buffer Strips.** A greenbelt planted strip not less than ten (10) feet in width. Such a greenbelt shall be composed of one (1) row of evergreen trees, spaced not more than forty (40) feet apart and not less than two (2) rows of shrubs or hedges, spaced not more than five (5) feet apart and which grow to a height of five (5) feet or more after one (1) full growing season and which shrubs will eventually grow to not less than ten (10) feet.

**Building.** Any structure having a roof supported by columns or by walls, including tents, lunch wagons, dining cars, mobile homes, and similar structures whether stationary or

movable.

**Building Area of a Lot.** That portion of a lot bounded by the required rear yard, side yards, and the building setback line.

**Building Official.** The building inspector for the Town of Dover, Tennessee.

**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 on the lot on which it is situated.

**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.

**Building Setback Line, Front.** A line delineating the minimum allowable distance between the street right-of-way, or if an official future street right-of-way has been established, from that future street right-of-way line, and the front of a building on a lot. The front building setback line extends the full width of the lot and is parallel to or concentric with the street right-of-way.

**Building Setback Line, Rear.** A line delineating the minimum allowable distance between the rear property line and a building on a lot (other than for permitted accessory structures). The rear setback line extends the full width of the lot.

**Building Setback Line, Side.** A line delineating the minimum distance between the side property line and a building on a lot. The side setback line extends from the front building setback line to the rear building setback line.

**Bulk.** Describes the size of buildings or other structures, and their relationship to each other and to open areas and lot lines.

**Business and Communication Services.** The provision of services of clerical, goods, brokerage, communication of a minor processing nature, including multicopy and blueprinting services, custom printing, but excluding the printing of books other than pamphlets and small reports.

**Camping Ground.** A parcel of land used or intended to be used, let, or rented for occupancy by campers or for occupancy by camping trailers, tents, or movable or temporary dwellings, rooms, or sleeping quarters of any kind.

**Clinic.** See Medical Facility.

**Conditional Use.** A conditional use is a use that would not be appropriate generally or without restriction throughout the zoning district but which, if controlled as to number, area, location, or relation to the neighborhood, would promote the public health, safety, welfare,

morals, order, comfort, convenience, appearance, prosperity, or general welfare. Such uses may be permitted in such zoning district as conditional uses, only when specific provisions for such use is made in this Ordinance. For the purposes of administration of this ordinance, conditional uses shall be construed as synonymous with special exceptions, as controlled by Section 13-7-206, *Tennessee Code Annotated*.

**Convenience Sales.** The retail sale of small convenience items such as toiletries, tobacco, and magazines. The dispensing of petroleum products may be included as accessory to convenience food products retailing.

**Convenience Services.** Services which are typically needed frequently or recurrently, such as barber and beauty care, and includes the operation of self-service laundromats but excludes other apparel cleaning and repair services.

**Coverage.** The lot area covered by all buildings located therein, including the area covered by all overhanging roofs.

**Country Clubs.** A chartered, nonprofit membership club, with facilities catering primarily to its membership and providing one or more of the following recreational or social amenities; golf, riding, club house, pool, dining facilities, lounge.

**Day Care Center.** Any place, home or institution which receives more than thirteen (13) young children, conducted for cultivating the normal aptitude for exercise, play observation, initiation, and construction.

**Development.** Any manmade change to improve or unimproved real estate, including but not limited to buildings or other structures, mining, dredging, filling, grading, paving, excavating, or drilling operations. Agricultural activities such as plowing or cultivating and gardening activities are not included in this definition of development.

**District.** Any section or sections of the area lying within Dover, Tennessee for which the regulations governing the use, density, bulk, height, and coverage of buildings and other structures are in force.

**Dwelling.** A building or part thereof uses as a habitation under one of the following categories:

- a. **Single detached dwelling** means a building and accessories thereto principally used, designed, or adopted for use by a single family.
- b. **Duplex dwelling** means a building and accessories thereto principally used, designed, or adopted for use by two (2) families, the living quarters of each of which are completely separate.
- c. **Apartment dwelling** means a building and accessories thereto principally used, designed, or adopted for use as occupancy by three (3) or more families each of which has separate living quarters. This includes triplexes and quadruplexes.
- d. **Rooming house** means a building and accessories thereto principally used, designed, or adopted to provide living accommodations for not more than six (6) occupants and

- without owner-provided cooking and dining facilities.
- e. **Boarding house** means a building and accessories thereto principally used, designed, or adapted to provide living accommodations for not more than six (6) occupants and having common cooking and dining facilities.
  - f. **Townhouse** means a residential structure continuing three or more single nondetached dwelling units separated by a common vertical wall.
  - g. **Condominium** means an apartment building or townhouse containing three (3) or more dwelling units being under or intended for separate ownership for each household living accommodation.
  - h. **Multi-family** means a townhouse or apartment dwelling or any building containing three (3) or more families, the living quarters of each family are completely separate.
  - i. **Triplex dwelling** means three units designed for use by three (3) families located on the same tract (zone lot) in one ownership.
  - j. **Quadruplex dwelling** means four units designed for use by four (4) families located on the same tract in one ownership.
  - k. **Prefabricated dwelling** means a single detached dwelling constructed primarily off-site, designed to be transported on a flat-bed truck or trailer, provided, that it is installed on a permanently enclosed concrete or masonry foundation, with sewer and water connections designed for permanent connection to municipal or on-site systems, and permanently connected to such systems. Such structures are distinguished from mobile homes as described elsewhere in this ordinance when they have a minimum floor area of six hundred (600) feet and have no horizontal exterior dimensions of less than fifteen (15) feet not including porches or carports. When such structure meets the above stated requirements, it shall qualify as a single detached dwelling.
  - l. **Mobile home or trailer** means a vehicular portable structure built on a chassis, designed for year-round occupancy, and designed to have no foundation other than wheels, jacks, or skirtings, and which is capable of being moved, towed, or transported by another vehicles.
  - m. **Zero lot line dwelling** means a building or structure containing two (2) units (duplex), each unit being located on its own zone lot in separate ownership.

**Family.** One or more persons related by blood, marriage, or adoption, or a group not all related by blood, marriage, or adoption, occupying the premises, and living as a single nonprofit housekeeping unit as distinguished from a group occupying a boarding or lodging house or similar dwelling for group use. A family shall not be deemed to include domestic servants employed by said family. The term family as used herein shall be construed to include groups of eight (8) or fewer related mentally retarded or physically handicapped persons and with two (2) additional persons acting as housekeepers or guardian residing within the house (See Chapter 24 of Title 13, T.C.A.).

**Family Day Care Home.** An occupied residence in which a person provides day care for five (5) to seven (7) children not related to the primary care giver. Such care in a family day care home is limited to that care given to no more than twelve (12) children, including children living in the home and children of close relatives cared for in the home.

**Financial Consulting and Administrative.** Includes the provision of financial, insurance,

real estate brokerage services, as well as the provision of advice, designs, information, or consultation of a professional nature. Also includes the executive, management, administrative, and desired activities of private, profit-oriented firms, other than public utility firms. These activities do not include the storage of goods and chattels for the purpose of sale unless otherwise permitted by other provision this regulation.

**Floor Area.** The sum of the gross floor area for each of the several stories under roof, measured from the exterior limits or faces of a building or structure.

**Frontage.** All the property on one side of a street between two (2) intersecting streets (crossing or terminating) measured along the line of the street, if the street is dead-ended, then all the property abutting on one side between an intersecting street and the dead end of the street.

**Gasoline Service Station.** Any area of land, including structures thereon, that is utilized for the retail sale of gasoline, oil (but no butane or propane fuels) or automobile accessories, and incidental services including facilities for lubricating, hand car washing and cleaning, or otherwise servicing automobiles, but not including painting or major repair.

**Grade, Finished.** The completed surfaces of lawns, walks, and roads brought to grades as shown on official plans or designs relating thereto.

**Health Department.** The Stewart County Health Department.

**Height of Building or Structures.** The vertical distance from the average ground elevation or finished grade at the building line, whichever is the highest, to the highest point of the building or structure.

**Home Occupation.** See Section 4.040.

**Hospital.** See Medical Facilities

**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 parts thereof.

**Landscaping.** The planting and maintenance of trees, shrubs, lawns, and other ground cover or materials, provided that terraces, fountains, retaining walls, street furniture, sculptures, or other art objects, and similar accessory features may be included as landscaping if integrally designed.

**Land with Incidental Improvements.** A tract of land which contains improvements including buildings or other structures having a total assessed valuation of five thousand (\$5,000) or less.

**Light Industry.** Is defined, for the purpose of this ordinance, on the basis of performance

in terms of absence of objectionable noise, smoke, odor, dust, dirt, noxious gases, glare and heat, and of the creation of industrial wastes, psychological effects and generation of motor vehicle traffic.

**Loading Space.** An area twelve (12) feet by sixty-five (65) feet with a fourteen (14) foot height clearance providing for the standing, loading, or unloading of a truck or other vehicles.

**Lot.** A piece, plot, or parcel 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 this ordinance.

**Lot, Area.** The total surface land area included within lot lines.

**Lot, Corner.** A lot of which at least two adjoining sides abut their full lengths on a street, provided that the interior angle at the intersection of two such sides is less than one hundred thirty-five (135) degrees.

**Lot, Depth.** The average distance from the street line of the lot to its rear line, measured in the general direction of the side lines of the lot.

**Lot, Frontage.** That dimension of a lot or portion of a lot abutting on a street, excluding the side dimensions of a corner lot.

**Lot, Interior.** A lot other than a corner lot.

**Lot Lines.** The boundary dividing a given lot from the street, an alley or adjacent lots.

**Lot of Record.** A lot which is part of a subdivision recorded in the office of the county register of deeds, or a lot described by metes and bounds, the description of which has been recorded in the office of the county register of deeds prior to the effective date of this zoning ordinance: March 14, 1988. Regarding non-complying lots of record, see Section 6.060.

**Lot, Width.** The width of a lot at the building setback line measured at right angles to its depth.

**Marina.** A facility for the docking and servicing of boats.

**Medical Facilities:**

- a. **Convalescent, Rest or Nursing Home** - A health facility where persons are housed and furnished with meals and continuing nursing care for compensation.
- b. **Dental Clinic or Medical Clinic.** - A facility for the examination and treatment of ill and afflicted human out-patients, provided, however, that patients are not kept overnight except under emergency conditions.
- c. **Hospital.** - An institution providing health services primarily for human in-patient medical care for sick or injured and including related facilities such as services, and staff

offices which are an integral part of the facility.

d. **Public Health Center.** - A facility utilized by a health unit for the provisions of public health services.

**Mobile Home Park.** Any area, tract, site, or plot of land where-upon mobile homes as herein defined are placed, located, or maintained in single ownership for rental purposes, and shall include all accessory buildings uses or intended to be used as part of the equipment thereof.

**Noncomplying:** Either on the effective date of this Ordinance or as a result of any subsequent amendment:

- A. Any lot of record which does not contain sufficient lot area to conform to the area requirements for the zoning district in which the lot is located.
- B. Any lawful building or other structure which does not comply with any one (1) or more of the applicable bulk regulations, or
- C. Any lawful use other than a nonconforming use, which does not comply with any part of any one (1) or more of the applicable regulations pertaining to:
  - 1. Location along district boundary; or
  - 2. Accessory off-street parking and loading.

**Nonconforming Use.** A building, structure, or use of land existing at the time of enactment of this ordinance which does not conform to the regulations of the district in which it is located.

**Noxious Matter.** Material in gaseous, liquid or solid form which is capable of causing injury to living organisms, chemical reactions, or detrimental effects upon the social, economic or psychological wellbeing of individuals.

**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 this ordinance.

**Overall Density.** The residential density, stated in dwelling units per acre of any total lot, or development area.

**Owner.** Includes his duly authorized agent or attorney, a purchaser, devisee, fiduciary, and a person having a vested or contingent interest in the property in question.

**Parking Lot.** An off-street facility including parking spaces with adequate provisions for drives and aisles for maneuvering and obtaining access, and for entrance and exit.

**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.

**Party Wall.** A wall on an interior lot line, used or adopted for joint service between two

buildings; such walls shall extend from the foundation to the underside of roof sheeting without openings which would permit the spread of fire from one building to another and shall fully comply with fire and all other provisions and standards established for such walls in the applicable adopted building code.

**Persons.** An individual, firm, partnership, corporation, company, association, joint stock association, or body politic, and includes a trustee, receiver, assignee, administrator, executor, guardian, or other representative.

**Planned Development.** A single planned area of land which (1) has both individual building sites and common property such as parks, and (2) is designed and organized to be capable of satisfactory use and operation as a separate entity without necessarily having the participation of other building sites or other common property; the ownership of the common property may be either public or private. Planned development consist of relatively large, interrelated developments located on a single tract of land. Cluster developments and mixed-use developments of all types are planned unit developments.

**Planning Commission.** The Dover Municipal Planning Commission.

**Plat.** A map, plan, or layout indicating the location and boundaries of individual properties.

**Principal Use.** The specific primary purpose for which land or a building is used.

**Private Wastewater Treatment.** Individual subsurface sewage disposal systems (i.e., septic tanks), package treatment plants or individual aeration system employed for the collection and treatment and/or disposal of wastewater, as approved by the county health office.

**Professional Office.** The office of a physician, dentist, attorney, architect, engineer, planner, accountant, or similar professions.

**Public Uses.** Public parks, schools, and administrative, cultural, and service buildings, not including public land or buildings devoted solely to storage and maintenance of equipment and materials.

**Public Wastewater System.** A municipal, community, or utility district sewerage treatment and disposal system of a type approved by the State of Tennessee Department of Environment and Conservation and the Public Service Commission.

**Public Water.** A municipal, community or utility district water treatment and distribution system of a type approved by the State of Tennessee Department of Environment and Conservation and the Tennessee Public Service Commission.

**Required Yard.** That portion of a zone lot that is required by the specific district regulation to be open from the ground to the sky and which may contain only explicitly listed obstructions.



**Right-of-Way.** The minimum right-of-way on all streets shall be fifty (50) feet which measures twenty-five (25) feet from the center line. On all collector streets the right-of-way shall be thirty (30) feet from the street center line. On all arterial streets the right-of-way shall be forty (40) feet on each side of the street Center line. Collector and arterial streets are shown on the official Major Thoroughfare Plan of Dover, Tennessee.

**Roadway.** The actual road surface, including necessary road shoulders and drainage facilities including ditches and curbs and gutters, which is used to transport motor vehicles.

**Sanitary Landfill.** An area or site utilized by a public or private entity for disposal of solid waste or refuse in a manner which meets the regulations imposed upon the operation and maintenance of sanitary landfill sites by the State Department of Environment and Conservation.

**Shelter, Fall-Out.** A structure or portion of a structure intended to provide protection to human life during periods of danger from nuclear fall-out, air-raids, storms, or other emergencies.

**Shopping Center.** A group of compatible commercial establishments planned, developed, and managed as a unit, with automobile storage area provided on the property; the center must also be related in location, size, and type of the shop to its trade area.

**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 any representation uses as, or which is in the nature of, an announcement, direction, or advertisement. The word "sign" includes the word "billboard" and "posterboard" as well as any other type of advertising device, but does not include the flag, pennant, or insignia of any nation, state, city, or other political unit.

- a. **Business Sign.** A sign which directs attention to the business or profession conducted on the premises.
- b. **Advertising Sign.** A sign which directs attention to a business commodity, service or entertainment conducted, sold, or offered elsewhere than on the premises and only incidentally on the premises if at all.
- c. **Billboard.** A type of advertising sign having more than one hundred (100) square feet of display surface which is either erected on the ground or attached to or supported by a building or structure.
- d. **Flashing Sign.** Any illuminated sign, whether stationary, revolving, or rotating, which exhibits changing light or color effects, provided that revolving or rotating signs which exhibit no changing light or color effects other than those produced by revolution or rotation, shall be deemed flashing signs only if they exhibit sudden or marked changes in such light or color effects.
- e. **Ground Sign.** A sign supported by a pole, uprights, or braces on the ground.
- f. **Illuminated Sign.** A sign designed to give forth any artificial light or reflect such light

- from an artificial source.
- g. **Indirect Illumination Sign.** Any illuminated non flashing sign whose illumination is derived entirely from an external artificial source and is so arranged that no direct rays of light are projected from such artificial source into residences or streets.
  - h. **Off-premises Sign.** A sign relating to a product, services, or establishment that is not on the premises on which the sign is located.
  - i. **On-Premises Sign.** A sign relating to a product, service, or establishment that is on the premises on which the sign is located.
  - j. **Pole Sign or Banjo Sign.** A type of ground sign at least ten (10) feet above the ground supported on a single post or pole most commonly associated with gasoline service stations.
  - k. **Wall or Flat Sign.** Any sign erected parallel to the face or on the outside wall of any building which projects out at any angle therefrom and projects more than twelve (12) inches beyond the face of such wall.
  - l. **Roof Sign.** A detached sign supported upon the roof or wall of a building.
  - m. **Marquee Sign.** A projecting sign attached to or hung from a marquee and said marquee shall be known to mean a canopy or covered structure projecting from and supported by a building, when such a canopy or covered structure extends beyond the building, building line, or property line.
  - n. **Temporary Sign.** Temporary signs shall include any sign, banner, pennant, valance, or advertising display constructed of wood, metal, cloth, canvas, light fabric cardboard, wallboard, or other light material, with or without frames, where either by reason of construction or purpose of sign is intended to be displayed for a short period of time only.

**Special Exception.** A use which is specifically permitted if the owner can demonstrate to the satisfaction of the Board that it will meet certain standards, enumerated safeguards, or qualifying conditions set forth herein.

**Story.** Unless otherwise defined within any appropriate adopted building code, 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 between the topmost floor and the roof which is used for human occupancy in which the floor area with eight (8) feet or more head clearance equals fifty (50) percent or more of the 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 more than half of its height is above the average ground level from which the "height of a building" is measured or if it is used for commercial purposes.

**Street.** A public road, highway, or thoroughfare which constitutes, or is designed to constitute, the main access to more than one lot and which has been legally dedicated and accepted for public use.

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

**Toxic Materials.** Materials (gaseous, liquid, solid, particulate) which is capable of causing injury to living organism by chemical reaction even when present in relatively small amounts.

**Travel Trailer.** A vehicular, portable structure designed as a temporary dwelling for travel, recreation, and vacation uses.

**Travel Trailer Park.** A plot of land designed and equipped to accommodate travel trailers for short periods of time.

**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.

**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, provided that accessory buildings may be located in a rear yard.

**Yard, Front.** The yard extending across the entire width of the lot between the nearest part of the principal building, including porches, and the front lot line.

**Yard, Rear.** The yard extending across the entire width of the lot between the nearest part of the principal building, including porches, and the rear lot line.

**Yard, Side.** The required space unoccupied except as herein provided, measured between the side lot line and the nearest point of the principal building and between the front yard and the rear yard.

**Zone Lot.** For purposes of this ordinance, a lot is a parcel of contiguous land which is or may be developed or utilized under one ownership as a unit site for a use or group of uses and which is of at least sufficient size to meet minimum zoning requirements for use, coverage, and area, and to provide such yards and other open spaces as are herein required. Such lot shall have frontage on an improved public street, or on an approved private street. For the purpose of this definition, the ownership of a zone lot shall be deemed to include a lease of not less than fifty (50) years duration.

**Zoning Map.** A map or series of maps and special overlays (the official copy being maintained by the Building Inspector) showing districts and special districts that are established under the provisions of, and are thereby, a part of this Ordinance.

**Zoning Permit.** A written permit issued by the Building Inspector, same being required before commencing and construction, reconstruction, alteration of any building or other structure or before establishing, extending, or changing any activity or use on any zone lot.

**Article III**  
**General Provisions**

Section

- 3.010 Scope
- 3.020 Only One Principal Building on Any Single-Family Residential Lot
- 3.030 Lot Must Abut a Public Street
- 3.040 Rear Yard Abutting a Public Street
- 3.050 Corner Lots
- 3.060 Future Street Lines
- 3.070 Reduction in Lot Area Prohibited
- 3.080 Obstruction to Vision at Street Intersection and Railroad Prohibited
- 3.090 Access Control
- 3.100 Accessory Use Regulations
- 3.110 Buffer Strips
- 3.120 Plot Plan Requirements
- 3.130 Solar Orientation

**3.010 Scope.** For the purpose of the zoning ordinance, there shall be certain general provisions which shall apply, except as specifically noted, to the Town as a whole.

**3.020 Only One Principal Building on any Single-Family Residential Lot.** Only one (1) principal building and its customary accessory buildings may hereafter be erected on any single-family residential lot. This provision does not prohibit planned development complexes as permitted under Article IV, Section 4.070, of this ordinance, or multi-family dwellings.

**3.030 Lot Must Abut a Public Street.** No building shall be erected on a lot which does not abut at least one publicly approved and accepted street for a distance of at least fifty (50) feet, or at least thirty (30) feet on cul-de-sac courts, or unless it abuts for fifty (50) feet on a street shown on a final subdivision plat as approved by the Dover Planning Commission.

**3.040 Rear Yard Abutting a Public Street.** When the rear yard of a lot abuts a public street, all structures built in the rear yard shall observe the same setback from the street right-of-way line, center line of the street, or property line, as required for adjacent properties which front on that street. In addition, any structure located within twenty-five (25) feet of that setback line shall be no closer to any side property line than the distance required for side yards on adjoining properties fronting on that street.

**3.050 Corner Lots.** The side yard setback requirements for corner lots shall be the same as the front setback requirements for the next adjacent lot fronting on the street that the side yard of the corner lot faces.

**3.060 Future Street Lines.** For the purpose of providing adequate space for the future widening of streets, required setbacks, or front yards shall be determined by the right of way as shown in the most current official Dover, Tennessee Major Thoroughfare

Plan.

**3.070 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 ordinance are not maintained. This section shall not apply when a portion of a lot is acquired for a public purpose.

**3.080 Obstruction to Vision at Street Intersections and Railroad Intersections Prohibited.** On a corner lot in any district within the area formed by the center lines of the intersecting or intercepting streets and/or railroads and a line joining points on such center lines at a distance of seventy-five (75) feet from their intersection, there shall be no obstruction to vision between the height of three and one-half (3 1/2) feet and a height of ten (10) feet above the average grade of each street and/or railroad at the center line thereof. The requirements of this section shall not be construed to prohibit any necessary retaining wall.

**3.090 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:

- A. A point of access for vehicles on to a street shall not exceed thirty (30) feet in width for all residential, retail, and commercial services land uses. All points of access shall be so constructed as to provide for property drainage of property and public street. A minimum of an eighteen (18) inch culvert shall be provided in the ditch line. For industrial land uses a point of access for vehicles onto a street shall not exceed forty-five (45) feet in width.
- B. 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 no more than one point of access to any one public street.
- C. No point of access shall be allowed within twenty-five (25) feet of the right-of-way line of any public intersection. On collector or arterial streets this minimum shall be forty (40) feet.
- D. No curbs on city streets or rights-of-way shall be cut or altered without written approval of the Building Inspector, and if a state highway, a permit must also be obtained from the Tennessee Department of Transportation.
- E. Where two (2) driveways are provided for one lot frontage, the clear distance between the driveways shall not be less than twenty-five (25) feet.
- F. Cases requiring variances relative to the above provisions due to topographic limitations shall be heard and acted upon by the Board of Zoning Appeals, provided, further, that no curb cuts for off-street automobile storage or parking

space shall be permitted where the arrangement would require that vehicles back directly into a public street.

**3.100 Accessory Use Regulations.** The use of land, buildings, and other structures permitted in each of the districts established by this ordinance are designated by listing the principal uses. In addition to such principal uses, accessory uses which are customarily incidental to the permitted principal uses are also permitted in each district. Each accessory use shall:

- A. Be customarily incidental to the principal use established on the same lot.
- B. Be subordinate to and serve such principal use.
- C. Be subordinate in area, intent, and purpose to such principal use.
- D. Contribute to the comfort, convenience, or necessity of users of such principal use.
- E. Total accessory use in residential areas shall be limited to covering no more than one-half the size of the principal use on any lot.

**3.110 Buffer Strips.** Where use is established in areas zoned nonresidential (C-1, C-2, I-1, and I-2) which abuts at any point upon property zoned residential (R-1, R-2, R-3, R-4, and MHP) or whenever a planned unit development is established in any zoning district, the developer of said use shall provide a buffer strip as defined herein at the point of abutment. Furthermore, there shall be installed around the rear and sides of all drive-in restaurants, a four (4) foot metal, mesh fence or wall designed to confine any litter or trash that may be generated on the site, unless peculiar conditions deem otherwise as determined by the Board of Appeals.

**3.120 Plot Plan Requirements**

- A. Proposals for the construction or location of one (1) or more principal structures on a lot (with the exception of single-family and two-family dwellings) shall be submitted at a scale no smaller than 1"-100', showing contours at five (5) foot intervals, and must exhibit required automobile storage areas, servicing utilities with reference to location, availability, compatibility and related easements, loading and unloading spaces, maneuvering areas, openings, for ingress and egress to public streets, a proposed drainage plan, the density of development or the required open space, the number of dwelling units per acre if applicable, all required buildings setbacks and other yard requirements, and landscape treatment in accordance with Article III, General Provisions outlined in this ordinance.
- B. Proposals for planned developments and mobile home parks shall follow separate provisions outlined in Article IV, Section 4.070 and 4.090 in this ordinance.
- C. The above applications must be supported by any other information or data as might be deemed necessary by the Dover Municipal Planning Commission.

**3.130 Solar Orientation.** Solar energy devices shall be subject to the setback affecting dwellings, buildings, and other major improvements. The use of solar energy devices for the purpose of providing energy is a permitted use within all zones, either as a part of the structure, or an independent structure. In order to maximize solar access, whenever possible the development should place highest densities on south facing slopes.

Furthermore, all streets should be oriented on an east/west axis to the greatest possible extent in order that all lots be oriented with the greatest dimension on a north/south axis. Whenever possible lot orientation from the north/south axis should vary no more than 20 degrees from the north/south axis. There shall be no device between the front yard setback line and the principal structure.

