Zoning Ordinance

of the City of

Kingston, Tennessee

Republished w/Amendments

Re-adopted September 1992

and republished February 2013

TABLE OF CONTENTS

		PAGE
CHAPTER 1: MUNICIPAL REGIONAL PLANNING COMMISSION		
11-101.	Creation and Membership	1
11-102.	Organization, Powers, Duties, etc.	1
11-103.	Additional Powers	1
CHAPTER 2: ZONING CODE		
11-201.	Zoning Code and Zoning Map	3
11-202.	Purpose of Zoning Code	3
11-203.	Definitions	3
CHAPTER 3: GENERAL PROVISIONS		
11-301.	Scope	15
11-302.	Zoning Affects Every Building Uses and Structures	15
11-303.	Continuance of Nonconforming Uses and Structures	15
11-304.	Only One Principal Building on Any Lot	17
11-305.	Street Frontage	17
11-306.	Rear Yard Abuts a Public Street	17
11-307.	Reductions in Lot Area Prohibited	18
11-308.	Obstructions to Vision at Street Intersection Prohibited	18
11-309.	Off-Street Automobile Parking	18
11-310.	Motorized Farm and/or Construction Vehicles	19
11-311.	Access Control	19
11-312.	Off-Street Loading and Unloading Space Required	19
11-313.	Maximum Building Height	20
11-314.	Annexations	20
CHAPTER 4: ZONING DISTRICTS		
11-401.	Classification of Districts	21
11-402.	Boundaries of Districts	21
11-403.	R-1, Residential District	22
11-404.	R-2, Residential District	24
11-405.	R-3, Residential District	26
11-406.	O-1, Office District	27
11-407.	C-1, General Business District	28
11-408.	C-2, Highway Business District	29
11-409.	C-3, Local Business District	31
11-410.	C-4, Controlled Commercial District	31
11-411.	M-1, Light Industrial District	36
11-412.	M-2, Heavy Industrial District	38
11-413.	F-1, Floodway District ***(removed)***	40
11-414.	H-1, Historical District	40

CHAPTER 5: EXCEPTIONS AND MODIFICATIONS

11-501.	Lot of Record	43
11-502.	Adjoining Substandard Lots of Record	43
11-503.	Planned Unit Developments	43
11-504.	Rear and Side Yards Abutting a Railroad Siding	47
11-505.	Front Yards	47
11-506.	Height Limits	47

CHAPTER 6: SUPPLEMENTARY REGULATIONS APPLYING TO A SPECIFIC, TO SEVERAL, OR TO ALL DISTRICTS

11-601.	Scope	49
11-602.	Fallout Shelters	49
11-603.	Customary Home Occupations	49
11-604.	Signs, Billboards, and Other Advertising Structures	50
11-605.	Swimming Pools	55
11-606.	Development and Use Standards and Regulations for Mobile Homes	56
11-607.	Small Lot Residential Developments	59
11-608.	Development Standards for Certain Uses	70
11-609.	Temporary Use Regulations	71
11-610.	Environmental Performance Standards	73
11-611.	Drainage and Erosion and Sedimentation Control	74
11-612.	Partition Fences	76
11-613.	Site Plan Review Standards and Procedures	77
11-614.	Telecommunications Towers	80

CHAPTER 7: ENFORCEMENT

11-701.	Enforcing Officer	83
11-702.	Building Permit Required	83
11-703.	Issuance of Building Permit	83
11-704.	Certificate of Occupancy	84
11-705.	Records	84
11-706.	Violations and Remedies	84

CHAPTER 8: BOARD OF ZONING APPEALS

11-801.	Creation and Designation	85
11-802.	Remuneration and Conflict of Interest	85
11-803.	Procedure	85
11-804.	Appeals Procedure	85
11-805.	Administrative Reviews	86
11-806.	Special Exceptions	86
11-807.	Variances	86
11-808.	Further Powers	86

CHAPTER 9: HISTORIC ZONING COMMISSION

11-901.	Creation and Appointment	89
11-902.	Procedure	89
11-903.	Powers and Duties	89
11-904.	Jurisdiction	90

CHAPTER 10: AMENDMENTS AND LEGAL STATUS

11-1001.	Procedure and Actions Required	91
11-1002.	Legal Status	92

APPENDIX A: QUICK REFERENCE FOR DIMENSIONAL REQUIREMENTS

Minimum Lot Area	93
Yard Requirements	93
Landscaping and Parking	93

CHAPTER 1

MUNICIPAL REGIONAL PLANNING COMMISSION

11-101. Creation and Membership
11-102. Organization, Powers, Duties, etc.
11-103. Additional Powers

11-101. Creation and Membership. Pursuant to the provisions of Section 13-4-101 of the *Tennessee Code Annotated* there is hereby created a municipal planning commission, hereinafter referred to as the planning commission. The planning commission shall consist of ten (10) members. One member shall be the mayor of the municipality and one member shall be a councilman selected by the city council. The other eight (8) members shall be appointed by the mayor. All members of the planning commission shall serve as such without compensation. Except for the initial appointment, the terms of the eight (8) appointive members of the planning commission shall be for terms of eight (8) years each. The eight (8) members first appointed shall be appointed for terms of one, two, three, four, five, six, seven, and eight years respectively, so that the term of one member expires each year. The terms of the mayor and the member selected from the city council shall run concurrently with their terms of office on the council. Any vacancy in an appointive membership shall be filled for the unexpired term by the mayor, who shall also have authority to remove any appointive member at this pleasure. (1961 code, sec. 11-101)

11-102. Organization, Powers, Duties, etc. The planning commission shall be organized and shall carry out its powers, functions, and duties in accordance with Title 13 of the *Tennessee Code Annotated*. (1961 code, sec. 11-102)

11-103. Additional Powers. Having been designated as a regional planning commission, the municipal planning commission shall have the additional powers granted by, and shall otherwise be governed by the provisions of the state law relating to regional planning commissions. (1961 code, sec 11-103)

CHAPTER 2

ZONING CODE

11-201. Zoning Code and Zoning Map
11-202. Purpose of Zoning Code
11-203. Definitions

11-201. Zoning Code and Zoning Map. Title 11, Chapters 2 through 9, inclusive of this code shall be known as the zoning code, and a map entitled "Zoning Map of Kingston, Tennessee", dated ---------, and referred to in this code as the zoning map and all explanatory matter thereon is hereby made a part of the zoning code and is on file in the office of the city clerk.

11-202. Purpose of Zoning Code. The zoning regulations and districts as herein set forth have been made in accordance with the comprehensive plan for the purpose of promoting the public health, safety, convenience, order, prosperity, and general welfare of the community. They have been designed to lessen congestion in the streets, to secure safety from fires, floods, panic, and other dangers, to provide adequate light and air, to prevent the overcrowding of land, to avoid undue construction of population, to facilitate the adequate provision of transportation, water, sewerage, schools, parks, and other public requirements. They have been made with reasonable consideration among other things as to the character of each district and its peculiar uses, and with a view of conserving the value of buildings and encouraging the most appropriate use of land throughout the city.

11-203. Definitions. For the purpose of this zoning code and in order to carry out the provisions and intentions as set forth therein, certain words, terms, and phrases are to be used and interpreted as defined hereafter. Words used in the present tense shall include the future tense; words in the singular number include the plural and words in the plural number include the singular; the word "person" includes a firm, partnership, or corporation as well as an individual; the term " shall" is always mandatory and not directory; and the word "may" is permissive. The word "used" or "occupied" as applied to any land or building shall be construed to include the words "intended, arranged, or designed to be used or occupied."

The following words, terms, and phrases are hereby defined as follows and shall be interpreted as such throughout the zoning code. Terms not herein defined shall have the meaning customarily assigned to them.

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

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

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

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

Agricultural Use. Includes all forms of agriculture, growing of crops in the open, dairying, grazing, the raising and maintaining of poultry and other livestock, horticulture, forest, and woods, provided, however, all health ordinances of the City of Kingston are complied with.

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

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

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

(Amended by Ordinance # 7-8-14)

Billboard (Outdoor Advertising Display Sign). A sign that is affixed to or erected upon a free-standing framework that directs attention to a business, commodity, service, or entertainment conducted, sold or offered at a location other than the premises on which the sign is located.

Note: This type of sign is also commonly referred to as an off-premise sign. Any sign that is not an on-premise sign, as defined herein shall be an off-premise sign. All Billboards are signs. Not all signs are Billboards. In this ordinance, where reference is made to signs, it shall apply to Billboards as well except where otherwise indicated.

Board. Kingston Board of Zoning Appeals (BZA).

Boarding Houses. A dwelling structure designed to accommodate individuals and a manager with family. The structure may include communal or separate bath facilities and shall provide separate sleeping quarters designed to accommodate no more than two (2) people per bedroom.

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

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

Building Inspector. The Kingston City Building Inspector, the office of which is established by this ordinance, and whose appointment is made by the chief appointing authority of the City.

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

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

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

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

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

(amended by Ord. #98-4-14-1)

Child Care Facility. A structure used, at least partially, for the care and supervision of eight (8) or more children under seventeen (17) years of age, not involving a transfer of legal custody, and for time periods of less than twenty-four (24) hours per day. In general, the care-givers in the facility have no familial relationship with the children provided care.

Clinic. See *Medical Facilities*.

Commercial Feed Lot. Any parcel of land on which 100 or more cattle, fowl, or hogs are being kept and fed for the purpose of slaughter and sale on the commercial food market.

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

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

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

District. Any section or sections of the area lying within the corporate limits of the City of Kingston for which the regulations governing the use of land and the use, density, bulk, height, and coverage of buildings and other structures are in force.

Duplex Dwelling. A structure designed and built for use by no more than two (2) family units with completely separate interior facilities.

Dwelling. A house, duplex, or other building used primarily as an abode except that the word "dwelling" shall not include mobile homes, trailers, tents, motels, or other structures designed or used primarily for transient residents.

Dwelling, Multiple. A dwelling designed for occupancy by three (3) or more families living independently of each other.

Dwelling, Transient. A motel or boarding house of similar structure designed or used primarily for transient residents.

Dwelling Unit. One or more rooms and a single kitchen designated as a unit for occupancy by only one family for cooking, living, and sleeping purposes.

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

Floodplain. A land area adjoining a river, stream, watercourse, ocean, bay, or lake, which is likely to be flooded.

Flood Hazard, Special. The maximum area of the floodplain that, on the average is likely to be flooded once every 100 years (i.e., that has a one percent chance of being flooded each year).

Floodway. The natural channel and the portion of the floodplain along the channel that must be retained solely for the passage of floodwaters to prevent an undue increase in flood heights upstream, which in this ordinance shall be the areas shown or not shown on the Kingston floodway maps, equal to an area extending five (5) times the width of the

stream at the top of its banks, unless it can be shown in a study by a registered engineer that a smaller area would be a reasonable requirement.

Floodway Fringe Areas. Areas adjacent to a Floodway Zone that are below the elevation of the regional flood and/or the structure profile.

Flood, 100 Year. A flood having an average frequency of occurrence of one in 100 years, although the flood may occur in any year, as defined in TVA flood studies.

Floodproofing. Any combination of structural or non-structural additions, changes, or adjustments which reduces or eliminates flood damage to real estate, improved real property, water supply and sanitary sewer facilities, electrical systems, and structures and their contents.

Flood, Regional. A hypothetical flood whose level has been derived from consideration of the largest floods known to have occurred on streams of similar physical characteristics in the same general geographical region.

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

Forestry Use. Those land uses devoted to the extraction of forestry products, such as timber or timber products, but excluding any activity involving the rearing, trapping, or slaughter of animals.

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

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

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

Group Home/Quarters. A dwelling structure designed and built to accommodate up to fourteen (14) dependent persons, excluding a manager with family. The structure may include community or separate bath facilities and shall provide separate sleeping quarters designed to accommodate no more than two (2) people per bedroom.

Health Department. The Roane County Health Department.

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

Home Occupation. A customary home occupation is a gainful occupation or profession conducted by members of a family residing on the premises and conducted entirely within the principal dwelling unit.

Hospital. See *Medical Facilities*.

Junk Yard or Salvage Yard. A lot, land or structure, or part thereof, used primarily for the collecting, storage and sale of waste paper, rags, scrap metal, or discarded material; or for the collecting, dismantling, storage, and salvaging of machinery or vehicles not in running condition or for the sale of parts thereof.

Land Subject to Flood. For the purposes of this ordinance, land subject to flood shall be considered land below the elevation of the regional flood and/or structure profile.

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

Lot. A piece, parcel, plot, or parcel of land in one (1) ownership, which may include one (1) or more contiguous lots of record, occupied or to be occupied by one principal building and its accessory buildings including the open spaces required under this ordinance.

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

Lot, Corner. A lot of which at least two (2) adjoining sides abut their full lengths on a street, provided that the interior angle at the intersection of two (2) such sides is less than 135 degrees.

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

Lot of Record. A lot which is part of a subdivision recorded in the office of the county register of deeds, or a lot described by metes and bounds, the description of which has been recorded in the office of the county register of deeds prior to the effective date of this zoning ordinance.

Medical Facilities.
Convalescent, Rest, or Nursing Home: A health facility where persons are housed and furnished with meals and continuing nursing care for compensation.

Dental Clinic or Medical Clinic: A facility for the examination and treatment of ill and afflicted human outpatients, provided however, that patients are not kept overnight except under emergency conditions.

Hospital: An institution providing health services primarily for human in-patient medical care for the sick or injured and including related facilities, emergency medical services, and staff offices which are an integral part of the facility.
Public Health Center: A facility utilized by a health unit for the provision of public health services.

Minimum Floor Elevation. The lowest elevation permissible for the construction, erection, or other placement of any floor including a basement floor.

Mobile Home or Trailer. A structure, transportable in one or more sections, which is eight (8) body feet or more in width and is thirty-two (32) body feet or more in length, which is built on a permanent chassis, designed to be used with or without a permanent foundation when connected to the required utilities, and includes the plumbing, heating, and electrical systems contained therein. Recreational vehicles and travel trailers are not included in this definition of mobile home.

Mobile Home Park. Any area, tract, site, or plot of land whereupon mobile homes are herein defined are placed, located, or maintained, and shall include all accessory buildings used or intended to be used as part of the equipment.

Multi-Family Dwelling. A structure designed and built for more than two (2) family units with each unit having complete separate unit access and interior facilities.

Non-conforming Use. A building, structure, or use of land existing as of November 21, 1961 or lawful at the time of amendment which does not conform to the provisions of this ordinance for the district in which it is located.

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

Open Space. An area on the same lot with a main building which is open, unoccupied, and unobstructed by structures from the ground to the sky except as otherwise provided in this ordinance.

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

Parking Space. An off-street space available for parking one (1) motor vehicle and having an area of not less than two hundred (200) square feet exclusive of passageways and driveways giving access thereto, and having access to a street or alley.

Planning Commission. The Kingston Regional Planning Commission.

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

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

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

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

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

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

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

Planned Unit Development (PUD). A single planned area of land which 1) has both individual building sites and common property such as a park, and 2) is designed and organized to be capable of satisfactory use and operation as a separate entity without necessarily having the participation of other building sites or other common property; the ownership of the common property may be either public or private.

Recreational Vehicle. See *Travel Trailer*.

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

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

Sign, Off-Premise. A sign relating to a product, service, or establishment that is not on the premises on which the sign is located.

(Amended by Ordinance # 7-8-14)

Signs. Any object, device, display, or structure, or part thereof, which is used to advertise, identify, display, direct, or visually attract attention to an object, person, institution organization, business, product, service, event, or location by any means, , including words, letters, figures, design, symbols, fixtures, colors, illumination, or projected images.

Note: This definition shall not include festival or holiday decorations, the noncommercial use of a flag, emblem, insignia, or other display of any nation or political subdivision; traffic, safety or similar regulatory devices; legal notices; signs or tablets which are primarily memorials; emblems of religious institutions that are attached to buildings; or flags or similar emblems of political, civic, philanthropic, educational, or religious organizations.

