

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

Amended Through November 2020

Prepared for

**The Bulls Gap Planning Commission**

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

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

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

## **ARTICLE I. SHORT TITLE**

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

## **ARTICLE II. PURPOSE**

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

## **ARTICLE III. DEFINITIONS**

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

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

**Accessory Dwelling Unit.** A separate, complete housekeeping unit with a separate entrance, kitchen, sleeping area, and full bathroom facilities, which is an attached or detached extension to an existing single-family structure. An accessory dwelling unit cannot be used for income.

**Accessory Use or Accessory Structure.** Any use or structure in any zoning district, which meets the criteria set below:

**Accessory Use.** A use that is necessary, customary, incidental and subordinate to the main use of the property and located on the same lot as the main use.

**Accessory Structure.** A structure that is customarily designed and used as an accessory use; *excluding* singlewide mobile homes, tractor trailers, car trailers, buses, recreational vehicles, cargo containers, or any other type of vehicle and the like. These are subordinate structures detached from but located on the same lot as a principal building. The use of an accessory structure must be identical and accessory to the use of the principal building and located on the same lot therewith. Anything that was originally designed to be used for transportation is not an accessory structure.

**Adult Oriented Establishments.** Sexually explicit establishments which cater to an exclusively or predominantly adult clientele and including but not limited to: adult book stores, adult theaters, adult motion picture theaters, picture theaters, cabarets and other enterprises which regularly feature materials, acts, or displays involving complete nudity.

**Adult Book Store.** An establishment having as more than fifty (50%) percent of the face value of its stock in trade, books, magazines, motions pictures, periodicals, and other materials which are distinguished or characterized by depicting, describing or relating to sexually explicit materials.

**Adult Cabaret.** Any restaurant, bar, dance hall, nightclub or other such place which features dancers, strippers, male or female impersonators or similar entertainers for the entertainment of a predominantly adult clientele.

**Adult Motion Picture Theater.** Any public place, whether open or enclosed, used for presenting material distinguished or characterized by an emphasis on matter depicting, describing, or relating to “specified sexual activities” or “specified anatomical areas” (as defined below), for observation by patrons therein.

**Adult Theater.** Means a theater, concert hall, auditorium or similar establishment which, for any form of consideration, regularly features live performances which are

characterized by the exposure of “specified anatomical areas” or by “specified sexual activities.”

**Alley.** A street which affords only a secondary means of access to property.

**Arterial Road.** A roadway that provides for traffic movement between areas and across portions of the City and secondarily for direct access to abutting land, as indicated on the zoning map of Bulls Gap, Tennessee.

**Asphalt Plant.** A place that combines a composition of bitumen, pitch, lime, and gravel, used for forming pavements.

**Assisted Living Facility.** A building, establishment, complex, distinct part thereof which:

- Accepts primarily aged persons for domiciliary care, not nursing or medical care;
- Meets the definition provisions as per *Tennessee Code Annotated* §68-11-201;
- Meets the regulatory licensure provisions as per *Tennessee Code Annotated* §68-11-209;
- Provides linkages with hospitals, community services and makes transportation available;
- Provides timely assistance to residents for response to urgent or emergency needs;
- Meets the regulations as set forth by the State Fire Marshal’s Office.

**Automobile Repair Shop.** Motor vehicle and farm equipment repair shops for the repair of vehicles and equipment with outside storage only for vehicles and equipment awaiting parts or repair. All motor vehicles stored outside shall have current registration or be under the legal control of a licensed new or used car dealer.

**Automobile Sale.** The sale of new or used automobiles to the public.

**Automobile Storage Lot.** An outdoor storage facility for the temporary storage of towed vehicles.

**Automobile Wrecking Yard.** A premises used for the outside storage or sale of two (2) or more inoperative used automobile or truck parts, or engaged in assembling, breaking up, sorting, and the temporary storage and distribution or recyclable or reusable scrap and waste materials. Also, including auto wreckers engaged in dismantling automobiles for scrap, and the incidental wholesale or retail sales of parts from those vehicles. An Automobile Wrecking Yard is not an Automobile Repair Shop, Automotive Restoration and Customizing Business or Automobile Sales.

**Bakery, Retail.** A place for preparing, cooking, baking, and selling of products on the premises

**Bakery, Wholesale.** A place for preparing, cooking, baking, and selling of products intended for off premise distribution.

**Barber Shop.** Any establishment or place of business within which the practice of barbering is engaged in or carried on by one or more barbers.

**Beauty Shop.** Any establishment where cosmetology services are provided including hair care, nail care, and skin care on a regular basis for compensation.

**Bed and Breakfast Facility.** A residential unit in which not more than five (5) guest rooms are used to offer overnight accommodations and breakfast for transient guests for compensation.

**Building.** A structure built for the support, shelter, or enclosure of persons, animals, chattels, or property of any kind.

**Building Official or Designee.** Is someone who is qualified to inspect structures within the City of Bulls Gap and for the purpose of this ordinance will be referred to as Building Official.

**Building Permit.** An official document or certification that is issued by the Zoning Office and which authorizes the construction, alteration, enlargement, conversion, reconstruction, remodeling, rehabilitation, erection, demolition, moving, or repair of a building or structure.

**Building, Principal.** A building in which is conducted the main or principal use of a lot on which said building is located.

**Building permit valuation.** The dollar amount used for the valuation of building permit fees as calculated by the Zoning Administrator or designee for the issuance of a building permit.