**Article IV**  
**Supplementary Provisions Applying To Specific Districts**

Section

- 4.010 Off-street Parking Requirements
- 4.020 Off-street Loading and Unloading Requirements
- 4.030 Temporary Use Regulations
- 4.040 Customary Incidental Home Occupations
- 4.050 Fall-Out Shelter Restrictions
- 4.060 Gasoline Service Station Restrictions
- 4.070 Planned Development Regulations
- 4.080 Standards for Signs and Other Advertising Structures
- 4.090 Development Standards for Automobile Wrecking, Junk and Salvage Yards
- 4.100 Development Standards for Communications Towers and Antennas

**4.010 Off-Street Parking Requirements.** Off-street automobile storage or standing space shall be provided on each lot upon which any of the following uses are hereafter established. One (1) vehicle space shall be two hundred (200) square feet in size (10 feet x 20 feet) and such space shall be provided with vehicular access to a street or alley. The number of parking spaces provided shall meet the minimum requirements for the specific uses as set forth below:

- A. **Single Detached Dwelling and Duplex.** Not less than two (2) spaces for each dwelling unit.
- B. **Apartment Dwelling.** Not less than two (2) spaces per dwelling unit.
- C. **Boarding Houses and Rooming Houses.** Not less than one (1) space for each one (1) room to be rented.
- D. **Townhouse and Condominium.** Not less than two (2) spaces per dwelling unit.
- E. **Other Dwelling Units.** Not less than two (2) spaces per dwelling unit.
- F. **Hotels, Motels, and Other Tourist Accommodations.** Not less than one (1) space for each room to be rented plus one (1) additional space for each employee.
- G. **Any Auditorium, Church, Stadium, or Other Place of Public Assembly.** Not less than one (1) space for each four (4) seats provided in such places of assembly. For places of public assembly where seating is not a measure of capacity, such as clubhouses, funeral parlors, etc., at least one (1) space for each two hundred (200) square feet of floor space devoted to that particular use shall be provided.



- H. **Manufacturing, Industrial or Wholesale Use.** Not less than one (1) space for each two (2) employees anticipated during maximum production, with a minimum of five (5) spaces provided for any establishment. For establishments maintaining space for the sale of products at retail, there shall be provided one (1) parking space for each five hundred (500) square feet of floor area devoted to retail sales.
- I. **Office and Professional Buildings.** Not less than one (1) parking space for each three hundred (300) square feet of office space located on the first floor, plus one parking space for each five hundred (500) square feet of floor area (or fraction thereof) above or below the first or main floor; provided, that office space constructed or arranged on the floors above or below the first floors of retail or other business establishments and not used in connection therewith, shall fall within the meaning of this subsection, plus one (1) parking space per each employee.
- J. **Retail Sales and Service Establishments.** Not less than one (1) parking space for each two hundred and fifty (250) square feet, or fraction thereof, of floor space.
- K. **Medical or Dental Clinic.** Not less than four (4) spaces per doctor, plus one (1) additional space for each employee.
- L. **Service Stations.** Not less than five (5) spaces for grease rack or service bay, or one (1) space for each 1,400 square feet of lot area or fraction thereof, whichever is greater.
- M. **Restaurants.** Not less than one (1) space per one hundred fifty (150) square feet of gross floor area, plus one (1) space for each employee. For drive-in restaurants, one (1) space per one hundred (100) square feet of gross floor area plus one (1) space for each employee.
- N. **Shopping Centers.** Five-point five (5.5) parking spaces per each one-thousand (1,000) square feet of gross floor area.
- O. **Convenience Retail.** No less than one (1) parking spaces for each two hundred (200) square feet or fraction thereof, of floor space, with a minimum of five (5) parking spaces.
- P. **Other.** For buildings and uses not listed, the off-street parking requirements shall be determined by the Board of Zoning Appeals.

**4.011 Certification of Minimum Parking Requirements.** Each application for a building permit shall include information as to the location and dimensions of off-street parking spaces 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.

**4.012 Combination of Required Parking Space.** The required parking spaces(s) for any number of separate uses may be combined in one lot, but the required spaces(s) assigned to one use may not be assigned to another use, except that the parking space(s) required for churches, theaters, or assembly halls whose peak attendance will be at night or on Sundays may be assigned to a use which will be closed at night or on Sundays.

**4.013 Remote Parking Space.** If the off-street parking space required by this ordinance 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 the main entrance to such principal use, provided such land is in the same ownership or lease as the principal use. Such land shall be used for no other purpose so long as no other adequate provisions of parking space, meeting the requirements of this ordinance, has been made for the principal use.

**4.014 Extension of Parking Space into a Residential District.** Required parking space may be extended one hundred (100) feet into residential districts, provided that:

- A. The parking space adjoins a commercial or industrial district.
- B. The parking space in this area have their only access to or front upon the same street as the property in the commercial or industrial districts for which it provides the required parking spaces.
- C. The parking space is separated from abutting properties in the residential districts by a buffer strip.

**4.015 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 do 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 3.090 of this ordinance.
- D. The parking lot shall be designed in such a manner as to provide adequate drainage and to eliminate the possibility of stagnant pools of water.
- E. There shall be a parking aisle at least twenty-two (22) feet wide serving all
- F. 90 degree and 60- degree angled parking spaces. For all 30- and 45- degree angled parking spaces there shall be a minimum parking aisle of sixteen (16) feet in width.

**4.020 Off-Street Loading and Unloading Requirements.** Every building or structure hereafter constructed and used for business, or trade involving the receiving 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 space for this provision shall be based on the total usable floor area of each principal building according to the following table:

<u>Total Usable Floor Area for Principal Building</u>	<u>Spaces Required (See Article II, for Definition)</u>
0 to 4,999 square feet	One (1) Space
5,000 to 20,000 square feet	Two (2) Spaces
Over 20,000 square feet additional 20,000 sq. ft.	One (1) Space for each

The Board of Zoning Appeals may reduce or increase this requirement in the interest of safety where unusual or special conditions are due consideration.

**4.030 Temporary Use Regulations.** The following regulations are necessary to govern the operation of certain necessary or seasonal uses nonpermanent in nature. Application for a Temporary Use Permit shall be made to the Building Inspector. Said application shall contain a graphic description of the property to be utilized and a site plan, a description of the proposed use, and a sufficient information to determine yard requirements, setbacks, sanitary facilities, and parking space for the proposed temporary use. The following uses are deemed to be temporary uses and shall be subject to the specific regulations of any district in which such use is located:

- A. Carnival or Circus.** May obtain a Temporary Use Permit in the C-2, I-1, I-2, or F-1 Districts; however, such permit shall be issued for a period of no longer than fifteen (15) days. Such use shall only be permitted on lots where adequate off-street parking can be provided.
- B. Christmas Tree Sale.** May obtain a 30-day Temporary Use Permit for the display and sale of Christmas trees upon lots in any districts.
- C. Temporary Buildings.** In any district, A Temporary Use Permit may be issued for contractor's temporary office and equipment sheds incidental to a construction project. Such permit shall not be valid for more than one (1) year but may be renewed for six-month extensions; however, not more than three (3) extensions for a particular use shall be granted. Such use shall be removed immediately upon completion of the construction project, or upon expiration of the Temporary Use Permit, whichever occurs sooner.
- D. Religious Tent Meetings.** In any district, a Temporary Use Permit may be issued for a tent or other temporary structure to house a religious meeting. Such permit shall be issued for not more than a thirty (30) day period. Such activity shall be permitted only on lots where adequate off-street parking can be provided.
- E. Temporary Dwelling Unit in Cases of Special Hardship.** In any residential district, a Temporary Use Permit may be issued to place a mobile home (double-wides excluded) temporarily on a lot in which the principal structure was destroyed by fire, explosion, or natural phenomena. The purpose of such

placement temporarily shall be to provide shelter for only the residents of the principal structure during the period of reconstruction and to prevent an exceptional hardship on the same. Placement of such temporary structure must not represent a hazard to the safety, health, or welfare of the community. An applicant for a Temporary Use Permit as provided under this subsection must produce a written statement from the Dover Utilities System and the Stewart County Health Department when applicable, approving the water supply and sewage disposal systems of the temporary structure. Such a permit may be initially issued for nine (9) months. A permit may be renewed for up to six (6) months at a time, the total time for all permits not exceeding a total of eighteen (18) months.

**4.040 Customary Incidental Home Occupations.** A customary incidental home occupation is a gainful occupation or profession (including the professional office of an architect, artist, dentist, engineer, lawyer, and the like, barber, beauty, and tailor shops) conducted by members of a family residing on the premises or only one person in addition to those persons residing therein and conducted entirely within the dwelling unit. In connection with a home occupation, no stock in trade shall be displayed outside the dwelling, and no alteration to any building being utilized in whole or in part for any purpose other than a residential unit, including permitted accessory buildings. An announcement sign of not more than four (4) square feet in area is permitted. When questions arise regarding the legality of specific home occupations, the Board of Zoning Appeals shall determine which zone said home occupation is located. However, activities such as dancing instruction, a band instrument instruction (except piano instruction) tea rooms, tourist homes, real estate offices, convalescent homes, mortuaries, animal clinics, retail sales business, or any other activity deemed by the Board to be incompatible with the strict or a potential nuisance to the surrounding area shall not constitute an acceptable home occupation.

**4.050 Fall-Out Shelters.** Fall-out shelters are permitted as principal or accessory uses and structures in any district, subject to the yard and lot coverage regulations of the district. Areas of underground fall-out shelters extending not more than thirty (30) inches above the general ground level of the graded lot shall not be included in computations of lot coverage by all buildings. The Board of Zoning Appeals may waive side and rear yard setback requirements to permit construction of joint shelters by two or more property owners, provided, however, that side and rear yard setback requirements shall be met where property involved in the joint proposal butts or adjoins property not included in the proposal.

**4.060 Gasoline Service Station Restrictions.** The following regulations shall apply to all gasoline service stations:

- A. There shall be a building setback from all street right-of-way lines of a distance of not less than forty (40) feet, except for canopies designed to cover the gasoline pump islands.
- B. Gasoline pumps shall not be located closer than twenty-five (25) feet to any street right-of-way line.

C. Sign requirements as established in Article IV, Section 4.080, shall be met.

**4.070 Planned Development Regulations.** The purpose and intent of this section is to encourage the total planning of relatively large tracts of land consistent with the long-range general comprehensive plan of the Town, encourage innovations in design and the application of sound design principles, provide a frame work within which an effective relationship of different land uses and activities can be planned on a total basis, provided a harmonious relationship with surrounding development, minimizing such influences as land use incompatibilities, heavy traffic and congestion, and excessive demands on planned and existing public facilities, and provide a means of developing areas of physiographic or other physical features to enhance natural beauty and other attributes. This section shall only be used for planned development upon determination by the Board of Zoning Appeals that the proposed development is in harmony with the purpose and intent as stipulated. Planned developments are permitted only as special exceptions after review by the Board.

**4.071 General Provisions.** The following general provisions apply to all planned developments:

A. **Ownership and Division of Land.** No tract of land may be considered for or approved as a planned development unless such tract is under single ownership. The holder of a written option to purchase, any governmental agency, or developer under contract shall be considered landowners for purposes of this section. Unless otherwise provided as a condition of approval of a planned development, the landowner of an adopted planned development may divide and transfer parts of such development. The transferee shall complete each such unit and use and maintain it in strict conformance with the adopted final master development plan.

B. **Relationship to the Subdivision Regulations.** The uniqueness of each proposal for a planned development may require that there be modifications from the specifications established in the subdivision regulations adopted by the Dover Municipal Planning Commission. Modifications may be incorporated only with the approval of the Planning Commission.

C. **Common Open Space and/or Dedicated Cross Easements.**

1. In all planned developments there shall be a dedication of land for common open space and dedicated cross- easements for utilities. When deemed to be sufficient by the Board of Zoning Appeals the permanent public dedication of cross-easements in single purpose commercial developments for utilities, future access, and etc., shall opt for the common open space required.
2. The location, shape, size, and character of the common upon space shall be reviewed in detail.
3. Common open space must be used for amenity or recreational purposes. The uses authorized for the common open space must be appropriate to the scale and character of the planned development considering its size, density, expected population, topography, and the number and type of dwellings or

structures to be provided.

4. Common open space must be suitably improved for its intended use but common open space containing natural features worthy of preservation may be left unimproved. The buildings, structures, and improvements which are permitted in the common open space must be appropriate to the uses which are authorized for the common open space and must conserve and enhance the amenities of the common open space with regard to this topography and unimproved condition.
5. The use and improvements of common open space must be planned in relation to any existing or proposed public or semi-public open space which adjoins, or which is within close proximity to the perimeter of the planned Development.
6. All land shown on the final development plan as common open space, when not retained by the developer, must be conveyed under one of the following options:
  - a. It may be conveyed to a public agency which will agree to maintain the common open space and any building, structures, or improvements which have been placed on it.
  - b. It may be conveyed to a trustee(s) provided in a deed of record which establishes an association or similar organization for the maintenance of the planned development. The common open space may be conveyed to the trustees subject to the approval of the Board of Zoning Appeals which will result in the restriction of the common open space to the uses specified on the final development plan, and which will provide for the maintenance of the common open space in a manner which assures its intended purpose.

**4.072 Minimum Size.** The minimum size of a planned development is established according to the following table:

<u>Minimum Area</u> (Acres)	<u>Districts</u>					
	<u>R-1</u>	<u>R-2</u>	<u>R-3</u>	<u>C-2</u>	<u>I-2</u>	<u>I-2</u>
3	x	x	x	x		
4					x	x

**4.073 Types of Planned Developments.** Planned developments shall consist of two (2) types. They are as follows:

- A. **Single Purpose Planned Development.** A single purpose planned development is one which shall consist primarily of one (1) principal use or activity. The principal use or activity may be either residential or commercial or industrial in nature.
- B. **Mixed Purpose Planned Development.** A mixed purpose planned development is one which shall consist primarily of two (2) principal uses or activities. The principal use or activities may be either residential and commercial or industrial

and commercial in nature.

**4.074 Permitted Activities and Uses.** Any activity or use that is allowed in the zoning district where the planned development is located shall be permitted by the Board of Zoning Appeals as part of that planned development, unless the yard requirements of the zoning district involved are changed. The following uses, which are not permitted in the district where the planned development is located, may, however, be permitted by the Board of Zoning Appeals provided such uses are desirable or convenient for the users of the planned development as it is developed or the immediate neighborhood, and provided that such uses are planned so as to assure that they will not materially alter the existing character of the neighborhood.

<u>Use or Activity</u>	<u>R-1</u>	<u>R-2</u>	<u>R-3</u>	<u>C-2</u>	<u>I-1</u>	<u>I-2</u>
Single Detached Dwelling						
Duplex	x			x		
Townhouse	x	x		x		
Apartment				x		
Convenient Sales	x	x	x			
Convenient Services	x	x	x		x	x
Financial, Consulting,						
Administrative					x	x
Restaurants, Excluding Drive-In	x	x	x			
Medical Service	x	x	x	x	x	x
Common Public and Private						
Open Space	x	x	x	x	x	x
Recreation and Assembly Facilities				x	x	x

**4.075 Limitations on Commercial Activities in Planned Developments.** The commercial activities allowed in a mixed purpose planned development shall be permitted provided that such activities shall not exceed in the aggregate more than five (5) percent of the total floor area in such development and provided further that the maximum floor area devoted to such activities by any single establishment shall be three thousand (3,000) square feet.

**4.076 Obstructions, Height Regulations, Accessory Structures, Customary Home Occupations, Off-Street Parking and Sign Control.** All structures and facilities within a planned development shall conform to the requirements within a planned development governing these items as specified in the regulation pertaining to the appropriate district within which it is located.

**4.077 Overall Densities and Lot Coverages for Residential Activities in Planned Developments.** The maximum overall densities and lot coverages for residential activities shall be in terms of the number of dwelling units per gross acre and in terms of the required open space of all areas within a development, as provided herein.

- A. Maximum density or lot coverage for any residential component shall not exceed the maximum density or lot coverage permitted in the zone district where the planned development is located.
- B. Density increases over and above the permitted zone district maximum density may be granted by the Board of Zoning Appeals and shall be governed by the precepts listed below, each of which is to be treated as additive and not compound.
  - 1. For mixed residential types, a maximum increase of ten (10) percent.
  - 2. For mixed purpose planned development, a maximum increase of fifteen (15) percent.
  - 3. For underground utilities, a maximum increase of ten (10) percent.
  - 4. For improved common open space, a maximum increase of ten (10) percent.
  - 5. For preservation of natural, historic, or archaeological features, a maximum of ten (10) percent.
- C. Reduction in the permitted zone district maximum density may be required by the Board of Zoning Appeals only if it is determined that such reduction is warranted by the following conditions:
  - 1. Inconvenient or unsafe access of the planned development.
  - 2. Traffic congestion for streets adjoining the development.
  - 3. An excessive burden imposed on parks, recreational areas, schools, and other public facilities which serve or are proposed to serve the development.

**4.078 Minimum Lot Area and Frontage Requirements Within a Planned Development.** No minimum lot size or yards shall be required within planned development, except that frontage on dedicated public roads shall observe front yard requirements in accordance with the zoning classification where the development



is located, and peripheral yards abutting the exterior limits of the planned development boundary (except for boundaries delineated in or by water) shall observe yard requirements in accordance with the zoning classification in which the development is located. Every dwelling unit or other permitted use in the planned development shall have access to public road or street either directly or via an approved private road, pedestrian way, court, or other area dedicated to public use or reserved for private use, or common element guaranteeing access. Permitted uses are not required to front on a public dedicated road or street.

**4.079 Building Spacing.** Unless otherwise regulated by any applicable adopted building code, the following shall apply.

- A. **Minimum Building Spacing.** Space between buildings shall be one-half (1/2) of the sum of the heights of the buildings, but in no case shall the distance be less than thirty (30) feet.
- B. **Minimum Distance to the Property Line.** The minimum distance between the building and the property line shall be one-half (1/2) the height of the building, but in no case shall the distance be less than thirty (30) feet.

**4.079.1 Perimeter Requirements.** If topographical or other barriers do not provide adequate privacy for existing uses adjacent to the planned development, the Planning Commission or the Board of Zoning Appeals may impose either of the following requirements:

- A. Structures located on the perimeter of the planned development must be set back by a distance sufficient to protect the privacy and amenity of adjacent existing uses, if applicable.
- B. Structures located on the perimeter of the planned development must be permanently screened in a manner which is sufficient to protect the privacy and amenity of adjacent existing uses. Such screening should be landscaped to a transitional one or greater standards.

**4.079.2 Administrative Procedure**

A. Outline Development Plan

- 1. The developer shall make a request to construct a planned development within one of the allowable districts to the Building Inspector. At his option, the developer may accompany his request with an outline development plan specified in this section. If no outline development plan is filed with the request, the developer shall submit a preliminary development plan as outlined in the following section.
- 2. An outline development plan consists of both maps and a written statement.
  - a. The maps may be in a general schematic form, but must contain the following information:
    - 1) The existing topographic character of the land.

- 2) Existing and proposed land uses and the approximate density of the existing dwellings.
  - 3) The appropriate location of any road shown on the major thoroughfare plan.
  - 4) Public uses, including schools, parks, play area, and other open spaces, both existing and proposed.
- b. A written statement to accompany the outline development plan must contain the following information :
- 1) A statement of the present ownership of all the land included with the proposed development.
  - 2) A general indication of the expected schedule of the Development.
3. Within thirty (30) days after the filing of the outline plan, the staff shall forward the plan to the Board of Zoning Appeals with a written report recommending the plan be approved, approved with modification, or disapproved, giving reasons for these recommendations.
4. The Board of Zoning Appeals will act on the recommendation by the staff and the procedure specified for special exceptions in Section 7.060, of this ordinance, shall be followed. However, no building permits will be issued on land within the planned development until final plans for the development have been reviewed and approval granted by the Board of Zoning Appeals.

**B. Preliminary Development Plan**

1. If an outline development plan has been submitted and approved, the Board shall review the submission of a preliminary development plan as a whole. If a preliminary development plan has not been submitted within three (3) months following the approval of the outline development plan, the Board may withdraw its approval of the planned development. In its discretion and for good cause, the Board may extend for three (3) months the period for the filing of the preliminary development plan.
2. The preliminary development plan must include all of the following information:
  - a. A map showing street systems, lot lines, lot designs, and existing topographic characteristics (contours at five (5) foot intervals).
  - b. Areas proposed to be conveyed, dedicated, or reserved for parks, playgrounds, swimming pools, recreation buildings, supporting commercial areas, similar public and semi-public uses.
  - c. A site plan for each building site and common open area, showing the approximate location and dimensions of all buildings, structures, and improvements and indicating the open spaces around buildings and structures.
  - d. Elevation and perspective drawings of all proposed structures and improvements. The drawing need not be the results of final architectural decisions and need not be in detail
  - e. A development schedule indicating:
    - 1) the approximate date when construction of the project can be expected to begin.

- 2) the stages in which the project will be built and the approximate date when construction of each stage can be expected to begin.
  - 3) the anticipated rate of development.
  - 4) the approximate dates when the development of each of the stages in the development will be completed; and
  - 5) the area and location of common upon space that will be provided at each stage.
- f. An off-street parking and loading plan.
  - g. An estimate of population and density and extent of activities to be allocated to parts of the project.
  - h. The general means of the disposition of sanitary waste and storm water.
  - i. A tabulation of the land area to be devoted to various uses and activities and overall densities.
  - j. Arrangements, provisions, or covenants which govern the use, maintenance, and continued protection of the planned development and any of its common open areas.
  - k. Utilities and access cross easements for each individual dwelling unit or use proposed.
  - l. The following plans and diagrams, insofar as the Board of Zoning Appeals find that the planned development creates special problems of traffic, parking, landscaping, or economic feasibility:
    - 1) A circulation diagram indicating the proposed movement of vehicles, goods, and pedestrians within the planned development and, to and from existing and proposed thoroughfares. Any special engineering features and traffic regulation devices needed to facilitate or ensure the safety of this circulation pattern must be shown.
    - 2) A landscaping and tree planting plan.
    - 3) An economic feasibility report or market analysis.
    - 4) If no outline development plan has been filed, the preliminary plan must contain the information required by Subsection A., 2., (a) and (b) and must include enough of the area surrounding the proposed planned development to show the relationship of the planned development to adjacent uses.
3. The Board of Zoning Appeals shall review the preliminary development plan and recommend its approval if it complies with the intent of this planned development section and contains all the information as specified, in Subsection B, 2.

C. Final Development Plan

1. Within three (3) months following the approval of the preliminary development plan, the developer shall file with the Board a final development plan in stages or as a whole containing in final form the information previously required in granting preliminary approval and the necessary signatures as required by the Dover Subdivision Regulations. In its discretion, and for good cause, the Board may extend for three (3) months the period for the filing of the final development plan.

2. The Board shall review the final development plan, and, if it is in substantial compliance with the preliminary development plan, shall recommend approval.
3. The Building Inspector shall issue building permits for building and structures in the area covered by the approved final development plan if they are in conformity with the approved final development plan and with all other applicable regulations. He shall issue a certificate of occupancy for any completed building or structure located in an area covered by the approved final development plan if the complete building or structure conforms to the requirements of the approved final development plan and all other applicable regulations.

D. Changes to Final Development Plan

1. No changes may be made in the approved final plan during the construction of the planned development except as specified.
  - a. Minor changes in the location, setting, and height of buildings and structures may be authorized by the Board of Zoning Appeals if required by engineering or other circumstances not foreseen at the time the final plan was approved. No change authorized by this section may change the size of any building or structure by more than ten (10) percent.
  - b. All other changes in use, rearrangement of lots, blocks, or building tracts, provisions for open space or any other desired changes in the approved final plan must be submitted to the Board which will make its recommendation for approval, or disapproval. No amendments may be made in the approved final plan unless they are shown to be required by changes in conditions that have occurred since the final plan was approved or by changes in the development policy of the city.
2. Any changes which are approved for the final plan must be recorded as amendments to the recorded copy of the final plan.
3. If no construction has begun or no use has been established in the development within one (1) year after approval of the final development plan, the final development plan will lapse and be of no further effect.

E. Control of Planned Development Following Completion

1. Upon completion of all the work within the development, the Board of Zoning Appeals shall issue a certificate of completion. The Secretary of the Board shall note the issuance of the certificate on the recorded final development plan.
2. After the certificate of completion has been issued, the use of land the construction, modification, or alteration of any buildings or structures within the planned development will be governed by the approved final development plan rather than by any other provisions of this regulation.
3. After the certificate of completion has been issued, no changes may be made in the approved final development plan except upon application to the Board under the procedures provided below:
  - a. Any minor extensions, alterations, or modifications of existing buildings or structures may be authorized by the Board of Zoning Appeals if they are consistent with the purposes and intent of the final plan. No change authorized by this section may change the size of any building or structure by more than ten (10) percent.

- b. Any uses not authorized by the approved final plan, but allowable in the planned development as a permitted use under the provisions of this regulation or permitted as a special exception in the zone in which the planned development is located, may be added to the final development plan upon approval by the Board of Zoning Appeals.
  - c. A building or structure that is totally or substantially destroyed may be reconstructed but only in compliance with the final development plan unless an amendment to the final development plan is approved under one of the two procedures specified above.
  - d. Changes in the use of common open space may be authorized by an amendment to the final development plan under one of the two procedures specified above.
  - e. All other changes in the final development plan must be made by the Board of Zoning Appeals under the procedures authorized by this regulation. No changes may be made in the final development plan unless they are required for the continued successful functioning of the planned development, or unless they are required by changes in the development policy of the Town of Dover.
4. No changes in the final development plan which are approved under this section are to be considered as a waiver of the covenant limiting the use of land, buildings, structures, and improvement within the area of the planned development, and all right to enforce these covenants against any changes permitted by this section are expressly reserved.

**F. Subdivision and Resale of the Planned Development**

- 1. A planned development may be subdivided or resubdivided for purposes of sale or lease after the certificate of completion has been issued.
- 2. If the subdivision or resubdivision of a planned development will create a new lot line the applicant shall make a request to the planning commission for the approval of the subdivision or resubdivision. The planning commission shall approve the subdivision or resubdivision if each section of the subdivided or resubdivided planned development meets the provisions of this regulation governing density, common open space, and dimensional requirements.
- 3. All sections of a subdivided or resubdivided planned development are to be controlled by the final development plan.

**4.080 Standards for Signs and Other Advertising Structures.**

- A. Purpose and Intent.** Signs constitute a separate and distinct use of the land upon which they are placed and affect the use of adjacent street, sidewalks, and property. The provisions of this section are made to establish reasonable and impartial regulations for all exterior signs to protect the general public health, safety, convenience, and welfare; to reduce traffic hazards caused by unregulated signs which may distract, confuse, and impair the visibility of motorist and pedestrians; to impair the visibility of motorists and pedestrians; to insure the effectiveness of public traffic signs and signals; to protect the public investment in streets, highways, and other public improvements; to facilitate the creation of an attractive and harmonious community; to protect property values; and to further economic development.

**B. Applicability.** These sign regulations shall apply to all exterior signs within the corporate limits of the Town of Dover, Tennessee.

**C. Definitions.**

**Awning.** Any non-rigid material such as fabric or flexible plastic that is supported by or stretched over a frame that is attached to an exterior wall.

**Awning Sign.** A sign placed directly on the surface of an awning.

**Banner.** A sign that is mounted on or attached to a non-rigid surface such as cloth, fabric, plastic, or paper.

**Billboard.** See off premises sign.

**Bulletin Board Sign.** A particular type of changeable copy sign that displays copy in a casement of glass or Plexiglas,

**Canopy.** An extension of the roof of a building or a freestanding structure that has a roof with support, but no walls.