Sign, Incidental. A sign intended to convey information or direct traffic typically less than one square foot. Examples: store hours, open/closed signs, barber poles, traditional icons, credit card logos, business address, owner/manager name and entrance/exit signs. ***(Amended by Ordinance # 12-11-13-3)***

Sign, Pole. A sign supported by a sign structure secured in the ground and that is wholly independent of any building or object, other than the sign structure, for support. ***(Amended by Ordinance # 12-11-13-3)***

Sign, Portable. A commercial sign or device, trailer sign, or any variation thereof, handheld, vehicle mounted, or located on the ground, easily movable, not permanently attached to any support or structure. The use of this type of sign is typically temporary. ***(Amended by Ordinance # 12-11-13-3)***

Sign, Temporary. A sign that is intended for temporary use as allowed by this ordinance. Temporary signs may include, but are not limited to: auction signs, banners, balloons, builder signs, development in progress signs, garage sale signs, grand opening signs, holiday decorations, political signs, real estate signs, and special event signs. ***(Amended by Ordinance # 12-11-13-3)***

Sign, Wall. A sign mounted on the wall of a building or structure in such a manner that the wall becomes the supporting structure for the sign. A sign painted on the wall of a building or structure in such a manner that the wall becomes the background surface of the sign. A sign mounted on beams, brackets, or poles projecting from a building. A sign or plaque carved into stone, concrete, or similar material, or made of bronze, aluminum or other permanent type metal materials, and made an integral part of the structure. ***(Amended by Ordinance # 12-11-13-3)***

Sign, Window. A sign, advertising device, or product depiction or logo placed within, affixed to, in contact with, or located within three feet of a window or transparent door and intended to be seen from the exterior. ***(Amended by Ordinance # 12-11-13-3)***

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

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

(amended by Ord. #99-12-14-1)

Streets. A strip of land, improved and constructed to city street standards, intended for vehicular traffic and providing the principal means of access to property, including but not limited to road, lane, drive, avenue, highway, expressway, boulevard, or any other thoroughfare. The term street shall not be deemed to include alley, except as otherwise specifically provided herein.

Streets, Private. An improved street constructed to city street standards that is not a component of the state or federal system of the city thoroughfare system but is privately owned and maintained by a developer or homeowner's association.

Streets, Public. Any vehicular way, except alleys, which is owned and maintained by the city, state, or federal governments.

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

Structure Profile. Profile along the Tennessee River equivalent to one that would be reached if the maximum known flood in this general region were to occur on the drainage areas downstream from the major flood storage reservoirs, increased approximately fifteen (15) percent for a safety factor, and further increased by an appropriate minimum discharge from the storage reservoirs.

Substantial Improvement. Any repair, reconstruction, or improvement of a structure, the cost of which equals or exceeds fifty (50) percent of the market value of the structure either 1) before the repair or improvement or 2) before the damage occurred. For the purposes of this ordinance, substantial improvement is considered to occur when the alteration of any wall, ceiling, floor, or other structural part of the building commences, whether or not that alteration affects the external dimensions of the structure. The term does not, however, include wither 1) any project for improvement of a structure to comply with existing state or local health, sanitary or safety code specifications which are

solely necessary to ensure safe living conditions, or 2) any alteration or restoration of a structure listed on the National Register of Historic Places or a State Inventory of Historic Places.

Swimming Pools. An outdoor swimming pool shall be any pool or open tank not located within a completely enclosed building and containing or normally capable of containing water to a depth of any point greater than one and one-half (1-1/2) feet.

Travel Trailer. A vehicular, portable structure designed as a temporary dwelling for travel, recreation, and vacation uses. Motorized recreational vehicles shall be treated as travel trailers.

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

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

Variance. A deviation from or modification of the terms of this ordinance.

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

Yard, Front. The yard extending across the entire width of the lot between the nearest part of the principal building, including porches, and the front lot line. Or, if an official future street right-of-way line has been established, between the main building, including covered porches and the future right-of-way line.

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

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

Watercourse. Any depression serving to give direction to a flow of water, having a bed and well-defined banks, where the drainage area above the same is ten (10) acres or more in extent, provided that it shall, upon the rule or order of the planning commission include other generally and specifically designated areas where flooding may occur. The flow of water need not be on a continuous basis but may be intermittent resulting from the surface runoff of precipitation.

Zoning Officer. The public official authorized to enforce zoning regulations. The Building Inspector).

CHAPTER 3

GENERAL PROVISIONS

11-301. Scope
11-302. Zoning Affects Every Building and Use
11-303. Continuance of Nonconforming Uses and Structures
11-304. Only One Principal Building on Any Lot
11-305. Street Frontage
11-306. Rear Yard Abuts a Public Street
11-307. Reductions in Lot Area Prohibited
11-308. Obstructions to Vision at Street Intersection Prohibited
11-309. Off-Street Automobile Storage
11-310. Motorized Farm and/or Construction Vehicles
11-311. Access Control
11-312. Off-Street Loading and Unloading Space Required
11-313. Maximum Building Height
11-314. Annexations

11-301. Scope. For the purpose of the zoning code, there shall be certain general provisions which shall apply, except as specifically noted, to the city as a whole.

11-302. 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 where specified for the district in which it is located, except as hereafter provided.

11-303. Continuance of Nonconforming Uses and Structures. It is the intent of this ordinance to recognize that the elimination, as expeditiously as is reasonable, of the existing buildings and structures or uses that are not in conformity with the provisions of this ordinance is as much a subject of health, safety, and welfare as is the prevention of the establishment new uses that would violate the provisions of this ordinance. It is also the intent of this ordinance to so administer the elimination of nonconforming uses, buildings, and structures as to avoid an unreasonable invasion of established private property rights. Lawful nonconforming uses, buildings, and structures existing at the time of passage of this or any amendment thereto shall be allowed to remain subject to the following provisions:

1. An existing nonconforming use of a building may be changed to a conforming use or to another nonconforming use of the same or higher classification, provided, however, that establishment of another nonconforming use of the same or higher classification shall be subject to the written approval of the Board of Zoning Appeals

and subject to such conditions as the Board of Zoning Appeals may require in order to protect the area.

2. A nonconforming use of land shall be restricted to the area occupied by such use as of the effective date of this ordinance. A nonconforming use of a building or buildings shall not be enlarged to either additional land or buildings after the effective date of this ordinance. However, those parts or existing buildings that violate yard regulations may be repaired and remodeled, but not reconstructed or structurally altered. The portions of buildings not in violation of yard requirements may be replaced or enlarged in conformity with all other applicable provisions.

3. When a nonconforming use of any structure or land, excepting nonconforming mobile homes or mobile home parks, has been discontinued for a period of six (6) months, it shall not be reestablished or changed to any use not in conformity with the provisions of this ordinance. Immediately upon the removal of a nonconforming mobile home or discontinuance of a nonconforming mobile home park the nonconformity of such structure and use of land shall lapse.

4. Any nonconforming building or nonconforming use, which is damaged by fire, flood, wind, or other act of God or man, may be reconstructed and used as before, if it be done within twelve (12) months of such damage, unless damaged to extent of more than seventy-five (75) percent of its fair market value immediately prior to damage, in which case any repair or reconstruction shall be in conformity with the provisions of this ordinance. However, any nonconforming structure which is located within the F-1 Floodway District or Floodway Fringe Area and had been damaged due to the extent of fifty (50) percent of the market value of the structure before the damage occurred, shall not be repaired or reconstructed except in conformity with the flood damage prevention provisions of this ordinance.

5. A nonconforming building or building housing a nonconforming use shall not be structurally altered except in conformance with the provisions of this ordinance. These provisions shall not be construed to prevent normal maintenance and repairs or alterations required for structural safety.

6. Exceptions to the above prescribed rules for nonconforming uses are as follows:
    a. Industrial, commercial, or other business establishments in operation and permitted to operate under zoning regulations or exceptions thereto, in effect immediately preceding a change in zoning shall be allowed to expand operations and construct additional facilities which involve an actual continuance and expansion of the activities of the industry or business which were permitted and being constructed prior to the change in zoning, provided that there is a reasonable amount of space for such expansion on the property owned by such industry or business situated within the area which is affected by the change in zoning, so as to avoid nuisances to adjoining landowners. No building permit or like permission for construction, or landscaping shall be denied to an industry or business

seeking to expand and continue activities conducted by that industry or business which were permitted prior to the change in zoning, so as to avoid nuisances to adjoining landowners.

b. Industrial, commercial, or other business establishments in operation and permitted to operate under zoning regulations or exceptions thereto immediately preceding a change in zoning shall be allowed to destroy present facilities and reconstruct new facilities necessary to the conduct of such industry or business subsequent to the zoning change, provided that no destruction and rebuilding shall occur which shall act to change the use classification of land as classified under any zoning regulations and exceptions thereto in effect immediately prior to or subsequent to a change in the zoning of the land area on which such industry or business is located. No building permit or like permission for demolition, construction, or landscaping shall be denied to an industry or business seeking to destroy and reconstruct facilities necessary to the continued conduct of the activities of that industry or business where such conduct was permitted prior to a change in zoning, provided that there is a reasonable amount of space for such expansion on the property owned by such industry or business situated within the area which is affected by the change in zoning, so as to avoid nuisances to adjoining landowners.

c. The provisions of the preceding two (2) paragraphs shall apply only to land owned and in use by such affected business, and shall not operate to permit expansion of an existing industry or business through the acquisition of additional land.

11-304. Only One Principal Building on Any Lot. Only one principal building and its customary accessory building may be erected on any lot. This provision does not prohibit group housing developments as permitted under Section 11-503 of this code.

(amended by Ord. #99-12-14-1)

11-305. Street Frontage. No building shall be erected on a lot which does not abut at least one public street for at least sixty (60) feet, except that lots abutting cul-de-sacs may be reduced to thirty (30) feet. Lots abutting private streets, as reviewed and permitted by the planning commission in the C-4 Zoning District, shall have a minimum of sixty (60) feet of street frontage, except that lots abutting cul-de-sacs may be reduced to thirty (30) feet of street frontage.

11-306. Rear Yard Abuts a Public Street. When the rear yard of a lot abuts a public street, all structures built in that rear yard shall observe the same setback from the street line, center line of the street or property line as required for adjacent properties which front on that street.

11-307. Reductions in Lot Area Prohibited. No piece of land even though it may consist of one or more adjacent lots of record, shall be reduced in area so that yards, lot area per family, lot width, building area, or other requirements of the zoning code are not maintained. This section shall not apply when a portion of a lot is acquired for a public purpose.

11-308. Obstruction to Vision at Street Intersection Prohibited. On a corner lot not in the central business district, within the area formed by the center lines of the intersecting or intercepting streets and a line joining points on such center lines at a distance of thirty (30) feet from their intersection, there shall be no obstruction to vision between the height of three and one-half (3-1/2) feet and ten (10) feet above the average grade of each street at the center line thereof. The requirements of this section shall not be construed to prohibit any necessary retaining wall.

(amended by Ord. #5-8-9-2)

11-309. Off-Street Automobile Parking. In all districts there shall be provided off-street parking spaces at such time any building or structure is erected or enlarged or increased in capacity. These requirements recognize that each development has unique parking needs by providing a flexible approach to site design with respect to off-street automobile parking. They also are aimed towards planning efficient parking areas and reducing the amount of area needed for this activity.

1. Required Density of Parking Spaces. The responsibility of parking density shall be deferred to the developer and/or property owner. It is expected that adequate parking will be provided according to the needs of the respective land use under the following conditions:
    a. Any land use for which a site plan is required, a parking plan shall be submitted as part of the site plan review process.

    b. Applicable standards of the Americans with Disabilities Act and the Southern Standard Building Code shall be incorporated into parking lot design.

    c. Building permits issued after the passage of these regulations shall recognize that there is no implied or future obligation by the City of Kingston to provide on-street parking.

2. Requirements for Design of Parking Lots. The design of parking lots in the City of Kingston shall be established consistent with the design requirements contained in the *Architectural Graphics Standards*, Tenth Edition, published by John Wiley & Sons, Inc., in existence at the time the parking lot is designed. The Kingston Municipal Planning Commission shall have authority to review parking lot designs to ensure the design is consistent with such standards. Stall depths and driveway widths for parking angles other than those provided for in the *Architectural Graphics Standards* shall be subject to approval by the Kingston Municipal Planning Commission.

11-310. Motorized Farm and/or Construction Vehicles. The storage or parking of motorized farm and construction vehicles, whether such vehicles are operational or not, is hereby regulated:

1. Such a vehicle shall, when stored in non-industrial districts shall:
    a. Be located in such a manner that it is not visible from the street;

    b. Be required and used by its owner in his primary or secondary occupation.

2. No more than two (2) such vehicles shall be stored on any single residential district lot.

11-311. Access Control. In order to promote the safety of the motorist and pedestrian and to minimize traffic congestion and property damage by reducing the points of conflict, the following regulations shall apply:

1. A point of access for vehicles onto a street shall not exceed thirty (30) feet in width.

2. There shall be no more than two (2) points of access to any one (1) public street for each four hundred (400) feet of lot frontage, or fraction thereof; provided, however, that lots less than one hundred (100) feet in width shall have no more than one (1) point of access to any one (1) public street.

3. Where two (2) driveways are provided for one (1) lot frontage, the clear distance between driveways shall not be less than twenty-five (25) feet.

4. No point of access shall be allowed within twenty (20) feet of the right-of-way line of any public intersection.

5. No curbs on city streets or rights-of-way shall be cut or altered without written approval of the street department, or if a state highway, a permit must be obtained from the Tennessee Department of Highway.

11-312. Off-Street Loading and Unloading Space Required. Every building or structure hereafter constructed and used for industry, business, or trade involving the receipt or distribution of vehicles, materials, or merchandise shall provide space for the loading and unloading of vehicles off the street or public alley. Such space shall have access to a public or private alley or if there is no alley, to a public street. The minimum required spaces for this provision shall be based on the total usable floor area of each principal building according to the following table:

Total usable floor area, in square feet, for each principal building	Spaces required (See Section 11-203)
0 to 5,000 square feet	1
5,000 to 10,000 square feet	2
10,000 to 15,000 square feet	3
15,000 to 20,000 square feet	4
Over 20,000 square feet	Four (4) spaces plus one (1) space for each additional 20,000 sf.

11-313. Maximum Building Height. No structure shall be erected which exceeds three (3) stories or fifty (50) feet in height except as provided by Section 11-506.

11-314. Annexations. All territory which may hereafter be annexed into the City of Kingston, Tennessee, shall be considered to be in the R-1 Residential District until otherwise classified pursuant to Chapter 10 of this ordinance.

CHAPTER 4

ZONING DISTRICTS

11-401. Classification of Districts
11-402. Boundaries of Districts
11-403. R-1, Residential District
11-404. R-2, Residential District
11-405. R-3, Residential District
11-406. O-1, Office District
11-407. C-1, General Business District
11-408. C-2, Highway Business District
11-409. C-3, Local Business District
11-410. C-4, Controlled Commercial District
11-411. M-1, Light Industrial District
11-412. M-2, Heavy Industrial District
11-413. F-1, Floodway District *(removed)*
11-414. H-1, Historical District

11-401. Classification of Districts. For the purposes of this ordinance, the City of Kingston, Tennessee, is hereby divided into the following zoning districts:

R-1, Residential District
R-2, Residential District
R-3, Residential District
O-1, Office District
C-1, General Business District
C-2, Highway Business District
C-3, Local Business District
C-4, Controlled Commercial District
M-1, Light Industrial District
M-2, Heavy Industrial District
F-1, Floodway District
H-1, Historical District

11-402. Boundaries of Districts. The following procedure shall be used for determining district boundaries:

(amended by Ord. #6-9-12-1)

1. The boundaries of these districts are hereby established as shown on the map entitled *Zoning Map of Kingston, Tennessee*, dated August 2006, which is part of the zoning code, and which is on file in the office of the City Clerk and the City Building Official.