**Buffer.** Open spaces, landscaped areas, fences, walls, berms, or any combination thereof used to physically and visually separate one use or property from another in order to mitigate the impacts of noise, light, unsightly storage of materials or other nuisance. This can also be known as transitional yard.

**Buffer Strip.** A buffer strip shall be composed of plant material to provide an obscuring screen consisting of shrubs spaced not more than five feet apart that will grow to at least five feet in width and six feet in height after one full growing season. Buffer strips shall be a minimum of ten feet in width and shall be landscaped with trees, shrubs, grass and in a manner as specified by the building official. Any decision or order of the building official may be appealed to the planning commission for review and final determination. Other material or method of screening than that outlined above may be approved by the planning commission.

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

**Campground.** A plot of ground upon which two (2) or more campsites are located, established or maintained for occupancy by camping units of the general public as temporary living quarters for recreation, education or vacation purposes.

**Camper.** Any individual who occupies a campsite or otherwise assumes charge of, or is placed in charge of, a campsite.

**Camping Unit.** Any tent, trailer, cabin, lean-to or similar structure established or maintained and operated in a campground as temporary living quarters for recreation, education or vacation purposes. A camping unit must be used as originally designed. A camping unit may not be used as utility building or a dwelling.

**Campsite.** Any plot of ground within a campground intended for the exclusive occupancy by a camping unit or units under the control of a camper.

**Cargo Container.** A standardized, reusable vessel that is or appears to be: (1) originally, specifically or formerly designed for or used in the packing, shipping, movement or transportation of freight, articles, goods or commodities, or (2) designed for or capable of being mounted or moved on a rail car, or (3) designed for or capable of being mounted on a chassis or bogie for movement by truck trailer or loaded on a ship.

**Cemeteries.** A place used for interment of human or animal remains or cremated remains, including a burial park for earth interments, a mausoleum for vault or crypt interments, a columbarium for cinerary interments, or a combination thereof. All cemeteries are regulated by the State of Tennessee Department of Commerce and Insurance Burial Services.

**Center Line of the Right-Of-Way.** That line surveyed and documented to be the center line of the right-of-way; or if such center line has not been surveyed, it shall be that line running midway between the outside curbs or ditches of such street.

**Certificate of Occupancy.** An official document issued by the Zoning Office that certifies all inspections were made and approved any the Zoning Office and the structure is ready for occupancy.

**Churches.** A building wherein persons regularly assemble for religious worship and which is maintained and controlled by a religious body organized to sustain public worship, together with all accessory buildings and uses customarily associated with such primary purpose. This includes a synagogue, temple, mosque, or other such place for worship and religious activities.

**Clinic.** A building or portion of a building, other than a hospital, as herein defined, containing facilities providing outpatient medical, dental, chiropractic, optical, osteopathic diagnostic, and similar services, for humans, by physicians, dentists, and other health care specialists. The term clinic includes offices as a separate use for the above, but does not include Substance Abuse Treatment Facility, or Methadone Treatment Clinic.

**Club/Lodge, Private.** An organization catering exclusively to members and their guests, or premises and buildings for recreational or athletic purposes which are not considered primarily for gain, providing that any vending stands, merchandising or commercial activities are conducted only as required generally for the membership of such club.

**Collector Street.** A street providing traffic movement within areas of the City and between major streets for direct access to abutting property as indicated on the Major Thoroughfare Plan of Bulls Gap, Tennessee.

**Concrete Plant.** A place that combines a mixture of gravel, pebbles, or broken stone with cement used for sidewalks, roadways, driveways and foundations.

**Construction.** Any placement, assembly, or installation of facilities or equipment (including contractual obligations to purchase such facilities or equipment) at the premises where such equipment will be used, including preparation work at such premises.

**Daycare.** A place where childcare is provided during the day while parents go to work or school.

**Day Nurseries, Private.** Any place, home or institution which receives six (6) or more young children, conducted for cultivating the normal aptitude for exercise, play, observation, imitation and construction.

**Development Plan.** Detailed engineered/architectural drawing(s) of a commercial, industrial, institutional or residential development project, showing existing site conditions and proposed improvements with sufficient detail (e.g. technical reports, specifications, survey) for City review, approval, and then subsequent construction. The contents of a development plan are further defined by the City of Bulls Gap Zoning Resolution and/or Subdivision Regulations.

**Drug Store/Pharmacy.** Every establishment or building or part thereof where the majority of retail sales within said store are prescription or nonprescription drugs.

**Dry Cleaning Establishment.** An establishment which launders or dry cleans articles dropped off on the premises directly by the customer or where articles are dropped off, sorted, and picked up but where laundering or cleaning is done elsewhere.

**Dwelling.** A building or structure or portion thereof designed for residential purposes as a single housekeeping unit. In no case shall a motor home, trailer coach, automobile chassis, tent, or portable building be considered a dwelling.

**Dwelling, Multi-Family.** A building or portion thereof, designed for long term occupancy by three (3) or more families living independently of each other.

**Dwelling, Single-Family.** A detached building designed for long term occupancy by one (1) family only.

**Dwelling, Two-Family.** A detached building designed for long term occupancy by two (2) families living independently of each other.

**Dwelling Unit.** One (1) or more rooms in a building designed for occupancy by one (1) family and having not more than one principal cooking facility.