**Canopy Sign.** A sign attached to a canopy.

**Changeable Copy Sign.** A sign that is designed so that characters, letters, or illustrations can be changed or rearranged without altering the face or surface of the sign.

**Copy.** The characters, letters, or illustrations displayed on a sign face.

**Directional Sign.** A sign that provides on-site directional assistance for the convenience of the public such as location of exits, entrances, and parking lots.

**Directory Sign.** A sign which displays the names and/or addresses of the establishments or uses of a building or group of buildings.

**Freestanding Sign.** The general term for any on-site sign which is supported from the ground and not attached to a building.

**Frontage, Building.** The length of a building that faces a street, parking area, or private drive.

**Frontage Lot.** The length of that part of zoning lot that fronts a public street.

**Illegal Sign.** A sign that was constructed in violation of regulations that existed at the time it was built.

**Illuminated Sign.** A sign illuminated in any manner by an artificial light source, whether internally or externally lit.

**Marquee.** A permanent structure other than a roof attached to, supported by, and projecting from a building and providing protection from natural elements.

**Marquee Sign.** A sign attached to and made part of a marquee or any other similar projection from a building.

**Monument Sign.** A freestanding sign with a base affixed to the ground which measures at least two-thirds the horizontal length of the sign.

**Nonconforming Sign.** A sign that met all legal requirements when constructed but that is not in compliance with this ordinance. An illegal sign is not a nonconforming sign.

**Off-Premises Sign.** Any sign which is not located on the premises that it identifies or advertises.

**Pole Sign.** A freestanding sign with a base at least seven feet above the ground which is supported from the ground by a pole or a similar support structure of narrow width.

**Portable Sign.** A sign that is not permanently affixed to building, structure, or the ground or designated to be permanently affixed to a building, structure, or the ground.

**Projecting Sign.** A sign which is supported by an exterior wall of building, and which is displayed perpendicular to the face of the building.

**Sign Distance Triangle.** The land adjoining a street intersection that is kept clear of obstructions between three (3) and seven (7) feet above ground to protect the visibility and safety of motorists and pedestrians. The protected sight distance area is the triangle with legs shall extend thirty-five (35) feet away from the intersection of the flowlines. Where collector or arterial streets meet, the legs shall extend forty-five (45) feet away from the intersection of the flowlines.

**Sign.** Any device situated outdoors that displays letters, characters, or graphics to identify a land use or attract the public's attention.

**Temporary Sign.** A sign that is displayed only for a specified period of time.

**Wall Sign.** A sign painted on or attached to a wall of a building and parallel to the wall.

**D. Administration.** The building inspector shall have the responsibility and full authority to administer and enforce all provisions of this ordinance, other than those provisions specifically reserved for the authority of the Board of Zoning Appeals.

**E. Permit Procedures.**

1. Permit Required. No sign or sign structure, except as provided in Sections I (exempt

signs) and N (nonconforming signs), shall be erected, displayed, altered, relocation, or replaced until a sign permit has been issued. For the purpose of this ordinance, all signs are considered accessory uses of real property and shall be located on the premises of the principal use to which they pertain.

2. **Permit Application.** Applications for sign permits shall be submitted on a form provided by the building inspector and shall contain or have attached at a minimum the following information in either written or graphic form:
  - A. Application date.
  - B. Name, address, and telephone number of the sign owner and, if different, the owner of the land on which the sign will be erected.
  - C. Address of property where the sign or sign structure will be erected.
  - D. Signature(s) of the sign owner and, if different, the owner of the land on which the sign will be displayed.
  - E. Location of the sign on the property in relation to lot lines, buildings, sidewalks, streets, public rights of way, and intersection.
  - F. Type of sign (i.e., monument, wall) and general description of structural design and construction materials.
  - G. Drawing(s) of the proposed sign which shall contain specifications indicating height, perimeter, and area dimensions, means of support, method of illumination if any, and any other significant aspect of the proposed sign.
  - H. Any other information requested by the building inspector in order to carry out the purpose and intent of these regulations
3. **Permit Review, Issuance, and Recording.** The building inspector shall examine all sign permit applications. Permit applicants shall be issued a copy of the original permit application, with approval and approval date noted, for all signs which conform to the requirements of this ordinance. Such approved applications shall serve as sign permits. The building inspector shall maintain a record of all sign permit applications with notations of approval or disapproval. All sign permits shall be dated and numbered in the order of their issuance.
4. **Inspections.** A final inspection by the building inspector or his designee shall be completed after installation of all approved signs. Any discrepancies between an approved sign and a sign as constructed shall be identified in writing and may result in the halt of construction or sign removal, if so ordered by the building inspector.
5. **Complaints and Revocations.** The building inspector shall investigate any complaints of violations of this ordinance and may revoke a permit if there is any violation of the provisions of this ordinance or there was misrepresentation of any material facts in either the application or plan.

**F. Expiration of Sign Permits.** If an approved sign is not erected within a period of twelve (12) months from the date the permit was originally issued, the permit shall expire and become null and void.

**G. Removal.**



1. **Illegal Signs.** The building inspector may remove or order the removal of any sign not in conformance with the provision of this ordinance, at the expense of sign owner or lessor.
2. **Immediate Peril.** If the building inspector shall find any sign which is an immediate peril to persons or property, the sign shall be removed. If the building inspector cannot locate the sign owner or lessor for immediate removal of the sign, he shall remove or order the removal of the sign at the expense of the sign owner or lessor.

#### **H. Variances**

1. **Generally.** The Board of Zoning Appeals may grant variances for the following reasons:
  - A. To allow a setback for a sign that is less than the required setback.
  - B. To allow the area or height of a sign to be increased by up to twenty-five (25) percent of the maximum height or area allowed.
2. **Standard of Review.** The Board of Zoning Appeals shall consider applications for variances only in situations where the applicant has been denied a sign permit by the building inspector. The Board may grant a variance authorized by this section if it finds that the following special physical conditions exist:
  - A. The zoning lot on which an activity is located is unusually shaped or exhibits unusual topography; and
  - B. Such physical characteristics prevent legal signing from identifying the activity compared to legal signing identifying other activities in the immediate area.
3. **Procedures.** All request for variances must be filed with the Board of Zoning Appeals within thirty (30) days of the decision by the Building Inspector.

#### **I. Exempt Signs.** Sign permits shall not be required for the following:

1. **Address and Name of Resident.** Signs indicating address and/or name of residential occupants of the premises, not exceeding two (2) square feet in area, and not including any commercial advertising or identification.
2. **Artwork.** Works of art that do not include any commercial messages or references.
3. **Decals.** Decals affixed to windows or door glass panes, such as indicating membership in a business group or credit cards accepted at establishment.
4. **Directional Signs.** Signs giving on-site directional assistance for the convenience of the public, not exceeding two (2) square feet in area or located closer than five (5) feet to any property line. Directional signs may be internally lit or illuminated by white light only.
5. **Flags, Emblems, and Insignia of any governmental agency or religious, charitable, public, or non-profit organization,** subject to the following: No single flag that is flown shall exceed forty (40) square feet in area and no single zoning lot shall fly more than three (3) flags. If the total area of such flags exceeds seventy-two (72) square feet, the excess shall be included in the sign area calculations for

the zoning lot. Flagpoles shall not exceed twenty-five (25) feet in height. Wall mounted flags, emblems, or insignia shall be limited to one (1) per zoning lot and shall not exceed forty (40) square feet in area.

6. **Handicapped Parking Space Sign.** Signs not exceeding two (2) square feet in area reserving parking spaces for handicapped motorists.
  7. **Home Occupation Signs.** On-premises identification signs for home occupations shall not exceed two (2) square feet in area and shall contain only the name of the business and/or business owner. Such signs shall be located on an exterior wall, window, or door of the premises.
  8. **Private Drive Signs.** On-premises private drive signs limited to one (1) per drive entrance, not exceeding two (2) square feet in area, with language limited to the words "private drive" and the address of any residences utilizing the private roadway.
  9. **Public Signs.** Signs erected by government agencies or utilities including traffic, utility, safety, railroad crossing, and identification signs for public facilities.
  10. **Security and Warning Signs.** On premises signs regulating the use of the premises, such as "no trespassing", "no hunting" and "no soliciting" signs that do not exceed two (2) square feet in area in residential zones and five (5) square feet in commercial and industrial areas.
  11. **Temporary Real Estate Signs.** Temporary signs indicating the availability of real property for lease or sale, located on the premises being leased or sold. Display of such signs shall be limited to one per property not exceeding six (6) feet in height and not exceeding four square feet in residential zones and eight (8) square feet in area in all other zones. Such signs shall be removed within seven (7) days of the settlement or lease of the property.
  12. **Temporary Political Signs.** On premises temporary political signs may be located in any residential, commercial, or industrial district. These signs are permitted in addition to any other signs permitted by this ordinance. These signs shall be removed within seven (7) days after the election or political event.
- J. Temporary Signs Requiring a Sign Permit.** The following signs may be erected only after obtaining a temporary sign permit from the building inspector. The permit shall cite the length of time the sign may be displayed. If any temporary sign is not removed by the expiration of the appropriate time limit noted in this section, the building inspector may remove it and charge the costs of removal to the individual or enterprise responsible.
- a. **Special Event Sign.** Signs announcing special events including, but not limited to, auctions, grand openings, new management, going out of business, and event sponsored by religious, charitable, or public service groups. Any business, individual, or organization may display once in a twelve-month period a maximum of two signs

for up to fourteen (14) days prior to a special event. Such signs shall be attached to buildings or existing private sign structures or sign poles with the permission of the owner and shall not exceed sixteen (16) square feet in area each and shall be removed immediately following the event.

- b. Temporary Farm Products Signs. Temporary on-premises signs announcing the availability of seasonal farm products. The number of signs shall not exceed two and the total area of all such signs shall not exceed twenty (20) square feet, nor shall any sign exceed six (6) feet in height.
- c. Construction Sign. Temporary signs announcing new buildings or projects, erected after the commencement of building construction or site development. Each construction site shall be limited to one construction sign not exceeding 32 square feet in area and 8 feet in height, which shall be removed by the time a permanent sign is erected on the project or a certificate of occupancy for the building is issued, whichever occurs first.

#### **K. Standards and Criteria**

1. **Generally.** The regulations in this section specify the number, types, sizes, heights, and locations of signs which are permitted within the Town of Dover, and which require a permit. Any sign regulations incorporated into a development plan approved by the Board of Mayor and Aldermen may supersede all or part of this section.
2. **Determination of Sign Area.** In meaning the area of signs permitted under these regulations, the entire face of the sign (one side only) and any wall work incidental to its decoration shall be included. Where both sides of a sign contain lettering or other allowable display, one side only shall be used to compute the allowable size of the sign. Where the sign consists of individual raised letters or a sign face of irregular shape, the sign area shall include the area of the smallest rectangle that encompass the letters or sign face.
3. **Determination of Sign Height.** The height of a sign erected within thirty (30) feet of a street shall be the distance from the grade level of the nearest curb of the street to the top of the sign or sign structure whichever is greater. The height of all signs farther than thirty (30) feet from a street shall be the distance from the grade level where the sign is erected to the top of the sign or sign structure, whichever is greater.
4. **Street Frontage Requirements for Freestanding Signs.** Freestanding signs shall be permitted only on zoning lots with one hundred (100) feet or more of street frontage.
5. **Spacing of Freestanding Signs.** No freestanding sign shall be erected within hundred (100) feet of another freestanding sign.
6. **Installation of Wall Signs.** All wall signs shall be installed flat against the wall of buildings and shall not extend from the wall more than twelve (12) inches.

7. **Residential Districts.** Within residential districts, signs authorized in Section I (exempt signs) do not require a permit. Permits are required for all other allowed signs and must conform to the following criteria:
- A. **Single Family Subdivision Identification Signs.** Signs that identify the name of single-family residential subdivisions, located at any street entrance to the subdivision shall be erected as follows:
    1. Number. One (1) per main entrance, not exceeding two (2) per subdivision.
    2. Type. Monument.
    3. Maximum Size and Height. Twenty (20) square feet in area and five (5) feet in height.
    4. Minimum Setback. Ten (10) feet from any property line and outside of all sight visibility triangles.
  - B. **Multi-Family Residential Complex Signs.** Signs that identify the name and/or address of an apartment, townhouse, condominium, or other multi-family residential complex, located at any street or private drives entrance to the complex, shall be erected as follows:
    1. Number. One (1) per main entrance, not to exceed two (2) per complex.
    2. Type. Monument or pole.
    3. Maximum Sizes and Heights:
      - a. **Monument Sign.** 32 square feet in area and 5 feet in height.
      - b. **Pole Sign.** 32 square feet in area and 12 feet in height, with the base of the sign at least 7 feet above the ground.
    4. Minimum Setback. Ten (10) feet from any property line and outside of all sight visibility triangles.
  - C. **Accessory Management or Rental Office Signs.** Signs that identify an accessory management or rental office shall be erected as follows:
    1. Number: One (1)
    2. Type: Wall
    3. Maximum Size and Height. Six (6) square feet in area and located below the roof line.
8. **Commercial and Industrial Districts.** Within commercial and industrial districts, signs authorized in Section I (exempt signs) do not require a permit. Permits are required for all other allowed signs and must conform to the following criteria.
- A. Signs Facing Residential Areas. Any sign erected within one hundred (100) feet of either an existing residential use or a residential zoning district shall be non-illuminated and limited to sixteen (16) square feet in area and five (5) feet in height.
  - B. Minimum Setback. All signs and sign structures must be located at least ten (10) feet from any property line and outside of all visibility triangles.

C. Zoning Lots with One Establishment. Any establishment located on a zoning lot with one establishment may erect signs as follows:

1. **Number:** Maximum of two (2) signs, but in no case shall two (2) freestanding signs be allowed on the same zoning lot.
2. **Types:** Wall, monument, pole, projecting, awning, canopy, or marquee.
3. **Maximum Sizes and Heights:**
  - a. **Wall or Marquee Sign.** Sign or signs that are attached to the building shall be no more than 200 square feet in area for all wall or marquee signs. The top of all wall and marquee signs shall be below the roofline and at a height no greater than 30 feet above the ground.
  - b. **Pole Sign.** A pole sign shall be no more than 100 square feet in area on each side. The top of the sign shall not exceed 40 feet in height and the base of the sign shall be at least 10 feet above the ground.
  - c. **Monument Sign.** One (1) square foot of sign area per five (5) linear feet of lot frontage on which the sign or signs are to be erected, up to a maximum of thirty-two (32) square feet in area. The height of a monument sign shall not exceed five (5) feet.
  - d. **Projecting Sign.** One (1) square foot of sign area per two (2) linear feet of building frontage on which the sign or signs are to be attached, up to a maximum of twelve (12) square feet in area. The top of all projecting signs shall be located below the roof line and at a height not greater than sixteen (16) feet above the ground. The base of all projecting signs shall be no less than eight (8) feet above the ground. Projecting signs shall not project from the exterior wall of a building more than four (4) feet.
  - e. **Awning or Canopy Sign.** One (1) square foot per two (2) linear feet of awning or canopy, up to a maximum of sixteen (16) square feet in area. No awning or canopy sign shall extend above the top of the awning or canopy.

D. Multiple Establishments on Single Zoning Lots. Multiple establishments on single zoning lots that do not constitute a shopping center may erect one monument sign with a maximum size of thirty-two (32) square feet and height of five (5) feet or one (1) pole sign with maximum size of twenty-four (24) square feet and height of twenty (20) feet. In addition, each establishment located on a single zoning lot with two or more establishments may erect one (1) sign as follows:

1. Type. Wall, projecting, awning canopy or marquee.
2. Maximum Size and Height:
  - a. **Wall or Marquee Sign.** Sign or signs that are attached to the building shall be no more than 200 square feet in area for all wall or marquee

signs. The top of all wall and marquee signs shall be below the roofline and at a height no greater than 30 feet above the ground.

**b. Projecting Sign.** One (1) square foot of sign area per two (2) linear feet of building frontage on which the sign or signs are to be attached, up to a maximum of twelve (12) square feet in area. The top of all projecting signs shall be located below the roof line and at a height not greater than sixteen (16) feet above the ground. The base of all projecting signs shall be no less than eight (8) feet above the ground. Projecting signs shall not project from the exterior of the wall of a building more than four (4) feet.

**c. Awning or Canopy Sign.** One (1) square foot per two (2) linear feet of awning or canopy, up to maximum of 16 square feet in area. No awning or canopy sign shall extend above the top of the awning or canopy.

E. Shopping Centers. Shopping centers with five (5) or more establishments planned as an integrated development shall be authorized to erect signs based on the following criteria:

1. **Center Identification Sign.** One (1) monument or pole sign per street fronting the center, not to exceed a total of two (2) signs, identifying the name of the center. The name of any major establishment within the center may serve as the name of the entire center. In addition to identifying the name of the center, the sign may identify up to two (2) individual establishments within the center.

2. **Monument Sign.** Each sign shall have a minimum area of twenty (20) square feet and a maximum area of one (1) square foot per three thousand (3,000) square feet of gross building floor area up to a maximum of forty (40) square feet and a maximum height of ten (10) feet.

3. **Pole Sign.** Each sign shall have a minimum area of sixteen (16) square feet and a maximum area of one square foot per three thousand (3,000) square feet of gross building floor area up to a maximum of thirty- two (32) square feet. The top of the pole sign shall not exceed fifteen (15) feet in height and the base of the pole sign shall be at least seven (7) feet above the ground.

4. **Individual Establishment Signs.** No freestanding sign shall be displayed for individual establishments located within a center. Any establishment may display one (1) sign per street frontage, up to a maximum of two (2) signs, according to the following criteria:

a. **Wall or Marquee Sign.** One (1) square foot of sign area per two (2) linear feet of building frontage on which the sign or signs are to be attached, up to a maximum of one hundred (100) square feet in area for wall or marquee signs. The top of all wall or marquee signs shall be located below the roof line and at a height no greater than twenty (20)

feet above the ground.

- b. **Projecting Sign.** One (1) square foot of sign area per two (2) linear feet of building frontage on which the sign or signs are to be attached, up to a maximum of twelve (12) square feet in area. The top of all projecting signs shall be located below the roof line and at a height not greater than fifteen (15) feet above the ground. The base of all projecting signs shall be no less than eight (8) feet above the ground. Projecting signs shall not project from the exterior wall of a building more than four (4) feet.
- c. **Awning or Canopy Sign.** One (1) square foot per two (2) linear feet of awning or canopy, up to a maximum of sixteen (16) square feet in area. No awning or canopy sign shall extend above the top of the awning or canopy.

F. **Gasoline Stations.** Automobile service and gasoline stations shall comply with all applicable sign regulations within this section, including the regulations for shopping centers if applicable. The following additional regulations shall apply to all automobile service and gasoline stations:

- 1. **Changeable Fuel Price Signs.** Freestanding signs identifying the name of the business may include changeable copy indicating the current price of fuel dispensed on the premises. The area of the fuel price sign shall be included in determining the sign area for the business.
- 2. **Gas Pump Signs.** Each gas pump shall be permitted a total of one (1) square foot of sign area to identify the product dispensed.

G. **Office and/or Industrial Centers.** Office and/or industrial centers at least two (2) acres in size and planned as an integrated development shall be authorized to erect signs based on the following criteria:

- 1. **Center Identification Signs.** One (1) monument sign per public street frontage, not to exceed a total of two (2) monument signs identifying the name of the center only and not exceeding forty (40) square feet in area and six (6) feet in height.
- 2. **Individual Building Signs.** Where an office and/or industrial center is comprised of two (2) or more buildings, each individual building may erect one (1) monument sign, not to exceed twenty (20) square feet in area and four (4) feet in height, identifying the principal establishment within the building.
- 3. **Individual Establishment Signs.** Each individual establishment within an office and/or industrial building may erect one (1) wall sign of a size which does not exceed one (1) square foot in area per two (2) linear feet of building frontage on which the sign or signs are to be attached, up to a

maximum of thirty-two (32) square feet in area. The top of the wall sign shall be located below the roof line and at a height no greater than fifteen (15) feet above the ground.

H. **Directory Signs.** Commercial and industrial properties may erect a directory sign identifying the names and/or addresses of the establishments within individual buildings. A directory sign shall not exceed fifteen (15) square feet in area and six (6) feet in height and precludes the use of any other freestanding sign for the zoning lot on the same street frontage.

I. **Theaters.** Theaters are authorized to erect one of the permitted wall or marquee signs with a changeable copy board displaying the name(s) and time(s) of the current motion picture or theatrical productions.

9. **Other Uses.** In cases where the regulations within this section do not specifically address a sign requested in conjunction with a permissible use, the building inspector shall make a written interpretation of the ordinance, which shall be kept in the permanent record for the application.

L. **Construction and Maintenance:**

1. **Building Code Compliance.** All signs shall be constructed in compliance with the current building code.

2. **General Restrictions.** Signs shall not be erected in or over a street or highway right of way, or on public land except as permitted in this ordinance.

3. **Condition of Signs.** All signs and components shall be maintained in good repair and in a safe, clean, and attractive condition.

M. **Prohibited Signs.** The following are expressly prohibited unless specifically stated otherwise in this ordinance.

1. **Animated and Moving Signs.** Including, but not limited to, pennants, flags with commercial messages, banners, streamers, propellers, discs, and searchlights.

2. **Flashing Signs.** Any signs that include lights which flash, blink, or turn on and off intermittently, not including time and temperature signs.

3. **Glaring Signs.** Signs with light sources or reflectivity of such brightness that constitute a hazard or nuisance as determined by the Building Inspector.

4. **Inflatable Signs and Objects.** Including, but not limited to, balloons.

5. **Off-Premises Signs, Including Billboards.** Any sign which is not located on the premises that it identifies or advertises.



6. Portable Signs. Any sign that is not permanently affixed to a building, structure, or the ground. This shall not apply to authorized temporary signs,
7. Posters and Handbills. Any signs affixed to trees or other natural vegetation, rocks, or utility poles.
8. Roof Signs. Any signs which are erected on a roof, or which extend in height above the roof line of the building on which the sign is erected.
9. Simulated Traffic Signs and Obstructions. Any sign which may be confused with or obstruct the view of any authorized traffic sign or signal, obstruct the sight distance triangle at any street intersection or extend into the public right of way.
10. Strings of Lights. Including lights that outline property lines, sales areas, or any portion of a structure, and are intended to advertise or draw attention to a business or commercial activity.
11. Vehicular Signs. Any sign displayed on a parked vehicle, where the primary purpose of the vehicle is to advertise a product or business or to direct people to a business or activity. For the purpose of this ordinance, vehicular signs shall not include business logos, identification, or advertising on vehicles primarily used for other business purposes.

**N. Nonconforming Signs**

1. Generally. Any sign which does not conform to the provisions herein of the date of the enactment of this ordinance or any date on which the ordinance is amended, and any sign which is accessory to a nonconforming use, shall be deemed a nonconforming sign. No nonconforming sign shall be enlarged, extended, structurally reconstructed, or altered in any manner, except that a sign face may be changed so long as the new face is equal to or reduced in height, sign area, and/or projection and a sign permit is issued for the sign face change.
2. Removal. Nonconforming signs may remain, provided they are maintained in good repair, except for the following:
  - a. Damage or Destruction of Sign. A nonconforming sign which is damaged or destroyed to the extent of fifty (50) percent or more of its sign face shall not be altered, replaced, or reinstalled unless it is in conformance with these regulations. If the damage or destruction is less than fifty (50) percent of the sign face, the sign may be restored within one year of the damage or destruction but shall not be enlarged in any manner.
  - b. Damage or Destruction of Use. A nonconforming sign shall be removed according to the provisions of these regulations if the structure or use to which it is accessory is damaged or destroyed to the extent of fifty (50)

percent or more of the principal structure's appraised value.

- c. Change of Use. Whenever a land use changes, any previously nonconforming signs which become nonconforming because of the change in land use must be modified so as to be in full compliance with these regulations.

**O. Severable Nature of Ordinance.** The various sections, subsections, paragraphs, and clauses of this ordinance are severable and in the event that any section, subsection, paragraph, or clause is adjudged invalid, the remainder of the ordinance shall remain in full force and effect.

**P. Protection of First Amendment Rights.** Any sign, display, or device allowed under this ordinance may contain, in lieu of any other copy, any otherwise lawful noncommercial message that does not direct attention to a business operated for profit or to a commodity or service for sale, and that complies with all other requirements of this ordinance.

#### **4.090 Development Standards for Automobile Wrecking, Junk, and Salvage Yards.**

Because of the nature and character of their operations, automobile wrecking and salvage yards, junk yards, and similar uses of land can have a decidedly detrimental effect upon surrounding properties. Salvage and wrecking yards tend to create problems of noise, dust, traffic, and health hazards, and may adversely affect property value by their general appearance. The following standards shall be used as a guide in evaluating whether proposed land uses, such as those outlined above, will have properly minimized their objectionable characteristics:

- A. All motor vehicles stored or kept in such yards shall be so kept that they will not catch and hold water in which mosquitoes may breed and so that they will not constitute a place or places in which rats, mice, or other vermin may be harbored, reared, or propagated.
- B. Because of the tendency for salvage yard to promote the breeding of vermin, no such operation shall be permitted closer than three hundred (300) feet from any established residential zone.
- C. All outdoor storage of salvage and wrecking operation shall be conducted entirely within an enclosed opaque fence, screen, or wall, excepting driveway areas, from eight (8) to twelve (12) feet in height. Storage between the road or street and such fence, screen, or wall is expressly prohibited. Any fence, screen, or wall for concealment shall be maintained in good condition.
- D. All such yards shall be so maintained as to be in a sanitary condition and so as not to be a menace to public health or safety.
- E. **Off-Road Parking.** As regulated in Article IV, Section 4.010.
- F. **Ingress and Egress.** The number of vehicular access driveways permitted on any single street frontage shall be limited to:
  - 1. One (1) driveway where the parcel to be used has a maximum road or street frontage of one hundred (100) feet or less.
  - 2. Two (2) driveways where the road or street frontage exceeds one hundred

(100) feet. Driveways used for ingress and egress shall be limited to twenty-five (25) feet in which maximum, exclusive of curb returns.

3. Other applicable requirements of Section 3.090 shall be met.

**G. Application for Automobile Wrecking, Junk or Salvage Yard Permit.** No person shall own or maintain an automobile wrecking, junk, or salvage yard within Dover until he has secured a permit from the Dover Board of Zoning Appeals. An application for said permit shall be filed in accordance with Article VII, Section 7.060, of this ordinance and shall be accompanied by a detailed site plan, a schedule for construction, and any other information herein required. Said application shall be submitted along with any plans and schedules. The Board shall vote to approve or disapprove the application in accordance with the time schedule in Section 7.060.