2. Unless otherwise indicated on the zoning map, the boundaries are lot lines, the center of streets or alleys, or the corporate limit lines as they exist at the time of the enactment of the zoning code. Questions concerning the exact locations of district boundaries shall be determined by the Board of Zoning Appeals.

(amended by Ord. #6-9-12-1)

3. Special overlay districts, such as the H-1, Historical District shall be distinguishable on the zoning map from other districts.

4. Where a district boundary divides a lot existing at the time the zoning code takes effect and the major portion of said lot is in the less restricted district, the regulations relative to that district may extend as well to such portion of said lot as is not more than fifty (50) feet within the more restricted district.

11-403. R-1, Residential District. Within the R-1, Residential District, as shown on the Zoning Map of Kingston, Tennessee, the following regulations plus the other applicable provisions of this zoning code shall apply:

1. Permitted Uses and Structures.
   a. Single-family dwellings.

   b. Institutions (including churches, schools offering general education courses, and public libraries).

   c. Horticulture, including forestry, not involving advertising, display, or public sale of products on the premises.

   d. Accessory buildings or uses customarily incidental to any aforementioned uses.

   e. Single real estate signs advertising the sale, rental, or lease of only the premises on which they are maintained, provided that they are not over four (4) square feet in area, and at least six (6) feet from all lot lines and street rights-of-way. Nameplates and single signs identifying home ownership or address, and on-premise customary home occupations, provided the requirements of Section 11-604 (2) are met.

2. Uses and Structures Permitted on Review by the board of Zoning Appeals.
   a. Municipal, county, state, or federal uses, except general office buildings; public utilities, except storage and warehousing areas, cemeteries; agricultural uses; hospitals for human care; philanthropic institutions and clubs, except a club the chief activity of which is customarily carried out as a business; public parks; golf courses; provided, however, that no permit shall be issued except with the written approval of the Board of Zoning Appeals and subject to conditions as the Board of Zoning Appeals may require in order to preserve and protect the character of the district in which the proposed use is located.

b. Customary home occupations, provided the conditions in Section 11-603 are complied with.

3. Prohibited Uses and Structures.
   a. Any other use not specifically permitted or permissible on review in this R-1, Residential District.

   b. Advertising signs and billboards except those specifically permitted under Section 11-403 (1)(e) of this code.

4. Area Regulations. The principal building shall be located so as to comply with the following requirements:
   a. Minimum lot area for single-family dwelling units served by public water and sewer systems: 7,500 square feet.

   b. Minimum lot area for single-family dwelling units where lot is not served with public water: 20,000 square feet.

   c. Minimum lot width at building setback line: 75 feet.

   d. Minimum depth of front yards: 30 feet.

   e. Minimum depth of rear yards: 20 feet.

   f. Minimum width of side yards:
      - 1-story building…10 feet each side
      - 2-story building…15 feet each side
      - 3-story building…20 feet each side

   g. Maximum percentage of lot area which may be occupied by structures: 40 percent.

5. Site Development Standards for Required Yards. The required yards of all uses shall be made fertile; planted with grass, shrubs, and/or trees or otherwise landscaped; and maintained in good order.

6. Parking, Storage, and Use of Automobile, Major Recreational Equipment, or Trucks. Off-street automobile parking space as required in Section 11-309 of this code shall be provided.

   No vehicle or trailer of any kind or type (except mobile homes conforming to Section 11-606 of this code), without current license plates, shall be parked or stored on any lot other than in a completely enclosed building.

No major recreational equipment (including boats and boat trailers, travel trailers, partial travel trailer units, and the like), shall be used for living, sleeping, or housekeeping purposes when parked or stored on a residential lot, or in any location not approved for such use.

No truck or a rated capacity of greater than three-fourths (3/4) ton nor any heavy equipment may be parked on any lot or in the public right-of-way adjacent to any lot overnight nor stored or parked while loading or unloading for periods in excess of twenty-four (24) hours except in an enclosed building and as regulated in Section 11-310.

7. Location of Accessory Buildings.
   a. No accessory building shall be erected in any required front or side yard. Accessory buildings shall not cover more than thirty (30) percent of any required rear yard, and shall be at least five (5) feet from all lot lines and from any other building on the same lot.

   b. Accessory buildings on corner lots shall conform with front yard setbacks for both intersecting streets.

11-404. R-2, Residential District. Within the R-2, Residential District, as shown on the Zoning Map of Kingston, Tennessee, the following regulations and plus the other applicable provisions of the zoning code shall apply:

1. Permitted Uses and Structures.
   a. Single-family and multiple-family dwellings.

   b. Institutions (including churches, schools offering general education courses, and public libraries).

   c. Horticulture, including forestry, not involving advertising, display, or public sale of products on the premises.

   d. Accessory buildings or uses customarily incidental to any aforementioned uses.

   e. Single real estate signs advertising the sale, rental, or lease of only the premises on which they are maintained, provided that they are not over four (4) square feet in area, and at least six (6) feet from all lot lines and street rights-of-way. Nameplates and single signs identifying home ownership or address, on-premise customary home occupations, mobile home parks, and apartment buildings provided the requirements of Section 11-604 (2) are met.

2. Uses and Structures Permitted on Review by the Board of Zoning Appeals.
   a. Municipal, county, state, or federal uses, except general office buildings; public utilities, except storage and warehousing areas; mobile home parks;

clinics and professional offices for human care; hospitals for human care; cemeteries; agricultural uses; philanthropic institutions and clubs;. except a club the chief activity of which is customarily carried out as a business; public parks; golf courses; provided, however, that no permit shall be issued except with the written approval of the Board of Zoning Appeals and subject to such conditions as the Board of Zoning Appeals may require in order to preserve and protect the character of the district in which the proposed use is located.

b. Customary home occupations, provided the conditions in Section 11-603 are met.

3. Prohibited Uses and Structures.
   a. Any other use not specifically permitted or permissible on review in this R-2, Residential District.

   b. Advertising signs and billboards except those specifically permitted under Section 11-403 (1)(e) of this code.

4. Area Regulations. The principal building shall be located so as to comply with the following regulations:
   a. Minimum lot area where lot is served with public water and sewer systems: 7,500 sq. ft.

   b. Minimum lot area per dwelling unit for two-unit structures and multi-family structures or any combination thereof which is served with public water and sewer:
      - 6,000 sq. ft. -------- first family
      - 6,000 sq. ft. -------- second family
      - 3,000 sq. ft. -------- each additional family over two

   c. Minimum lot area for single-family dwelling unit(s) where lot is not served with public sewer: 15,000 sq. ft.

   d. Minimum lot width at building setback line: 50 ft.

   e. Minimum depth of front yards: 25 ft.

   f. Minimum depth of rear yards: 15 ft.

   g. Minimum width of side yards:
      - 1-story building…8 feet
      - 2-story building…10 feet
      - 3-story building…15 feet

   h. Maximum percentage of lot area which may be occupied by structures: 50 percent.

5. Site Development Standards for Required Yards. The required yards of all uses shall be made fertile; planted with grass, shrubs, and/or trees or otherwise landscaped; and maintained in good order.

6. Parking, Storage, and Use of Automobiles, Major Recreational Equipment, or Trucks. Off-street passenger automobile parking space as required in Section 11-309 of this code shall be provided.

   No vehicle or trailer of any kind or type, without current license plates, shall be parked or stored on any lot other than in a completely enclosed building.

   No major recreational equipment (including boats and boat trailers, travel trailers, partial travel trailer units, and the like), shall be used for living, sleeping, or housekeeping purposes when parked or stored on a residential lot, or in any location not approved for such use.

   No truck or a rated capacity of greater than three-fourths (3/4) ton nor any heavy equipment may be parked on any lot or in the public right-of-way adjacent to any lot overnight nor stored or parked while loading or unloading for periods in excess of twenty-four (24) hours except in an enclosed building and as regulated in Section 11-310.

7. Location of Accessory Buildings.
   a. No accessory building shall be erected in any required from or side yard. Accessory buildings shall not cover more than thirty (30) percent of any required rear yard, and shall be at least five (5) feet from all lot lines and from any other building or corner lots shall conform with front yard setbacks for both intersection streets.

11-405. R-3, Residential District. The R-3 District is created to provide areas for individually sited mobile homes, mobile home parks, and mobile home subdivisions.

1. Threshold Requirements for R-3 Districts.
   a. Rezoning. All petitions for R-3 Residential District zoning shall affect at least two (2) acres of land, or be adjacent to an existing R-3 District.

   b. Public Utilities Required. All R-3 Districts shall be served with public water and wastewater facilities or facilities approved by the Health Department.

2. Permitted Uses and Structures.
   a. General Uses. All uses and structures permitted or permitted on review in the R-2 District.

b. Special Uses. Individually sited mobile homes and mobile home parks and subdivisions.

3. Development and Use Standards and Regulations.
   a. Individually Sited Mobile Homes. Units shall be at least ten (10) feet from any property line.

   b. Mobile Home Parks and Subdivisions. Units located in mobile home parks and subdivisions shall meet the requirements of 11-607.

   c. Other Structures and Uses. Other structures and uses shall comply with the regulations applicable within the R-2 District.

11-406. O-1, Office District. Within the O-1, Office District as shown on the Zoning Map of Kingston, Tennessee, the following regulations plus other appropriate provisions of this zoning code shall apply:

1. Permitted Uses and Structures.
   a. Professional and business offices which do not maintain as a principal activity on-premise retail sales.

   b. Hospitals, clinics, etc.

   c. Undertaking and funeral establishments.

   d. Cultural activities including museums, galleries, libraries, and auditoriums.

   (amended by Ord. #98-4-14-1)

   e. Child care facilities, public and private schools and colleges.

   f. Government buildings and facilities.

   g. Offices of civic and non-profit organizations.

   h. Private clubs and lodges.

   i. Public and private parks, open spaces, and recreational facilities.

   j. Accessory and customary structures and uses incidental to permitted uses.

   k. Advertising and signs as regulated in Section 11-604.
2. Prohibited Uses and Structures. Any use not specifically permitted or permissible on review in this O-1 Office District.

3. Area Regulations. The principal building shall be located so as to comply with the following requirements:
    a. Minimum depth of front yard: 35 ft.

    b. Minimum depth of rear yard: 20 ft.

    c. Minimum width of side yard:
        - 1-story building…10 feet each
        - 2-story building…15 feet each
        - 3-story building…20 feet each

    d. Minimum width at building setback line: 50 feet.

4. Site Development Standards for Required Yards. The required yards of all uses shall be made fertile; planted with grass, shrubs, and/or trees or otherwise landscaped; and maintained in good order.

11-407. C-1, General Business District. Within the C-1, General Business District as shown on the Zoning Map of Kingston, Tennessee, the following regulations plus other appropriate provisions of this zoning code shall apply:

1. Permitted Uses and Structures.
    a. All uses permitted or permitted on review in the O-1, Office District.

    b. Retail trade - including but not limited to: food and drink, general merchandise, apparel and accessories, furniture and home furnishing and equipment.

    c. Retail trade - drug and proprietary, antiques, books and stationary, sporting goods, farm and garden supplies, jewelry, florists, and optical and photographic supplies.

    d. Finance, insurance, and real estate services.

    e. Business services.

    f. Personal services - laundering and dry cleaning and beauty and barber services.

    g. Repair services, including automotive and automotive related services, provided, however, that all major repairs, automotive or otherwise, including but not limited to major overhauls, body and fender work, painting (except for minor touch-ups using standard touch-up size paint containers), upholstering and welding shall be conducted within an enclosed building and provided that no outdoor storage of automobile parts or similar materials, or outdoor storage

of more than three (3) wrecked or temporarily inoperable motor vehicles awaiting repairs shall be permitted.

h. Professional services.

i. Governmental services not including correctional institutions and military reservations.

j. Entertainment assembly not including drive-in movies.

k. Cultural activities.

l. Residential hotels and transient lodgings provided that the requirements of 11-309 (1)(d) are met.

m. Religious activities and welfare and charitable services.

n. Railroad transportation.

2. Uses and Structures Permitted on Review by the Board of Zoning Appeals.
   a. Any use which, in the opinion of the Board of Zoning Appeals, is of the same general character of the above permitted uses and subject to such conditions and safeguards as the BZA may specify to preserve the character of the district.

3. Area Regulations. Buildings shall be located so as to comply with the following requirements:
   a. Minimum depth of front yard: 10 feet.

   b. Minimum depth of rear yard: 20 feet.

   c. Minimum width of side yards: 5 feet.

However, commercial buildings may be built next to a common lot line by a common consent, if the lot line walls have a fire resistance rating equal to that required for Fire Districts by the Southern Standard Building Code. Evidence of common consent must be filed in writing with the building inspector upon application for a building permit.

11-408. C-2, Highway Business District. The purpose of this district is to provide for highway-oriented commercial uses. Within the C-2, Highway Business District, as shown on the Zoning Map of Kingston, Tennessee, the following regulations plus other appropriate provisions of this zoning code shall apply.

1. Permitted Uses and Structures.
    a. All uses permitted or permitted on review in the C-1, General Business District.

    b. Wholesale trade.

    c. Retail trade such as building materials, hardware, farm equipment, fuel and ice, automotive, marine craft, aircraft and accessories.

    d. Repair services - automobile repair and service.

    e. Contract construction services.

    f. Educational services.

    g. Amusements and recreational activities.

    h. Light manufacturing activities, provided that all activities excluding loading and unloading occur within the confines of an enclosed building and provided that no outdoor storage of finished or other materials is permitted.

    i. Utilities not including sewage disposal and solid waste disposal.

    j. Motor vehicle transportation.

    k. Animal husbandry services, provided that all animals are maintained within a closed, air conditioned structure.

    l. Signs and billboards subject to the provisions of Section 11-604.

    m. Any use or structure customarily incidental to the above permitted uses.

2. Uses and Structures Permitted on Review by the Board of Zoning Appeals. Any use which, in the opinion of the BZA, is of the same general character of the above permitted uses and subject to such conditions and safeguards as the BZA may specify to preserve the character of the district.

3. Area Regulations.
    a. Minimum lot width at building line: 50 feet.

    b. Minimum depth of front yard: 30 feet.

    c. Minimum width of side yards:
        - 1-story building…10 feet each
        - 2-story building…15 feet each
        - 3-story building…20 feet each

11-409. C-3, Local Business District. The purpose of this district is to provide for neighborhood shopping and service areas convenient to residential neighborhoods. Within the C-3, Local Business District, as shown on the Zoning Map of Kingston, Tennessee, the following regulations plus other appropriate provisions of this zoning code shall apply:

1. Permitted Uses and Structures.
    a. Grocery stores, drug stores, barber and beauty shops, laundry and dry cleaning pick-up stations, doctors and dentist offices, established for the convenience of the neighborhood.

2. Uses and Structures Permitted on Review by the Board of Zoning Appeals. Any use which, in the opinion of the Board of Zoning Appeals, is of the same general character of the above permitted uses, and subject to such conditions and safeguards as the Board of Zoning Appeals may specify to preserve the character of the area.

3. Prohibited Uses and Structures.
    a. Manufacturing uses or any commercial or other use not specifically permitted or permissible on review by the Board of Zoning Appeals.

4. Area Regulations.
    a. Minimum lot width at building line: 50 feet.

    b. Minimum depth of front yard: 35 feet.

    c. Minimum width of rear yard: 20 feet.

    d. Minimum width of side yards:
        - 1-story building…10 feet each
        - 2-story building…15 feet each
        - 3-story building…20 feet each

11-410. C-4, Controlled Commercial District. It is the intent of these regulations to promote a superior level of convenience, comfort, and amenity within the district; to encourage safe and pleasant pedestrian circulation, including access to adjoining districts; and to assure beneficial visual relationships within the districts, with adjoining districts, and from principal viewpoints, and:

To provide for the orderly development of commercial activities so that any adverse impact on surrounding uses and on the general flow of traffic can be ameliorated;
To encourage an orderly and systematic development design providing the rational placement of activities, parking and auto circulation, pedestrian circulation, access and egress, loading, and landscaping;

To encourage commercial development which is consistent with the long-range, comprehensive, general plan;

To encourage general commercial activities to locate in areas that have access to a major street system.