**Employee.** Means a person who performs any service on the premises of a full-time, part-time, or contract basis, independent contractor, agent or otherwise, and whether or not such person is paid a salary, wage, or other compensation by the operator of such business. "Employee" does not include a person exclusively on the premises for repair or maintenance of the premises or equipment on the premises, or for the delivery of goods to the premises.

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

**Farming.** This includes all forms of farming and agriculture, the growing of crops in the open, dairying, grazing, the raising and maintaining of poultry and other livestock, horticulture, forests, and woods.

**Fence.** A tangible barrier constructed of any allowable material erected for the purpose of providing a boundary or as a means of protection, or to prevent uncontrolled access, or for decorative purposes (such as an ornamental gate or ornamental gates), or to screen from viewers in or on adjoining properties and streets, materials stored and operations conducted behind it, but not including hedges, shrubs, trees, or other natural growth.

**Financial Institution.** Any trust company, savings bank, industrial bank, savings and loan association, building and loan association, commercial bank, credit union, federal association, investment company, or other business association, which is chartered under federal or state law, solicits, receives, or accepts money or its equivalent on deposit and loans money as a regular business.

**Floods.** (See the Municipal Floodplain Zoning Ordinance, for all definitions pertaining to floods and floodplain provisions).

**Freight Container.** (See cargo container).

**Freight Goods.** Merchandise, substances, materials, and commodities of any kind that may be transported or transferred from one place to another by air, rail, or motor-carrier.

**Funeral Home or Mortuary Establishment.** A building or part thereof used for funeral services. Such building may contain space and facilities for (a) embalming and the performance of other services used in the preparation of the dead for burial; (b) the performance of autopsies and other surgical procedures; (c) the storage of caskets, funeral urns, and other related funeral supplies; (d) the storage of funeral vehicles; and (e) facilities for cremation. Where a funeral home is permitted, a funeral chapel shall also be permitted.

**Gasoline Station.** A service station that sells gasoline.

**General Store.** A general store in the context of this ordinance is a store selling convenience goods.

**Greenhouse/Nursery.** A building with glass walls and roof, for the cultivation and exhibition of plants under controlled conditions.

**Grocery Store.** Stores where most of the floor area is devoted to the sale of food products for home preparation and consumption, which typically also offer other home care and personal care products, and which are substantially larger and carry a broader range of merchandise than convenience stores.

**Group Home.** A residential facility which offers a home like environment for mentally or physically challenged residents, on either a permanent or temporary basis.

**Hardship.** A restriction on property that relates to the physical characteristics of the property, not the personal circumstances of the owner or user, such that the property is rendered unusable without the granting of a variance.

**Hardware Store.** A facility with floor space less than 5,000 square feet engaged in the retail sale of various basic hardware lines, such as tools, builders' hardware, plumbing and electrical supplies, paint and glass, house wares and household appliances, garden supplies, and cutlery. A Hardware Store by definition greater than 5,000 square feet will be considered a Retail Store.

**Hazardous Substance.** Any substance or material that, by reason of their toxic, caustic, corrosive, abrasive, or other injurious properties, may be deleterious to the health of any person handling or otherwise coming into contact with such material or substance.

**Height of Buildings.** The vertical distance from the grade to the highest point of coping of a flat roof, to the deck line of a mansard roof, or to the center height between the highest and lowest points on other types of roofs.

**Home Occupation.** An occupation or business activity which results in a product or service and which: is conducted in a portion of the principal dwelling; is conducted by at least one (1) family member occupying the residence; and is clearly subordinate to the residential use of the dwelling and premises. Home occupations do not include garage sales, yard sales, Christmas bazaars, or home parties that are held for the purpose of the sale or distribution of goods or services. However, if such sales and/or parties are held more than six (6) times in any month or operate in excess of twenty-four (24) cumulative days in a calendar year, such sales and/or parties shall be considered a home occupation.

**Hotel.** Any structure, or any portion of any structure, that is occupied or intended or designed for occupancy by transients for dwelling, lodging, or sleeping purposes, and includes any hotel, inn, or motel in which rooms, lodgings, or accommodations are furnished to transients for compensation. The right to the use or possession of any room, lodgings, or accommodations in a hotel shall be limited to a period of less than thirty (30) continuous days. A hotel is not a recreational vehicle park or boarding or rooming house as herein defined.

**Inoperative Motor Vehicle.** Any vehicle, car, truck, van, bus, trailer, recreational vehicle, motorcycle, which does not have an engine or drive train in operating condition, inflated tired on all wheels, an operative battery, and valid state license plate and registration issued to a person in possession of the property in which the vehicle is located, or which, for any reason, is not operative and capable of being legally driven upon the roads and highways of the State of Tennessee under its own power. Tractors and similar farm vehicles that are used on a lot containing an established agricultural operation and are capable of movement under their own power are not considered to be inoperative vehicles. A motor vehicle may only be used as it was originally designed by the manufacturer.

**Junk.** Any item, secondhand, worn, or discarded articles, trash, something of little meaning, or significance, articles that have outlived their usefulness in their original form regardless of the type material in which the item is made of, but shall not be limited to old iron, aluminum, wire, cordage, paper, plastic, rubber, fiberglass, wood, or other waste items that may or may not be used again in some form.

**Kennel, Commercial.** An establishment licensed to operate a facility housing dogs, cats, or other household pets and where grooming, breeding, boarding training or selling of animals is conducted as a business

**Kennel, Private.** Any building or buildings or land designed or arranged for the care of dogs and cats belonging to the owner of the principal use, kept for the purpose of show, hunting, or as pets.