#### **4.100 Development Standards for Communication Towers and Antennas**

A. **Purpose and Goal.** The purpose of this section of the ordinance is to establish general guidelines for the siting of communication towers and antennas. The goals are to:

1. Encourage the location of towers in nonresidential areas and to minimize the total number of towers throughout the community.
2. Encourage strongly, the joint use of new and existing tower sites.
3. Encourage users of the towers and antennas to locate them to the extent possible, in areas where the adverse impact on the community is minimal.
4. Encourage users of towers and antennas to configure them in a way that minimizes the adverse visual impact of the towers and antennas.
5. To enhance the ability of the providers of telecommunication services to provide such services to the community quickly, effectively, and efficiently.

B. **Definitions.**

**Alternative Tower Structure** - man-made trees, clock towers, bell steeples, light poles and similar alternative-design mounting structures that camouflage or conceal the presence of antennas or towers.

**Antennas** - any exterior apparatus designed for telephonic, radio or television communications through the sending and/or receiving of electromagnetic waves.

**F.A.A.**- Federal Aviation Administration

**F.C.C.**- Federal Communications Commission

**Governing Authority** - Governing authority of the Town of Dover.

**Height** - when referring to a tower or other structure, the distance measured from ground level to the highest point on the tower or other structure, even if said highest point is an

antenna.

**Tower** - any structure that is designated and constructed primarily for the purpose of supporting one or more antennas, including self-supporting lattice towers, guy towers or monopole towers. The term includes radio and television transmission towers, microwave towers, common-carrier towers, cellular telephone towers, alternative tower structures and the like.

C. **Authority**

1. **District Height Limitations** - the requirements set forth in this ordinance shall govern the location of towers that exceed, and antennas that are installed at a height in excess of, the height limitations specified for each zoning district. The height limitations applicable to buildings and structures shall not apply to towers and antennas.
2. **Public Property** - antennas or towers located on property owned, leased or otherwise controlled by the governing authority shall be exempt from the requirements of this ordinance, provided a license or lease authorizing such antennas from the governing authority has been approved.
3. **Pre-Existing Towers and Antennas** - any tower or antenna on for which permit has been properly issued prior to the effective date of this ordinance shall not be required to meet the requirements of this ordinance except for the provisions for annual inspection. Any such towers or antennas shall be referred to in this ordinance as “pre-existing towers” or “preexisting antennas”. Any antennas to be added to an existing tower will have to comply with any and all regulations set forth in this ordinance. Likewise, towers that are dismantled, or removed shall be reconstructed so as to comply with the provisions of this ordinance.

D. **Standards for Telephone, Telegraph, and Communication Transmitter Stations and Towers.**

1. **General Guidelines.** All transmitter stations, including towers and operating equipment located within the Town of Dover shall adhere to the following standards:
  - A. **Design Requirements.** All towers with a height of one hundred-fifty (150) feet or more shall be constructed in accordance with Electronics Industries Association ("EIA") standard 222F-1997, or most current EIA standard utilizing a wind rating of eighty miles per hour (80 MPH), plus ice loading for Dover, Tennessee. Each application for a building permit shall be accompanied by a certification by a professional licensed engineer in the State of Tennessee and competent of such design.
  - B. **Setback Requirement.** There shall be sufficient area of land to prevent the tower from injuring the public and to reduce the visual impact of the tower. For all

guyed towers, the setback shall equal fifty (50) percent of the height of the tower. For all self-supporting towers, the setback shall equal the full height of the tower. Applicant shall provide proof of ownership or permanent easement rights for the applicable setback area. The tower does not have to be setback from structures located on the same lot.

2. **Fencing.** The immediate tower site in either fee simple ownership or leasehold procurement containing such tower and equipment shall be enclosed with a fence no shorter than six (6) feet in height. Access gates will be locked at all times when the site is not occupied.
  3. **Screening.** Where the tower abuts or is contiguous to any Residential Zone, there shall be provided a continuous, solid screening, and it shall be such plant materials as will provide a reasonable year-round evergreen screening. Screening herein shall not be less than six (6) feet in height at the time of planting and shall be permanently maintained by the leaseholder or owner of the subject property.
  4. **Tower Illumination.** Towers shall not be artificially lighted except as required by the Federal Aviation Administration (FAA). Upon commencement of construction of a tower, in cases where there are residential uses located within a distance which is three hundred (300) percent of the height of the tower from the tower and when required by federal law, dual mode lighting shall be requested from the FAA.
  5. **Parking and Access.** The access drive to the site shall be passable, being adequate for use by automobile and small truck. The access drive shall be improved by paving or using crush and run gravel to prevent off-site problems. There shall be two (2) improved parking spaces on-site.
  6. **Location and Co-Location.** Every effort shall be made to collocate on existing towers or facilities. If the existing facilities are unsuitable (either technologically or topographically), or no facilities exist, the tower shall be made available to others for co-location. The tower shall be designed to allow, at a minimum, for least two (2) additional co-locators.
- E. **Annual Inspection.** Each tower that is constructed within the Town of Dover shall be regularly inspected to ensure that the fencing, screening, and other provisions of this ordinance or other details as shown on an approved site plan are in compliance. The owner of record of the telecommunications tower shall be assessed an annual inspection fee of two hundred dollars (\$200.00). This fee shall be due January 3rd and payable to the Dover Office of Planning and Zoning. A late fee of fifty dollars (\$50.00) shall be assessed if the fee is not paid within thirty (30) days. The fee shall be for the inspection for the year in which the fee is collected. Towers constructed during the year shall have the inspection fee prorated.
- F. **Application Requirements.** An application to develop a Transmission and Communications Tower shall include at a minimum the following:

1. A "Determination of No Hazard" from the Federal Aviation Administration, if applicable, as well as all required Federal Communications Commission Permit information.
2. A site plan in compliance with Article VII, Section 7.030, of this ordinance, also showing the location of the proposed tower, its height, the fall radius of the tower, the location of ground mounted buildings and equipment, vehicle access, and the details of the required fencing and screening.
3. Documentation that the entire setback radius of the tower is owned or has a recorded permanent easement.
4. Documentation that the tower access is owned or has a recorded permanent easement.
5. The names, addresses, and telephone numbers of all owners of other Communications/Transmission Towers or Support Structures within a one (1) mile radius of the proposed new tower site, including property owned by the Town of Dover.
6. An affidavit attesting to the fact that the project applicant made diligent, but unsuccessful, efforts to install or collocate the project applicant's telecommunications facilities on towers or useable antenna support structures owned by the Town of Dover or other persons within a one (1) mile radius of the proposed tower site.
7. Written technical evidence from an engineer(s) that the proposed tower or telecommunications facility cannot be installed or collocated on any other tower or antenna support structure within a one (1) mile radius of the proposed tower site. Evidence must show one (1) or more of the following reasons:
  - a. The equipment would exceed the structural capacity of the existing approved tower and facilities.
  - b. The planned equipment would cause frequency interference with other existing or planned equipment, which cannot be reasonably prevented.
  - c. Existing or approved towers or facilities do not have space on which proposed equipment can be placed so it can function effectively.
  - d. Other reasons make it impractical to place the proposed equipment by the applicant on existing towers or facilities.

**Article V**  
**Zoning District**

Section

- 5.010 Classification of Districts
- 5.020 Zoning Map
- 5.030 Zoning District Boundaries
- 5.040 Zoning of Annexed Territory
- 5.050 Specific District Regulations

**5.010 Classification of Districts.** For the purpose of this ordinance, the following zoning districts are hereby established in the Town of Dover, Tennessee.

<u>Zoning District</u>	<u>Abbreviation</u>
Low Density Residential	R-1
Medium Density Residential	R-2
High Density Residential	R-3
High-Density Residential	R-4
Mobile Home Park	MHP
Central Business	C-1
Highway Service	C-2
Light Industrial	I-1
Heavy Industrial	I-2
Floodplain Overlay	F-1

**5.020 Zoning Map.** The location and boundaries of this ordinance are found and defined as shown on the map designated as the Official Zoning Map of Dover, Tennessee. The zoning map and any amendment thereto shall be dated with the effective date of the adopted Official Zoning Map and amendments thereto shall be maintained in the office of the Building Inspector and shall be available for inspection by the public at all reasonable times, as long as this ordinance remains in effect.

**5.030 Zoning District Boundaries.** Unless otherwise indicated, the district boundary line are center lines of streets or blocks or such lines extended, lots lines, corporate limit lines or the centerline of the main tracks of a railroad, and the center of streams when applicable. Such lines drawn as to appear on these lines are hereby on these lines. Where district boundary lines approximately parallel a street or other right-of-way, such district boundaries shall be construed as being parallel thereto and at such distance therefrom as indicated on the zoning map. If no distance is given, such dimensions shall be determined by use of the scale and said zoning map. Questions concerning the exact locations of district boundaries shall be determined by the Dover Board of Zoning Appeals. Where a district boundary line divides a lot which was in single ownership at the time of passage of this ordinance, the Board of Zoning Appeals may permit the extension of the regulations for either portion of the lot not to exceed

five hundred (500) feet beyond the district line into the remaining portion of the lot.

**5.040 Zoning of Annexed Territory.** Concurrent with the annexation of additional territory into the Town of Dover shall be the zoning of that property and the amending of the official zoning map in accordance with the provisions of Section 7.090, of this ordinance. The Planning Commission shall make a recommendation to the Board of Mayor and Aldermen as to the appropriate zoning classification for the property.

**5.050 Specific District Regulations.** The following regulations shall apply in the eight (8) zoning districts established in Section 5.010, of this ordinance.

1. To provide sufficient space in appropriate locations for residential development to meet the housing needs of the town's present and expected future population, with due allowance for the need for a choice of sites and building types.
2. To protect residential areas, as far as possible, against heavy traffic and against through traffic of all kinds.
3. To protect residential areas against congestion, by regulating the density of population and the bulk of buildings in relation to the land around them and to one another, and by providing for off-street parking spaces.
4. To require the provision of open space and a maximum conservation of natural sites in residential areas, and to encourage the provision of additional open space by permitting planned development of moderately higher density and intensity coverage with concomitantly higher standards of open space, in order to provide large open areas with greater utility for rest and recreation; and to encourage the development of more attractive and economic and monotonous building forms, by providing freedom of architectural and site design.
5. To provide for access of light and air to windows and for privacy by controls over the spacing and height of buildings and other structures.
6. To provide appropriate space for those public and private educational, recreational, health, and similar facilities which serve the needs of nearby residents, which generally perform their own activities more effectively in a residential environment, and which do not create objectionable influences.
7. To promote the most desirable use of land and direction of building development in accord with a well-considered plan, to promote stability of residential development, to protect the character of the district and its peculiar suitability for particular uses, to conserve the value of land and buildings, and to protect the Town's tax revenue.

**5.050.1 R-1, Low-Density Residential District**

**A. District Description.** This district is designed to provide suitable areas for low density residential development characterized by an open appearance. Most generally this district will consist of single family detached dwellings except when otherwise permitted as a planned development and such other structures as are accessory thereto. This district also includes community facilities, public utilities, and open uses which serve specifically the residents of the district, or which are benefited by and



compatible with a residential environment. Further it is the intent of this ordinance that this district be located so that the provision of appropriate urban services and facilities will be physically and economically facilitated. It is the express purpose of this ordinance to exclude from this district all buildings or other structures and uses having commercial characteristics whether operated for profit or otherwise, except that special exception uses, and home occupations specifically provided for in these regulations for this district shall be considered as not having such characteristics if they otherwise conform to the provisions of this ordinance.

**B. Uses Permitted.** In the R-1, Low-Density Residential District, the following uses, and their accessory uses are permitted.

1. Single detached dwelling.
2. Prefabricated dwelling (excluding mobile homes).
3. Customary accessory buildings, including private garages and non- commercial workshops, provided, they are located in the rear yard and not closer than ten (10) feet to any lot line.
4. Customary incidental home occupation as regulated in Article IV, Section 4.040.
5. Agriculture.

**C. Uses Permitted as Special Exceptions.** In the R-1, Low Density Residential District, the following uses, and their accessory uses may be permitted as special exceptions after review and approval in accordance with Article VII, Section 7.060.

1. Churches.
2. Public and private schools offering general education courses.
3. Family day care homes.
4. Public and Semi-public recreational facilities and grounds.
5. Utility facilities (without storage yards) necessary for the provision of public services.
6. Planned developments as regulated in Article IV, Section 4.070.
7. Government buildings and community centers.
8. Cemeteries.

**D. Uses Prohibited.** Mobile homes, mobile home parks, billboards, and similar advertising structures, uses not specifically permitted, or uses not permitted upon approval as a special exception.

**E. Dimensional Regulations.** All uses permitted in the R-1; Low Density Residential District shall comply with the following requirements except as provided in Article VI.

<b>1. <u>Minimum Lot Size</u></b>	<b><u>With Public Sewer</u></b>	<b><u>Without Public Sewer</u></b>
Area	20,000 sq. ft.	25,000 sq. ft.
Area per Family	20,000 sq. ft.	25,000 sq. ft.
Lot Width at Building Setback Line	100 ft	150 ft.

**2. Minimum Yard Requirements**

Front	40 ft.
Side	15 ft.
Rear	25 ft.

3. **Maximum Lot Coverage.** On any lot or parcel of land, the area occupied by all buildings including accessory buildings may not exceed thirty-five (35) percent of the total area of such lot or parcel.
4. **Height Requirement.** No building shall exceed thirty-five (35) feet in height, except as provided in Article VI, Section 6.050.
5. **Parking Space Requirements.** As regulated in Article IV, Section 4.010.

**5.050.2 R-2, Medium-Density Residential District**

- A. **District Description.** This district is designed to provide suitable areas for medium density residential development where complete urban services and facilities are provided or where the extension of such services and facilities will be physically and economically facilitated. Most generally this district will be characterized by single-and-two family (duplex) detached dwellings except when otherwise permitted as a planned development and such other structures as are accessory thereto. This district is intended also to permit community facilities and public utility installations which are necessary to service and do service specifically the residents of the district, or which are benefited by and compatible with a residential environment. It is the express purpose of this ordinance to exclude from this district all buildings or other structures and uses having commercial characteristics and not planned as an integral part of a total residential development, whether operated for profit or otherwise, except that special exception uses and home occupations specifically provided for in these regulations for this district shall be considered as not having such characteristics if they otherwise conform to the provisions of this ordinance.
- B. **Uses Permitted.** In the R-2, Medium Density Residential District, the following uses, and their accessory uses are permitted.
  1. Single detached dwelling.
  2. Prefabricated dwelling (excluding mobile homes).
  3. Duplex dwelling.
  4. Customary accessory buildings including private garages and non- commercial workshops, provided they are located in the rear yard and not closer than ten (10) feet to any lot line.
  5. Customary incidental home occupations as regulated in Article IV, Section 4.040.
  6. Agriculture.
- C. **Uses Permitted as Special Exceptions.** In the R-2, Medium Density Residential District, the following uses, and their accessory uses may be permitted as special

exceptions after review and approval in accordance with Article VII, Section 7.060.

1. Churches.
2. Public and private schools offering general education courses.
3. Family day care homes.
4. Day care homes.
5. Public and semi-public recreational facilities and grounds, and other public and semi-public uses.
6. Utility facilities (without storage yards) necessary for the provision of public services.
7. Planned developments as regulated in Article IV, Section 4.070.
8. Government buildings and community centers.
9. Cemeteries.
10. Zero lot line dwellings (duplexes), subject to requirements of Article VI, Section 6.090.

D. **Uses Prohibited.** Mobile homes, mobile home parks, billboards, and similar advertising structures, uses not specifically permitted, or uses not permitted upon approval as a special exception.

E. **Dimensional Regulations.** All uses permitted in the R-2, Medium Density similar advertising structures, uses not specifically permitted, or uses not permitted upon approval as a special exception.

1. Minimum Lot Size                      With Sewer                      Without Sewer

*Area*

Single Detached Dwelling	10,000 sq. ft.	20,000 sq. ft.
Duplex	10,000 sq. ft.	20,000 sq. ft.

*Area per Family*

Single Detached Dwelling	10,000 sq. ft.	20,000 sq. ft.
Duplex	5,000 sq. ft.	10,000 sq. ft.

Lot Width at Building Setback Line	100 ft.	125 ft.
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2. **Minimum Yard Requirements**

Front Setback	35 ft.
Side	15 ft.
Rear	20 ft.

3. **Maximum Lot Coverage.** On any lot or parcel of land, the area occupied by all buildings including accessory buildings may not exceed thirty-five (35) percent of the total area of such lot or parcel.

4. **Height Requirements.** No building shall exceed thirty-five (35) feet in height, except as provided in Article VI, Section 6.050.

5. **Parking Space Requirements.** As regulated in Article IV, Section 4.010.

**5.050.3 R-3, High-Density Residential District**

- A. **Purpose and Intent of District.** This class of district is designed to provide suitable areas for high-density residential development where sufficient urban services and facilities are available or where such facilities will be available prior to development. It is the intent of this district to not restrict in number the dwelling units contained in a building provided there is sufficient area of zone lot and open space on such lot relative to the number of dwelling units thereon. This class of district is intended also to permit community facility and public utility installations which are necessary to serve and do serve specifically the residents of these districts, or which installations are benefited by and compatible with a residential environment.
- B. **Uses Permitted.** In the R-3, High-Density Residential District, the following uses, and their accessory uses are permitted:
1. Customary accessory buildings including private garages and noncommercial workshops, provided they are located in the rear yard and not closer than ten (10) feet to any lot line.
  2. Customary incidental home occupation: As regulated in Article IV, Section 4.040.
  3. Duplex dwelling
  4. Multi-family dwelling (Apartment, Townhouse) Prefabricated dwelling
  5. Rooming and boarding houses
  6. Single detached dwelling
- C. **Uses Permitted as Special Exceptions.** In the R-3, High-Density Residential District, the following uses, and their accessory uses may be permitted as special exceptions after review and approval by the Board of Zoning Appeals in accordance with Article VII, Section 7.060.
1. Cemeteries Churches
  2. Day care centers Family day care homes
  3. Government buildings and community centers
  4. Planned developments as regulated in Article IV, Section 4.070. Public and private schools offering general education courses.
  5. Public and semi-public recreational facilities and grounds, and other public and semi-public uses.
  6. Utility facilities (without storage yards) necessary for the provision of public services.
- D. **Uses Prohibited.** In the R-3, High-Density Residential District, any use not permitted by right or as a special exception as defined above is strictly prohibited.
- E. **Dimensional Requirements.** All uses permitted in the R-3, High-Density Residential District, shall comply with the following requirements.
1. Minimum Lot Size

<u>Area per Family</u>	
Single Detached Dwelling	7,500 square feet
Duplex	7,500 square feet
Multi Family Dwelling	15,000 square feet

<u>Area per Family</u>	
Single Detached	7,500 square feet
Duplex	3,500 square feet
Multi Family Dwelling	3,000 square feet

<u>Lot Width at Building Setback Line</u>	
Single Detached	75 feet
Duplex	75 feet
Multi Family Dwelling	100 feet

2. Minimum Yard Requirements

Front Yard Setback

25 feet on Minor Streets  
 35 feet for Collector Streets  
 50 feet for Arterial Streets\*

**\*Or as May Be Determined by TDOT.**

Side Yard Setback

Single Detached           15 feet  
 Duplex                       15 feet  
 Multi-family Dwelling   20 feet

Rear Yard Setback

All Structures           20 feet

3. Maximum Lot Coverage. On any lot or parcel of land, the area occupied by all buildings, including accessory structures, shall not exceed forty (40) percent of the total area of such lot or parcel.
4. Height Requirements. No principal building shall exceed (3) stories or thirty-five (35) feet in height, except as provided in Article VI, Section 6.050.
5. Parking Space Requirements. As regulated in Article IV, Section 4.010.

**5.050.4    R-4, High-Density Residential District**

- A. Purpose and Intent of District. The purpose of this class of district is to provide suitable areas for high- density condominium development where sufficient urban services and facilities are available or where such facilities will be available prior to development. Within this district, any building over five thousand (5,000)

square feet shall be prepared by, or under the direct supervision of, a Tennessee registered professional engineer or architect and certified by same. It is the intent of this district to not restrict the number of dwelling units contained in a building provided there is sufficient area of zone lot and open space on such lot relative to the number of dwelling units thereon. This class of district is intended also to permit community facility and public utility installations which are necessary to serve and do serve specifically the residents of these districts, or which installations are benefited by and compatible with a residential environment.

- B. Uses Permitted. In the R-4, High-Density Residential District, the following uses and their accessory structures and uses are permitted:
1. Condominium developments including outdoor recreational facilities exclusively for the use of the residents.
  2. Customary accessory buildings including private garages and noncommercial workshops, provided they are located in the rear yard and not closer than ten (10) feet to any lot line.
  3. Customary incidental home occupation as regulated in Article IV, Section 4.040.
  4. Duplex dwelling\*
  5. Single detached dwelling\*
  6. Townhouse\*
- \*Only when part of a condominium ownership agreement.**
- C. Uses Permitted as Special Exceptions. In the R-4, High-Density Residential District, the following uses, and their accessory uses may be permitted as special exceptions after review and approval by the Board of Zoning Appeals in accordance with Article VII, Section 7.060.
1. Cemeteries Churches
  2. Day care centers Family day care homes
  3. Government buildings and community centers.
  4. Public and private schools offering general education courses.
  5. Public and semi-public recreational facilities and grounds, and other public and semi-public uses.
  6. Utility facilities (without storage yards) necessary for the provision of public services.
- D. Uses Prohibited. In the R-4, High-Density Residential District, any use not permitted by right or as a special exception as defined above is strictly prohibited.
- E. Dimensional Requirements. All uses permitted in the R-4, High-Density Residential District, shall comply with the following requirements.
1. Development Density. A maximum of one dwelling unit per five thousand (5,000) square feet of land area exclusive of that used for public or private roads or drive areas.

2. Minimum Yard Requirements

Front Yard Setback

25 feet on Minor Streets

35 feet for Collector streets 50 feet

for Arterial Streets\*

**\*Or as May Be Determined by TDOT.**

Single family detached and detached duplex buildings shall meet the following minimum distances between structures.

Side to Side	20 feet
Rear to Rear	25 feet
Rear to the Side	20 feet

3. Maximum Lot Coverage. On any lot or parcel of land, the area occupied by all buildings, including accessory structures, shall not exceed forty (40) percent of the total area of such lot or parcel.
4. Height Requirements. No principal building shall exceed (3) stories or thirty-five (35) feet in height, except as provided in Article VI, Section 6.050.
5. Parking Space Requirements. As regulated in Article IV, Section 4.010.

**5.050.5 MHP, Mobile Home Park District**

- A. District Description. The purpose of this district and the regulations and standards contained herein are to establish a zoning classification which will permit mobile homes to be located in mobile home parks specifically designed and set aside, therefore ensuring that mobile home parks develop in locations and in accordance with specified design criteria that will engender harmonious development both within the mobile home park and with other zoning districts. These districts shall only be established where complete urban facilities, specifically public sanitary sewer and water facilities, are available or where such facilities will be available prior to development. This district will also include community facilities and public utility installations which will serve the residents of the district. It is the express purpose of this ordinance to exclude from this district all buildings or other structures and uses having commercial characteristics and not planned as an integral part of a total residential development. The following regulations are intended to ensure a minimum standard of site development for mobile home parks.
- B. Mobile Home Park Building Permit
1. The application for a "mobile home park permit" shall be filed with the Building Inspector after the applicant has secured all water and sewer permits required for the project. However, construction or extension of a mobile home park may not commence within the area of jurisdiction of this ordinance until a mobile home park building permit has been issued by the Building Inspector. The Building

Inspector shall act upon an application for a permit after receipt of a report from the Dover Municipal Planning Commission. The Planning Commission may attach whatever conditions it sees fit to the permit in order to protect the neighborhood or adjoining properties.

2. Site Plan Required. A mobile home park building permit may only be issued for construction or extension of a mobile home park upon submission and approval by both the planning commission and the Board of a site development plan containing the following information.
  - a) The name and address of the applicant.
  - b) The location, area, and dimensions of the proposed mobile home park site as well as a legal description.
  - c) The location, size, and number of all mobile home spaces.
  - d) The location and size of all buildings, improvements, and facilities (including roads, water, sewer, refuse disposal).
  - e) The proposed use of buildings shown on the site plan.
  - f) The location and size of all points of entry and exit for motor vehicles and the internal circulation plan (roadways and pedestrian walkways).
  - g) The location and number of all off-street parking facilities.
  - h) The location of park and recreation areas.
  - i) A complete drainage plan with contour line intervals of five feet.
  - j) A location map showing the park site in relation to the existing public street pattern and indication of uses of property adjacent to the site and the location of all buildings within two hundred (200) feet of the site.
  - k) A time schedule for development shall be prepared which shall demonstrate the applicant's readiness and ability to provide the proposed services. Said time shall be for a period of not more than one (1) year.
  - l) Such other architectural, engineering, and topographical data as may be required to permit the county health department, the Zoning Administrator, the planning commission, and the Board to determine if the provision of these regulations is being complied with shall be submitted with the site plan.

C. Development Standards

1. General

- A. A mobile home park shall be located only within those districts where permitted.
- B. A mobile home park shall only be located on a site that provides direct access to major or collector streets as designated on the Major Thoroughfare Plan of Dover, Tennessee, as amended.
- C. No part of the park shall be used for nonresidential purposes, except such uses as are required for the direct servicing and wellbeing of park residents and for the management and maintenance of the park. Nothing contained in this section shall be deemed as prohibiting the sale of a mobile home located on a mobile home stand and connected to the pertinent utilities.
- D. Condition of soil, ground water level, drainage and topography shall not



create hazards to the property or the health or safety of the occupants. The site shall not be exposed to objectionable smoke, dust, noise, odors or other adverse influences, and no portion subject to flooding or erosion and shall be used for any purpose which would expose persons of property to hazards.