1. Market Analysis for General Commercial Park Development. The Board of Zoning Appeals and/or planning commission may require a market analysis. The market analysis will be utilized, among other things, to determine the impact of the commercial land use, the timing of any proposed development upon lands used or zoned for commercial purposes, to form a basis for evaluating the estimated effects on traffic, and other purposes which assist in an understanding of the public interest pertinent in the evaluation of a proposed development. The market analysis, if required, shall be provided by the landowner; and the landowner shall provide any other economic data or analysis as may be reasonably requested by the Board of Zoning Appeals and/or planning commission.

(amended by Ord. #02-3-12-2)

2. Permitted Uses and Structures. The following uses may be permitted as a part of a development only when such uses are deemed appropriate by the Board of Zoning Appeals and/or planning commission as being compatible with each other and surrounding uses, the specific purpose and intent for use of lots on a recorded plat within a C-4 zone may not be changed without the prior written approval of the planning commission.
    a. Amusement and recreational enterprises.

    b. Clubs and lodges.

    c. Commercial or trade schools, other than those of an industrial character.

    d. Eating establishments but excluding drive-in establishments where persons are served in automobiles.

    e. Financial institutions, including banks, savings and loan institutions, brokerage and investment companies, and the like.

    f. Hotels and motels.

    g. Marinas, cruise piers, and the like, with facilities for fueling and minor servicing, but not including major repair or construction facilities.

(amended by Ord. #02-3-12-2)

    h. Multi-family dwellings; attached dwellings; detached single family dwellings.

i. Offices, including studios, clinics, and laboratories.

j. Retail establishments, except service stations; new or used automotive, trailer, mobile home, or motorcycle sales and service; or establishments dealing primarily with secondhand merchandise other than antiques.

k. Service establishments, including personal repair and other minor repair services other than repair services for automotive and heavy equipment.

l. Structures and uses required for the operation of a public utility or performance of a governmental function, except uses involving storage as a primary purpose.

m. Other uses of the same general character as those above, provided that, except for parking lots, outdoor restaurant plazas, marinas, cruise piers, and the like, and areas approved by city council in general plans or by use permit action, all commercial, office or service activities shall be conducted within fully enclosed buildings and that there shall be no unenclosed storage or display or merchandise or unenclosed storage of trash or other materials.

3. Permitted Accessory Uses and Structures. Uses and structures which are customarily accessory and clearly incidental to permitted principal uses and structures shall be permitted in this district, subject to the general restrictions on permitted principal uses and structures.

4. Area and Open Space Requirements. The intensity, building height, and yard requirements for the district shall be as follows:

a. The following floor area ratios shall be applied in the Controlled Commercial District:

- 1-story structures --- .50 FAR
- 2-story structures --- 1.00 FAR
- 3-story structures --- 1.50 FAR

b. Pedestrian open space shall be provided in an amount equal to at least ten (10) percent of net lot area. Where property immediately abuts or adjoins the river, the pedestrian system shall include a waterfront walkway at least twelve (12) feet in width.

c. The commercial development shall have the following minimum distance from the site boundary to the nearest building line within the development of sixty (60) feet, when the district abuts a residential area without an intervening public street.

d. Yards:

i. Front yards: all buildings shall set back from the street right-of-way line to provide a front yard having not less than twenty-five (25) feet in depth.
ii. Side yards: specific side yards are not required.
iii. Rear yards: Specific rear yards are not required.

e. Spacing between buildings: buildings on the same or adjoining properties may be built to common walls.

f. Buildings or portions of buildings containing dwelling units shall be spaced as provided in "Minimum Property Standards for Multi-Family Housing" (FHA #2600), provided that any living room or bedroom window in any dwelling or lodging unit at or below the third story above the level of an adjacent street with right-of-way width exceeding thirty (30) feet shall be a minimum of twenty-five (25) feet from the right-of-way line, as measured horizontally from its vertical projection.

5. Landscaping Requirements.
   a. Yards: all yards shall be landscaped. Such landscaping shall at all times be maintained in a manner satisfactory to the Board of Zoning Appeals.

   b. Yards not maintained may be maintained by the city, with all costs for such maintenance being assessed to the property.

6. Required Off-Street Parking, Loading, and Vehicular Access Locations.
   The following regulations shall apply to the district:
   a. Required Off-Street Parking and Loading.
      i. Parking areas shall be so laid out as to provide systematic and orderly circulation, traffic separation devices, and parking stalls in accordance with good traffic engineering practice and planning practices.

      ii. Required parking spaces shall be available for the parking of an operable passenger automobile of customers, patrons, and employees only and shall not be rented, leased, or assigned to any other person or organization. No parking of trucks or other equipment on wheels or tracks or the conduct of any business activity shall be permitted on the required parking spaces.

      iii. Ingress and egress to required parking area may be through the required front yard.

   b. Loading Regulations. Loading berths may be located in the required rear yard or side yard and must be directly accessible to main structures. Loading berths not so located will be considered as fulfilling the requirements of this section if evidence is presented to show that loading activities can take place

without moving materials on sidewalk or street area, and in no case for a distance in excess of three hundred (300) feet.

c. Vehicular Access Locations. Vehicular access locations shall be provided so that vehicles entering or departing the commercial development site shall do so only at such locations. Elsewhere along the property lines of said commercial development site a physical separations between the said site and public rights-of-way shall be provided. A vehicular access location shall consist of such entrance and exit driveway openings so designed and located so as to minimize hazardous vehicular turning movements and traffic congestion. Such design and location shall be subject to the approval of the planning commission and Tennessee Department of Transportation.

(amended by Ord. #99-12-14-1)

d. Private Streets. The planning commission may review and permit private streets within the C-4, Controlled Commercial District. Private streets must meet the required improvements and minimum standards of design as required in the *Kingston Subdivision Regulations*. Deviation from the subdivision regulations will be permitted for topographic reasons only.

7. Utilities.
   a. All utility transformers servicing each use shall be located at ground level and shall be screened.

   b. Utility transmission lines serving individual uses shall be placed underground.

8. Administration.
   a. Prior to any building permits being issued, a development plan must be submitted to the planning commission. The development plan must include the following:
      i. The existing topographic character of the land.

      ii. The location of major thoroughfares.

      iii. A map showing street systems, plot lines, and plot designs.

      iv. An off-street parking and loading plan.

      v. A circulation diagram indicating the proposed movement of vehicles, goods, and pedestrians within the park.

      vi. A landscaping plan.

   b. Application; Plan Review and Approval. The above plan requirements will be used to indicate that relationship of the proposed development to surrounding or otherwise affected property in terms of locations, amount, character, and

continuity of open space; protection of desirable principal views; convenience of access through and between buildings or in other locations where appropriate for public purposes and where such access will reduce pedestrian and vehicular traffic; signs; lighting; and such other matters as are appropriate to determinations in the circumstances of the case. After due consideration, the commission shall transmit its recommendations and the application to city council for its approval.

No such permit shall be issued without such approval. Approval may be granted for the plans as submitted, or conditionally, subject to stated modifications, or may be denied, with written reasons for the denial supplied to the applicant.

Public hearings may be held in connection with such plan review process, with such public or other notice as is deemed appropriate, but shall not be required.

Determinations on such applications shall be based on compliance with the intent of the *District Plan* and other officially adopted plans or ordinances of the city in accordance therewith, and in particular shall involve consideration of the intent of the district, and the necessity for variations in the circumstances of the particular case.

If after review of the proposed development plan by the planning commission, the applicant feels he has been grieved, he may appeal the decision of the planning commission to the Board of Zoning Appeals.

c. District Development Plan and Site Plans.

   i. The planning commission shall prepare or have prepared a general development plan for each Controlled Commercial District. Such a plan shall be presented for public review and comment thereafter presented to the city council for adoption by resolution. The plan shall include at least the following elements:
      - An architectural theme or motif for the district.
      - Suggested conditions for development, based upon social, economic, physical, environmental, and location considerations.

   ii. The plan shall be prepared in consultation with the planning staff and the property owners within and adjacent to the district.

   iii. The owners or developers of any site within the district who proposes a development which is not an integral part of the development plan shall not be issued a building permit until such time that a site development plan has been reviewed by the planning commission and approved by the Board of Zoning Appeals.

11-411. M-1, Light Industrial District. This district is established to provide areas for manufacturing, warehousing, and similar light industrial uses. Within the M-1, Light Industrial District, as shown on the Zoning Map of Kingston, Tennessee. The following regulations plus other appropriate provisions of this zoning code shall apply:

1. Permitted Uses and Structures.
    a. All uses permitted or permitted on review in the C-2, Highway Business District.

    b. Transportation activities, including but not limited to railroad, motor vehicle, marine, and aircraft.

    c. Utilities and communications activities.

    d. Wholesale trade.

    e. Retail trade - building materials, hardware, and farm equipment.

    f. Warehousing and storage services.

    g. Correctional institutions.

    h. Agricultural processing.

    i. Food and kindred products manufacturing not including meat products manufacturing.

    j. Printing, publishing, and allied industries.

    k. Professional, scientific, and controlling instruments.

    l. Small article manufacturing - jewelry; musical instruments; and motion picture production.

    m. Signs and billboards subject to the provisions of Section 11-604.

    n. Any use or structure customarily incidental to the above uses.

2. Prohibited Uses and Structures. Any use or structure not specifically permitted or permitted on review by the Board of Zoning Appeals is prohibited.

3. Area Regulations. All buildings and structures shall be located so as to comply with the following minimum requirements:
    a. Minimum depth of front yard: 40 feet.

    b. Minimum depth of rear yard: 20 feet.

c. Minimum width of side yard:
   - 1-story building…10 feet each side
   - 2-story building…15 feet each side
   - 3-story building…20 feet each side

d. There shall be no required minimum lot area for industrial districts except as should be needed to satisfy the above space requirements and requirements pertaining to off-street parking and loading, respectively.

4. Environmental Regulations. The applicant for a building permit in the M-1, Light Industrial District must present, as a part of the application, documentation demonstrating that the proposed industry will not represent a hazard to the community safety, health, welfare, or amenity. This includes, but is not limited to, the following:
   a. Documentation that a proposed use will be served by adequate water and wastewater facilities approved by the Roane County Health Department, the appropriate utility, and if appropriate, the Tennessee Department of Public Health.

   b. Documentation that approved means are available for the disposal of all solid waste.

   c. Documentation that proposed industrial activities will comply with all applicable federal, state, and local environmental protection laws and/or regulations.

No permit shall be issued for the construction of any building or for any use which the zoning officer believes may have the potential to be obnoxious or offensive by reason of emission of odor, dust, smoke, gas, noise, vibration, congestion, and the like, and those uses deemed dangerous due to hazards from potential explosions, threat of fire, or poisonous fumes, until the plans for such construction or use shall be submitted to the Board of Zoning Appeals under the provisions of Section 11-804. The board may make its approval subject to such conditions and safeguards as may be required by said board to protect the public health, safety, and welfare, and to carry out the intent of this ordinance. Additional environmental standards are provided in Section 11-610.

11-412. M-2, Heavy Industrial District. This industrial district is provided for heavy manufacturing uses and processes. Within the M-2, Heavy Industrial District, as shown on the Zoning Map of Kingston, Tennessee, the following regulations plus other appropriate provisions of this zoning code shall apply:

1. Permitted Uses and Structures.
   a. All uses permitted in the M-1, Light Industrial District.

b. Meat products manufacturing.

c. Paper and allied products manufacturing.

d. Chemicals and allied products manufacturing.

e. Petroleum refining and related services.

f. Primary metal industries.

g. Mining activities and related services.

h. Any use of structure customarily incidental to the above uses.

i. Textile mill products manufacturing.

j. Apparel and other finished products manufacturing made from fabrics and other similar materials.

k. Lumber and wood products manufacturing.

l. Furniture and fixtures manufacturing.

m. Rubber and miscellaneous plastics products manufacturing.

n. Stone, clay, and glass products manufacturing.

o. Fabricated metal products manufacturing not including ordnance and accessories.

p. Professional, scientific, and controlling instruments manufacturing.

2. Prohibited Uses and Structures. Any use or structure not specifically permitted is prohibited.

3. Area Regulations. All buildings, structures, and principal operations shall be located so as to comply with the following minimum requirements:
   a. Minimum depth of front yard: 50 feet.

   b. Minimum depth of rear yard: 25 feet.

   c. Minimum width of side yards:
      - 1-story building…20 feet each side
      - 2-story building…25 feet each side
      - 3-story building…30 feet each side

4. Environmental Regulation. The applicant for a building permit in the M-2, Heavy Industrial District must present, as a part of the application, documentation demonstrating that the proposed industry will not represent a hazard to the community safety, health, welfare, or amenity. This includes, but is not limited to, the following:

    a. Documentation that a proposed use will be served by adequate water and wastewater facilities approved by the Roane County Health Department, the appropriate utility, and if appropriate, the Tennessee Department of Public Health.

    b. Documentation that approved means are available for the disposal of all solid waste.

    c. Documentation that proposed industrial activities will comply with all applicable federal, state, and local environmental protection laws and/or regulations.

No permit shall be issued for the construction of any building or for any use which the zoning officer believes may have the potential to be obnoxious or offensive by reason of emission of odor, dust, smoke, gas, noise, vibration, congestion, and the like, and those uses deemed dangerous due to hazards from potential explosions, threat of fire, or poisonous fumes, until the plans for such construction or use shall be submitted to the Board of Zoning Appeals under the provisions of Section 11-804. The board may make its approval subject to such conditions and safeguards as may be required by said board to protect the public health, safety, and welfare, and to carry out the intent of this ordinance. Additional environmental standards are provided in Section 11-610.

11-413. F-1, Floodway District. ***(removed by Ord. #6-9-12-1)***

11-414. H-1, Historical District. The H-1, Historical District is intended to preserve historical buildings and sites in the City of Kingston. The requirements of the district are designed to protect and preserve historic and/or architectural value; provide protection from uses that would lessen the significance of the surrounding uses; create an aesthetic atmosphere; stabilize property values; enhance civic beauty; strengthen the economy and promote education and cultural heritage of the present and future citizens of the City of Kingston. In order to achieve the intent of the H-1, Historical District, as shown on the zoning map, the following regulations shall apply:

1. Permitted Uses and Structures.
    a. Dwellings, shops, stores, offices, studios, schools, historical monuments, and/or structures, museums, libraries, art galleries, etc.

b. All other uses shall require prior written approval of the Historic Zoning Commission. The HZC shall require that neither the intent of these regulations nor the character of district will be adversely affected.

2. Historical District Use Regulations.

a. The Historical Zoning Commission shall have authority to enforce historic zoning regulations. (see Chapter 9).

b. No building permit shall be issued for construction, internal and/or external repair, moving or demolition within the district until plans have been submitted to and written approval received from the Historical Zoning Commission. The Historic Zoning Commission may, however, prepare a listing of prior approvals permitted in the Historic District.

c. In no event shall any existing building or structure within an H-1, Historical District by wholly or partially razed or otherwise destroyed in less than six (6) months following the approval of such action by the Historical Zoning Commission, unless such razing or destruction is a part of a restoration or preservation plan approved by the commission.

d. No signs, billboards, and/or other advertising structures shall be permitted to be erected in the H-1, Historical District unless prior approval is granted by the Historical Zoning Commission.

e. In no case shall the Historical Zoning Commission grant waivers or variances from the provisions of this section.