**Livestock.** Domestic animals of types customarily raised or kept on farms for profit or other purposes.

**Livestock Feeding Yard.** An enclosure designed or used for the purpose of the concentrated feeding or fattening of livestock for marketing.

**Lot.** A parcel or tract of land.

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

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

**Lot Line.** The property line bounding a lot.

**Lot Line, Front.** The property line separating the lot from the street other than an alley, and in the case of a corner lot, the shortest lot line along a street other than an alley.

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

**Lot Line, Side.** Any lot lines not a front or rear lot line.

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

**Manufacturing.** The mechanical or chemical transformation of materials or substances into new products, including the assembling of component parts, the manufacturing of products, and the blending of materials, such as lubricating oils, plastics, resins, or liquors. These materials are not for sale on the premises.

**Manufactured Home per T.C.A. §68-126-202.** "Manufactured home" means any structure, transportable in one (1) or more sections, which, in the traveling mode, is eight (8) or more body-feet in width or forty (40) or more body-feet in length, or when erected on site, is three-hundred twenty (320) or more square feet, and which is built on a permanent chassis and designed to be used as a dwelling with or without a permanent foundation when connected to the required utilities, and includes the plumbing, heating, air-conditioning and electrical systems contained in the structure; except that "manufactured home" includes any structure that meets all the requirements of this subdivision (2), except the size requirements and with respect to which the manufacturer voluntarily files a certification required by the secretary and complies with the standards established under this title.

**Medical Clinic.** A licensed facility for examining and treating patients with medical problems on an out-patient basis. A Medical Clinic is distinct from a Methadone Treatment Clinic or Facility, a Substance Abuse Treatment Facility, or a Pain Management Clinic, all of which are defined elsewhere in this Ordinance.

**Methadone Treatment Clinic or Facility.** A licensed facility for counseling of patients and the distribution of methadone or suboxone for outpatient, non-residential purposes only. A

methadone treatment clinic or facility is distinct from a Medical Clinic, Pain Management Clinic, or Substance Abuse Treatment Facility, which are defined elsewhere in this Ordinance.

**Mobile Home per T.C.A §68-126-202.** “Mobile home” means a structure manufactured before June 15, 1976, that is not constructed in accordance with the National Manufactured Home Construction and Safety Standards Act of 1974, compiled in 42 U.S.C. 5401 et seq. It is a structure that is transportable in one (1) or more sections that in the traveling mode is eight (8) body-feet or more in width and forty (40) body-feet or more in length, or, when erected on site, is three-hundred twenty (320) or more square feet and that is built on a chassis and designed to be used as a dwelling with or without a permanent foundation when connected to the required utilities and includes any plumbing, heating, air conditioning and electrical systems contained in the structure.

**Mobile Home Park.** An area or tract of land of not less than two (2) acres where two or more mobile homes as herein defined are placed, located or maintained, or intended to be placed, located or maintained for permanent residence, and shall include all accessory buildings used or intended to be used as part of the equipment thereof.

**Mobile Home Subdivision.** A subdivision of land designed for occupancy by mobile homes exclusively and where the individual lots are sold to the occupant.

**Motor Home.** A vehicular unit designed to provide temporary living quarters for recreational, camping or travel use built on or permanently attached to a self-propelled motor vehicle chassis or on a chassis cab or van which is an integral part of the completed vehicle. A motor home is not to be used as a permanent residence.

**Motor Vehicle.** (See also automobile definitions; truck definitions). Any self-propelled vehicle designed primarily for transportation of persons or goods along public streets or alleys, or other public ways.

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

**Nuisance.** Anything, condition, or conduct that endangers health and safety, or unreasonably offends the senses, or obstructs the free use and comfortable enjoyment of property, or essentially interferes with the comfortable enjoyment of life.

**Nursery.** An establishment for the growth, display, and/or sale of plants, shrubs, trees, and materials used in indoor or outdoor planting, conducted within or without an enclosed building.

**Nursing Home.** A facility established for profit or nonprofit, which provides nursing care and related medical services on a twenty-four (24) hour per day basis to two or more individuals because of illness, disease, or physical or mental infirmity. Provides care for those persons not in need of hospital care.

**Owner or Property Owner.** The legal owner of the property as recorded in the Register of Deeds office for Hawkins Counties, Tennessee, including a lessee, guardian, receiver or trustee, operator of a business, and the said person’s duly authorized agent.

**Parks.** Any public or private land available for recreational, educational, cultural, or aesthetic use.

**Person.** Any individual, firm, corporation, partnership, association, organization or entity, including governmental entities, or any combination thereof.

**Personal Services.** An establishment providing services to individuals such as barber and beauty shops, shoe repair, dressmaking, tailoring, and laundry and other similar services not specifically allowed as a permitted use or special exception and where the primary purpose of the business does not involve retail trade.

**Place of Assembly/Amusement.** Establishments engaged in providing amusements, or entertainment as a commercial business for a fee or admission charge and includes such activities as dance halls, studios, theatrical procedures, orchestras, bowling alleys, recreation clubs, and swimming pools, but does not include a place of public worship, an institution or educational establishment.

**Planned Unit Development (PUD).** A planned residential, commercial or industrial development professionally designed as a unit, and approved by the City of Bulls Gap Planning Commission, on a site not less than two (2) acres and located in those areas zoned for its use.