2. Minimum Development Size. No mobile home park shall be approved which contains less than five (5) acres in area or has less than ten (10) mobile home spaces.
3. Dimensional Requirements for Parks
  - A. Along the entire periphery of the mobile home park, yards and setbacks meeting the district regulations shall be provided.
  - B. Within the interior portions of the mobile home park, no yards, except as required to meet other provisions set forth in this section, are required.
  - C. No building or structure erected or stationed in a mobile home park shall have a height greater than two (2) stories or thirty (30) feet.
  - D. Each mobile home park shall be permitted to display, on each street frontage, one (1) identifying sign of a maximum size of twenty (20) square feet. Said sign(s) shall contain thereon only the name and address of the park and may be lighted by indirect lighting only.
  - E. At no time shall the density for the park exceed the maximum permissible density for the district it is located in.
4. Spacing of Mobile Homes and Site Coverage
  - A. Mobile homes shall be harbored on each space so that there shall be at least a twenty-five (25) foot clearance between mobile homes; for mobile homes parked end-to-end, the end-to-end clearance may be less than twenty-five (25) feet, but not less than fifteen (15) feet. No mobile home shall be located closer than twenty-five (25) feet from any park property line. Also, no mobile home shall be located closer than twenty (20) feet from any building located within the park.
  - B. There shall be a minimum distance of ten (10) feet between the nearest edge of any mobile home and an abutting access street.
  - C. Each mobile home stand shall not occupy an area in excess of twenty-five (25) percent of the respective lot area. The total area occupied by the mobile home and its accessory structures shall not exceed fifty (50) percent of the respective lot area.
5. The Mobile Home Lot
  - A. **General:** The limits of each mobile home lot shall be marked on the ground by suitable means. Location of lot limits on the ground shall be the same as shown on accepted plans. No lot shall be smaller than five thousand (5,000) square feet, nor less than forty (40) feet wide.
  - B. **Mobile Home Stands:** The mobile home stands shall be improved to provide adequate support for the placement and tie-down of the mobile home. The stand shall not heave, shift, or settle unevenly under the weight of the mobile home due to frost action, inadequate drainage, vibration, wind or

other forces acting on the structure. In addition, such stand shall comply with the publication of *FHA "Minimum Property Standards for Mobile Home Parks", May 1977.*

- C. **Outdoor Living Area:** Each mobile home lot shall be provided with a concrete porch or patio. The minimum area should be not less than two hundred (200) square feet.
- D. **Storage:** Tenant storage shall be provided for each mobile home at the rear of the mobile home space.

6. Utilities and Other Services

- A. An accessible, adequate, safe, and potable supply of water shall be provided in each mobile home development on trunk lines not less than six (6) inches. Where a public supply of water of satisfactory quantity, quality, and pressure is available at the site or at the boundary of the site, connection shall be made thereto, and its supply used exclusively.
- B. Each mobile home site shall be provided with the connection to the sanitary sewer line or to a sewer system approved by the Dover Water and Sewer Department.
- C. Solid waste collection stands shall be provided for waste containers for each mobile home. Any central waste container shall be screened from view with access appropriately provided.
- D. Service buildings housing sanitation and laundry facilities shall be permanent structures complying with all applicable ordinances and statutes, regulations, buildings, electrical installations, and plumbing and sanitation systems.
- E. Each mobile home park shall be equipped with fire hydrants spaced no more than five hundred (500) feet apart. The water system shall be capable of providing a required fire flow of five hundred (500) gallons per minute (50 psi static, 25 psi residual.)
- F. Each mobile home park shall be maintained free of litter and accumulation of any kind of debris which may provide rodent harborage or breeding places for flies, mosquitoes, or other pests.

7. Streets. Entrances to mobile home parks shall have direct connections to a public street and shall be designed to allow free movement of traffic on the adjacent public street. Safe and convenient vehicular access shall be provided from abutting public streets to each mobile home lot. Such access shall be provided by streets or driveways. All internal streets shall be private.

- A. **Circulation.** The internal street systems should provide convenient circulation by means of minor streets and properly located collector streets. Dead-end streets shall be limited in length to five hundred (500) feet and their closed end shall be provided with an adequate turn-around with a minimum diameter of eighty (80) feet.

- B. **Pavement Widths.** Pavement widths shall be as follows:

**Collector Street**

	with no parking	20 ft.
	with on-street parking	36 ft.
<b>Minor Street</b>		
	with no parking	18 ft.
	with on-street parking	34 ft.
<b>One-Way Minor Street</b>		
	with no parking	12 ft.
	with on-street parking	28 ft.

C. **Construction.** The internal streets and drives shall be paved in accordance with Town subdivision regulations.

8. Walks

- A. All mobile home developments shall be provided with safe, convenient, all-season pedestrian access of adequate width for intended use, durable and convenient to maintain. Sudden changes in alignment and gradient shall be avoided.
- B. A common walk system shall be provided and maintained between locations where pedestrian traffic is concentrated. Such common walks shall have a minimum width of three and one-half (3 1/2) feet.
- C. All mobile home stands shall be connected to common walks, streets, driveways, and parking spaces by individual walks. Such individual walks shall have a minimum width of two (2) feet.

9. Recreation Area. Adequate recreation facilities for the residents of the project shall be provided in locations easily accessible to the living units and where they do not impair the view and privacy of living units. Attractive outdoor sitting areas shall be provided, appropriate in size, type and number to the needs of the residents. Well-equipped playgrounds of adequate size and number shall be provided where it is anticipated that children will occupy the premises.

10. Buffer and Screening. A landscaped buffer shall be provided around the entire perimeter of the mobile home park. The buffer shall not be less than twenty-five (25) feet in width. Within the landscaped buffer, a continuous fence six (6) to eight (8) feet high shall be provided. Such fence shall be opaque. Landscape screening shall consist of year-round evergreens four (4) feet wide and at least four (4) feet high at the time of planting and expected to achieve a height of six (6) feet within three (3) years. No landscaped screen or fence shall be provided within fifteen (15) feet of any vehicular entrance and/or exit to the park.

11. Site Design. The appearance and character of the site shall be preserved and enhanced by retaining and protecting existing trees and other site features; and additional new plant material shall be added for privacy, shade, beauty of buildings and grounds and to screen out objectionable features. The planting plan shall be submitted with the site development plan.

12. Off-Street Parking. Paved off-street parking may be grouped in bays, either

adjacent to streets or in the interior of blocks or on the mobile home lot. Such parking areas shall generally be located in close proximity to the dwellings units they are designed to serve. At least one (1) parking space per dwelling unit shall be located so as to provide a maximum walking distance of fifty (50) feet from the nearest entrance of the dwelling unit the space is to serve.

13. Responsibility of Park Management

- A. The permittee shall operate the mobile home park in compliance with this ordinance and shall provide adequate supervision to maintain the park, its facilities and equipment in good repair and in a clean and sanitary condition.
- B. The permittee shall notify park occupants of all applicable provisions of this ordinance and inform them of their duties and responsibilities under this ordinance.
- C. The permittee shall supervise the placement of each mobile home on its mobile home stand to the satisfaction of the Zoning Administrator which includes securing its stability to anchor pins and installing all utility connections.
- D. The permittee shall maintain a register containing the following information:
  - 1. The name and address of each mobile home occupant.
  - 2. The name and address of the owner of each mobile home and motor vehicle by which it was towed.
- E. The make, model, year, and license number of each mobile home and motor vehicle.
- F. The date of arrival and of departure of each mobile home.
- G. The mobile home park shall keep the register record available for inspection at all times by law enforcement officers, public health officials and other officials whose duties necessitate acquisition of the information contained in the register.
- H. The register record shall not be destroyed for a period of three (3) years following the date of departure of the registrant from the park.
- I. The permittee shall notify the health authority immediately of any suspected communicable or contagious disease within the park.
- J. The permit to operate shall be conspicuously posted in the mobile home park office at all times.
- K. The permittee shall be answerable for the violation of any provision of this section.

14. Responsibilities of Park Occupants

- A. The park occupants shall comply with all applicable requirements of this zoning ordinance and shall maintain his/her mobile home lot, its facilities and equipment in good repair and in a clean and sanitary condition.
- B. The park occupant shall be responsible for proper placement of the mobile home on its mobile home stand and proper installation of all utility connections and anchoring in accordance with the instruction of the park management.
- C. Skirtings, awnings, and other additions shall be installed only if permitted and approved by the park management. When installed, they shall be

maintained in good repair. The space immediately underneath each mobile home shall be used for storage only if permitted by the park management. If permitted, the following conditions shall be satisfied:

1. The storage area shall be provided with a base of impervious material.
  2. Stored items shall be located so as not to interfere with the underneath inspection of the mobile home.
  3. The storage area shall be enclosed by skirting.
- D. The park occupant shall store and dispose of all rubbish and garbage in a clean, sanitary, and safe manner. The garbage container shall be rodent proof, insect proof, and watertight.
- E. Fire extinguishers for Class B and C fires shall be kept at the premises and maintained in working condition.
- F. No inoperative automobiles, junk, or un-contained trash shall be allowed within the park.

15. Inspections

- A. The Zoning Administrator is hereby authorized and directed to make annual inspections to determine the conditions of mobile home parks, in order to insure the health and safety of occupants of mobile home parks and of the general public.
- B. The Zoning Administrator shall have the power to enter upon any private and public property for the purpose of inspecting and investigating conditions relating to the annual inspection as it is related to the enforcement of this section.

16. Penalties

- A. Any person violating any provisions of this section shall be guilty of a misdemeanor and upon conviction shall be fined not less than five dollars (\$5.00) nor more than fifty dollars (\$50.00) for each offense.
- B. Each day that a violation is permitted to exist shall constitute a separate offense.
- C. Any extension of an existing mobile home park is considered a noncomplying use and is hereby prohibited unless said park is brought up to the standards herein stated.

17. Revocation of Permit. The Board may revoke any permit to maintain and operate a park when the permittee has been found guilty by a court of competent jurisdiction of violating any provisions of this section. After such conviction, the permit may be reissued if the circumstances leading to conviction have been remedied and the park is being operated and maintained in full compliance with this section.

18. Prohibited Structures

- A. Cabanas, travel trailers, and other similarly enclosed structures are prohibited.
- B. Trailers with or without toilet facilities that cannot be connected to approved sewer systems shall not be permitted in a mobile home park.

- C. Mobile homes shall not be used for commercial, industrial, or other nonresidential uses within a mobile home park, except that one (1) mobile home in the park may be used to house a rental office.

### **5.052 Commercial Districts.**

The Commercial Districts established by this ordinance are designed to promote and protect the health, safety, morals, convenience, order, prosperity, and other aspects of the general welfare. These goals include, among others, the following:

1. To provide sufficient space, in appropriate locations in proximity to established residential areas, for local retail and service trades catering specifically to the recurring shopping needs of the occupants of nearby residences.
2. To protect both retail and service developments and nearby residences against fire, explosions, toxic and noxious matter, radiation, and other hazards, and against offensive noise, vibration, smoke, dust and other particulate matter, odorous matter, heat, humidity, glare, and other objectionable influences.
3. To protect both retail and service developments and nearby residences against congestion, by regulating the intensity of retail and service developments consistent with their marketing functions, by restricting those types of establishments which generate heavy traffic, and by providing for off-street parking and loading facilities.
4. To provide sufficient space in appropriate locations for commercial districts to satisfy function needs of Dover, and in particular the need for medical services, and the needs of the general public travel along major highways.
5. To provide sufficient space in appropriate locations for the mixture off compatible high density residential and restricted commercial developments where standards for development will provide protection for the environmental essentials of either.
6. To provide sufficient space in appropriate locations for all types of commercial and miscellaneous service activities.
7. To enhance the central business district and to promote and protect its service attributes, to lessen congestion in the district, to provide for high intensity of land use consistent with land valuation, and to protect its intended functional aspects against encroachment by detrimental influences.
8. To promote the most desirable use of land and direction of building development in accord with a well-considered plan, to promote stability of commercial development, to strengthen the economic base of Dover, to protect the character of the districts, and their peculiar suitability for particular uses, to conserve the value of land buildings, and to protect the city's tax revenues.

#### **5.052.1 C-1, Central Business Districts**

- A. District Description. This district is designed to provide for a wide range of retail, office, amusement, service uses, and light industrial processes involving high performance standards. In addition, this district provides for governmental uses, and community facilities and utilities necessary to serve the district or which are required for the general community welfare. The regulations are structured to permit maximum

freedom of pedestrian movement. Relative high density and intensity of use is permitted in this district.

- B. Uses Permitted. In the C-1, Central Business District, the following uses, and their accessory uses are permitted.
1. Retail establishments.
  2. Professional, finance, insurance, real estate, personal, business and repair services.
  3. Hotels, motels, and boarding houses.
  4. Commercial amusement establishments.
  5. Churches and other places of assembly.
  6. Mortuaries.
  7. Newspaper and printing plants.
  8. Governmental buildings and community centers.
  9. Utility facilities (without storage) necessary for the provision of public services.
  10. Community services.
  11. Educational services.
  12. Signs and billboards as regulated in Article IV, Section 4.080.
  13. Medical facilities and services including medical offices, clinics, analytical, rehabilitative, and long-term care facilities.
  14. Commercial recreation uses.
- C. Uses Permitted as Special Exceptions. In the C-1, Central Business District, the following uses, and their accessory uses may be permitted as special exceptions after review and approval in accordance with Article VII, Section 7.060.
1. Automobile parking lot.
  2. Manufacturing provided such activity does not exceed the definition of "Light Industry" as found in Article II, Section 2.020.
- D. Uses Prohibited. Industrial uses (except as permitted as a special exception); warehousing and storage uses, except those which are located within and incidental to permitted uses; automobile wrecking, junk, and salvage yards; uses not specifically permitted or uses not permitted upon approval as a special exception.
- E. Dimensional Regulations. All uses permitted in the C-1, Central Business District shall comply with the following requirements except as provided in Article VI.
1. Minimum Lot Size. No minimum lot size shall be required in the C-1 District.
  2. Minimum Yard Requirements. No yards, as such are required within the C-1 District. However, if an open area extending along a side lot line is provided, it shall be at least ten (10) feet wide, and it shall be unobstructed.
  3. Maximum Lot Coverage. There is no restriction on the area occupied by all buildings including accessory buildings on a lot or parcel located in the C-1 District.
  4. Height Requirement. No building shall exceed three stories or forty (40) feet in

height, except as provided in Article VI, Section 6.050.

**5.052.2 C-2. Highway Service District**

- A. This district is designed to provide adequate space in appropriate locations for uses which serve the needs of the motoring public. Automobile and other vehicular service establishments, transient sleeping accommodations, and eating and drinking establishments primarily characterize this district. In addition, commercial trade and service uses are permitted if necessary to serve the recurring needs of persons frequenting these districts. Community facilities and utilities necessary to serve these districts, or necessary for the general community welfare are also permitted. Bulk limitations required of uses in these districts, in part, are designed to maximize compatibility with lesser intense use of land or building in proximate residential districts. Appropriate locations for this district are along major traffic arteries.
- B. Uses Permitted. In the C-2 Highway Service District, the following uses and their accessory uses are permitted.
1. Retail Trade.
    - a. Building materials, hardware, and farm equipment.
    - b. General merchandise.
    - c. Food.
    - d. Automotive, marine craft, aircraft, and accessories.
    - e. Apparel and accessories.
    - f. Furniture, home furnishings, and equipment.
    - g. Eating and drinking.
    - h. Drug, antiques, books, sporting goods, garden supplies, jewelry, fuel, and ice.
  2. Hotels, motels, and tourist courts.
  3. Churches and mortuaries.
  4. Professional services.
  5. Gasoline service stations subject to the provisions of Article IV, Section 4.060.
  6. Commercial recreation uses.
  7. Signs and billboards as regulated in Article IV, Section 4.080.
  8. Finance, insurance, and real estate services.
  9. Personal services.
  10. Business services.
  11. Repair services.
  12. Governmental services.
  13. Educational services.
  14. Transportation, communication, and utility services.
  15. Medical facilities and services including medical offices, clinics, analytical rehabilitative and long-term care facilities.
  16. Animal health facilities, including veterinary clinics.
- C. Uses Permitted as Special Exceptions. In the C-2, Highway Service District, the following use, and accessory uses may be permitted as special exceptions after review and approval in accordance with Article VII, Section 7.060.
1. Travel trailer parks and overnight campgrounds.



2. Manufacturing provided such activity does not exceed the definition of "Light Industry" as found in Article II, Section 2.020.

D. Uses Prohibited. Industrial uses: warehousing and storage uses, except those which are located within and incidental to permitted uses; truck terminals; junkyards, including automobile wrecking and salvage; uses to specifically permitted or uses not permitted upon approval as a special exception.

E. Dimensional Regulations. All uses permitted in the C-2, Highway Service District, shall comply with the following requirements except as provided in Article VI.

1. Minimum Lot Size: No minimum lot size shall be required in the C-2 District.

2. Minimum Yard Requirements

**Front Setback** - 35 feet.

**Side** - None is required. However, if an open area extending along a side lot line is provided it shall be at least ten (10) feet wide, and it shall be unobstructed.

**Rear** - Fifteen (15) feet if a rear entrance is provided, otherwise, none is required.

3. Maximum Lot Coverage. No maximum lot coverage shall be imposed in the C-2 District.

4. Height Requirements. No building shall exceed forty (40) feet in height, except as provided in Article VI, Section 6.050.

5. Parking Space Requirements. As regulated in Article IV, Section 4.010.

### **5.053 Industrial Districts**

The Industrial Districts established by this ordinance are designed to promote and protect the health, safety, morals, convenience, order, prosperity, and other aspects of the general welfare. These goals include, among others, the following specific purposes:

1. To provide sufficient space, in appropriate locations to meet the needs of the area of Dover's expected economic expansion for all types of distributives, industrial and related activities, with due allowance for the need for choice of suitable sites.

2. To protect distributive, industrial, and related activities, as well as residential and related activities by providing for the separation of these uses, and, as far as possible, provided that appropriate space needs for distributive and industrial activities are available by prohibiting the use of such space for residential purposes.

3. To encourage industrial development which is free from danger of fire, explosions, toxic

or noxious matter, radiation, smoke, dust or other particulate matter, and other hazards, and from offensive noise, vibration, odorous matter, heat, humidity, glare, and other objectionable influences, by permitting such development area where this ordinance restricts the emission of such nuisances, without regard to the industrial products and processes involved.

4. To protect adjacent residential and commercial areas, and to protect the labor force in other establishments engaged in less offensive types of industrial and related activities, by restricting those industrial activities which involve danger of fire, explosions, toxic or noxious matter, radiation, smoke, dust, or other particulate matter, and other hazards, or create offensive noise, vibration, heat, humidity, glare, and on the objectionable influences, by permitting such development in areas where this ordinance restricts the emission of such nuisances, without regard to the industrial products or processes involved.
5. To protect adjacent residential and commercial areas, and to protect the labor force in other establishments engaged in less offensive types of industrial and related activities, by restricting those industrial activities which involve danger of fire, explosions, toxic or noxious matter, radiation, smoke, dust, or other particulate matter, and other hazards, or create offensive noise, vibration, heat, humidity, glare, and other objectionable influences, by permitting such development in areas where this ordinance restricts the emission of such nuisances, without regard to the industrial products or processes involved.
6. To protect industrial activities and related development against congestion, as far as is possible and appropriate in each area, by limiting the bulk of buildings in relation to the land around them and to one another, and by requiring space off public ways for parking and loading facilities associated with such activities.
7. To promote the most desirable use of land and direction of building development, to promote stability of industrial land related development, to strengthen the economic base of the Dover area, to protect the character of these districts and their peculiar suitability for particular uses, to conserve the value of land and buildings, and to protect Dover's tax revenues.

#### **5.053.1 I-1, Light Industrial District**

A. District Description. This district is designed for a wide range of industrial and related uses which conform to a high level of performance standards. Industrial establishments of this type, within completely enclosed buildings, provide a buffer between Commercial Districts and other industrial uses which involve more objectionable influences. New residential development is excluded from this district, both to protect residences from undesirable environment and to ensure the reservation of adequate areas for industrial development. Community facilities which provide needed services to industrial development are permitted.

B. Uses Permitted. In the I-1, Light Industrial District, the following uses and their

accessory uses are permitted.

1. Food and kindred products manufacturing, except meat products.
2. Textile mill products manufacturing except dyeing and finishing of textiles.
3. Apparel and other finished products made from fabrics, leather, and similar materials manufacturing.
4. Furniture and fixtures manufacturing.
5. Printing, publishing, and allied industries.
6. Stone, clay, and glass products manufacturing.
7. Fabricated metal products manufacturing except ordinance and accessories.
8. Professional, scientific, and controlling instruments; photographic and optical goods, watches, and clocks manufacturing.
9. Miscellaneous manufacturing including jewelry, silverware and plated ware, musical instruments and parts, toys, amusement and sporting goods manufacturing, pens, pencils, and other office materials, costume jewelry, novelties, and miscellaneous notions; tobacco manufacturing, motion picture production.
10. All types of wholesale trade.
11. Office functions only where it is directly related to the industrial establishment in which it is located.
12. Signs and billboards as regulated in Article IV, Section 4.080.
13. Warehouse, storage, and truck terminal facilities.
14. Agricultural equipment sales and repair.
15. All public utilities, including buildings, necessary structures, storage yards and other related uses.
16. Animal health facilities including veterinary clinics.
17. Building materials storage and sales.
18. Airports.

C. Uses Permitted as Special Exceptions. In the I-1, Light Industrial District, the following uses, and their accessory uses maybe permitted as special exceptions after review and approval in accordance with Article VII, Section 7.060.

1. Retail and convenience.
2. Planned developments as regulated in Article IV, Section 4.070.

D. Uses Prohibited. Uses not specifically permitted or uses not permitted upon approval as a special exception.

E. Dimensional Regulations. All uses permitted in the I-1, Light Industrial District shall comply with the following requirements, except as provided in Article VI. (Nonconforming Uses).

1. **Minimum Lot Size:** No minimum lot size is required in the I-1 District.

2. **Minimum Yard Requirements**

Front Setback	50 ft.
Side	20 ft.
Rear	20 ft.

3. Maximum Lot Coverage. On any lot or parcel of land, the area occupied by

all buildings including accessory buildings may not exceed fifty (50) percent of the total area of such lot or parcel.

4. Height Requirements. No building shall exceed fifty (50) feet in height, except as provided in Article VI, Section 6.050.
5. Parking Space Requirements. As regulated in Article IV, Section 4.010.

### **5.053.2 I-2, Heavy Industrial District**

- A. District Description. This district is designed to accommodate industrial uses which involve more objectionable influences and hazards, and which, therefore, cannot be reasonably expected to conform to a high level of performance standards, but which are essential for the economic viability of the Dover area. No new residential developments are permitted, thereby ensuring protection of such developments from an undesirable environment while at the same time ensuring adequate areas for industrial activities.
- B. Uses Permitted. In the I-2, Heavy Industrial District, the following uses, and their accessory uses are permitted.
  1. Uses that are permitted in the I-1, Light Industrial District.
  2. Lumber and wood products manufacturing.
  3. Lots or yards for scrap or salvage operations or for processing, storage, display, or sales or any scrap or salvage materials.
  4. Meat products manufacturing.
  5. Dyeing and finishing of textiles.
  6. Paper and allied products manufacturing.
  7. Chemicals and allied products manufacturing.
  8. Petroleum refining and related industries.
  9. Rubber and miscellaneous plastic products manufacturing.
  10. Primary metal industries.
  11. Ordinance and accessories manufacturing.
  12. Mining activities and related services.
  13. Automotive and related manufacturing.
- C. Uses Permitted as Special Exceptions. In the I-2, Heavy Industrial District, the following uses, and their accessory uses may be permitted as special exceptions after review and approval in accordance with Article VII, Section 7.060.
  1. Planned development as regulated in Article IV, Section 4.070.
  2. Automobile wrecking, salvage, and junk yards, subject to provisions of Article IV, Section 4.100.
  3. Solid waste disposal, subject to the approval of the Stewart County Health Department, the Tennessee Department of Environment and Conservation and the Dover Board of Zoning Appeals.
- D. Uses Prohibited. Uses not specifically permitted or uses not permitted upon approval as a special exception.

E. Dimensional Regulations. All uses permitted in the I-2, Heavy Industrial District shall comply with the following requirements except as provided in Article VI. (Nonconforming Uses).

1. Minimum Lot Size. No minimum lot size is required in the I-2 District.
2. Minimum Yard Requirements

Front Setback	50 ft.
Side	20 ft.
Rear	20 ft.
3. Maximum Lot Coverage. On any lot or parcel of land, the area occupied by all buildings including accessory building may not exceed fifty (50) percent of the total area of such lot or parcel.
4. Height Requirement. No building shall exceed eighty (80) feet in height, except as provided in Article VI, Section 6.050.
5. Parking Space Requirements. As regulated in Article IV, Section 4.010.

#### **5.054 Floodplain Overlay District**

##### **5.054.1 Statutory Authorization, Findings of Fact, Purpose, and Objectives**

- A. Statutory Authorization. The Legislature of the State of Tennessee has in Sections 13-7-201 through 13-7-210, Tennessee Code Annotated, delegated the responsibility to local governmental units to adopt regulations designed to promote the public health, safety, and general welfare of its citizenry. Therefore, the Town of Dover, Tennessee, Mayor, and Board of Aldermen, do ordain as follows:
- B. Findings of Fact.
  1. The Town of Dover, Tennessee, Mayor, and Board of Aldermen wish to maintain eligibility in the National Flood Insurance Program (NFIP) and in order to do so must meet the NFIP regulations found in Title 44 of the Code of Federal Regulations (CFR), Ch. 1, Section 60.3.
  2. Areas of the Town of Dover, Tennessee are subject to periodic inundation which could result in loss of life and property, health and safety hazards, disruption of commerce and governmental services, extraordinary public expenditures for flood protection and relief, and impairment of the tax base, all of which adversely affect the public health, safety and general welfare.
  3. Flood losses are caused by the cumulative effect of obstructions in floodplains, causing increases in flood heights and velocities; by uses in flood hazard areas which are vulnerable to floods; or construction which is inadequately elevated, floodproofed, or otherwise unprotected from flood damages.
- C. Statement of Purpose. It is the purpose of this Ordinance to promote the public

health, safety, and general welfare and to minimize public and private losses due to flood conditions in specific areas. This Ordinance is designed to:

1. Restrict or prohibit uses which are vulnerable to flooding or erosion hazards, or which result in damaging increases in erosion, flood heights, or velocities.
2. Require that uses vulnerable to floods, including community facilities, be protected against flood damage at the time of initial construction.
3. Control the alteration of natural floodplains, stream channels, and natural protective barriers which are involved in the accommodation of floodwaters.
4. Control filling, grading, dredging and other development which may increase flood damage or erosion.
5. Prevent or regulate the construction of flood barriers which will unnaturally divert flood waters, or which may increase flood hazards to other lands.

D. **Objectives.** The objectives of this Ordinance are:

1. To protect human life, health, safety, and property.
2. To minimize expenditure of public funds for costly flood control projects.
3. To minimize the need for rescue and relief efforts associated with flooding and generally undertaken at the expense of the general public.
4. To minimize prolonged business interruptions.
5. To minimize damage to public facilities and utilities such as water and gas mains, electric, telephone and sewer lines, streets and bridges located in flood prone areas.
6. To help maintain a stable tax base by providing for the sound use and development of flood prone areas to minimize blight in flood areas.
7. To ensure that potential homebuyers are notified that property is in a flood prone area.
8. To maintain eligibility for participation in the NFIP.