CHAPTER 5

EXCEPTIONS AND MODIFICATIONS

11-501. Lot of Record
11-502. Adjoining Substandard Lots of Record
11-503. Planned Unit Developments
11-504. Rear and Side Yards Abutting a Railroad Siding
11-505. Front Yards
11-506. Height Limits

11-501. 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 the zoning code does not own sufficient land to enable him to conform to the yard or other requirements of the zoning code, an application may be submitted to the Board of Zoning Appeals for a variance from the terms of the zoning code. Such lot may be used as a building site; provided, however, that the yard and other requirements of the district are complied with as closely, in the opinion of the Board of Zoning Appeals, as is possible.

11-502. Adjoining Substandard Lots of Record. Where two or more substandard adjacent lots of record are under one ownership, or where such substandard lot(s) are adjacent to a standard lot, parcel, or larger tract under the same ownership, such lots shall be combined to form one or more standard building sites meeting at least the minimum requirements of the district within which they are located.

(amended by Ord. #97-12-9)

11-503. Planned Unit Developments.

1. Purpose. The purpose of the Planned Unit Development (PUD) is to provide the opportunities for the creation of desirable environments through the application of flexible and diversified land development standards under a comprehensive plan and program professionally prepared. The Planned Unit Development is intended to encourage the application of innovative designs and technologies to community development, which will result in superior living environments or development arrangements, based on identifiable themes and ideas. It is further intended to achieve efficiencies in the use of land and infrastructure systems, while providing clustered areas for building locations, usable attractive open spaces, safe vehicular circulation, and the general well-being of the inhabitants.

2. Location. A PUD may be located within any residential, commercial, or industrial district, excluding R-3 and C-4.

3. Permitted Uses. Any use which is specifically authorized in the particular zoning district in which a planned unit development is to be located shall be permissible.

The Kingston Board of Zoning Appeals may also authorize uses not permitted in the district where the planned unit development is proposed, provided that:

a. Such uses do not comprise more than ten (10) percent of the land area of the PUD. The particular uses intended on the PUD site must be identified on the final plan, and approved by the Board of Zoning Appeals prior to the consideration of the final plan by the planning commission. The developer shall include the proper deed and plat restrictions needed for the limitation of uses to those approved by the board.

b. Such uses are desirable or convenient for residents of the PUD or the immediate neighborhood.

c. Such uses will not materially alter the existing character of the neighborhood.

2. Relationship to Subdivision Regulations. The arrangement of public and common ways for pedestrian and vehicular circulation in relation to other existing or planned streets in the area and to the *Major Thoroughfare Plan of Kingston, Tennessee*, together with provisions for street improvements shall generally comply with standards set forth in the subdivision regulations. However, due to the uniqueness of each proposal for a planned unit development, the planning commission may consider small departures from the usual subdivision standards regarding width and surfacing of streets, public ways, public utility rights-of-way, curbs, and other specifications.

3. Changes and Modifications. Major changes proposed in a planned unit development after it has been adopted shall be considered the same as a new petition. Minor changes in the planned unit development may be approved by the planning commission as amendments to the approved plan.

4. Site Improvements.

a. Streets. All dedicated public streets shall be constructed to conform with the general intent of the Kingston Regional Subdivision Regulations.

b. Sidewalks. Where needed for heavy pedestrian travel within a planned unit development, concrete sidewalks may be required.

c. Utilities. Utilities proposed for the site shall include public water, sewer, and electrical services. Diameters of water and sewer lines serving the site of the development shall be suitable for the proposed uses and densities of development.

d. Drainage. The submission of a stormwater drainage plan shall be required for every planned unit development, including the locations and sizes of any necessary drainage structures.

e. Landscaping. Notations on landscaping of the site shall be made on the PUD plan, stating or showing the types of vegetation proposed. Where feasible, existing trees and other vegetation should be preserved on the site.

5. Signage. Each PUD shall be limited to one major business sign and any number of small accessory business signs. All small accessory signs shall be attached to a building and shall not project above the building. All proposed signage shall be reviewed and approved by the Kingston Regional Planning Commission during the plan approval stage.

6. Building Construction. No freestanding building constructed on the site of a PUD shall be closer than twenty-five (25) feet from any property line bordering the development. In addition, no freestanding building shall be closer than twenty (20) feet from any other building on the site of the PUD.

7. Open Space. The designation of open space shall be accessible to residents of the PUD where appropriate, and shall have a reasonable relationship to other aspects of the total site. Open space shall be established in the appropriate legal manner and maintained by one of the following methods:
   a. By the developer or management authority of the PUD.

   b. By the homeowners association established by deed restrictions.

   c. By the public if dedication of such open space is approved by the planning commission.

9. Staging of Development. The applicant may elect to develop the site in successive stages in a manner indicated in the PUD, however, each such stage shall be substantially complete within itself. Where public facilities are not suitable to serve the whole development initially, the planning commission may require that the development be done in stages.

10. Approval Process. The Kingston Regional Planning Commission must review and approve a preliminary site plan and a final site plan for a planned unit development. In addition, when a planned unit development includes a commercial, industrial, or multifamily proposal as noted in Section 11-613. of the zoning ordinance, then an individual site plan must be submitted and approved in conformance with the requirements of that section. Approval of a planned unit development by the planning commission does not eliminate the requirement for the submission of a site plan for a particular site within the development as specified in Section 11-613.

11. Preliminary PUD Site Plan. A preliminary site plan shall be submitted at least fifteen (15) days prior to the meeting at which it is meant to be considered. Moreover, ten (10) days prior to such a meeting, the City of Kingston shall erect a sign on the location of the proposed PUD notifying the public of the applicable meeting place, date, and time. The preliminary site plan shall include the following information:

a. A concept or general site plan showing topographic contours at five (5) foot intervals, tentative street plans, public improvements, and building arrangements. (The preliminary plan shall be reviewed by the planning commission prior to the submittal of a subdivision plat, if applicable to a site.)

b. Preliminary sketches and specifications showing general architectural design and type of construction.

12. Final Site Plan. The final site plan shall be submitted at least fifteen (15) days prior to the meeting at which it is meant to be considered, and shall consist of the following information:

a. After approval of the preliminary plan, a final development plan shall be submitted for review by the planning commission. This plan shall display the intended use or uses of land, dimensions and locations or proposed streets, parks, and other open spaces, with such other pertinent information as may be necessary for planning commission review.

b. Application for an apartment development containing multiple buildings, shall include a general architectural layout and design showing the number and size of apartments, the location and extent of public facilities, and a description of the type of construction.

c. Infrastructure plans must be submitted for every planned unit development, including locations and diameters of proposed water lines, sanitary sewers and stormwater sewers. Locations of fire hydrants and electrical lines must be indicated as well.

d. The proposed development plat shall be prepared by and have the seal of an architect or engineer duly registered to practice in the State of Tennessee.

13. Administrative Procedures. The planning commission shall review the conformity of a proposed development with the principles of good site design. In making its decision, the commission may consider principles of land use planning, various design related disciplines, and any existing comprehensive or small area plans relating to the site. The final plan must conform with the original application to the satisfaction of the planning commission.

a. The planning commission may impose conditions regarding layout, circulation, and performance of the proposed development and may require that appropriate deed restrictions be filled.

b. No building permit or zoning compliance permit shall be issued until a final plat of the proposed development is approved by the planning commission and recorded. No occupancy permit shall be issued until the building inspector has determined that the project, as constructed, meets all the requirements of the proposed plan.

14. Abandonment of the PUD Concept. An applicant shall submit a final site plan within one (1) year of approval of the preliminary site plan. Otherwise, approval of the preliminary site plan shall lapse.

    Authorization shall expire upon the abandonment of a project or upon the expiration of one (1) year from final site plan approval. The area authorized for the PUD shall revert to the regulations of the zoning district which governed prior to approval under this section.

11-504. Rear and Side Yards Abutting a Railroad Siding. In industrial districts when lot boundaries abut a railroad siding, the Board of Zoning Appeals may grant a variance for the width and depth of side and rear yard requirements.

11-505. Front Yards. Where there are two (2) or more existing buildings on the same side of a street in the same block and there exists a potential building site or lot within one hundred (100) feet of such existing buildings, the front yard of the potential building site lot may, upon written Board of Zoning Appeals approval, be reduced to the average distance from the street lot line to said existing building, but in no case the front yard of the potential building site be reduced to a distance less than the average for the entire block.

11-506. Height Limits. The height limitations of this zoning code shall not apply to churches, schools, hospitals, and other public and semi-public buildings, provided that the minimum widths of side yards for the district are increased one (1) foot for each foot in height by which the structure exceeds the height limit. Also excluded from the height limits are water towers, transmission towers, chimneys, radio towers and other structures, which in the opinion of the Board of Zoning Appeals will not adversely affect the neighborhood.

CHAPTER 6

SUPPLEMENTARY REGULATIONS APPLYING TO A SPECIFIC, TO SEVERAL, OR TO ALL DISTRICTS

11-601. Scope
11-602. Fallout Shelters
11-603. Customary Home Occupations
11-604. Signs, Billboards, and Other Advertising Structures
11-605. Swimming Pools
11-606. Development and Use Standards and Regulations for Mobile Homes
11-607. Small Lot Residential Developments
11-608. Development Standards for Certain Uses
11-609. Temporary Use Regulations
11-610. Environmental Performance Standards
11-611. Drainage and Erosion and Sedimentation Control
11-612. Partition Fences
11-613. Site Plan Review Standards and Procedures
11-614. Telecommunications Towers

11-601. Scope. The supplementary regulations are listed and described in this chapter, rather than repeated several times throughout the zoning code, as they are applicable to specific, to several, or to all districts. The regulations pertain to certain specific uses, authorize certain exemptions, or relate to unusual conditions, thus warranting a more convenient placement than that which would be possible by placing them in Title 11, Chapter 4, of this code.

11-602. Fallout Shelters. Fallout shelters are permitted as principal or accessory uses and structures in any district, subject to the yard and lot coverage regulations of this district. Area of underground fallout shelters extending not more than thirty (30) inches above the general ground level of the graded lot shall not be included in computations of lot coverage by all buildings. The Board of Zoning Appeals may waive side and rear open space and setback requirements to permit construction of joint shelters by two or more property owners; provided, however, that side and rear open space and setback requirements shall be met where property involved in the joint proposal abuts or adjoins property not included in the proposal.

11-603. Customary Home Occupations. A customary home occupation is a gainful occupation or profession conducted by members of a family residing on the premises and conducted entirely within the principal dwelling unit. In connection with a home occupation, no stock in trade shall be displayed outside the dwelling and no alteration to any building shall indicate from the exterior that the building is being utilized in whole or

in part for any purpose other than a residential unit, including permitted accessory buildings.

11-604. Signs, Billboards, and Other Advertising Structures. ***(Amended by Ordinance 12-11-13-3)*** The City of Kingston has a tradition and reputation as a community of significant historical importance and has a rich mix of land uses that blend into a unique landscape of high aesthetic quality; the Kingston Regional Planning Commission and the City Council desire to regulate all signs that are visible from the public right-of-way, public facilities, trails open to the public, and navigable waterways. Depending upon their size, numbers, and character, signs may attract or repel visitors, affect the visual quality enjoyed daily by residents, affect the safety of vehicular traffic, and define the character of the area. Thus, aesthetic considerations affect economic values as well as public health, safety, and welfare. Therefore, these conditions are established as a reasonable and impartial method of regulating advertising structures in order to ensure, light, air, and open space, to reduce hazards at intersections and to protect the property values of the entire community. The regulations for Signs, Billboards, and other similar outdoor advertising structures are enumerated below:

Purpose and Intent: It is not the purpose or intent of this article to regulate the message displayed on any sign; nor is it the purpose or intent of this article to regulate any building design or any display not defined as a sign, or any sign which cannot be viewed from outside a building. The intent and purpose of this ordinance is to set standards to regulate the number, location, size, type, illumination and other physical characteristics of signs within the City in order to promote the public safety, health and welfare; specifically to:

a. Maintain, enhance and improve the aesthetic environment of the City by preventing visual clutter that is a threat to traffic safety and is harmful to the appearance of the community, while providing for effective means of communication, consistent with constitutional guarantees.
b. Improve pedestrian and motorist safety by minimizing distractions and obstacles to clear views of the road and of directional or warning signs.
c. Protect and enhance economic viability by assuring that the City of Kingston will be a visually pleasant place to visit or live.
d. Protect the community's unique historic nature.
e. Protect property values and private/public investments in property.
f. Protect views of the natural landscape and sky.
g. Avoid personal injury and property damage from structurally unsafe signs.
h. Provide businesses with effective and efficient opportunities for identification by reducing competing demands for visual attention.
i. Provide a platform for the Enforcing Officer to apply logic and common sense in enforcing these regulations.
j. Provide a sense of balance between the extremes of over regulation and no regulation.

Several specific zoning districts in the City of Kingston are governed by particular limitations on signs, including sign height, area and illumination. The applicable zoning district regulations should be consulted for any proposed sign location (the more restrictive standard shall apply). Except as set out in subparagraph 1 (f) below, no Sign or Billboard within any zoning district of the City of Kingston shall exceed twenty-five (25) feet in height.

Where a variance is requested regarding sign height due to topographical or other conditions of a site, the Kingston Board of Zoning Appeals may consider granting such a request. However, in no instance shall a variance be granted to allow a sign height greater than twenty-five (25) above the pavement surface of the street or road adjacent to the location of the proposed sign.

1. In any zoning district, the following general regulations shall apply within the City of Kingston, as well as any applicable regulations of the Tennessee Department of Transportation:
    a. No sign shall be erected or maintained where by reason of its position, wording, illumination, size, shape, or color it may obstruct, impair, obscure, interfere with the view of, or be confused with, any authorized traffic control sign, signal, or device.

    b. All signs must be constructed and displayed so as not to impair vision and create safety hazards at any street intersection.

    c. Two (2) or more signs exceeding fifty (50) square feet in area which are located on any given lot in a business or industrial district shall be no less than fifty (50) feet apart.

    d. No sign shall be located on, or attached to, any public property except public signs authorized by the City of Kingston, Roane County, or the State of Tennessee.

    All Billboards within the city limits shall be governed by these regulations. No Billboard shall be erected or place closer than one hundred (100) feet of any residential district.

    f. Signs within five hundred (500) feet of the right of way of an Interstate Highway interchange may exceed twenty five (25) feet in height but in no event to exceed one hundred (100) feet in height.

    g. Signs erected and overhanging any sidewalk must be placed at least nine (9) feet above the sidewalk and may extend over the sidewalk to the edge of the right of way or a distance equal to two-thirds (2/3) the width of the sidewalk, whichever is less. However, in no case shall a sign overhang exceed ten (10) feet. Such signs shall be no more than twenty (20) square feet in area nor weigh more than fifty (50) pounds.

h. No lighted sign shall be permitted within three hundred (300) feet of a residential district unless it is not visible from the same. No lighted sign shall be permitted within fifty (50) feet of a residential district unless its design does not allow direct or reflected light onto such district.

i. Portable signs, including signs mounted upon trucks or trailers not securely affixed to the ground or to any building may be permitted, provided all such signs are in conformance with the area regulations of the district in which it is located. Permits shall not be issued for more than thirty (30) consecutive days.

j. Temporary signs may be used on private property without a permit for a period of no more than thirty (30) days. The owner of any temporary sign that blocks sight distance or creates a nuisance will be asked to remove the sign immediately.

k. All signs erected, constructed, or placed in any district shall be permanently attached to a building or support structure (unless permitted as a portable or temporary sign) and conform to the current building code adopted by the City and, if serviced by electrical power, shall conform to the National Electrical Code. Electrical materials and devices used on such signs shall bear the U.L. label.