**Playgrounds.** A publicly owned area for recreational use primarily by children.

**Portable.** Capable of being carried or transported without difficulty.

**Portable Storage Container.** A boxlike container used for outdoor storage including commercial storage, transported to a desired location, typically designed to be delivered and recovered on a specialized truck or transport system of such a size as to make it impractical to be easily moved by hand in the event of fire or other emergency. A Portable Storage Container shall not include, among other things, structures which are constructed from or consists of the use of a tractor and/or trailer truck, a railroad car or engine of any type, any automobile, a truck bed, any other converted vehicle, a camper, trailer, or mobile home of any kind, a gondola, sway car, a boat or ship, or any combination of the above.

**Principal Use.** The primary purpose of function that a lot serves or is intended to serve.

**Professional Service.** An establishment providing a service by established professions such as legal services, engineering/architectural services, clinics, accounting services, and other similar services not specifically allowed as a permitted use or special exception and where the primary purpose does not involve retail trade.

**Public Building.** A building open to the general public for use.

**Public Utility or Public Utility Facility.** A public utility or public utility facility in the context of this ordinance is a facility providing a public service which is owned or authorized by a municipal, City, state or federal government in the provision of such services as transportation, water supply, sewerage treatment, electricity, natural gas and telephone, telegraph or microwave transmission. A public utility or public utility facility specifically excludes sanitary landfills and refuse disposal facilities.

**Quarry.** A place, cavern, or pit where stone is taken from the rock or ledge, or dug from the earth.

**Recreational.** The refreshment of body and mind through forms of play, amusement, or relaxation. The recreational experience may be active, such as boating, fishing, and swimming, or may be passive, such as enjoying the natural beauty of the shoreline or its wildlife.

**Recreational Vehicle.** A vehicular type unit primarily designed as temporary living quarters for recreational, camping, or travel use, which either has its own motive power or is mounted on or drawn by another vehicle. The basic entities classified as 'recreational vehicles' are: travel trailers, camping trailers, truck campers and motor homes. A recreational vehicle is only to be used as originally designed by the manufacturer. A recreational vehicle is not to be used as a permanent residence.

**Recreational Vehicle Park.** Any lot or parcel of land upon which two or more recreational vehicle sites are located, established, or maintained for occupancy for a fee by recreational vehicles of the general public as temporary living quarters for recreation or vacation purposes.

**Repair Garage.** A building where motor vehicles are repaired, rebuilt, reconstructed, painted for compensation.

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

**Residence, Permanent.** The place where a person actually lives and which such person regularly intends to occupy over a substantial period of time. If a person has more than one such place where he or she lives, the permanent residence shall be the place occupied the majority of the time by such person.

**Restaurant.** A structure in which the principal use is the preparation and sale of food and beverages.

**Retail Stores.** Establishments that carry an assortment of merchandise for direct sale to the public with floor space greater than 2,500 square feet utilized in the sale and display of merchandise. Such establishments may include but are not limited to department stores, discount stores, farm stores, grocery stores, supermarkets and similar establishments. Retail stores are not General Stores as defined.

**Right-of-Way.** The area in which a street, shoulder, drainage and utilities are placed.

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

**Salvage Yard.** A place where property or goods are saved from damage or destruction; discarded or refused material.

**Sawmill.** A mill for dressing logs and lumber, same as lumber mill.

**Screen.** (See also buffer; fence; visual obstruction). A structure providing enclosure and a visual barrier or noise barrier between the area enclosed and the adjacent property. A screen may also be shrubs or other growing materials.

**Service Station.** That portion of property where flammable or combustible liquids or gases used as fuel are stored and dispersed from fixed equipment into the fuel tanks of motor vehicles. Accessory activities may also exist such as, car wash service, food sales, lubricants, and other small accessories to motor vehicles, with floor space less than 2,500 square feet utilized in the sale and display of the merchandise, and where repair work is not done. A Service Station is not an Automobile Service and Repair Establishment or Automobile Body Shop.

**Sign.** An identification, description, illustration, or device which is affixed to or represented, directly or indirectly, upon a building, structure, or land, and which directs attention to a product, place, activity, person, institution, or business.

**Advertising Sign.** A sign which directs attention to a profession, business, activity, commodity, service or entertainment other than one conducted, sold, or offered upon the premises where such sign is located, or within the building to which such sign is affixed.

**Freestanding Sign.** Any sign supported by structures or supports that are placed on or anchored in the ground and that are independent from any building or other structure.

**Internally Illuminated Sign.** A sign that is lighted by a source concealed behind a translucent sign panel.

**Off-Premise Sign.** Any sign visible from a public right-of-way identifying or advertising a business, person, activity, goods, products or services not located on the premises where the sign is located or maintained.

**Portable Sign.** Any sign not permanently attached to the ground or some type of permanent structure; or a sign designed to be transported by wheels.

**Sign Area.** The area of a sign shall be measured from the outside edges of the sign or the sign frame, whichever is greater. If the sign consists of more than one (1) section or module, each section and module will be added together in the computation of the sign area. In all cases, the maximum square footage as permitted in these regulations shall be the sum total of all signage displayed on the supporting structure.

**Temporary Sign.** Any sign, except for a window sign, that is used for a period as specified and is not permanently mounted.

**Temporary Off-Premise Real Estate Yard Sign.** Any yard sign visible from a public right-of-way advertising the sale, rental or lease of the premises or part of the premises, not located on the premises where the sign is located.

**Special Exception.** A special exception is a use that would not be appropriate generally or without restriction throughout the zoning division or 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 division or district as special exceptions, if specific provisions for such special exceptions are made in this zoning code and only after approval has been granted by the Board of Zoning Appeals.