**5.054.2 Definitions.** Unless specifically defined below, words or phrases used in this Ordinance shall be interpreted as to give them the meaning they have in common usage and to give this Ordinance its most reasonable application given its stated purpose and objectives.

**"Accessory Structure"** means a subordinate structure to the principal structure on the same lot and, for the purpose of this Ordinance, shall conform to the following:

1. Accessory structures shall only be used for parking of vehicles and storage.
2. Accessory structures shall be designed to have low flood damage potential.
3. Accessory structures shall be constructed and placed on the building site so as to offer the minimum resistance to the flow of floodwaters.
4. Accessory structures shall be firmly anchored to prevent flotation, collapse, and lateral movement, which otherwise may result in damage to other structures.
5. Utilities and service facilities such as electrical and heating equipment shall be elevated or otherwise protected from intrusion of floodwaters.

**"Addition (to an existing building)"** means any walled and roofed expansion to the perimeter

or height of a building.

**"Appeal"** means a request for a review of the local enforcement officer's interpretation of any provision of this Ordinance or a request for a variance.

**"Area of Shallow Flooding"** means a designated AO or AH Zone on a community's Flood Insurance Rate Map (FIRM) with one percent or greater annual chance of flooding to an average depth of one to three feet where a clearly defined channel does not exist, where the path of flooding is unpredictable and indeterminate; and where velocity flow may be evident. Such flooding is characterized by ponding or sheet flow.

**"Area of Special Flood-Related Erosion Hazard"** is the land within a community which is most likely to be subject to severe flood-related erosion losses. The area may be designated as Zone E on the Flood Hazard Boundary Map (FHBM). After the detailed evaluation of the special flood-related erosion hazard area in preparation for publication of the FIRM, Zone E may be further refined.

**"Area of Special Flood Hazard":** see "Special Flood Hazard Area".

**"Base Flood"** means the flood having a one (1)-percent chance of being equaled or exceeded in any given year. This term is also referred to as the 100-year flood or the one (1)-percent annual chance flood.

**"Basement"** means any portion of a building having its floor subgrade (below ground level) on all sides.

**"Building"** see **"Structure"**.

**"Development"** means any man-made change to improved or unimproved real estate, including, but not limited to, buildings or other structures, mining, dredging, filling, grading, paving, excavating, drilling operations, or storage of equipment or materials.

**"Elevated Building"** means a non-basement building built to have the lowest floor of the lowest enclosed area elevated above the ground level by means of solid foundation perimeter walls with openings sufficient to facilitate the unimpeded movement of floodwater, pilings, columns, piers, or shear walls adequately anchored so as not to impair the structural integrity of the building during a base flood event.

**"Emergency Flood Insurance Program"** or **"Emergency Program"** means the program as implemented on an emergency basis in accordance with Section 1336 of the Act. It is intended as a program to provide a first layer amount of insurance on all insurable structures before the effective date of the initial FIRM.

**"Erosion"** means the process of the gradual wearing away of land masses. This peril is not "per se" covered under the Program.

**"Exception"** means a waiver from the provisions of this Ordinance which relieves the applicant from the requirements of a rule, regulation, order, or other determination made or issued pursuant to this Ordinance.

**"Existing Construction"** means any structure for which the "start of construction" commenced before the effective date of the initial floodplain management code or ordinance adopted by the community as a basis for that community's participation in the NFIP.

**"Existing Manufactured Home Park or Subdivision"** means a manufactured home park or subdivision for which the construction of facilities for servicing the lots on which the manufactured homes are to be affixed (including, at a minimum, the installation of utilities, the construction of streets, final site grading or the pouring of concrete pads) is completed before the effective date of the first floodplain management code or ordinance adopted by the community as a basis for that community's participation in the NFIP.

**"Existing Structures"** see **"Existing Construction"**.

**"Expansion to an Existing Manufactured Home Park or Subdivision"** means the preparation of additional sites by the construction of facilities for servicing the lots on which the manufactured homes are to be affixed (including the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads).

**"Flood" or "Flooding"**

- A. A general and temporary condition of partial or complete inundation of normally dry land areas from:
1. The overflow of inland or tidal waters.
  2. The unusual and rapid accumulation or runoff of surface waters from any source.
  3. Mudslides (i.e., mudflows) which are proximately caused by flooding as defined in paragraph (a) (2) of this definition and are akin to a river of liquid and flowing mud on the surfaces of normally dry land areas, as when earth is carried by a current of water and deposited along the path of the current.
- B. The collapse or subsidence of land along the shore of a lake or other body of water as a result of erosion or undermining caused by waves or currents of water exceeding anticipated cyclical levels or suddenly caused by an unusually high water level in a natural body of water, accompanied by a severe storm, or by an unanticipated force of nature, such as flash flood or an abnormal tidal surge, or by some similarly unusual and unforeseeable event which results in flooding as defined in paragraph (a) (1) of this definition.

**"Flood Elevation Determination"** means a determination by the Federal Emergency Management Agency (FEMA) of the water surface elevations of the base flood, that is, the flood level that has a one percent or greater chance of occurrence in any given year.

**"Flood Elevation Study"** means an examination, evaluation, and determination of flood hazards and, if appropriate, corresponding water surface elevations, or an examination,



evaluation, and determination of mudslide (i.e., mudflow) or flood-related erosion hazards.

**"Flood Hazard Boundary Map (FHBM)"** means an official map of a community, issued by FEMA, where the boundaries of areas of special flood hazard have been designated as Zone A.

**"Flood Insurance Rate Map (FIRM)"** means an official map of a community, issued by FEMA, delineating the areas of special flood hazard or the risk premium zones applicable to the community.

**"Flood Insurance Study"** is the official report provided by FEMA, evaluating flood hazards, and containing flood profiles and water surface elevation of the base flood.

**"Floodplain"** or **"Flood prone Area"** means any land area susceptible to being inundated by water from any source (see definition of "flooding").

**"Floodplain Management"** means the operation of an overall program of corrective and preventive measures for reducing flood damage, including but not limited to emergency preparedness plans, flood control works and floodplain management regulations.

**"Flood Protection System"** means those physical structural works for which funds have been authorized, appropriated, and expended and which have been constructed specifically to modify flooding in order to reduce the extent of the area within a community subject to a "special flood hazard" and the extent of the depths of associated flooding. Such a system typically includes hurricane tidal barriers, dams, reservoirs, levees or dikes. These specialized flood modifying works are those constructed in conformance with sound engineering standards.

**"Floodproofing"** means any combination of structural and nonstructural additions, changes, or adjustments to structures which reduce or eliminate flood damage to real estate or improved real property, water and sanitary facilities and structures and their contents.

**"Flood-related Erosion"** means the collapse or subsidence of land along the shore of a lake or other body of water as a result of undermining caused by waves or currents of water exceeding anticipated cyclical levels or suddenly caused by an unusually high-water level in a natural body of water, accompanied by a severe storm, or by an unanticipated force of nature, such as a flash flood, or by some similarly unusual and unforeseeable event which results in flooding.

**"Flood-related Erosion Area"** or **"Flood-related Erosion Prone Area"** means a land area adjoining the shore of a lake or other body of water, which due to the composition of the shoreline or bank and high-water levels or wind-driven currents, is likely to suffer flood-related erosion damage.

**"Flood-related Erosion Area Management"** means the operation of an overall program of corrective and preventive measures for reducing flood-related erosion damage, including but not limited to emergency preparedness plans, flood-related erosion control works and

floodplain management regulations.

**"Floodway"** means the channel of a river or other watercourse and the adjacent land areas that must be reserved in order to discharge the base flood without cumulatively increasing the water surface elevation more than a designated height.

**"Freeboard"** means a factor of safety usually expressed in feet above a flood level for purposes of floodplain management. "Freeboard" tends to compensate for the many unknown factors that could contribute to flood heights greater than the height calculated for a selected size flood and floodway conditions, such as wave action, blockage of bridge or culvert openings, and the hydrological effect of urbanization of the watershed.

**"Functionally Dependent Use"** means a use which cannot perform its intended purpose unless it is located or carried out in close proximity to water. The term includes only docking facilities, port facilities that are necessary for the loading and unloading of cargo or passengers, and ship building and ship repair facilities, but does not include long-term storage or related manufacturing facilities.

**"Highest Adjacent Grade"** means the highest natural elevation of the ground surface, prior to construction, adjacent to the proposed walls of a structure.

**"Historic Structure"** means any structure that is:

1. Listed individually in the National Register of Historic Places (a listing maintained by the U.S. Department of Interior) or preliminarily determined by the Secretary of the Interior as meeting the requirements for individual listing on the National Register.
2. Certified or preliminarily determined by the Secretary of the Interior as contributing to the historical significance of a registered historic district or a district preliminarily determined by the Secretary to qualify as a registered historic district.
3. Individually listed on the Tennessee inventory of historic places and determined as eligible by states with historic preservation programs which have been approved by the Secretary of the Interior; or
4. Individually listed on the Town of Dover, Tennessee inventory of historic places and determined as eligible by communities with historic preservation programs that have been certified either:
  - a. By the approved Tennessee program as determined by the Secretary of the Interior  
or
  - b. Directly by the Secretary of the Interior.

**"Levee"** means a man-made structure, usually an earthen embankment, designed and constructed in accordance with sound engineering practices to contain, control or divert the flow of water so as to provide protection from temporary flooding.

**"Levee System"** means a flood protection system which consists of a levee, or levees, and associated structures, such as closure and drainage devices, which are constructed and operated in accordance with sound engineering practices.

**"Lowest Floor"** means the lowest floor of the lowest enclosed area, including a basement. An unfinished or flood resistant enclosure used solely for parking of vehicles, building access or storage in an area other than a basement area is not considered a building's lowest floor; provided, that such enclosure is not built so as to render the structure in violation of the applicable non-elevation design requirements of this Ordinance.

**"Manufactured Home"** means a structure, transportable in one or more sections, which is built on a permanent chassis and designed for use with or without a permanent foundation when attached to the required utilities. The term "Manufactured Home" does not include a "Recreational Vehicle".

**"Manufactured Home Park or Subdivision"** means a parcel (or contiguous parcels) of land divided into two or more manufactured home lots for rent or sale.

**"Map"** means the Flood Hazard Boundary Map (FHBM) or the Flood Insurance Rate Map (FIRM) for a community issued by FEMA.

**"Mean Sea Level"** means the average height of the sea for all stages of the tide. It is used as a reference for establishing various elevations within the floodplain. For the purposes of this Ordinance, the term is synonymous with the National Geodetic Vertical Datum (NGVD) of 1929, the North American Vertical Datum (NAVD) of 1988, or other datum, to which Base Flood Elevations shown on a community's Flood Insurance Rate Map are referenced.

**"National Geodetic Vertical Datum (NGVD)"** means, as corrected in 1929, a vertical control used as a reference for establishing varying elevations within the floodplain.

**"New Construction"** means any structure for which the "start of construction" commenced on or after the effective date of the initial floodplain management Ordinance and includes any subsequent improvements to such structure.

**"New Manufactured Home Park or Subdivision"** means a manufactured home park or subdivision for which the construction of facilities for servicing the lots on which the manufactured homes are to be affixed (including at a minimum, the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads) is completed on or after the effective date of this ordinance or the effective date of the initial floodplain management ordinance and includes any subsequent improvements to such structure.

**"North American Vertical Datum (NAVD)"** means, as corrected in 1988, a vertical control used as a reference for establishing varying elevations within the floodplain.

**"100-Year Flood"** see **"Base Flood"**.

**"Person"** includes any individual or group of individuals, corporation, partnership, association, or any other entity, including State and local governments and agencies.

**"Reasonably Safe from Flooding"** means base flood waters will not inundate the land or

damage structures to be removed from the Special Flood Hazard Area and that any subsurface waters related to the base flood will not damage existing or proposed structures.

**"Recreational Vehicle"** means a vehicle which is:

1. Built on a single chassis.
2. 400 square feet or less when measured at the largest horizontal projection.
3. Designed to be self-propelled or permanently towable by a light duty truck.
4. Designed primarily not for use as a permanent dwelling but as temporary living quarters for recreational, camping, travel, or seasonal use.

**"Regulatory Floodway"** means the channel of a river or other watercourse and the adjacent land areas that must be reserved in order to discharge the base flood without cumulatively increasing the water surface elevation more than a designated height.

**"Regulatory Flood Protection Elevation"** means the "Base Flood Elevation" plus the "Freeboard". In "Special Flood Hazard Areas" where Base Flood Elevations (BFEs) have been determined, this elevation shall be the BFE plus 1 foot. In "Special Flood Hazard Areas" where no BFE has been established, this elevation shall be at least three (3) feet above the highest adjacent grade.

**"Riverine"** means relating to, formed by, or resembling a river (including tributaries), stream, brook, etc.

**"Special Flood Hazard Area"** is the land in the floodplain within a community subject to a one percent or greater chance of flooding in any given year. The area may be designated as Zone A on the FHBM. After detailed ratemaking has been completed in preparation for publication of the FIRM, Zone A usually is refined into Zones A, AO, AH, A1-30, AE or A99.

**"Special Hazard Area"** means an area having special flood, mudslide (i.e., mudflow) and/or flood-related erosion hazards and shown on an FHBM or FIRM as Zone A, AO, A1-30, AE, A99, or AH.

**"Start of Construction"** includes substantial improvement, and means the date the building permit was issued, provided the actual start of construction, repair, reconstruction, rehabilitation, addition, placement, or other improvement was within 180 days of the permit date. The actual start means either the first placement of permanent construction of a structure (including a manufactured home) on a site, such as the pouring of slabs or footings, the installation of piles, the construction of columns, or any work beyond the stage of excavation; and includes the placement of a manufactured home on a foundation. Permanent construction does not include initial land preparation, such as clearing, grading and filling; nor does it include the installation of streets and/or walkways; nor does it include excavation for a basement, footings, piers, or foundations or the erection of temporary forms; nor does it include the installation on the property of accessory buildings, such as garages or sheds, not occupied as dwelling units or not part of the main structure. For a substantial improvement, the actual start of construction means the first alteration of any wall, ceiling,

floor, or other structural part of a building, whether or not that alteration affects the external dimensions of the building.

**"State Coordinating Agency"** the Tennessee Emergency Management Agency, State NFIP Office, as designated by the Governor of the State of Tennessee at the request of FEMA to assist in the implementation of the NFIP for the State.

**"Structure"** for purposes of this Ordinance, means a walled and roofed building, including a gas or liquid storage tank, that is principally above ground, as well as a manufactured home.

**"Substantial Damage"** means damage of any origin sustained by a structure whereby the cost of restoring the structure to its before damaged condition would equal or exceed fifty percent (50%) of the market value of the structure before the damage occurred.

**"Substantial Improvement"** means any reconstruction, rehabilitation, addition, alteration, or other improvement of a structure in which the cost equals or exceeds fifty percent (50%) of the market value of the structure before the "start of construction" of the initial improvement. This term includes structures which have incurred "substantial damage", regardless of the actual repair work performed. The market value of the structure should be (1) the appraised value of the structure prior to the start of the initial improvement, or (2) in the case of substantial damage, the value of the structure prior to the damage occurring. The term does not, however, include either: (1) Any project for improvement of a structure to correct existing violations of State or local health, sanitary, or safety code specifications which have been pre-identified by the local code enforcement official and which are the minimum necessary to assure safe living conditions and not solely triggered by an improvement or repair project or; (2) Any alteration of a "historic structure", provided that the alteration will not preclude the structure's continued designation as a "historic structure".

**"Substantially Improved Existing Manufactured Home Parks or Subdivisions"** is where the repair, reconstruction, rehabilitation or improvement of the streets, utilities and pads equals or exceeds fifty percent (50%) of the value of the streets, utilities and pads before the repair, reconstruction or improvement commenced.

**"Variance"** is a grant of relief from the requirements of this Ordinance.

**"Violation"** means the failure of a structure or other development to be fully compliant with the community's floodplain management regulations. A structure or other development without the elevation certificate, other certification, or other evidence of compliance required in this Ordinance is presumed to be in violation until such time as that documentation is provided.

**"Water Surface Elevation"** means the height, in relation to the National Geodetic Vertical Datum (NGVD) of 1929, the North American Vertical Datum (NAVD) of 1988, or other datum, where specified, of floods of various magnitudes and frequencies in the floodplains of riverine areas.

### 5.054.3 General Provisions,

- A. Application. This Ordinance shall apply to all areas within the incorporated area of the Town of Dover, Tennessee.
- B. Basis for Establishing the Areas of Special Flood Hazard. The Areas of Special Flood Hazard identified on the Town of Dover, Tennessee, as identified by FEMA, and in its Flood Insurance Study (FIS) dated January 15, 2021, and Flood Insurance Rate Map (FIRM), Community 470237, Panel Numbers 47161CO275D, 47161CO280D and 47161CO285D, dated January 15, 2021, along with all supporting technical data, are adopted by reference, and declared to be a part of this Ordinance.
- C. Requirement for Development Permit. A development permit shall be required in conformity with this Ordinance prior to the commencement of any development activities.
- D. Compliance. No land, structure or use shall hereafter be located, extended, converted, or structurally altered without full compliance with the terms of this Ordinance and other applicable regulations.
- E. Abrogation and Greater Restrictions. This Ordinance is not intended to repeal, abrogate, or impair any existing easements, covenants, or deed restrictions. However, where this Ordinance conflicts or overlaps with another regulatory instrument, whichever imposes the more stringent restrictions shall prevail.
- F. Interpretation. In the interpretation and application of this Ordinance, all provisions shall be: (1) considered as minimum requirements; (2) liberally construed in favor of the governing body and (3) deemed neither to limit nor repeal any other powers granted under Tennessee statutes.
- G. Warning and Disclaimer of Liability. The degree of flood protection required by this Ordinance is considered reasonable for regulatory purposes and is based on scientific and engineering considerations. Larger floods can and will occur on rare occasions. Flood heights may be increased by man-made or natural causes. This Ordinance does not imply that land outside the Areas of Special Flood Hazard or uses permitted within such areas will be free from flooding or flood damages. This Ordinance shall not create liability on the part of the Town of Dover, Tennessee or by any officer or employee thereof for any flood damages that result from reliance on this Ordinance, or any administrative decision lawfully made hereunder.
- H. Penalties for Violation. Violation of the provisions of this Ordinance or failure to comply with any of its requirements, including violation of conditions and safeguards established in connection with grants of variance shall constitute a misdemeanor punishable as other misdemeanors as provided by law. Any person who violates this ordinance or fails to comply with any of its requirements shall, upon adjudication, therefore, be fined as prescribed by Tennessee statutes, and in addition, shall pay all costs and expenses involved in the case. Each day such violation continues shall be considered a separate offense. Nothing herein contained shall prevent the Town of Dover,

Tennessee from taking such other lawful actions to prevent or remedy any violation.

#### **5.054.4 Administration**

- A. Designation of Ordinance Administrator. The Codes Enforcement Director is hereby appointed as the Administrator to implement the provisions of this Ordinance.
- B. Permit Procedures. Application for a development permit shall be made to the Administrator on forms furnished by the community prior to any development activities. The development permit may include but is not limited to the following: plans in duplicate drawn to scale and showing the nature, location, dimensions, and elevations of the area in question; existing or proposed structures, earthen fill placement, storage of materials or equipment, and drainage facilities. Specifically, the following information is required:
1. Application Stage
    - a. Elevation in relation to mean-sea-level of the proposed lowest floor, including basement, of all buildings where Base Flood Elevations are available, or to certain height above the highest adjacent grade when applicable under this Ordinance.
    - b. Elevation in relation to mean sea level to which any non- residential building will be floodproofed where Base Flood Elevations are available, or to certain height above the highest adjacent grade when applicable under this Ordinance.
    - c. A FEMA Floodproofing Certificate from a Tennessee registered professional engineer or architect that the proposed non-residential floodproofed building will meet the floodproofing criteria in Subsection 5.054.5, Subparts A and B.
    - d. Description of the extent to which any watercourse will be altered or relocated as a result of proposed development.
    - e. A final Finished Construction Elevation Certificate (FEMA Form 086-0-33) is required after construction is completed and prior to Certificate of Compliance/Occupancy issuance. It shall be the duty of the permit holder to submit to the Floodplain Administrator a certification of final as-built construction of the elevation of the reference level and all attendant utilities.
    - f. In order to determine if improvements or damage meet the Substantial Improvement or Substantial Damage criteria, the applicant shall provide to the Floodplain Administrator a detailed cost to repair all damages and/or cost of improvements which includes the complete costs associated with all types of work necessary to completely repair or improve a building. These include the costs of all materials, labor, and other items necessary to perform the proposed work. These must be in the form of:
      - a) An itemized cost of materials, and labor, or estimates of materials and labor that are prepared by licensed contractors or professional construction cost estimators.
      - b) Building valuation tables published by building code organizations and cost-estimating manuals and tools available from professional building cost- estimating services.

- c) A qualified estimate of costs that is prepared by the local official using professional judgement and knowledge of local and regional construction costs.
  - d) A detailed cost estimate provided and prepared by the building owner. This must include as much supporting documentation as possible (such as pricing information from lumber companies, plumbing and electrical suppliers, etc.) In addition, the estimate must include the value of labor, including the value of the owner's labor.
2. Construction Stage. Within AE Zones, where Base Flood Elevation data is available, any lowest floor certification made relative to mean-sea-level shall be prepared by or under the direct supervision of, a Tennessee registered land surveyor and certified by same. The Administrator shall record the elevation of the lowest floor on the development permit. When floodproofing is utilized for a non-residential building, said certification shall be prepared by, or under the direct supervision of, a Tennessee registered professional engineer or architect and certified by same.

Within approximate A Zones, where Base Flood Elevation data is not available, the elevation of the lowest floor shall be determined as the measurement of the lowest floor of the building relative to the highest adjacent grade. The Administrator shall record the elevation of the lowest floor on the development permit. When floodproofing is utilized for a non-residential building, said certification shall be prepared by, or under the direct supervision of, a Tennessee registered professional engineer or architect and certified by same.

For all new construction and substantial improvements, the permit holder shall provide to the Administrator an as-built certification of the lowest floor elevation or floodproofing level upon the completion of the lowest floor or floodproofing.

Any work undertaken prior to submission of the certification shall be at the permit holder's risk. The Administrator shall review the above-referenced certification data. Deficiencies detected by such review shall be corrected by the permit holder immediately and prior to further work being allowed to proceed. Failure to submit the certification or failure to make said corrections required hereby, shall be cause to issue a stop-work order for the project.

3. Finished Construction Stage. For all new construction and substantial improvements, the permit holder shall provide to the Administrator a final Finished Construction Elevation Certificate (FEMA Form 086-0-33). A final Finished Construction Elevation Certificate is required after construction is completed and prior to Certificate of Compliance/Occupancy issuance. It shall be the duty of the permit holder to submit to the Floodplain Administrator a certification of final as-built construction of the elevation of the reference level and all attendant utilities. The Administrator will keep the certificate on file in perpetuity.

C. Duties and Responsibilities of the Administrator. Duties of the Administrator shall



include, but not be limited to, the following:

1. Review all development permits to assure that the permit requirements of this Ordinance have been satisfied, and that proposed building sites will be reasonably safe from flooding.
2. Review proposed development to assure that all necessary permits have been received from those governmental agencies from which approval is required by Federal or State law, including Section 404 of the Federal Water Pollution Control Act Amendments of 1972, 33 U.S.C. 1334.
3. Notify adjacent communities and the Tennessee Emergency Management Agency, State NFIP Office, prior to any alteration or relocation of a watercourse and submit evidence of such notification to FEMA.
4. For any altered or relocated watercourse, submit engineering data/analysis within six (6) months to FEMA to ensure accuracy of community FIRM's through the Letter of Map Revision process.
5. Assure that the flood carrying capacity within an altered or relocated portion of any watercourse is maintained.
6. Record the elevation, in relation to mean-sea-level or the highest adjacent grade, where applicable, of the lowest floor (including basement) of all new and substantially improved buildings, in accordance with Subsection 5.054.4, Subpart B.
7. Record the actual elevation, in relation to mean-sea-level or the highest adjacent grade, where applicable to which the new and substantially improved buildings have been floodproofed, in accordance with Subsection 5.054.4, Subpart B.
8. When floodproofing is utilized for a non-residential structure, obtain certification of design criteria from a Tennessee registered professional engineer or architect, in accordance with Subsection 5.054.4, Subpart B.
9. Where interpretation is needed as to the exact location of boundaries of the Areas of Special Flood Hazard (for example, where there appears to be a conflict between a mapped boundary and actual field conditions), make the necessary interpretation. Any person contesting the location of the boundary shall be given a reasonable opportunity to appeal the interpretation as provided in this Ordinance.
10. When Base Flood Elevation data and floodway data have not been provided by FEMA, obtain, review, and reasonably utilize any Base Flood Elevation and floodway data available from a Federal, State, or other sources, including data developed as a result of these regulations, as criteria for requiring that new construction, substantial improvements, or other development in Zone A, on the Town of Dover, Tennessee FIRM meet the requirements of this Ordinance.
11. Maintain all records pertaining to the provisions of this Ordinance in the office of the Administrator and shall be open for public inspection. Permits issued under the provisions of this Ordinance shall be maintained in a separate file or marked for expedited retrieval within combined files.
12. A final Finished Construction Elevation Certificate (FEMA Form 086-0-33) is required after construction is completed and prior to Certificate of Compliance/Occupancy issuance. It shall be the duty of the permit holder to submit to the Floodplain Administrator a certification of final as-built construction of the elevation of the reference level and all attendant utilities. The Floodplain

Administrator shall review the certificate data submitted. Deficiencies detected by such review shall be corrected by the permit holder immediately and prior to Certificate of Compliance/Occupancy issuance. In some instances, another certification may be required to certify corrected as-built construction. Failure to submit the certification or failure to make required corrections shall be cause to withhold the issuance of a Certificate of Compliance/Occupancy. The Finished Construction Elevation Certificate certifier shall provide at least 2 photographs showing the front and rear of the building taken within 90 days from the date of certification. The photographs must be taken with views confirming the building description and diagram number provided in Section A. To the extent possible, these photographs should show the entire building including foundation. If the building has split-level or multi-level areas, provide at least 2 additional photographs showing side views of the building. In addition, when applicable, provide a photograph of the foundation showing a representative example of the flood openings or vents. All photographs must be in color and measure at least 3" x 3". Digital photographs are acceptable.