    1) Commercial logos or text on vehicles or trailers that are in working order and are used primarily as a vehicle, for hauling, or jobsite storage of materials and equipment are exempt from this provision.

l. All maximum allowed sign areas are cumulative totals of wall and pole signs unless listed otherwise. Sign area allowable for a commercial, industrial, or office uses shall be the greater of one hundred (100) square feet of display surface or one (1) square foot of surface area for each one (1) lineal foot of lot adjoining a public street not to exceed a total of 300 square feet. In the case of multiple frontages, that frontage along the most traveled public street shall prevail as the dimension used for this calculation. Such sign may be either a wall or pole sign. If a parcel contains more than one business, the total allowable area shall be divided between the businesses, except for as regulated in Planned Unit Developments (PUD).

m. In all Commercial Office and Industrial districts, any existing (as of 11/15/2012) window mounted LED message boards shall be allowed to remain until the tenant, property owner, or business type changes or when the sign needs to be repaired or replaced.

2. In the R-1 and R-2 Residential Districts, the following regulations shall apply:
    a. Nameplates are permitted, which indicate name, address, house number, and announcement of boarders or roomers.

b. For apartment buildings, identification signs not exceeding nine (9) square feet in area are permitted.

c. Signs announcing customary home occupations are permitted, but shall not exceed two (2) square feet in area.

d. Church, school, or public building bulletin boards or identification signs, not exceeding twenty (20) square feet in area are permitted.

e. Flashing or intermittent illumination and/or motion of any type is prohibited.

f. No sign shall exceed twelve (12) feet in height and twenty (20) square feet except where otherwise provided in this ordinance.

g. Residential subdivision signs. Such signs shall be located at the primary entrance(s) to a development as identified on a preliminary or final plan approved by the Kingston Regional Planning Commission (KRPC). The sign(s) shall be located on private property and may be within any platted sign and/or landscape easement or within the common open space and approved by the KRPC. Such signs should be maintained by an established property owners association or the adjacent property owner. Specifications: Sign area - 100 square feet per sign maximum per entrance, which may be divided among no more than two freestanding sign faces (no single sign face shall exceed 50 square feet); with a maximum placement at three entrances per subdivision; sign height shall not exceed six feet maximum.

3. In the O-1, Office District and C-4, Controlled Commercial District, the following regulations shall apply:
   a. There shall be permitted for public recreational uses, community facilities, hospitals, and clinics - bulletin boards or identification signs not exceeding twenty (20) square feet in area.

   b. No sign shall exceed twenty (20) feet in height.

   c. Flashing or intermittent illumination and/or motion of any type is prohibited.

4. In C-1, Central Business District, C-2, Highway Business District, and C-3, Local Business District, the following regulations shall apply:
   a. Portable signs may be permitted during the opening and closing activities of commercial establishments, but in no case shall a permit allowing such signs be issued by the building inspector for a period exceeding thirty (30) days.

   b. Except as set out herein, no sign shall exceed twenty-five (25) feet in height.

c. Signs shall be permitted, subject to all other applicable requirements of this section.

d. Any single sign or sign face in business or industrial districts shall not exceed one hundred (100) square feet in area; except, where signs within such districts are located within five hundred (500) feet of the right-of-way of an interstate highway, and are not otherwise restricted or controlled by this ordinance, they shall not exceed three hundred (300) square feet in area.

e. Flashing or intermittent illumination and/or motion of any type is prohibited.

f. Window signs (other than incidental signs) shall be permitted in retail businesses, food service establishments, and financial institutions. Electric message signs (LED and similar) are prohibited.

5. In M-1 and M-2, Industrial Districts any sign meeting the requirement of this section and in addition pertaining to the product manufactured on the premises or the firm occupying the premises is permitted.
   a. Signs shall not exceed one hundred (100) square feet in area.

   b. Flashing or intermittent illumination and/or motion of any type is prohibited.

6. In an H-1, Historical District the following regulations shall apply:
   a. Information signs may be displayed in connection with such use, but the total area of each sign SHALL NOT exceed nine (9) square feet, and signs MAY HAVE indirect lighting.

   b. Flashing or intermittent illumination and/or motion of any type is prohibited.

   c. Billboards and other advertising structures are prohibited.

7. In the F-1, Floodway District the following regulations shall apply:
   a. There shall be permitted for public parks, playgrounds, and other outdoor recreational uses - signs not exceeding nine (9) square feet in area.

   b. Flashing or intermittent illumination and/or motion of any type is prohibited.

   c. Billboards and other outdoor advertising structures are prohibited.

8. In any district the following signs shall be permitted:
   a. For parking areas, entrance and exit signs not exceeding two (2) square feet in area and one (1) sign not exceeding nine (9) square feet in area identifying or designating the conditions of the use of such parking area.

b. Non-illuminated "For Sale" or "For Rent" signs not exceeding four (4) square feet in area.

c. One (1) sign not more than twelve (12) square feet in area giving the names of the contractors, engineers, or architect during construction of a building.

d. Signs established by, or by order of, any governmental agency.

e. For special events of public interest one (1) sign, not over twenty-four (24) square feet in area located upon the site of the event.

f. For each real estate subdivision that has been approved in accordance with the subdivision regulations of the city, one (1) sign, not over one hundred (100) square feet in area, advertising the sale of property in such subdivision. Such sign shall be permitted only when located on some portion of the subdivision being advertised for sale and shall not encroach upon any required yard. Such sign may be illuminated, but no flashing, intermittent or animated illumination is permitted. Such sign shall be maintained only during such time as some portion of the land is unsold. Permits for such sign shall be issued for a one (1) year period and may be renewed for additional one (1) year periods.

g. Incidental signs shall be allowed without a permit.

h. Noncommercial holiday decorations are exempt from these regulations unless a safety hazard or nuisance is observed.

9. Whenever it shall appear to the building inspector after the adoption of this ordinance, that any sign has been constructed or is being maintained in violation of the terms of this article, or is unsafe or insecure, such sign shall either be made to conform with all sign regulations as provided by this article or shall be removed within ten (10) days after written notification thereof by the building inspector. Such sign shall be removed at the expense of the owner or lessee thereof.

10. The City of Kingston may establish and require permits and fees for the placement of signs and advertisements and may regulate the same.

11-605. <u>Swimming Pools</u>. No swimming pool or part thereof, excluding aprons, walks, and equipment rooms, shall protrude into any required front or side open space.
The swimming pool area shall be walled or fenced so as to prevent uncontrolled access by children and pets from the street or from adjacent properties. Said fence or wall shall not be less than five (5) feet in height and maintained in good condition.

Private swimming pools are permitted in the R-1 and R-2 Residential Districts, provided that the pool is intended and is to be used solely for the enjoyment of the occupants of the property on which it is located and their guests.

11-606. Development and Use Standards and Regulations for Mobile Homes. The following shall apply to the use of mobile homes on individual sites, and within mobile home parks and mobile home subdivisions.

1. Definitions.
   a. *Chassis*. A frame, usually constructed of metal, used to support a structure and has either permanent or detachable wheels used to transport the structure.

   b. *Class A Mobile Home*. Any mobile home dwelling certified by the building inspector as meeting the current minimum requirements of 1) the *National Mobile Home Construction and Safety Standards* of the Department of Housing and Urban Development, 2) the *Tennessee Uniform Standards Code for Factory Manufactured Structures and Recreational Vehicles Act* and other appropriate statutes, and 3) local zoning, building, and housing codes and ordinances.

   c. *Class B Mobile Home*. Any mobile home dwelling certified by the building inspector as having met minimum federal, state, and local requirements at the time it was set up and continues to meet the local requirements and/or criteria under which it was approved and any unit approved for Class B status by the Board of Zoning Appeals.

   d. *Class C Mobile Home*. Any mobile home unit, regardless of its present or past use, location, condition, or approval certification(s) that is not in compliance with the provisions of these regulations Class C units include all non-conforming mobile homes and nonconforming uses of mobile homes.

   e. *Foundation*. The primary supporting base of a structure. It is at least partially underground and is usually constructed of masonry or concrete.

   f. *Individual Sited*. A single mobile home unit located on an individual lot approved for a single family dwelling.

   g. *Manufactured Home*. A building or structure, constructed or partially constructed in a manufacturing facility that is designed for long-term residential use and occupation.

   h. *Mobile Home*. A non-motorized manufactured home built on a chassis. Mobile homes do not include travel trailers and other recreational vehicles.
   i. *Mobile Home Park*. A parcel of land under single ownership on which two (2) or more mobile homes are occupied as residences. Mobile home parks are generally available primarily for the rental of mobile home units and/or lots.

   j. *Mobile Home Stand or Pad*. The part of an individual lot which has been reserved for placement of the mobile home unit.

k. *Mobile Home Subdivision*. A land subdivision designed and/or intended for the sale of lots for residential occupancy by mobile homes.

l. *Recreation Vehicle*. Any vehicle, self propelled or designed to be towed by another vehicle, that is designed for use as temporary living quarters and includes the following: travel and camping trailers, truck-mounted campers, motor homes, and vans converted to campers.

m. *Set-Up*. The point in time that a mobile home unit is legally connected to utility services.

n. *Skirting*. Any building material attached to, but not supporting a manufactured home and used as underpinning for such homes.

o. *Tie-Downs or Hurricane Straps*. Devices designed for anchoring a mobile home to ground anchors. Ground anchors are devices designed to secure the unit to the ground.

p. *Travel Trailer*. A non-motorized recreation vehicle designed to be towed by another vehicle.

q. *Underpinning*. Any building material used to enclose a foundation and restricting visibility and access to the area or space between the ground and floor of a structure. Underpinning may be a part of a structure's foundation.

2. Standards and Requirements Applicable to All Residential Mobile Homes.

a. Permits and Application Procedure. A permit is required before any mobile home unit shall be located or relocated within the corporate limits of the city. Permits may be issued by the building inspector after submission and approval of a site plan showing the anticipated location of the unit on the lot and service connections. The approved site plan shall be considered a temporary permit until proper inspections are completed and the building inspector verifies that the unit and its installation meets federal, state, and local requirements and standards. Upon verification of compliance, the building inspector shall issue a Mobile Home Occupancy Permit.

b. Federal and State Standards. The most recent *National Mobile Home Construction and Safety Standards* of the Department of Housing and Urban Development, the *Tennessee Uniform Standards Code for Factory-Manufactured Structures and Recreational Vehicles*, subsequent amendments and other appropriate regulations shall apply to all mobile homes being located or relocated within the municipality.

c. Local Requirements. In addition to the requirements of the Southern Standard Building Code, the following shall apply:

- Electric, water, wastewater, and other public service connections shall not be made unless an approved temporary permit is available.

- Individually sited units, except as provided in Section 4 below, shall be approved for owner occupancy only; however, upon approval of the Board of Zoning Appeals, a unit to be occupied by its owner may be located upon a leased lot or land parcel. Proof of ownership shall be required.

- Individually sited units shall meet minimum setback and lot area requirements for the zoning district.

- Units shall be underpinned and anchored using appropriate tiedowns.

3. Special Provisions for Locating and Relocating Class A and B Mobile Homes and the Continued Use of Class C Mobile Homes.
   a. Class A Mobile Homes. The building inspector is authorized to approve the location and issue permits for Class A units in R-3 Districts. This authorization applies to individually sited units and those qualifying under subsection 4 below, provided no variance(s) is/are required.

   b. Class B Mobile Homes. The building inspector is authorized to issue permits for the relocation of Class B units from R-1 and R-2 Districts to R-3 Districts.

   c. Class C Mobile Homes. Class C units do not meet minimum standards required for their use and occupancy, therefore it is intended that they be eliminated. However, upon compliance with the following conditions, certain units may be upgraded to Class B:
      - The unit is improved and substantially complies with local housing codes and is given the appearance of a site-built dwelling. Required improvements shall include, but not be limited to a permanent masonry foundation and underpinning and landscaping of yards. The unit should appear to face a street; its exterior should appear to be wood or masonry, and should be of a color that allows it to blend with other houses in the neighborhood.

      - The Board of Zoning Appeals approves the owner's application for a change of classification, the building inspector certifies substantial compliance with housing codes, and the planning commission, the landscaping and appearance plan. The change of classification shall not take effect until all improvements have been completed and certified by the building inspector.

4. Provisions for Medical and Financial Hardships.
    a. Location. The unit shall be placed on a lot with or adjacent to, (adjoining) the principal dwelling of a member of the immediate petitioner's family or legal guardian.

    b. Uses Limited. Units may not be rented, leased, or used for purposes other than the approved use and occupancy.

    c. Duration. A hardship permit can be issued only after proper application and approval by the Board of Zoning Appeals. Such permits shall not be issued for more than one (1) year, although annual renewals will be considered if the original condition continues to exist.

    d. Proof of Hardship. Medical hardship applications may require documentation from a physician.

    Financial hardship applications shall require documentation from a local financial or credit institution verifying that the petitioner cannot meet minimum credit qualifications for alternative housing. Financial hardship permits are not available in the R-1 and R-2 Districts unless it is shown that the petitioner owned the proposed location site prior to the adoption of these regulations. Ownership may include ownership by an immediate family member and the Board of Zoning Appeals requires proof of ownership.

5. Development Standards and Regulations for Mobile Home Parks and Subdivisions. All mobile home parks and subdivisions shall be proposed for location in an R-3 Residential District. All mobile home units shall comply with the provisions of Section 11-606 above. Mobile home subdivisions shall be developed in accordance with the Kingston Regional Subdivision Regulations.

11-607. Small Lot Residential Developments. The purpose of these regulations is to provide guidelines for the planning and development of single-family detached and single and multi-family attached and semi-attached dwellings which shall be held in fee simple as individually deeded lots. It is the intent that these regulations allow smaller lots per dwelling unit than is otherwise permitted by the zoning code. It is further intended that these regulations increase the variety of housing design, reduce purchase and maintenance costs for the homeowner, reduce the city's utility costs, and increase the city's tax base by increasing the density of owner-occupied dwellings.

1. Threshold Criteria. All development proposed under these regulations shall meet the following "threshold requirements":
    a. Be proposed for a zoning district which allows multi-family dwellings as a "permitted use."

b. Be approved by the Board of Zoning Appeals if proposed for any district other than the R-2, Residential District, or if any use other than residential is proposed.

c. Be submitted to the planning commission in the form of a "Development Plan" for approval.

d. Be developed and maintained primarily as owner-occupied dwellings.

2. Approval Procedure and the Development Plan. Proposals for development shall be submitted to the planning commission for approval in at least ten (10) days prior to the meeting at which it is to be considered.
   a. Phase I, the development proposal, shall contain a narrative outline and a preliminary site plan…
      i. The narrative shall identify the owner/applicant, architect/engineer, the location of the proposed project, the total acreage of the site, the average size of lots, the present zoning, the intended land uses and use of structures, a list of necessary zoning and subdivision waivers and variances, a list of proposed deed restrictions, and a tentative development schedule which clearly delineates time periods and benchmarks important to the success and completion of the project.

      ii. The preliminary site plan shall be prepared according to "Procedure for Plat Approval", of the *Kingston Regional Subdivision Regulations*. It shall also show the proposed location of buildings and of the structures on each lot.

   b. The planning commission, within forty-five (45) days after its first official meeting following receipt of the proposal, shall evaluate its merits and potential impacts using both the subdivision regulations and the zoning code as the standard. The commission shall upon completion of its evaluation, provide the applicant with a written report containing recommendations, suggestions, and comments.

   c. The planning commission, as part of its initial evaluation, shall consider the impacts of the project on schools, traffic, public service demands, and other community facilities.

   d. The planning commission may suggest and recommend waivers, variances, and other changes which it deems will improve the quality and acceptability of the project. Recommended waivers and variances shall not violate the intent and spirit of any zoning, housing or building, or subdivision regulation, and shall consider the public welfare, the needs of the community, and good design and construction standards.

e. The applicant, within six (6) months of the commission's report, shall submit Phase II, the Development Plan. The plan should reflect the comments, suggestions, and recommendations of the planning commission. It shall contain the final version of all data required for Phase I, Architectural Drawings of Proposed Structures, and Final Plat Procedures and shall be prepared in substantial conformance with the subdivision regulations.