**Stop Work Order.** A written document issued by a Zoning official, an administrative order which directs a person not to continue or not to allow the continuation of an activity which is in violation of this code.

**Storage Yards & Buildings.** A space or place where goods, materials, or personal property is placed and kept for more than twenty-four (24) consecutive hours.

**Street.** A public right-of-way for vehicular and pedestrian traffic.

**Structural Alteration.** Any change to the supporting members of a structure including foundations, bearing walls or partitions, columns, beams, girders, or any structural change in the roof or in the exterior walls that physically changes the foot print of said structure.

**Structure.** Something constructed or built and having a fixed base on, or fixed connection to, the ground or another structure.

**Substance Abuse Treatment Facility.** A building or portion of a building, other than a clinic containing offices, facilities or designated space with the predominant, substantial, or significant purpose of providing outpatient treatment, counseling or similar services to individuals who are dependent on legal and illegal drugs, opiates, alcohol or other similar substances. Staffing by physicians who have received a waiver or have been certified or should have received a waiver or be certified by the Substance Abuse Treatment Act of 2000 and subsequent amendments or enactments shall create a presumption that the building or portion of a building should be designated a substance abuse treatment facility. A substance abuse treatment facility is not a clinic.

**Temporary Use.** A land use or structure that is in place for only short periods of time not to exceed 90 consecutive days unless an extension is granted by the Bulls Gap Planning Commission.

**Travel Trailer.** A vehicular unit, mounted on wheels, designed to provide temporary living quarters for recreational, camping, or travel use and of such size or weight as not to require special highway movement permits when drawn by a motorized vehicle, and with a living area of less than two-hundred twenty square feet (220 sq. ft.) excluding built-in equipment (such as wardrobes, closets, cabinets, kitchen units or fixtures) and bath and toilet rooms. A travel trailer is to only be used as designed by the original manufacturer. A travel trailer is not to be used as a permanent residence.

**Trailer.** Any vehicle which is drawn by or used in connection with a motor vehicle. A trailer is only to be used as it was originally designed by the manufacturer. A trailer may not be used as an accessory structure.

**Use.** The purpose for which land or a structure is designed, arranged, or intended, or for which it is occupied or maintained.

**Vacation Rental.** The rental of any structure or any portion of any structure for occupancy for dwelling, lodging or sleeping purposes for thirty (30) consecutive days or less in a residential zoning district, including single-family residences, condominiums, duplexes, townhomes, and multiple family dwellings.

**Vegetated Buffer.** A use-restricted vegetated area that is located along the perimeter of streams, ponds, lakes or wetlands, containing natural vegetation and grasses, or enhanced or restored vegetation.

**Vehicular and Manufactured Housing Storage and Wrecking Yard.** A premises used for the outside storage of three or more inoperative motor vehicles or parts thereof; or for the storage, dismantling or abandonment of junk, obsolete vehicles, trailers, machinery or parts thereof. Junk Yards as defined in this section shall not include Recycling Centers. A premise used for the outside storage of two or more single-wide or double-wide manufactured homes on a lot over ninety (90) days that do not have properly installed septic systems, water systems and electricity that meet minimum state standards. These operations of single-wide and double-wide manufactured home storage and wrecking facilities must meet the requirements of yards as defined in this section.

**Visual Obstruction.** A screen of live plant material that is opaque from the ground to a height of at least six feet, intended to exclude visual contact between uses and to create a strong impression of special separation during all seasons of the year. At maturity, the screen shall be considered to be view-obscuring if there are no openings greater than one square foot.

**Warehouses.** A use engaged in storage, wholesale, and distribution of manufactured products, supplies, and equipment, excluding bulk storage of materials that are inflammable or explosive or that present hazards or conditions commonly recognized as offensive

**Wholesale Business.** An establishment or place of business primarily engaged in selling and/or distributing merchandise to retailers; to industrial, commercial, institutional, or professional business users, or to other wholesalers; or acting as agents or brokers and buying merchandise for, or selling merchandise to, such individuals or companies. This is not considered a general commercial use

**Wrecked Automobile Storage Yard.** Storage of wrecked automobiles with no parts, accessories, or scrap being sold. Sales of complete automobiles shall be made to licensed automobile dealers only. There shall be no processing or dismantling of wrecked automobiles.

**Yard.** An open space on a lot which is unobstructed from the ground upward except as otherwise provided in this ordinance.

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

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

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

**Yard, Street Side.** A yard adjacent to a street between the front yard and rear lot line measured horizontally and at right angles from the side lot line to the nearest point of a building.

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

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

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

402. Boundaries of Districts.

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

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

## **ARTICLE V. GENERAL PROVISIONS**

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

501. Zoning Affects Every Building and Use. No building or land shall hereafter be used and no building or part thereof shall be erected, moved or altered unless for a use expressly permitted by and in conformity with the regulations herein specified for the district in which it is located, whether operated for or without compensation. This ordinance shall not regulate buildings used solely and expressly for bona fide agriculture operations.

### 502. Continuance of Nonconforming Uses.

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

502.11. Changed to another nonconforming use.

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

502.13. Extended except in conformity with this ordinance.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

510. Off-Street Automobile Parking. Off-street automobile parking spaces, including spaces for use by the handicapped shall be provided on every lot on which any of the following uses are hereafter established. The number of automobile parking spaces provided shall be at least as great as the number specified below for various uses. Each space shall be ten (10) feet by twenty (20) feet and shall have vehicular access to a public street. Turning spaces shall be provided so that no vehicle will be required to back into the street.