#### **5.054.5 Provisions for Flood Hazard Reduction**

- A. General Standards. In all areas of special flood hazard, the following provisions are required:
1. New construction and substantial improvements shall be anchored to prevent flotation, collapse, and lateral movement of the structure.
  2. Manufactured homes shall be installed using methods and practices that minimize flood damage. They must be elevated and anchored to prevent flotation, collapse, and lateral movement. Methods of anchoring may include, but are not limited to, use of over-the-top or frame ties to ground anchors. This requirement is in addition to applicable State of Tennessee and local anchoring requirements for resisting wind forces.
  3. New construction and substantial improvements shall be constructed with materials and utility equipment resistant to flood damage.
  4. New construction and substantial improvements shall be constructed by methods and practices that minimize flood damage.
  5. All electrical, heating, ventilation, plumbing, air conditioning equipment, and other service facilities shall be designed and/or located so as to prevent water from entering or accumulating within the components during conditions of flooding.
  6. New and replacement water supply systems shall be designed to minimize or eliminate infiltration of flood waters into the system.
  7. New and replacement sanitary sewage systems shall be designed to minimize or eliminate infiltration of flood waters into the systems and discharges from the systems into flood waters.
  8. On-site waste disposal systems shall be located and constructed to avoid impairment to them or contamination from them during flooding.
  9. Any alteration, repair, reconstruction, or improvements to a building that is in compliance with the provisions of this Ordinance, shall meet the requirements of "new construction" as contained in this Ordinance.

10. Any alteration, repair, reconstruction, or improvements to a building that is not in compliance with the provision of this Ordinance, shall be undertaken only if said non-conformity is not further extended or replaced.
11. All new construction and substantial improvement proposals shall provide copies of all necessary Federal and State permits, including Section 404 of the Federal Water Pollution Control Act amendments of 1972, 33 U.S.C. 1334.
12. All subdivision proposals and other proposed new development proposals shall meet the standards of Subsection 5.054.5, Subpart B.
13. When proposed new construction and substantial improvements are partially located in an area of special flood hazard, the entire structure shall meet the standards for new construction.
14. When proposed new construction and substantial improvements are located in multiple flood hazard risk zones or in a flood hazard risk zone with multiple Base Flood Elevations, the entire structure shall meet the standards for the most hazardous flood hazard risk zone and the highest Base Flood Elevation.

B. Specific Standards. In all Areas of Special Flood Hazard, the following provisions, in addition to those set forth in Subsection 5.054.5, Subpart A, are required:

1. Residential Structures.

In AE Zones, where Base Flood Elevation data is available, new construction and substantial improvement of any residential building (or manufactured home) shall have the lowest floor, including basement, elevated to no lower than one (1) foot above the Base Flood Elevation. Should solid foundation perimeter walls be used to elevate a structure, openings sufficient to facilitate equalization of flood hydrostatic forces on both sides of exterior walls shall be provided in accordance with the standards of this section: "Enclosures".

Within approximate A Zones where Base Flood Elevations have not been established and where alternative data is not available, the administrator shall require the lowest floor of a building to be elevated to a level of at least three (3) feet above the highest adjacent grade (as defined in Subsection 5.054.2). Should solid foundation perimeter walls be used to elevate a structure, openings sufficient to facilitate equalization of flood hydrostatic forces on both sides of exterior walls shall be provided in accordance with the standards of this section: "Enclosures".

2. Non-residential Structures

In AE Zones, where Base Flood Elevation data is available, new construction and substantial improvement of any commercial, industrial, or non-residential building, shall have the lowest floor, including basement, elevated or floodproofed to no lower than one (1) foot above the level of the Base Flood Elevation. Should solid foundation perimeter walls be used to elevate a structure, openings sufficient to facilitate equalization of flood hydrostatic forces on both sides of exterior walls shall be provided in accordance with the standards of this section: "Enclosures."

In approximate A Zones, where Base Flood Elevations have not been established and where alternative data is not available, new construction and substantial improvement of any commercial, industrial, or non-residential building, shall have the lowest floor, including basement, elevated or floodproofed to no lower than three (3) feet above the highest adjacent grade (as defined in Subsection 5.054.2). Should solid foundation perimeter walls be used to elevate a structure, openings sufficient to facilitate equalization of flood hydrostatic forces on both sides of exterior walls shall be provided in accordance with the standards of this section: "Enclosures".

Non-residential buildings located in all A Zones may be floodproofed, in lieu of being elevated, provided that all areas of the building below the required elevation are watertight, with walls substantially impermeable to the passage of water, and are built with structural components having the capability of resisting hydrostatic and hydrodynamic loads and the effects of buoyancy. A Tennessee registered professional engineer or architect shall certify that the design and methods of construction are in accordance with accepted standards of practice for meeting the provisions above, and shall provide such certification to the Administrator as set forth in Subsection 5.054.4, Subpart B.

3. Enclosures. All new construction and substantial improvements that include fully enclosed areas formed by foundation and other exterior walls below the lowest floor that are subject to flooding, shall be designed to preclude finished living space and designed to allow for the entry and exit of flood waters to automatically equalize hydrostatic flood forces on exterior walls.
  - a. Designs for complying with this requirement must either be certified by a Tennessee professional engineer or architect or meet or exceed the following minimum criteria:
    1. Provide a minimum of two openings having a total net area of not less than one (1) square inch for every square foot of enclosed area subject to flooding.
    2. The bottom of all openings shall be no higher than one (1) foot above the finished grade.
    3. Openings may be equipped with screens, louvers, valves or other coverings or devices provided they permit the automatic flow of floodwaters in both directions.
  - b. The enclosed area shall be the minimum necessary to allow for parking of vehicles, storage or building access.
  - c. The interior portion of such enclosed area shall not be finished or partitioned into separate rooms in such a way as to impede the movement of floodwaters and all such partitions shall comply with the provisions of Subsection 5.054.5, Subpart B.

4. Standards for Manufactured Homes and Recreational Vehicles
- a. All manufactured homes placed, or substantially improved, on: (1) individual lots or parcels, (2) in expansions to existing manufactured home parks or subdivisions, or (3) in new or substantially improved manufactured home parks or subdivisions, must meet all the requirements of new construction.
  - b. All manufactured homes placed or substantially improved in an existing manufactured home park or subdivision must be elevated so that either:
    1. In AE Zones, with Base Flood Elevations, the lowest floor of the manufactured home is elevated on a permanent foundation to no lower than one (1) foot above the level of the Base Flood Elevation or
    2. In approximate A Zones, without Base Flood Elevations, the manufactured home chassis is elevated and supported by reinforced piers (or other foundation elements of at least equivalent strength) that are at least three (3) feet in height above the highest adjacent grade (as defined in Subsection 5.054.2).
  - c. Any manufactured home, which has incurred “substantial damage” as the result of a flood, must meet the standards of Subsection 5.054.5, Subparts A and B.
  - d. All manufactured homes must be securely anchored to an adequately anchored foundation system to resist flotation, collapse, and lateral movement.
  - e. All recreational vehicles placed in an identified Special Flood Hazard Area must either:
    1. Be on the site for fewer than one hundred- eighty (180) consecutive days.
    2. Be fully licensed and ready for highway use (a recreational vehicle is ready for highway use if it is licensed, on its wheels or jacking system, attached to the site only by quick disconnect type utilities and security devices, and has no permanently attached structures or additions), or,
    3. The recreational vehicle must meet all the requirements for new construction.
5. Standards for Subdivisions and Other Proposed New Development Proposals. Subdivisions and other proposed new developments, including manufactured home parks, shall be reviewed to determine whether such proposals will be reasonably safe from flooding.
- a. All subdivision and other proposed new development proposals shall be consistent with the need to minimize flood damage.
  - b. All subdivision and other proposed new development proposals shall have public utilities and facilities such as sewer, gas, electrical and water systems located and constructed to minimize or eliminate flood damage.
  - c. All subdivision and other proposed new development proposals shall have adequate drainage provided to reduce exposure to flood hazards.
  - d. In all approximate A Zones require that all new subdivision proposals and other proposed developments (including proposals for manufactured home parks and subdivisions) greater than fifty (50) lots or five (5) acres, whichever is the lesser, include within such proposals Base Flood Elevation data (See Subsection 5.054.5, Subpart E).

C. Standards for Special Flood Hazard Areas with Established Base Flood Elevations and with Floodways Designated. Located within the Special Flood Hazard Areas established in Subsection 5.054.3, Subpart B, are areas designated as floodways. A floodway may be an extremely hazardous area due to the velocity of floodwaters, debris, or erosion potential. In addition, the area must remain free of encroachment in order to allow for the discharge of the base flood without increased flood heights and velocities. Therefore, the following provisions shall apply:

1. Encroachments are prohibited, including fill, new construction, substantial improvements, or other development within the regulatory floodway. Development may be permitted however, provided it is demonstrated through hydrologic and hydraulic analyses performed in accordance with standard engineering practice that the encroachment shall not result in any increase in flood levels or floodway widths during a base flood discharge. A registered professional engineer must provide supporting technical data and certification, thereof.
2. A community may permit encroachments within the adopted regulatory floodway that would result in an increase in base flood elevations, provided that the applicant first applies for a conditional letter of map revision (CLOMR) and floodway revision, fulfills the requirements for such revisions as established under the provisions of Title 44 CFR § 65.12, and receives the approval of FEMA.
3. ONLY if Section 5.054.5, Subpart C, provisions 1 and 2 are satisfied, then any new construction or substantial improvement shall comply with all other applicable flood hazard reduction provisions of Section 5.054.5, Subparts A & B.

D. Standards for Areas of Special Flood Hazard Zones AE with Established Base Flood Elevations but Without Floodways Designated. Located within the Special Flood Hazard Areas established in Subsection 5.054.3, Subpart B, where streams exist with base flood data provided but where no floodways have been designated (Zones AE), the following provisions apply:

1. Require until a regulatory floodway is designated, that no new construction, substantial improvements, or other development, including fill shall be permitted within Zone AE on the community's FIRM, unless it is demonstrated through hydrologic and hydraulic analyses performed that the cumulative effect of the proposed development, when combined with all other existing and anticipated development, will not increase the water surface elevation of the base flood more than one (1) foot at any point within the community.
2. A community may permit encroachments within Zones AE on the community's FIRM, that would result in an increase in the water surface elevation of the base flood, provided that the applicant first applies for a conditional letter of map revision (CLOMR) and floodway revision, fulfills the requirements for such revisions as established under the provisions of § 65.12, and receives the approval of FEMA.
3. ONLY if Section 5.054.5, Subpart D, provisions 1 and 2 are satisfied, then any new construction or substantial improvement shall comply with all other applicable flood hazard reduction provisions of Section 5.054.5, Subparts A & B.

E. Standards for Streams Without Established Base Flood Elevations and Floodways (A Zones). Located within the Special Flood Hazard Areas established in Subsection 5.054.3, Subpart B, where streams exist, but no base flood data has been provided and where a Floodway has not been delineated, the following provisions shall apply:

1. The Administrator shall obtain, review, and reasonably utilize any Base Flood Elevation and floodway data available from any Federal, State, or other sources, including data developed as a result of these regulations (see 2, below), as criteria for requiring that new construction, substantial improvements, or other development in approximate A Zones meet the requirements of Subsection 5.054.5, Subparts A and B.
2. Require that all new subdivision proposals and other proposed developments (including proposals for manufactured home parks and subdivisions) greater than fifty (50) lots or five (5) acres, whichever is the lesser, include within such proposals Base Flood Elevation data.
3. Within approximate A Zones, where Base Flood Elevations have not been established and where such data is not available from other sources, require the lowest floor of a building to be elevated or floodproofed to a level of at least three (3) feet above the highest adjacent grade (as defined in Subsection 5.054.2). All applicable data including elevations or floodproofing certifications shall be recorded as set forth in Subsection 5.054.4, Subpart B. Openings sufficient to facilitate automatic equalization of hydrostatic flood forces on exterior walls shall be provided in accordance with the standards of Subsection 5.054.5, Subpart B.
4. Within approximate A Zones, where Base Flood Elevations have not been established and where such data is not available from other sources, no encroachments, including structures or fill material, shall be located within an area equal to the width of the stream or twenty (20) feet, whichever is greater, measured from the top of the stream bank, unless certification by a Tennessee registered professional engineer is provided demonstrating that the cumulative effect of the proposed development, when combined with all other existing and anticipated development, will not increase the water surface elevation of the base flood more than one (1) foot at any point within the Town of Dover, Tennessee. The engineering certification should be supported by technical data that conforms to standard hydraulic engineering principles.
5. New construction and substantial improvements of buildings, where permitted, shall comply with all applicable flood hazard reduction provisions of Subsection 5.054.5, Subparts A and B. Within approximate A Zones, require that those subsections of Subsection 5.054.5, Subpart B, dealing with the alteration or relocation of a watercourse, assuring watercourse carrying capacities are maintained and manufactured homes provisions are complied with as required.

F. Standards for Areas of Shallow Flooding (Zone AO). Located within the Special Flood Hazard Areas established in Subsection 5.054.3, Subpart B, are areas designated as shallow flooding areas. These areas have special flood hazards associated with base flood depths of one (1) to three (3) feet where a clearly defined channel does not exist and where the path of flooding is unpredictable and indeterminate. In addition to

Subsection 5.054.5, Subparts A and B, all new construction and substantial improvements shall meet the following requirements:

1. The lowest floor (including basement) shall be elevated at least as high as the depth number specified on the Flood Insurance Rate Map (FIRM), in feet, plus a freeboard of one (1) foot above the highest adjacent grade; or at least three (3) feet above the highest adjacent grade, if no depth number is specified.
2. Non-residential structures may, in lieu of elevation, be floodproofed to the same level as required in Section 5.054.5, Subpart F, 1. so that the structure, together with attendant utility and sanitary facilities, below that level shall be watertight with walls substantially impermeable to the passage of water and with structural components having the capability of resisting hydrostatic and hydrodynamic loads and effects of buoyancy. Certification is required in accordance with Subsection 5.054.4, Subpart B, 1., c. and Section 5.054.5, Subpart B, 2.
3. Adequate drainage paths shall be provided around structures on slopes, to guide floodwaters around and away from proposed structures.

G. Standards For Areas of Shallow Flooding (Zone AH). Located within the Special Flood Hazard Areas established in Section 5.054.3, Subpart B are areas designated as shallow flooding areas. These areas are subject to inundation by 1- percent-annual-chance shallow flooding (usually areas of ponding) where average depths are one (1) to three (3) feet. Base Flood Elevations are derived from detailed hydraulic analyses are shown in this zone. In addition to meeting the requirements of Section 5.054.5, Subparts A & B, all new construction, and substantial improvements shall meet the following requirements:

1. Adequate drainage paths shall be provided around structures on slopes, to guide floodwaters around and away from proposed structures.

H. Standards for Areas Protected by Flood Protection System (A-99 Zones). Located within the Areas of Special Flood Hazard established in Subsection 5.054.3, Subpart B, are areas of the 100-year floodplain protected by a flood protection system but where Base Flood Elevations have not been determined. Within these areas (A-99 Zones) all provisions of Subsection 5.054.4 and Subsection 5.054.5, shall apply.

I. Standards for Unmapped Streams. Located within the Town of Dover, Tennessee, are unmapped streams where areas of special flood hazard are neither indicated nor identified. Adjacent to such streams, the following provisions shall apply:

1. No encroachments including fill material or other development including structures shall be located within an area of at least equal to twice the width of the stream, measured from the top of each stream bank, unless certification by a Tennessee registered professional engineer is provided demonstrating that the cumulative effect of the proposed development, when combined with all other existing and anticipated development, will not increase the water surface elevation of the base flood more than one (1) foot at any point within the locality.
2. When a new flood hazard risk zone, and Base Flood Elevation and floodway data



is available, new construction and substantial improvements shall meet the standards established in accordance with Subsection 5.054.4 and Subsection 5.054.5.

#### **5.054.6 Variance Procedures**

##### **A. Municipal Board of Zoning Appeals**

1. **Authority.** The Town of Dover, Tennessee Municipal Board of Zoning Appeals shall hear and decide appeals and requests for variances from the requirements of this Ordinance.
2. **Procedure.** Meetings of the Municipal Board of Zoning Appeals shall be held at such times, as the Board shall determine. All meetings of the Municipal Board of Zoning Appeals shall be open to the public. The Municipal Board of Zoning Appeals shall adopt rules of procedure and shall keep records of applications and actions thereof, which shall be a public record. Compensation of the members of the Municipal Board of Zoning Appeals shall be set by the Board of Aldermen.
3. **Appeals: How Taken.** An appeal to the Municipal Board of Zoning Appeals may be taken by any person, firm or corporation aggrieved or by any governmental officer, department, or bureau affected by any decision of the Administrator based in whole or in part upon the provisions of this Ordinance. Such appeal shall be taken by filing with the Municipal Board of Zoning Appeals a notice of appeal, specifying the grounds thereof. In all cases where an appeal is made by a property owner or other interested party, a fee of (\$120.00) dollars for the cost of publishing a notice of such hearings shall be paid by the appellant. The Administrator shall transmit to the Municipal Board of Zoning Appeals all papers constituting the record upon which the appeal action was taken. The Municipal Board of Zoning Appeals shall fix a reasonable time for the hearing of the appeal, give public notice thereof, as well as due notice to parties in interest and decide the same within a reasonable time which shall not be more than (10) days from the date of the hearing. At the hearing, any person or party may appear and be heard in person or by agent or by attorney.
4. **Powers.** The Municipal Board of Zoning Appeals shall have the following powers:
  - a. **Administrative Review.** To hear and decide appeals where it is alleged by the applicant that there is error in any order, requirement, permit, decision, determination, or refusal made by the Administrator or other administrative official in carrying out or enforcement of any provisions of this Ordinance.
  - b. **Variance Procedures.** In the case of a request for a variance the following shall apply:
    1. The Town of Dover, Tennessee Municipal Board of Zoning Appeals shall hear and decide appeals and requests for variances from the requirements of this Ordinance.
    2. Variances may be issued for the repair or rehabilitation of historic structures as

defined, herein, upon a determination that the proposed repair or rehabilitation will not preclude the structure's continued designation as a historic structure and the variance is the minimum necessary deviation from the requirements of this Ordinance to preserve the historic character and design of the structure.

3. In passing upon such applications, the Municipal Board of Zoning Appeals shall consider all technical evaluations, all relevant factors, all standards specified in other sections of this Ordinance, and:
  - a. The danger that materials may be swept onto other property to the injury of others.
  - b. The danger to life and property due to flooding or erosion.
  - c. The susceptibility of the proposed facility and its contents to flood damage.
  - d. The importance of the services provided by the proposed facility to the community.
  - e. The necessity of the facility to a waterfront location, in the case of a functionally dependent use.
  - f. The availability of alternative locations, not subject to flooding or erosion damage, for the proposed use.
  - g. The relationship of the proposed use to the comprehensive plan and floodplain management program for that area.
  - h. The safety of access to the property in times of flood for ordinary and emergency vehicles.
  - i. The expected heights, velocity, duration, rate of rise and sediment transport of the flood waters and the effects of wave action, if applicable, expected at the site.
  - j. The costs of providing governmental services during and after flood conditions including maintenance and repair of public utilities and facilities such as sewer, gas, electrical, water systems, and streets and bridges.
4. Upon consideration of the factors listed above, and the purposes of this Ordinance, the Municipal Board of Zoning Appeals may attach such conditions to the granting of variances, as it deems necessary to effectuate the purposes of this Ordinance.
5. Variances shall not be issued within any designated floodway if any increase in flood levels during the base flood discharge would result.

**B. Conditions for Variances**

1. Variances shall be issued upon a determination that the variance is the minimum relief necessary, considering the flood hazard and the factors listed in Subsection 5.054.6, Subpart A.
2. Variances shall only be issued upon a showing of good and sufficient cause, a determination that failure to grant the variance would result in exceptional hardship; or a determination that the granting of a variance will not result in increased flood heights, additional threats to public safety, extraordinary public expense, create nuisance, cause fraud on or victimization of the public, or conflict with existing local laws or Ordinances.
3. Any applicant to whom a variance is granted shall be given written notice that the

- issuance of a variance to construct a structure below the Base Flood Elevation will result in increased premium rates for flood insurance (as high as \$25 for \$100) coverage, and that such construction below the Base Flood Elevation increases risks to life and property.
4. The Administrator shall maintain the records of all appeal actions and report any variances to FEMA upon request.

**5.054.7 Legal Status Provisions**

- A. 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 Dover, Tennessee, the most restrictive shall in all cases apply.
- B. Severability. 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.
- C. Effective Date. This Ordinance shall become effective immediately after its passage, in accordance with the Charter of the Town of Dover, Tennessee, and the public welfare demanding it.

## Article VI Exceptions and Modifications

### Section

- 6.010 Scope
- 6.020 Nonconforming Uses
- 6.030 (RESERVED)
- 6.040 Bulk and Lot Size Noncompliance
- 6.050 Exceptions to Height Limitations
- 6.060 Lots of Record
- 6.070 Exceptions to Setback Requirements
- 6.080 Absolute Minimum Lot Size
- 6.090 Zero Lot Line Duplex Requirements

**6.010 Scope.** Article VI of this ordinance is devoted to providing for the necessary exceptions and modifications to the specific zoning district provisions and the supplementary provisions provided in Article IV and Article V.

**6.020 Non-Conforming Uses.** The districts established in this ordinance (as set forth in district regulations in Article V) are designed to guide the future use of land in Dover, Tennessee, by encouraging the development of desirable residential, commercial, and industrial areas with appropriate groupings of compatible, and related uses and thus promote and protect the public health, safety, and general welfare. As a necessary corollary, in order to carry out such purposes, nonconforming uses which adversely affect the development of such areas must be subject to certain limitations. The provisions governing nonconforming uses set forth in this Article are therefore established to contain the exiting undesirable conditions resulting from such incompatible nonconforming uses, which are detrimental to the achievement of such purposes. While such uses are generally permitted to continue, this ordinance is designed to restrict any expansion of such uses beyond the site which the use occupied upon the effective date of this ordinance. In the case of buildings or other structures not complying with the bulk regulations of this ordinance, the provisions governing noncomplying buildings or other structures set forth in this Article are established in order to permit the continued use of such buildings or other structures, but to limit the creation of additional noncompliance or increase in the degree of noncompliance. These provisions are thus designed to preserve the character of the districts established in this ordinance in light of their suitability to particular uses, and thus to promote the public health, safety, and general welfare.

**6.020.1 Provisions Governing Nonconforming Uses Applicability.** The provisions of this article are applicable to all uses which are not permitted within the districts in which they are located. Additionally, buildings and other structures located within the floodplain are considered within the regulations of nonconforming uses.

**6.020.2 Construction or Uses Permit Approved prior to Ordinance Adoption.** Nothing contained herein shall require any change in the overall layout, plans, construction, size or designated use of any development, building, structure, or part thereof where official approvals and required building permits have been granted before the enactment of this ordinance, or any amendment thereto, the construction of which, conforming with such plans, shall have been started prior to the effective date of this ordinance and completion thereof carried on in a normal manner within the subsequent six (6) months period, and not discontinued until completion except for reasons beyond the builder's control. In the event that the activity or construction of such building or other structures is not substantially underway and being diligently pursued within the six (6) month period following the issuance of a building permit, then such permit shall automatically lapse, and the provisions of this ordinance shall apply.

**6.020.3 Repairs and Alterations.** Nothing in this Article shall prevent the strengthening or restoring to a safe condition of any part of any building or structure declared unsafe by proper authority.

**6.020.4 Zone Lot Containing Nonconforming use.** A zone lot containing a nonconforming use shall not be reduced in area except to comply with Section 6.023.

**6.020.5 Continuation of Nonconforming Use.** Any nonconforming use which shall become nonconforming upon enactment of this ordinance, or any subsequent amendments thereto, may be allowed to continue in operation and be permitted provided that no change in use (See Section 6.026) is undertaken.

**6.020.6 Change of Nonconforming Use**

- A. General Provisions. For the purpose of this chapter, a change in use is a change to another use either under the same activity type or any other activity type or major class of activity; however, a change in occupancy or ownership shall not, by itself, constitute a change of use. A nonconforming use may be changed to any conforming use, and the applicable bulk regulations and accessory off-street parking requirements shall apply to such change of use or to alterations made in order to accommodate such conforming use.
- B. Land With Incidental Improvements. In all districts a nonconforming use of land, not involving a building or structure, or in connection with which any building or structure thereon is incidental or accessory to the principal use of the land, shall be changed only to a conforming use.
- C. Nonconforming to Conforming Use. Whenever a nonconforming use is changed to a conforming use, such use shall not thereafter be changed to a nonconforming use.

#### **6.020.7 Expansion of Nonconforming Uses**

1. General Provisions. Any nonconforming use which shall become nonconforming upon enactment of this ordinance, or any subsequent amendments thereto, may be allowed to expand operations and construct additional facilities which involve an actual continuance and expansion of the nonconforming use provided that any such expansion shall not violate the provisions as set out below.
2. Land With Incidental Improvements. In all districts a nonconforming use of land, not involving a building or structure, or in connection with which any building or structure thereon is incidental or accessory to the principal use of the land, shall not be allowed to expand through the addition of buildings or other structures.
3. Adequate Space for Expansion. No expansion or any nonconforming use shall infringe upon or increase the extent of any infringement existing at the time of adoption of this ordinance, upon any open space required by this ordinance.
4. Expansion Limited. Any expansion of a nonconforming use permitted under the provisions of this section shall take place only upon the zone lot(s) on which said use was operating at the time the use became nonconforming. Nothing within this provision shall be construed so as to operate to permit expansion of any nonconforming use through the acquisition and development of additional land.
5. Expansion upon Land Subject to Flood. No expansion of any nonconforming use shall violate the provisions of Section 6.030.

#### **6.020.8 Damage or Destruction**

1. General Provisions. Any nonconforming use which shall become nonconforming upon enactment of this ordinance, or any subsequent amendments thereto, may be permitted to reconstruct damaged or destroyed facilities which involve any actual continuance of the nonconforming use provided that any such reconstruction shall not violate the provisions set out below.
2. Change in Use Prohibited. No reconstruction of damaged or destroyed facilities may occur which shall change the nonconforming use (as regulated in Section 6.026 above) other than a permitted use.
3. Land With Incidental Improvements. In all districts, when a nonconforming building or other structure or improvements located on "and with incidental improvements" (as defined by this ordinance) is damaged or destroyed to the extent of twenty-five (25) percent or more of the assessed valuation of all buildings and other structures or other improvements located thereon (as determined from the assessment rolls effective on the date of damage or destruction), such nonconforming use shall terminate and the tract of land shall thereafter be used only for a conforming use.
4. Infringement upon Open Space Restricted. No reconstruction of damaged or destroyed

facilities utilized by a nonconforming use shall increase the extent of any infringement upon any open space required by this ordinance.

5. Reconstruction of Flood Damaged Property. The provisions of Section 6.030 shall apply to the reconstruction of all buildings and structures associated with any nonconforming use located within floodplain districts.
6. Discontinuance. When a nonconforming use of land or the active operation of substantially all the nonconforming uses in any building or other structure or tract of land is discontinued for a period of one (1) year, then the land or building or other structure shall thereafter be used only for conforming use. Intent to resume active operations shall not affect the foregoing provision.