   Two (2) separate plats shall be submitted - one (1) shall be a site plan showing building locations and the other shall show only that information required by the subdivision regulations. Both plats shall include the required certifications as well as certifications of the Board of Zoning Appeals and the building inspector.

f. The planning commission, after evaluating the plan, shall within forty-five (45) days hold a public hearing to make appropriate recommendations to the Board of Zoning Appeals concerning any waivers and variances proposed.

g. The Board of Zoning Appeals shall evaluated the merits and potential impacts of the project and the requested waivers and variances. The Board may approve, reject, or remand to the planning commission with comment.
   i. If approved, the building inspector is authorized to issue the necessary permits.

   ii. If rejected, the applicant may reinitiate Phase II after making appropriate modifications.

   iii. If remanded, the commission shall review BZA comments and choose either to work with the applicant to revise the plan or to provide the BZA with additional information in support of its original recommendations.

h. Prior to the issuance of any permits, the building inspector and the applicant shall mutually agree upon an inspection schedule. The schedule shall relate to the "Development Schedule" approved in the plan. It shall be the responsibility of the applicant to notify the building inspector of changes in the schedule. In the event that the building inspector and the applicant cannot agree on a schedule, the schedule will be determined by the planning commission.

3. Design and Public Improvements. Due to modifications to the zoning and subdivision regulations permitted by these regulations, the Board of Zoning Appeals and the planning commission are required to establish other requirements in order to compensate for potential negative and undesirable impacts on the public, the environment, and other public and private concerns of the community. In anticipation of certain modifications the following standards are established; additional standards and requirements shall be determined on a case-by-case basis:

a. Structures.

i. All buildings shall contain at least three (3) and no more than five (5) dwelling units;

ii. Each dwelling unit and each building should have an architectural character that is individual, yet compatible with adjoining and surrounding structures;

iii. Front facades should be offset and clearly identifiable as an individual dwelling unit.

iv. One (1) story units should be placed at the end of buildings.

v. One (1) story units shall contain a minimum floor area of 850 square feet per floor;

vi. Minimum separation between unattached buildings shall be in accordance with the following:

BUILDING RELATIONSHIPS	DISTANCE IN FEET
1) end to end	30
2) front to end	40
3) back to end	40
4) back to back	60
5) front to front	60
6) front to back	60

b. Minimum Acreage, Lot Sizes, Yards and Setbacks, and Parking.

i. The minimum acreage for a development project shall be one (1) acre.

ii. The combined average of all lots shall equal 3,000 square feet and no lot shall measure less than 200 square feet and shall be at least ten (10) feet wide. Two (2) spaces shall be required per dwelling unit.

c. Open Space. The planning commission may require all development projects exceeding three (3) dwelling units provide a common open space area equal to one-third (1/3) acre per three (3) dwelling units. The developer shall provide for the perpetual maintenance of all open spaces. Unusable land may be excluded as meeting this requirement.

d. Public Improvements.

i. All water and wastewater facilities shall meet minimum standards and shall be approved by the health department.

ii. Except for variations in width, approved by the planning commission, all streets must meet minimum appropriate city or county standards.

4. Administration.

a. Restrictions. In addition to the following, the planning commission may place other justifiable restrictions deemed necessary:

i. No open space reserves shall be converted to other uses.

ii. No approved lot shall be resubdivided.

iii. In the event that one (1) or more units are destroyed or otherwise removed, no structure not in compliance with the original plan or the intent of the plan shall be constructed on the site.

iv. No unbuilt lots shall be sold or recorded.

v. No approved plan shall remain valid for more than one (1) year unless substantial progress has been made toward the project's completion. The planning commission may require the developer/applicant may request that the project be developed in stages in order to avoid this restriction.

vi. The planning commission or the city may not unilaterally amend an approved plan nor shall an applicant/developer be required to meet new requirements if project construction is begun within one (1) year of the date the development proposal is approved.

b. Inspections.

i. As a part of its role to ensure quality development, the planning commission may require that the applicant/developer provide references and identify examples of projects which he/she has developed or with which he/she has had a major planning and development role.

ii. The building inspector shall make scheduled and unscheduled inspections of projects as they are constructed. He shall determine if the project is being developed according to the approved plan as well as to other requirements of the city.

iii. He may request assistance from the health officer, fire inspector, and others in order to make the required inspections.

iv. He shall ensure that all materials and construction techniques are in conformance with municipal standards.

v. The building inspector shall enforce the following occupancy regulations:

- No structure constructed under these regulations shall be occupied until and after it has been approved for occupancy and an occupancy permit issued. This regulation shall apply for each new occupant and each time the ownership is transferred.

1. General Requirements for Mobile Home Parks.

   a. Minimum Area. The site shall be at least one (1) acre in area and shall not be developed at a density exceeding the provisions of 2.f. below (including streets, common open spaces, and other facilities).

   b. Ownership. The site shall be in single ownership, or the developers shall provide written contractual documentation binding parties owning separate lots of record to an agreement that clearly identifies responsibility for the operations and maintenance of the park.

   c. Access. The site shall have direct access to an accepted public street.

   d. Maintenance. The owner of any mobile home park shall be responsible for the general maintenance and appearance of the park.

   e. Operations. The owner of the park shall be held responsible for compliance with local health and safety requirements and the provisions of 11-606 whether individual dwelling units are leased, rented, or owned by the tenant or others.

   f. Services. The owner of the park shall ensure the availability of adequate utilities, recreation/open space, storage, parking, and garbage and trash disposal.

   g. Site Plan Required. A site development plan shall be presented and approved by the planning commission before a permit for a mobile home park can be issued.

2. Site Plan Requirements. The site plan, as approved by the planning commission, shall provide the standards for developing the mobile home park. The plan shall show that the development is adapted to the individual site conditions and the type of market to be served. It shall reflect advances in site planning techniques and show adaptability to trends in mobile home designs. The plan shall show a reasonable attempt to utilize existing terrain, trees and other natural features of the site. The plan shall also reflect the following:

   a. Arrangement of Structures and Facilities. The site, including mobile home stands, patios, structures, and all site improvements, shall be harmoniously and efficiently organized in relation to topography, the shape of the plot, and

the shape, size, and position of structures and common facilities. Full attention shall be paid to use, appearance, and livability.

b. Protection from Adverse Influences. Adequate protection shall be provided against undesirable on-site and off-site views or any adverse influence (such as heavy commercial or industrial use, heavy traffic, or brightly lighted activities, dumpster, etc.).

c. Design. The site plan shall provide for a desirable residential environment for mobile homes which is an asset to the community in which it is located. Innovation and imaginative design shall be encouraged, monotony avoided.

d. Pads. The mobile home stand (pad) shall provide for practical placement on and removal from the lot and retention of the home in a stable condition and in satisfactory relationship to its surroundings. Its size shall accommodate the dimensions of the mobile homes anticipated and the location shall be at such elevation, distance, and angle in relation to the access street and the mobile home accessway that placement and removal is practical.

e. Pad Grades. Appropriate material, properly graded, placed and compacted so as to be durable and adequate for the support of the maximum anticipated loads during all seasons shall be used. There shall be a longitudinal gradient of 0% to 5% and an adequate crown or cross gradient for surface drainage.

f. Open Space Depth. Open space depth is the clear open space that lies in any direction away from a mobile home stand at any point on the mobile home stands. It is measured in a line which is perpendicular (at right angles) to the stand line. This depth shall be equal, at any point measured, no less than four (4) feet plus 10% of the length of the stand. For purposes proposed and the outline of the mobile home stand are considered the same.

g. Distances Between Mobile Homes. The distance between mobile home homes or mobile home stands shall not be less than the sum of the open space depth figured for each opposing mobile home stand. If structural additions to a mobile home are anticipated in the planning program, design distances between mobile homes must be computed on the assumption that the addition is already a part of the mobile home.

h. Alternate Open Space Depth. Once a minimum lot width has been established applying determination of distances as described in paragraph g. above, a limited number of stands in any one (1) park may incorporate an alternate total open space depth between two (2) mobile homes of six (6) feet. In such instances, the two (2) mobile homes must be placed on their respective lots in such a way as to maximize the open space available on the patio or outdoor living area side of the mobile homes in question. Increased site livability is the only objective for the application of this exception and in no case will the

clustering of two (2) mobile homes near a common lot line result in a reduction in lot size.

i. Distance Across Streets. The distance from the line or corner of any mobile home stand to any stand on the opposite side of a street shall be thirty-six (36) feet minimum.

j. Distance to Common Areas. The distance from the line or corner of the mobile home stand to a street pavement, a common parking area, a common walk or other common area shall be eight (8) feet minimum.

k. Site Buffers. The distance from the line or corner of any mobile home stand to a boundary line of the development shall be adequate to protect the residential use in the development and in any case shall not be less than fifteen (15) feet. The outer boundaries of the site shall be buffered; preferably with live planting or neatly maintained natural vegetation.

l. Lot Lines. The limits of each mobile home lot shall be clearly marked on the ground by permanent flush stakes, markers, or other suitable means.

m. Site Improvements. The site shall show the improvements included in Section 3 below and the developer is encouraged to include improvements suggested in Section 4 below.

3. Required Site Improvements. Mobile home park developers are required to make the following site improvements and to show these proposed improvements in the site plan. Limited exceptions to these provisions may be allowed in development proposals affecting less than two (2) acres, if recommended by the planning commission and approved by the Board of Zoning Appeals.

   a. Streets. All streets in the mobile home park shall meet minimum street design and construction standards as required by local codes, ordinances, and regulations, or the following:

      Recognition of Existing Facilities. The street system shall be designed to recognize existing easements, utility lines, etc., which are to be preserved; and to permit connection to existing facilities where necessary for the proper functioning of the drainage and utility systems.

      Circulation. The street system shall provide convenient circulation by means of minor streets and properly located collector streets. Closed ends of dead-end streets shall be provided either with an adequate paved vehicular turning circle at least eighty (80) feet in diameter, or with another adequate turning facility.

      Pavement Widths. Pavements shall be of adequate widths to accommodate the contemplated parking and traffic load in accordance with the type of street.

i. All streets and other collector streets with guest parking on both sides … 36' minimum
ii. Collector street with no parking…30' minimum
iii. Minor street with parking on one side…28' minimum
iv. Minor or cul-de-sac street with no parking…20' minimum
v. One-way street with no parking (generally acceptable only if less than 500' total length and serving less than 25 mobile home stands)…12' minimum

* Reduce by 2' if adjacent sidewalk is provided.

Alignment and Gradient. Streets shall be adapted to the topography and shall have suitable alignment and gradient for traffic safety, satisfactory surface and ground water drainage, and proper functioning of sanitary and storm sewer systems.

Intersections. Street intersections shall generally be at right angles. Offsets at intersections of more than two (2) streets at one (1) point shall be avoided.

Extent of Improvements. The street improvements shall extend continuously from the existing improved street system to the site. They shall provide suitable access to the mobile home stand and other important facilities on the property, adequate connections to existing or future streets at the boundaries of the property, and convenient circulation for vehicles.

Grading. Streets shall be graded for their full width to provide suitable finish grades for pavement and any sidewalks with 1) adequate surface drainage and 2) convenient access to the mobile home stands and other important facilities on the property.

Edging. Pavements and surfacings other than cement concrete shall be protected at the edges by suitable means where necessary to prevent raveling or the wearing surface and shifting of the pavement base.

Subgrade. The subgrade shall be well drained, uniformly graded, and compacted.

Flexible Pavement. The base shall be a minimum of six (6) inches thick and composed of crushed stone, gravel, or other appropriate durable material compacted to the maximum practical density. The wearing surface shall be of hot bituminous concrete a minimum of 1-½ inches thick compacted to the maximum practical density.

Rigid Pavement. Where Portland Cement concrete is used it shall not be less than five (5) inches thick on a prepared subgrade constructed in accordance

with accepted practices, with expansion joints where driveways and walk abut each other or the curb.

Seasonal Limits. Streets shall be laid during favorable weather conditions; subgrade and base shall be frost-free.

b. Accessways. Accessways shall be provided to each mobile home stand for maneuvering the mobile home into position. The access shall be kept free from trees and other immovable obstructions. The width of the accessway shall be a minimum of twelve (12) feet of the width required by current mobile home models plus extra width necessary for maneuvering a mobile home on a curve. The accessway shall have safe alignment and gradients adequate to prevent contact of the undercarriage of the mobile home. Pavement of the reserved accessway is not required; use of planks, steel mats, or other means during placement of a mobile home is considered satisfactory for the infrequent moves occurring with non-transient occupancy.

c. Driveways. Driveways shall be provided on the site where necessary for convenient access to service entrances of buildings; to delivery and collection points for fuel, refuse and other material, and elsewhere as needed. The driveway designed to serve a single facility or single mobile home lot shall be a full width driveway. Generally it shall be a minimum of eight (8) feet. If it is used as a walk, generally it shall be a minimum of ten (10) feet. The entrance shall have the flare or radii adequate for safe and convenient ingress and egress. The horizontal alignment shall be safe and convenient to enable backing cars out, or to provide adequate turnaround. Gradient between vertical transitions generally not more than 1-¾ inches per foot (14%). Vertical transition adequate for riding comfort and to prevent contact of car undercarriage or bumper. Crown or cross slope generally not less than 1/8 inch per foot (1%).

d. Parking. Car parking spaces shall be provided in sufficient number to meet the needs of the occupants of the property and their guests without interference with normal movement of traffic. Such facilities shall be provided at the rate of at least one (1) car space per mobile home lot plus an additional car space for each four (4) lots to provide for guest parking; for two (2) car tenants, and for delivery and service vehicles. Required car parking spaces (9' x 20' minimum) shall be located for convenient access to the mobile home stands. Usually one (1) car space shall be located on each lot and the remainder located in adjacent parking bays. The following standards for parking bays are recommended:

PARKING ANGLE	CURB LENGTH PER CAR	MINIMUM BAY DEPTH*	MINIMUM BACKING DEPTH*
90°	9'	18'	26'
60°	12.5'	17'	20'
45°	12.7'	16'	19'

* Perpendicular to curb line.

e. Utilities. All water, wastewater, electrical, and other service facilities shall be installed as required by local codes, ordinances, and regulations. Water service and facilities shall be adequate for fire protection.

f. Storm Drains. The site, pads, and other areas shall be properly drained to prevent flooding, standing water, and wet areas.

g. Landscaping. The site shall be grassed and planted to retard dust accumulation and erosion.

4. Other Site Improvements. The developer is encouraged to include additional site improvements that will enhance the livability and aesthetic quality of the mobile home park. Such improvements may be favorably looked upon as a part of an innovative design scheme or technique and when site conditions may require deviations from the requirements of these and other regulations. Examples of additional improvements and conditions that may warrant special consideration are listed below. The developer is encouraged to consult the most recent edition of the Department of Housing and Urban Development's handbook, *Minimum Design Standards for Mobile Home Parks*.

   a. Outdoor Living Areas. In developments that meet minimum acreage requirements, but the terrain reduces the number of units the site will accommodate, the developer may wish to provide private outdoor living and service areas.

   b. Pedestrian Walks. The terrain or shape of the site may require narrower streets than are normally permitted. Special consideration of narrower streets may be linked to the provision of separate pedestrian walks.

   c. Other Examples of Site Improvements. The planning commission and the Board of Zoning Appeals may give special considerations where the following are included: extra storage areas for tenants, laundry and recreation facilities, and permanent on-site management facilities.