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

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

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

510.4. Dwellings

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

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

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

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

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

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

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

510.10. Offices

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

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

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

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

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

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

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

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

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

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

### 511. Signs.

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

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

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

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

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

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

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

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

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

514. Site Plan Review. In order to maintain the aesthetic characteristics of the community and protect the safety and welfare of its citizens, site plans shall be required for all new developments or redevelopments in the following Zoning Districts: B-1, B-2, B-3, and M-1 Districts, or any duplex, two-family, multi-family, group housing project, planned unit development, condominium development, public or semi-public use and wireless transmission facilities. Prior to issuance of any building permit, a site plan will be submitted to the planning commission for review and approval. Site plans shall be submitted no less than 14 days in advance of the planning commission meeting.

A site plan shall contain and be subject to the following general provisions:

1. General Provisions

- a. All site plans shall be prepared and certified by a licensed engineer, landscape architect, architect, and/or surveyor as may be appropriate, and in accordance with state law regarding the practice of these professions. Drawings shall be at a scale of not less than 1" = 20' for small tracts and 1" = 50' for large tracts.

Site plans submitted for review for single family dwelling shall not be required to be prepared and certified by a licensed professional.

- b. All site plans shall show:
- i. Topography of existing and finished grades.
  - ii. Location of all land subject to flooding; including a flood zone certification stating zone, community number, panel number and date.
  - iii. Dimensions and calls of all property lines.
  - iv. North point, scale, acreage of site, and location map.
  - v. Location of all existing and proposed structures (including signs), street rights-of-way, sidewalks, easements, and covenants.
  - vi. Dimensions of all existing and proposed structures, including height.
  - vii. Plans for vehicular and pedestrian circulation, utilities, solid waste disposal, landscaping and open space, buffer strips, signs, off-street parking, traffic patterns, and storm water drainage.

2. Open Space and Landscaping Plan

To obtain sufficient space between uses and buildings for adequate light, air, privacy, and amenities, the following requirements for open space and landscaping are established:

- a. Landscaping shall mean the planting of grass, trees, shrubs, or other comparable surface cover or decorative plazas and/or pools. Where existing landscape features exist at the site, all or part of such features may be used to meet the requirements of this section upon the approval of the planning commission.
- b. All developments shall meet the minimum yard requirements as per the appropriate zone.
- c. The setback space between a public street and parking areas shall be landscaped with berms and/or appropriate landscaping plants which shall be maintained in a healthy, growing condition through a permanent maintenance program.

d. Buffer Strip

A buffer strip shall be required on any site plan adjacent to residential properties. A buffer strip shall be composed of plant material to provide an obscuring screen consisting of shrubs spaced not more than five feet apart that will grow to at least five feet in width and six feet in height after one full

growing season. Buffer strips shall be a minimum of ten feet in width and shall be landscaped with trees, shrubs, grass and in a manner as specified by the Planning Commission. Other material or method of screening than that outlined above may be approved by the planning commission. The type of buffer shall take into consideration all existing and proposed utilities (power, phone, cable, water, sewer, subsurface sewage disposal systems - septic systems, etc...)

3. Off-Street Parking and Access

The off-street parking; off-street loading and unloading; vision clearance; design, construction and maintenance of off-street parking and unloading; access control; points of ingress/egress, and driveways shall be developed in accordance with the provisions of Article V, Sections 510 & 512.

4. Signs

Sign size and placement shall be governed by the provisions of Article V, Section 511.

5. Waste Disposal

All waste disposal facilities are to be located to the rear of the development and shall be 100% screened by wood, vinyl, or solid brick walls, in such a way that they are not visible from any public street or adjoining properties. Any other type of alternative screening shall be approved by the Planning Commission.

6. Mechanical Equipment

All ground mounted mechanical equipment shall be screened from view from an arterial street by the use of walls, fences, or landscaping. All roof mounted mechanical equipment shall be properly screened to minimize visual impact, where such screening will be effective. Where screening will not be effective, the color of the equipment shall be the same as the building.

7. Service, Loading, and Equipment Storage Areas

Service areas, including storage, special equipment, maintenance, and loading areas, shall be 100% screened by wood, vinyl, or solid brick walls, in such a way that they are not visible from an arterial street. Any other type of alternative screening shall be approved by the Planning Commission.

8. Outdoor Storage and Sales of Merchandise

- a. Outdoor storage shall only be permitted as an accessory use and shall be located behind the front building line and outside any required setback from an arterial street.
- b. Outdoor sales of merchandise shall be permitted as an accessory use and shall be located outside the required front yard setback and any required setback from an arterial street.

9. Utility Lines

All new utility lines and service lines shall be placed underground, including, but not limited to, electric, telephone, and cable. Electric power lines in excess of 100 amp, 3 phase, 2500 KVA may be placed aboveground.

10. Lighting

Direct light and glare from lights can be both a hazard and a nuisance to drivers and neighboring residential development. Exterior lighting shall not emit any light above the roof line, nor project onto adjacent properties or streets. Searchlights, laser source lights, or any similar high intensity light for advertising purposes shall be prohibited.