### **6.030 (RESERVED)**

### **6.040 Bulk and Lot Size Non-Compliance.**

1. General Provisions. The provisions of this chapter shall control buildings and other structures which do not meet the bulk or any other provisions applicable in the districts in which they are located except those provisions which pertain to activity or use.
2. Continuation of Use. The use of a noncomplying building or other structure or parcel may be continued, except as otherwise provided by this chapter.
3. Repairs and Alterations. Repairs, incidental alterations, or structural alterations maybe made in noncomplying buildings or other structures subject to the provisions of Section 6.040.4 through 6.040.6.
4. Enlargements or Conversions. A noncomplying building or other structure may be enlarged or converted, provided that no enlargement or conversion may be made which would either create a new noncompliance or increase the degree of noncompliance of a building or other structure or parcel of any portion thereof.
5. Building Noncomplying as to Lot Area. If a building does not comply with the applicable district regulations on lot area per dwelling unit (lot area being smaller than required for the number of dwelling units on such zone lot) such building may be converted (except when in the floodplain district), provided that the deficiency in the required lot area is not thereby increased (for example, a noncomplying building on a lot of thirty-five hundred (3,500) square feet, which before conversion required a lot area of 5,000 square feet and was, therefore, deficient by fifteen hundred (1,500) square feet, can be converted into any combination of dwelling units allowed in the zoning district in question requiring a lot area of no more than five thousand (5,000) square feet).
6. Damage or Destruction of Noncomplying Uses. A noncomplying building which is damaged or destroyed may be reconstructed, provided that the reconstruction will not either create a new noncompliance or increase the degree of noncompliance of a

building or structure or parcel or portion thereof.

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

**6.060 Lots of Record.** The following provisions shall apply to all existing lots of record:

- A. 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. Such lot may be used as a building site, provided, however, that the yard and other requirements of the district are complied with as closely as in the opinion of the Board of Zoning Appeals is possible.
- B. No lot which is now or hereafter built upon shall be so reduced in area that the yards and open space will be smaller than prescribed by this ordinance, and no yard, court, or open space provided around any building for the purpose of complying with the provisions hereof, shall again be considered as a yard, court, or other open space for another building.
- C. Where two or more lots of record with a continuous frontage are under the same ownership, or where a substandard lot of record has continuous frontage with a larger tract under the same ownership, such lots shall be combined to form one or more building sites meeting the minimum requirements of the district in which they are located.

**6.070 Exceptions to Setback Requirements.** The front setback requirement of this ordinance for dwellings shall not apply to any lot where the average depth of existing setbacks on the developed lots located within one hundred (100) feet on each side of such lot is less than the minimum required front yard depth. In such cases, the front yard setback may be less than required but not less than the average of the existing depth for front yards on developed lots within one hundred (100) feet on each side of the lot. In residential districts, however, the setback shall in no case be less than fifteen (15) feet from the street right-of-way line.

**6.080 Absolute Minimum Lot Size.** In no case shall the Building Inspector or the Board of Zoning Appeals permit any lot in a residential district to be used as a building site which is less than six thousand (6,000) square feet in total area and thirty (30) feet in width at its narrowest point or has a front setback of less than fifteen (15) feet and a side setback of less than five (5) feet.

**6.090 Zero Lot Line Duplex Requirements.** Zero lot line duplex dwellings shall be subject to the following requirements:

**6.090.1 Density Requirements.** The density of the development permitted shall be determined by dividing the gross site, less streets, by the lot area required in an



R-2 or R-3 District, for a duplex or two-family structures or building type.

**6.090.2 Parcel (Fee Simple Lot) Requirements Area and Width Requirements.** The lot area and lot width of any parcel (fee- lot) may be variable provided that no parcel shall be created which contains less than one-half (1/2) of the required lot area per structure of building type as stipulated in Section 6.090.1, above. In no case shall an individual parcel be created which contains less than an absolute minimum of three thousand-seven hundred-fifty (3,750) square feet, or a lot width at the building setback line of less than seventy-five (75) feet.

- A. Coverage Requirement: On any individual parcel of land, the area occupied by all buildings or structures thereon including accessory structures if any, shall not exceed thirty-five (35) percent of said parcel. All accessory structures shall be governed by the provisions of Section 3.100 and Section 5.051.2B.4., or Section 5.051.3B.6., of the zoning ordinance.
- B. Front, Rear, and Side Yard Requirements. The front and rear yard setback Requirement shall be as specified in the R-2 and R-3 Zoning Districts, of this zoning ordinance. Where required, side yard setbacks per each building type shall also follow the R-2 and R-3, Zoning District Regulations. Such side yard setbacks are required at the end of each individual building or structure located within the development.
- C. Height Requirements. All developments utilizing zero side yards shall contain no more than one (1) story. The height requirements in Sections 5.051.2.E.4. or 5.051.3.E.4., shall be followed.

**6.090.3 Other Developmental Requirements**

1. The exterior material of zero lot line dwellings shall be of such type and quality that they do not create an adverse effect on adjacent dwellings.
2. The side yard setbacks may be zero on any parcel provided that the parcel(s) adjacent to that (those) side yard(s) is (are) held under the same ownership at the time of initial construction.
3. No zero-side yard shall be adjacent to any public or private right-of-way, nor shall it be adjacent to any parcel of land not being approved by the Board of Zoning Appeals for a zero-side yard development.
4. No portion of a dwelling or architectural features of a structure shall project over any property line.
5. Where the same interior property line(s) is (are) utilized for the zero-side yard construction of any dividing structure, such dividing structure shall consist of double walls separated by a minimum air space of two (2) inches.
6. Where the same interior property line (s) is (are) utilized for the construction of any zero side yard structures, all the provisions of the applicable adopted building code shall be met, and all such fire walls shall have a rating as required by the Dover Fire Department.
7. All residential structures must contain a fire wall between the various dwelling

units, from the footing to the peak of the roof of not less than two (2) hours fire rating. The fire walls must be bisected by a line dividing each dwelling unit so that one-half (1/2) of the fire wall is on each parcel.

**6.090.4 Parking and Access Requirements**

1. There shall be two (2) parking spaces per individual parcel subdivided, and special attention shall be directed to providing the required spaces in a manner which will minimize points of access onto the public roads serving the development.
2. Every dwelling unit shall be located on a parcel fronting or adjacent to a public street. All structures shall be so located on the various parcels so as to provide safe, convenient access for the provision of adequate fire protection to such parcels.

**6.090.5 Utilities Requirements.** All zero-side yard residential developments shall be served by public water and sanitary sewer services. Each parcel shall be served by separate utilities.

**6.090.6 Location Requirements.** In authorizing any development anticipated herein, as well as fully considering the criteria cited in Section 7.060, of the zoning ordinance, the Board of Zoning Appeals shall consider:

1. The nature, type, density, etc., of development adjoining and within the immediate vicinity of the proposed activity.
2. The location of the development with regard to major streets, and especially in regard to Dover's Major Thoroughfare Plan.
3. The availability of all public utilities (specifically including public sewer).
4. The adequacy of fire protection facilities.
5. The adequacy of deed covenants designed to assure protection of potential purchasers, surrounding owners, and the community at large.

**6.090.7 Contents of Deed Covenants.** At the time of presentation of any final plat involving use of the procedure contained within this section, deed covenant shall also be prepared, presented, and recorded which at a minimum provide:

1. An agreement covering the status, including the ownership, maintenance, etc., of the common wall separating the units.
2. Adequate language to assure proper maintenance etc., of any portion of the structure where maintenance must be shared (ex. common roof). If the correction of a maintenance problem incurred in the dwelling unit on one parcel necessitates construction work or access on the dwelling unit of the other parcel, either parcel owner shall have an easement on the property of the other for the purpose of this construction. Each party shall contribute to the cost of restoration thereof include clear and precise statements whereby the purchaser is informed that the property may not be used in any manner which would have the effect of negating the unified plan under which original approval was granted and language indicating that the purchaser of any such parcel understands that in no instance will any such

- parcel be viewed as a separate independent parcel for zoning purposes.
4. Adequate language covering any and all cross easements as are necessary to assure the proper maintenance of all utility services.
  5. If a fire wall is destroyed or damaged by fire or other casualty, any owner thereafter makes use of the wall, they shall contribute to the cost of restoration thereof in proportion to such use without prejudice, however, to the right of any such owner to call for a larger contribution from the others under any rule or law requiring liability for negligent or willful acts or omissions. Either parcel owner shall have an easement on the property of the other for the purpose of reconstruction and protection of the remaining unity from the elements.

**6.090.8** **Subdivision Regulations.** All the requirements of the Dover Subdivision Regulations shall be met as well as the granting of a special exception by the Board of Zoning Appeals allowing said zero side yard developments, before the development may qualify as being legally approved. Preliminary subdivision plats shall designate no more than twenty (20) percent of their lots as zero lot line dwellings. Moreover, both preliminary and final subdivision plats shall designate specific lots as being "zero lot-line development lots", and the planning commission shall approve these locations.

**6.090.9** **Requirements for Review and Approval.** No development anticipated by the language contained herein shall be undertaken without an express grant of approval by the Board of Zoning Appeals acting under authority granted to the Board for the approval of special exceptions. Moreover, as stated above, the final subdivision plat of the project shall be submitted to and approved by the planning commission as well as the required review of the entire project as a special exception by the Board of Zoning Appeals under Section 7.060 of the zoning ordinance.

**Article VII**  
**Administration and Enforcement**

Section

- 7.010 Administration of the Ordinance
- 7.020 The Enforcement Officer
- 7.030 Zoning Compliance Permit (Building Permits)
- 7.040 Temporary Use Permits
- 7.050 Certificate of Occupancy
- 7.060 Procedure for Authorizing Special Exceptions
- 7.070 Board of Zoning Appeals
- 7.080 Variances
- 7.090 Amendments to the Ordinance
- 7.100 Penalties
- 7.110 Remedies
- 7.120 Separability
- 7.130 Interpretation
- 7.140 Effective Date

**7.010 Administration of the Ordinance.** Except as otherwise provided, no structure or land shall after the effective date of this ordinance be used and no structure or part thereof shall be erected, altered, or moved unless in conformity with the regulations herein specified for the district in which it is located. In their interpretation and application, the provisions of this ordinance shall be considered minimum requirements adopted for the promotion of public health, safety, morals, convenience, order, prosperity, and general welfare of the community. Where other ordinances, resolutions, or regulations heretofore adopted or which may be adopted hereafter impose greater regulations than those specified herein, compliance with such other ordinances, resolutions, or regulating is mandatory.

**7.020 The Enforcement Officer.** The provisions of this ordinance shall be administered and enforced by the Town Building Inspector. In performance of administering and enforcing this ordinance, he shall:

- A. Issue all Building Permits and make and maintain records thereof.
- B. Issue all Certificates of Occupancy and make and maintain records thereof.
- C. Issue and renew, where applicable, all Temporary Use Permits, and make and maintain records thereof.
- D. Maintain and keep current zoning maps and records of amendments thereto.
- E. Receive, file and forward to the Board of Zoning Appeals all applications for variances or other matters on which the Board is required to act under the provisions of this ordinance.
- F. Conduct inspections as required in this ordinance and such other

inspections as are necessary to ensure compliance with the various other general provisions of this ordinance. The Building Inspector shall possess the right to enter upon any premises for the purpose of making inspections of buildings or premises necessary to carry out his authorized duties.

- G. When a subdivision plat is presented that involves a minor lot line adjustment to a single lot or divides a single tract into no more than two (2) lots and does not involve any street or public utility construction to serve such lots, the approval may be endorsed in writing on the plat by Secretary of the Planning Commission upon certification by the Enforcing Officer and Planning Staff that the subdivision complies in all respects with these regulations and all other adopted ordinances and policies of the governing body. No plat may be approved under this provision if such plat involves a request for a variance from these regulations or if such plat is not in total compliance with all ordinances or policies of the city. This provision can only be used during the two (2) weeks which follow a regularly scheduled Planning Commission meeting. In addition, the Administrator shall make a report at the next Planning Commission of all plats approved through this process. **(Amended by Ordinance 349-09, April 13, 2009)**

**7.030 Zoning Compliance Permits (Building Permits).** It shall be unlawful to commence the excavation of land or the construction of any building or other structure, including accessory structures, to commence the moving or alteration of any structure, including expansion, including accessory structures, to use a building or structure or to change the use of a building or structure, or to commence the filling of land without a permit therefore, issued by the Building Inspector. If said excavation, construction or filling is begun without a proper building permit the building permit fee shall be double or twice the original cost of the permit if legal compliance had been obtained as is required. No building permit shall be issued by the Building Inspector, except in conformity with the provisions of this ordinance, unless there is received a written order from the Board of Zoning Appeals in the form of an administrative review, special exception, or variance as provided by this ordinance.

- A. **Application for a Building Permit.** Application for a building permit shall be made in writing to the Building Inspector on forms provided for that purpose. Applications for building permits will be accepted only from persons having legal authority to take action in accordance with the permit. In general, this means that the application should be made by the owners or lessees of the property, or their agents, or persons who have contracted to purchase property contingent upon their ability to acquire the necessary permits under this ordinance, or the agents of such persons. The Building Inspector may require an applicant to submit evidence of his/her authority to submit the application for a building permit whenever there appears to be a reasonable basis for questioning this authority. All applications shall be complete before the Building Inspector is required to consider the application. It is not necessary that the application contain construction drawings to determine compliance with all the requirements of this ordinance, so long as the plans provide sufficient information to allow the Building Inspector to evaluate the application in light of the substructure

requirements set forth in this ordinance.

**B. Site Plans Required.** Site plans shall contain certain information based upon the particular use proposed and must be submitted to the Building Inspector at the time of an application for a building permit. It is specifically anticipated that the approval process for one and two-family detached houses shall be administratively approved by the Building Inspector. All other uses shall only be approved in the manner set forth in 7.030, D, below.

**C. Site Plans Required for One- and Two-Family Detached Houses**

1. The actual shape, location, and dimensions of the lot to be built upon.
2. The shape, size, and location of all buildings or other structures to be erected, altered, or moved and of buildings or other structures already on the lot and the elevation of the building site.
3. The existing and intended use of all such buildings or other structures, upon it, including the number of dwelling units the building is intended to accommodate.
4. The size and location of all yards and open areas required by this ordinance.
5. The dimension and location of all public water and sewer lines from which the property is to be served.
6. The location and approximate dimension of all points of access to a public street or road.
7. Such other information concerning the lot or adjoining lots as may be essential for determining whether the provisions of this ordinance are being observed.
8. Where subsoil sewage disposal is anticipated, certification from the county health department approving the lot for such use.

**D. Site Plans Required for All Other Buildings and Activities.** This procedure is to be utilized for all buildings and activities, except those subject to the provisions of 7.030, C. Unless otherwise specified, the reviewing agency shall be the Dover Planning Commission. Proposals for planned developments and mobile home parks shall follow separate provisions outline elsewhere in this ordinance, but such proposals shall also be reviewed by the planning commission. The following information shall be included in the site plan:

1. General Location Sketch Map at a scale not smaller than 1" = 2,000', showing:
  - a. The approximate boundaries of the site.
  - b. External (public access streets or roads in relation to the site).
  - c. Surrounding development (i.e., general residential, commercial, and industrial areas) within the general vicinity of the site.
  - d. Any public water and sewer systems in relation to site.
2. Site plan drawn at a scale no smaller than 1" = 200' showing:
  - a. The actual shape, location, and dimensions of the lot.
  - b. The shape, size, and location of all buildings or other structures already on the lot.
  - c. The existing and intended use of the lot and of such structures upon it,

including, for residential activities, the number of dwelling units the buildings are intended to accommodate.

- d. Topographic features, both existing and proposed, with contours at a vertical interval no greater than five (5) feet.
- e. Location of all driveways and entrances.
- f. Location of all accessory off-street parking areas to include a plan showing design and layout of such parking facilities where five (5) or more accessory off-street parking spaces are to be provided. (Dimensions shall be shown.)
- g. Location of all accessory off-street loading berths.
- h. Location of open space.
- i. Proposed ground coverage, floor area, and building heights.
- j. Position of fences and walls to be utilized for screening (materials specified).
- k. Position of screen planting (type of planting specified).
- l. Proposed means of surface drainage, including all drainage ways and facilities.
- m. Location of all easements and rights-of-way.
- n. Location of areas subject to flooding.
- o. Location and size of all utilities including all fire hydrants.
- p. Location, type, and size of proposed signs.

If no "actual construction" has begun in the development within two (2) years from the date of approval of the site plan, said approval of the site plan shall lapse and be of no further effect.

- E. Fee.** The Dover Planning Commission shall establish a schedule of fees and a collection procedure for building permits. The schedule of fees shall be posted in the Town Hall. Only the Board of Mayor and Aldermen of the Town of Dover may alter or amend the fee schedule. Until the appropriate fee has been paid in full, no action shall be taken on any application.
  - F. Issuance of Permit.** If the proposed excavation, construction, moving, or alteration as set forth in the application is in conformity with the provisions of this ordinance, the Building Inspector shall issue a building permit for such excavation or construction. If an application for a building permit is not approved, the Building Inspector shall state in writing on the application the cause for such disapproval. Issuance of a permit shall in no case be construed a waiving of any provisions of this ordinance.
  - G. Construction Progress.** Any building permit issued becomes invalid if work authorized is not commenced within one hundred eighty (180) days of the date of issuance or if the work authorized by such permit is suspended or abandoned for a period of one hundred eighty (180) days.
- 7.040 Temporary Use Permits.** It shall be unlawful to commence construction or development of any use of a temporary nature unless a permit has been obtained from the Building Inspector, as provided for in Article IV, Section 4.030, of this ordinance. Application for a Temporary Use Permit shall be made in writing to the Building Inspector on the form provided for that purpose. A schedule of fees shall be established by the Dover Board of Mayor and Aldermen. Such schedule shall be posed in the Office of the

Building Inspector and City Hall. Until the appropriate fee has been paid in full, no action shall be taken on any application.

**7.050 Certificate of Occupancy.** No land or building or other structure or part thereof hereafter erected, moved, or altered in its use shall be used until the Building Inspector shall have issued a Certificate of Occupancy stating that such land, structure, or part thereof is found to be in conformity with the provisions of this ordinance. Within three (3) days after notification that a building or premises or a part thereof is ready for occupancy of 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 building or premises or part thereof is found to conform with provisions of this ordinance, or, if such certificate is refused, to state the refusal in writing with the cause of such refusal.

**7.060 Procedure for Authorizing Special Exceptions.** The following procedure is established to provide procedures for review of a proposed use by the Board of Zoning Appeals. The procedure shall be the same whether review is required by this ordinance or whether a review is requested by the Building Inspector to determine whether a proposed use is potentially noxious, dangerous, or offensive.

**A. Application.** An application shall be filed with the Board of Zoning Appeals for review. Said application shall show the location and intended uses of the site, the names of the property owners, existing land uses within two hundred (200) feet, and any other material pertinent to the request which the Board may require.

**B. Criteria For Review.** Prior to the issuance of a special exception, the Board shall make written findings certifying compliance with the specific rules governing individual special exceptions and that satisfactory provisions and arrangements has been made concerning all the following where applicable:

1. Ingress and egress to property and proposed structures thereon with particular reference to automotive and pedestrian safety and convenience, traffic flow and control, and access in case of fire or catastrophe.
2. Off-street parking and loading areas where required, with particular attention to the items in Item 1 above, and the economic, noise, vibrations, glare, or odor effects of the special exception on or by adjoining properties and properties generally in or near the district.
3. Refuse and service areas, with particular reference to the Items in 1 and 2, above.
4. Utilities, with reference to locations, availability, and compatibility.
5. Screening and buffering with reference to type, dimensions, and character.
6. Signs, if any, and proposed exterior lighting with reference to glare, traffic, safety economic effect, and compatibility and harmony with properties in the district.
7. Required yard and other open space.
8. General compatibility with adjacent properties and other properties in the district.



- C. **Restrictions.** In the exercise of its approval, the Board may impose such conditions upon the proposed uses of buildings or land as it may deem advisable in the furtherance of the general purposes of this ordinance.
- D. **Validity of Plans.** All approved plans, conditions, restrictions, and rules made a part of the approval of the Board shall constitute certification on the part of the applicant that the proposed use shall conform to such regulations at all times.
- E. **Time Limit.** All applications reviewed by the Board shall be decided within sixty (60) days of the date of application, and the applicant shall be provided with either a written notice of approval or denial.

**7.070 Board of Zoning Appeals.** In accordance with 13-7-205 through 13-7-207, of the Tennessee Code Annotated, the Dover Municipal Planning Commission shall serve as the Dover Board of Zoning Appeals.

- A. **Procedure.** 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. Such chairman or, in his absence, the acting chairman, may administer oaths and compel the attendance of witnesses. All meetings of the Board shall be open to the public. The Board shall adopt rules of procedure and shall keep records of applications and action taken thereon which shall be public record.
- B. **Appeals to the Board.** An appeal to the Dover Board of Zoning Appeals may be taken by any person, firm, or corporation aggrieved by, or by any governmental office, 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, given 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 in person, by agent, or by attorney.
- C. **Stay of Proceedings.** An appeal stays all legal proceedings in furtherance of the action appealed from, unless the Building Inspector certifies to the Board of Zoning Appeals, after such notice of appeal shall have been filed, that by reason of facts stated in the certificate such stay would cause eminent peril to life or property. In such instance, the proceedings shall not be stayed otherwise than by a restraining order, which may be granted by the Board or by a court of competent jurisdiction on application, on notice to the Building Inspector, and on due cause shown.
- D. **Appeal to the Court.** Any person or persons or any board, taxpayer, department, or bureau of the town aggrieved by any decision of the Board may seek review by a court of competent jurisdiction of such decision in a manner provided by the

laws of the State of Tennessee.

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

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.
2. Special Exceptions. To hear and decide applications for special exceptions as specified in this ordinance, hear requests for interpretation of the Zoning Map, and for decision on any special questions upon which the Board of Zoning Appeals is authorized to pass.
3. Variances. To hear and decide applications for variances from the terms of this ordinance.

**7.080 Variances.** The purpose of this variance is to modify the strict application of the specific requirements of this ordinance in the case of exceptionally irregular, narrow, shallow, or steep lots, or other exceptional physical conditions, whereby such strict application would result in practical difficulty or unnecessary hardship which would deprive an owner of the reasonable use of his land. The variance shall be used only where necessary to overcome some obstacle which is preventing an owner from using his property under this ordinance.

- A. Application. After written denial of a permit, a property owner may make application for a variance, using any form which might be made available by the Board of Zoning Appeals.
- B. Fee. A fee of twenty-five (25) dollars payable to the Town of Dover shall be charged to cover partial review and processing of each application for a variance, except that the fee shall be waived for a governmental agency.
- C. Hearing. Upon receipt of an application and fee, the Board shall hold a hearing to decide whether a variance to the ordinance provisions is, in fact, necessary to relieve unnecessary hardships which act to deprive the property owner of the reasonable use of his land. The Board shall consider and decide all applications for variances within thirty (30) days of such hearing and in accordance with the standards provided below.
- D. Standards for Variances. In granting a variance, the Board shall ascertain that the following criteria are met:
  1. Variances shall be granted only where special circumstances or conditions, fully described in the finding of the Board, do not apply generally in the

district.

2. Variances shall not be granted to allow a use otherwise exclude from the particular district in which requested.
3. For reasons fully set forth in the findings of the Board, the aforesaid circumstances or conditions are such that the strict application of the provisions of this ordinance would deprive the application of any reasonable use of his land. Mere loss in value shall not justify a variance. There must be a deprivation of beneficial use of land.
4. The granting of any variance shall be in harmony with the general purposes and intent of this ordinance and shall not be injurious to the neighborhood, detrimental to the public welfare, or in conflict with the comprehensive plan for development.
5. In reviewing an application for a variance, the burden of showing that the variance should be granted shall be upon the persons applying.

**7.090 Amendments to the Ordinance.** The regulations, restrictions, and boundaries set forth in this ordinance may from time to time be amended, supplemented, changed, or repealed by the Board of Mayor and Alderman of Dover. Any member of the Board of Mayor and Aldermen may introduce such legislation, 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. These amendments must be in relation to the Land Use Plan and general welfare of the community. No amendment to this ordinance shall become effective unless it shall have been proposed by or shall have first been submitted to the Dover Municipal Planning Commission for review and recommendation. The Planning Commission shall have thirty (30) days within which to submit is report. If the Planning Commission disapproves the amendment within the thirty (30) days, it shall require the favorable vote of a majority of the Board of Mayor and Aldermen to become effective. If the Planning Commission fails to submit a report within the thirty (30) day period, it shall be deemed to have approved the proposed amendment.

No change or departure from the text or maps as certified by the Planning Commission shall be made, unless such change or departure be first submitted to the Planning Commission and approved by it, or if disapproved, received the favorable vote of a majority of the entire membership of the Board of Mayor and Aldermen.

Before enacting an amendment to this ordinance, the Board of Mayor and Aldermen shall hold a public hearing thereon, at least fifteen (15) days' notice of the time and place of which shall be published in a newspaper of general circulation in the Town of Dover.

- A. **Fee.** A fee of fifty (50) dollars due and payable at the time of filing of the petition shall be posted with requests to amend the zoning ordinance. The fee is to be used by the Town of Dover to defray costs resulting from such petition and any subsequent amendment of the zoning ordinance.

**7.100 Penalties.** Any persons violating any provision of this ordinance shall be guilty of a

misdemeanor and shall be fined not less than twenty-five (25) dollars nor more than fifty (50) dollars for each offense. Each day such violations continue shall constitute a separate offense.

- 7.110 Remedies.** In cases any building or other structure is erected, constructed, altered, repaired, converted, or maintained, of 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 specifically damaged by such violation, in addition to other remedies, may institute an injunction, mandamus, or other appropriate action or proceeding to prevent such unlawful erection, construction, or reconstruction, alteration, repair, conversion, maintenance, or use; or to correct or abate such violation; or to prevent occupancy of such building, structure, or land.
- 7.120 Separability.** Should any section, clause, or provision of this ordinance be declared invalid or unconstitutional by any court of competent jurisdiction, such declaration shall not affect the validity of the ordinance as a whole or any part thereof which is not specifically declared to be valid or unconstitutional.
- 7.130 Interpretation.** Whenever the condition of this ordinance requires more restrictive standards that are required in or under any other statute, the requirements of this ordinance shall govern. Whenever the conditions of any other statute require more restrictive standards than are required by this ordinance, the conditions of such statute shall govern.
- 7.140 Effective Date.** This ordinance shall take effect and be in force from and after the date of its adoption, the public welfare demanding it.

Certified by the Dover Municipal Planning Commission: November 4, 1987, by Planning Commission Chairman Loretta Craig.

Approved and adopted by the Board of Mayor and Aldermen of the Town of Dover on March 14, 1988.