11. Storm-water Drainage

A certified plan for storm-water drainage shall be included with the site plan, which identifies all easements, drainage structures, including sizes/capacities, and other pertinent information concerning the assumptions upon which the plan is based. The estimated storm-water runoff based on a 10, 25, 50, and 100-year storm shall be calculated for pre-development and post-development. The amount of runoff shall not be increased, and shall be accommodated on site. A Notice of Intent and Notice of Coverage may be required to be submitted and approved by the Tennessee Department of Environment and Conservation (TDEC) prior to planning commission approval and issuance of a building permit.

12. Expiration of Approved Site Plans

Approval of a site plan shall expire six (6) months after the date of its approval unless a building permit has been issued and substantial progress has been made toward completion of the project. If the site plan is deemed expired, a new site plan shall be submitted to the planning commission for re-approval.

515. Portable Storage Container: A temporary use permit shall be required for portable storage container in any residential district or business district, except M-1 (Industrial) district. Property located in the M-1 district shall be exempt from this requirement. A temporary use permit for portable storage container shall be issued subject to the following requirements:

515.1 The use of a portable storage container shall be limited to no more than ninety (90) consecutive days in any year. In the event the owner of the property suffers a catastrophic loss due to fire, flood or other physical calamity occurring on the property in question, the Temporary Use Permit may be extended for additional two week periods upon a showing of need. There shall be no more than two (2) extensions of any Temporary Use Permit. An exception to this shall be made if the portable storage container is being used as temporary storage when work requiring a building or demolition permit is being done to structures or buildings on the property. In such cases, the use of the portable storage container shall not exceed the period for which the building or demolition permit has been issued.

515.2. Portable storage containers shall not be placed in a public right-of-way, or located so as to interfere with traffic safety or visibility.

515.3 Portable storage containers shall not be placed in the front yard of the main building, unless there is a physical hardship or characteristic of the property that will not allow the placement of the container in any other location without undue expense or damage to the property. Containers shall be located in the side or rear yard not closer than ten (10) feet to any property line.

515.4 Portable storage containers shall not be placed adjacent to existing structures, and shall be separated at least ten (10) feet from all structures unless approved in writing by the Fire Department.

## **ARTICLE VI.**

### **PROVISIONS GOVERNING USE DISTRICTS**

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

601.1. Single family dwellings.

601.2. Customary general farming.

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

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

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

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

601.43. There are planted buffer strips alongside and rear property lines.

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

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

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

602.2. Multiple family dwellings.

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

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

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

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

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

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

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

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

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

604.2. Stores and shops conducting retail business.

604.3. Personal, business, and professional services.

604.4. Public and semi-public buildings and uses.

604.5. Business signs.

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

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

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

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

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

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

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

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

606.2. Automobile sales and service.

606.3. Mobile home sales.

606.4. Funeral homes.

606.5. Places of amusement and assembly.

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

606.7. Parking lots and garages.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

607.5. Use Permitted Upon Review: Adult Oriented Establishments.

607.5.1. The site shall be located not less than five hundred (500) feet from any property that is residentially zoned at the time of approval for an adult entertainment activity.

607.5.2. The site shall be not less than five hundred (500) feet from the site of any public amusement or entertainment activity, including, but not limited to, the following: arcades, motion picture theaters, bowling alleys, marinas, golf courses, playgrounds, ice skating and roller skating rinks or arenas, zoos, community centers and similar amusements offered to the general public. "Amusement or entertainment activities" in this section shall not include adult oriented establishments, and shall not reduce the distance requirements otherwise dictated by this section.

607.5.3. The site shall be not less than five hundred (500) from any area devoted to public recreation activities.

607.5.4. The site shall be not less than five hundred (500) feet from any school, library, day care center, park, church, mortuary or hospital.

607.5.5. The site shall be not less than one-half (1/2) mile from any other adult entertainment business site.

607.5.6. Measurement shall be made from the nearest recorded property line of the lot on which the adult oriented establishment is situated to the nearest property line or boundary of the above mentioned uses, measuring a straight line on the Bulls Gap Zoning Map.

607.5.7. Maps showing existing land use and zoning within one-half mile of the proposed site should be submitted with an application for Use on Review approval along with site plans, surveys or other such special information as may reasonably be required by the Board of Zoning Appeals for use in making a thorough evaluation of the proposal.

607.5.8. All signs, whether on- or off-premise, advertising adult businesses, shall be limited to written description of materials or services available at the business, and shall not include graphic or pictorial description of materials or services. Such signs shall contain no language that may appear inappropriate for minors or offensive to the general public.

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

701. Area Requirements

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

702. Yard (Setback) Requirements

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

703. Height Requirements

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

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

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

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

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

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

## **ARTICLE IX. ENFORCEMENT**

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

## **ARTICLE XI. AMENDMENT**

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

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

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

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

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

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

1201. Conflict with Other Ordinances. In case of conflict between this ordinance or any part thereof, and the whole or part of any existing or future ordinance of the Town of Bulls Gap, the most restrictive shall in all cases apply.

1202. Validity. If any section, clause, provision or portion of this ordinance shall be held to be invalid or unconstitutional by any court of competent jurisdiction, such holding shall not affect any other section, clause, provision or portion of this ordinance which is not of itself invalid or unconstitutional.

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

Certified by Planning Commission      November 16, 2009  
Date

Public Hearing      December 21, 2009  
Date

Passed on First Reading      November 16, 2009  
Date

Passed on Second Reading      December 21, 2009  
Date

Approved and Signed in Open Meeting      December 21, 2009  
Date

Signature on File  
Mayor

Signature on File  
City Recorder