5. Existing mobile home parks and individually sited Class B and Class C mobile homes may be granted certain benefits upon substantial compliance with the provisions of 11-606 (3) for individually sited units and the provisions of 11-607 for mobile home parks, and/or other provisions and conditions recommended by the planning commission and approved by the Board of Zoning Appeals. In order to qualify for these benefits, application for consideration shall be submitted to the building

inspector within ninety (90) days of the effective date of this ordinance. After approval of planned improvements by the Board of Zoning Appeals compliance must be accomplished within six (6) months for individually site mobile homes and one (1) year for parks. The Board of Zoning Appeals may offer any of the following benefits for compliance with the provisions of this ordinance:

a. Indefinite relief from the amortization provisions of the zoning code

b. Limited relief (up to five (5) years) from the amortization provisions of the zoning code

c. A change in classification (from Class C to Class B)

d. Extended use privileges, not to exceed three (3) years, and

e. Relief from prosecution if the unit or park is in violation of previously adopted codes and regulations.

11-608. Development Standards for Certain Uses. In order to accomplish the purposes of the zoning code, special consideration is hereby given to certain uses. These uses shall comply with the following requirements regardless of the district in which they may be located.

1. Gasoline Service Stations. The following regulations shall apply to all gasoline service stations:
   a. There shall be a building setback from all street right-of-way lines of a distance of not less than forty (40) feet.

   b. Gasoline pumps shall not be located closer than fifteen (15) feet to any street right-of-way line.

   c. Sign requirements as established in this ordinance shall be met.

2. Cemeteries. The following regulations shall apply to all cemeteries:
   a. The site proposed for a cemetery shall not interfere with the development of a system of streets and in addition shall have direct access to a thoroughfare.

   b. Any new cemetery shall be located on a site containing not less than ten (10) acres.

   c. All structures and facilities including but not limited to mausoleums, graves, burial lots, monuments, and maintenance buildings shall be set back at least thirty (30) feet from any property line or street right-of-way.

   d. All required yards shall be landscaped and maintained.

e. Proposals for cemeteries must be approved by the Board of Zoning Appeals prior to the issuance of a building permit.

3. Automobile Wrecking, Junk, and Salvage Yards. The following regulations shall apply to all automobile wrecking, junk, and salvage yards:
   a. No automobile wrecking, junk, and salvage yard shall be permitted closer than three hundred (300) feet from any residential district.

   b. All outdoor storage of salvage and wrecking operations shall be conducted entirely within an enclosed opaque fence or wall, except driveway areas, from eight (8) to twelve (12) feet in height. Storage between the street and such fence or wall expressly prohibited. Any fence or wall erected for screening purposes shall be properly painted or otherwise maintained in good condition.

4. Landscaping, Site Development, and Lot Maintenance. All yards, lots, parcels, and acreages within the city limits of Kingston shall be landscaped or left in a state of natural vegetation. Such land shall be maintained in a neatly trimmed and clean manner free of rubbish, debris, and other unsightly materials.
   a. In no instances shall any owner, user, or agent for real property allow, promote, or cause the existence or continued existence of structures, yards, lots, or parcels occupied or vacant that present health and safety hazards, nor shall any real property owner, user, or agent allow such property to remain uncut, unmowed, or otherwise in an unkempt or unsightly (uncontrolled natural or planted vegetation, garbage, junk, trash, man-made piles of earth, rock, or other material) condition for more than thirty (30) days after being served notice that such condition violates the provisions of this ordinance.

   b. The Kingston Regional Planning Commission may require that occupants, users, or establishments within the Commercial and Industrial Districts adjacent to Residential or Office Districts plant or retain natural vegetation to screen such establishments or uses from residential and office uses. The Kingston Regional Planning Commission approved man-made screening material may be substituted to meet this requirement.

   c. Any person or persons engaging in or responsible for excavation of dirt, sand, rock, or other material from a site is subject to the provisions of this section, Section 11-609, and is responsible for ensuring that the public is not unduly inconvenienced by such excavation.

11-609. Temporary Use Regulations. The regulations contained in this section are necessary to govern the operation of certain transitory or seasonal uses, non-permanent in nature.

1. Permit Required. Application for a temporary use permit shall be made to the building inspector and shall contain the following information:

a. A survey or legal description of the property to be used, rented, or leased for a temporary use, including all information necessary to accurately portray the property.

b. A description of the proposed use.

c. Sufficient information to determine the yard requirements, setbacks, sanitary facilities, and availability of parking space to service the proposed use.

2. The following uses are deemed to be temporary uses and shall also be subject to the specific regulations and time limits which follow and to the regulations of any district in which such use is located:

   a. Carnival or Circus. In any non-residential district, a temporary use permit may be issued for a carnival or circus, but such permit shall be issued for a period of not longer than fifteen (15) days. Such a use shall set back from all residential districts a distance of one hundred (100) feet or more.

   b. Christmas Tree Sale. In any district, a temporary use permit may be issued for the display and open-lot sales of Christmas trees, but such permit shall be issued for a period of not longer than thirty (30) days.

   c. Temporary Buildings. In any district, a temporary use permit may be issued for a contractor's temporary office and equipment sheds incidental to a construction project. Such office or shed shall not contain sleeping or cooking accommodations. Such permit shall be valid for not more than one (1) year but may be renewed a maximum of two (2) one-year extensions. However, such office of shed shall be removed upon completion of the construction project or upon expiration of temporary use permit, whichever occurs sooner.

   d. Real Estate Sales Office. In any district, a temporary use permit may be issued for a temporary real estate sales office in any new subdivision which has been approved in accordance with the provisions of the ordinance regulating subdivisions. Such office shall contain no sleeping or cooking accommodations. Such permit shall be valid for not more than one (1) year, but may be renewed a maximum of three (3) one-year extensions. Such office shall be removed upon completion of the development of the subdivision or upon expiration of the temporary use permit, whichever occurs sooner.

   e. Religious Tent Meeting. In any non-residential district, a temporary use permit may be issued for a tent or other temporary structure to house religious meetings, but such permit shall be valid for not more than thirty (30) days.

   f. Seasonal Sale of Farm Produce. In any district, a temporary use permit may be issued for the sale of farm produce grown only on the premises. Such sales space shall be of portable or sectional construction, and shall not exceed an area of one hundred (100) square feet. Such stands shall be removed when

not in use. A permit shall be valid for not more than four (4) months per year. A temporary structure used for this purpose shall set back from all public rights-of-way a distance of not less than fifteen (15) feet.

11-610. Environmental Performance Standards. In every district, it shall be unlawful to carry on or permit to be carried on any activity, operation, or use of any land, building, or equipment to the extent that it is harmful to the general health, safety, and welfare.

1. Smoke. The discharge into the atmosphere from any single source of emission whatsoever of any air contaminant for a period or periods aggregating more than four (4) minutes in any one-half (1/2) hour is prohibited if the contaminant is:
    a. As dark or darker in shade as that designated as Number Two (2) on the Ringelmann Chart. The Ringelmann Chart, as published by the U.S. Bureau of Mines shall be the standard. However, the umbrascope readings of smoke densities may be used when correlated with the Ringelmann Chart, or

    b. Of such opaqueness as to obscure an observer's view to a degree equal to or greater than the smoke described in (a) above, except when the emission consists only of water vapor.

2. Dust, Dirt, and Fly Ash. The quantity of gas borne dust, dirt, or fly ash resulting from any activity, operation, or use of any land, building, or equipment shall not exceed 0.20 grains per cubic foot of the carrying medium at a temperature of five hundred (500) degrees Fahrenheit.

3. Light. Exterior lighting shall be so installed that the surface of the source of light shall not be visible from any bedroom window, and shall be so arranged as practical to reflect light away from any residential use; and in no case shall more than one (1) foot candle power of light cross a property line five (5) feet above the ground in a residentially zoned district.

4. Glare and Heat. Any operation producing intense glare or heat shall be performed within an enclosure so as to completely obscure such operation from view from any point along the property line, except during the period of construction of the facilities to be used and occupied.

5. Odor. The emission of noxious, odorous matter in such quantities as to be readily detectable at any point along lot lines when diluted in the ratio of one (1) volume of odorous air to four (4) or more volumes of clean air or as to produce a public nuisance or hazard beyond lot lines is prohibited.

6. Gases. The escape or emission of any gases which are injurious or destructive shall be unlawful and may be summarily caused to be abated.

11-611. Drainage and Erosion and Sedimentation Control. Grading, cutting and filling, excavating, removing and/or destroying top soil, trees, and other ground cover, and other land disturbing activities which have the potential for causing contamination of water supplies and resources, the clogging of water courses and ditches, sinkholes and other natural drainageways; or causing land erosion which may jeopardize public and private property; and other development activities, such as paving which substantially increase water run-off and soil erosion shall be undertaken in a manner which eliminates off-site property damage.

1. Grading - Excavation Permit. A permit, issued by the building inspector, shall be required before initiating land disturbing activities or otherwise exposing the earth's surface to erosion causing elements.

2. Soil Erosion Control and Drainage Plan. A soil erosion control and drainage plan shall be submitted and approved before permits will be issued for sites where an acre or more of land will be disturbed or where the site contains slopes of ten (10) percent or more. The municipal building inspector is authorized to approve a site plan containing less than three (3) acres; all others must be reviewed and approved by the planning commission.

3. Soil Erosion Control and Drainage Plan Content. Plan shall include the following descriptive information:
    a. A boundary line survey of the entire site;

    b. Description of general soil conditions;

    c. Location and description of existing and proposed topographic features and conditions;

    d. Plans and specifications for soil erosion and sedimentation control during construction and the site's permanent drainage system; and

    e. The development sequence of construction events as related to the control of soil erosion and sedimentation.

4. Construction Phase Control Measures. One or more of the following or other measures offering no less protection and/or control shall be utilized as necessary to ensure minimum off-site runoff:
    a. Development should be fitted to the topography and soils in order to minimize erosion potential.

    b. Erosion and sedimentation control measures shall be coordinated with the required steps in construction, and appropriate control measures shall be installed prior to the start of construction.

c. Land shall be developed in increments of workable size, on which adequate controls of erosion and sedimentation can be provided and maintained during the construction period. Operations shall be staged so that the area being developed is not exposed for a long period of time without stabilization and so that the first disturbed areas are completely controlled before the next section is opened. No exposure period shall be planned in excess of 180 days. This period may be extended if satisfactory control measures are established and maintained.

d. Provisions shall be made to accommodate the increased runoff caused by changed soils and surface conditions during development. Runoff shall be intercepted and safely conveyed to storm drains or natural outlets where it will not erode or flood land. The drainage system for the development shall be completed and made operational as quickly as possible during construction.

e. A vegetative ground cover sufficient to restrain erosion must be planted or otherwise provided within thirty (30) working days on that portion of the tract upon which further active construction is not being undertaken. Periodic or intermittent land disturbing activity does not preclude the intent of this section. Where feasible, natural vegetation shall be retained and protected. Temporary vegetation and/or mulching shall be used to protect areas exposed during development where necessary.

f. Sediment basins shall be installed and maintained to collect sediment from runoff water from land undergoing development. Storm water inlets with debris guards and micro-silt basins to trap sediment and to avoid possible damage by blockage shall be provided.

g. If erosion becomes evident on a site exempted from the permit requirement, all activity shall be halted, temporary erosion control measures implemented, and a permit obtained within fifteen (15) days.

5. Permanent Control Measures. The following shall apply in order to provide long-term erosion and sedimentation control:

a. The permanent vegetation and structure(s) shall be installed as soon as practical.

b. Streets, parking lots, driveways, and other paved areas shall be surfaced as quickly as practical.

c. The finished slope of any excavation must not exceed 3:1. The slope is calculated as the slope or degree of inclination from the horizontal. In order to maximize land area, a retaining wall may be constructed to preclude the slope requirement.

d. Slopes left exposed will, within thirty (30) working days of completion of any phrase of grading be planted or otherwise provided with a ground cover, devises or structures sufficient to restrain erosion.

e. The size of drain tiles shall be determined using Talbot's Formula or comparable.

6. Maintenance. Any person, firm, or entity engaged in or conducting any land disturbing activity shall be responsible for maintaining all temporary and permanent erosion and sedimentation measures and facilities during development of the site and for a period of one (1) year thereafter. If during the one (1) year period, repairs or maintenance are required to said measures and facilities, then there shall be a further period of responsibility of one (1) additional year. Thereafter, such responsibility shall be with the landowner except for those improvements which have been accepted by the building inspector.

7. Exclusions. No grading/excavation permit shall be required for:
   a. Nursery operations, such as the removal and/or transplanting of cultivated soil, shrubs and trees.

   b. Garden plots; lawn preparation of landscaping activities or existing lots or parcels unless the possibility for erosion and sedimentation or alteration of drainage is such to necessitate a grading permit as determined by the building inspector.

   c. Agricultural management practices such as plowing or cultivation.

   d. Strip and surface mining regulated by State and Federal statutes.

   e. Sanitary landfills operated and conducted in accordance with the requirements and rules adopted by the City of Kingston or municipalities and State of Tennessee.

11-612. Partition Fences. The installation of any fence, including retaining walls, within ten (10) feet of any property line, public right-of-way, or public or private easement, shall be governed by the following:

1. Prior to the installation or construction of fencing subject to this part, the property owner or agent shall present to the building inspector a copy of the official parcel or lot plat, or copy of Roane County Tax Map showing the measured proposed location of said fencing, the names and telephone number of adjacent property owners, and the address of the property upon which the fence is being placed, erected, or constructed.

2. The property owner/agent shall be provided a fencing registration form by the building inspector. The form is to be completed by the property owner/agent and returned to the building inspector prior to installation of the fence.

3. Private fencing shall not be placed on any public lands or easements.

4. Gates shall be located so that they will not block public sidewalks, streets, or easements.

5. Fencing less than six (6) feet high shall contain no sharp edges such as barbs, spikes, or broken glass.

6. Fences shall not be electrified.

7. Fences shall be of a design, quality, and construction that is generally acceptable and compatible in the neighborhood (approximately 800 feet on either side and 200 feet to the front and rear).

8. Fences may be erected as noise barriers, but should comply with the above guidelines.

9. Variations from these guidelines may be referred to the planning commission by the building inspector for comment and must be acted upon by the Board of Zoning Appeals.

10. Fences used to enclose swimming pools are exempt for the provisions of item 7 above.

(amended by Ord. #97-2-11-1)

11-613. Site Plan Review Standards and Procedures. (*Ord. #9-3-10*)

1. Development Projects Subject to Review.

    a. Commercial and industrial development projects.

    b. Any residential project that results in a housing development of six (6) or more dwelling units.

2. The Review Will Consider.

    a. Impact on water, wastewater, solid waste, traffic and streets, drainage and other factors affecting the public health and safety and the fiscal well being of the city.

b. Zoning classification and use standards, surrounding uses, and variances. Variances with recommendations will be sent to the Board of Zoning Appeals.

c. Impact of development on environment (erosions, flooding, drainage).

3. Procedure

a. Submission of Site Plan: The site plan applicant shall submit a site plan, and must include and address all items identified in the *Site Plan Application Checklist* and in the *Zoning Ordinance of the City of Kingston*, both available at the Kingston City Hall. The site plan must follow the requirements of Section Four (4) below. One (1) Site Plan Application Checklist and twelve (12) copies of the site plan shall be submitted to the Kingston City Hall at least ten (10) days before the planning commission meeting at which it will be considered.

b. Planning Commission Review: The site plan applicant, or his designee, must attend the planning commission meeting at which the site plan is considered, or the planning commission will deny the site plan without prejudice.

4. Site Plan Requirements

The site plan shall be professionally prepared, and must be at a scale of no more than 1" = 30' and shall include the following:

a. Owner's name, address, and contact number.

b. Plan preparer's name, address, and contact number.

c. Site name and location, topographic contours at vertical intervals of no more than five (5) feet, and a location map.

d. North point, graphic scale, site acreage, current zoning designation, whether the site is located in a flood-prone area per current FEMA D-FIRM maps, and legend.

e. Stormwater plan for detention or retention based on a 24-hour storm of 10-year frequency. All drainage areas, drainage easements, culvert/tile size,

proposed improvements, and calculations shall be shown.

f. Soil Erosion Control Plan if applicable.

g. Location and size of all existing and proposed utilities, including but not limited to water and sewer lines, fire hydrants, transmission lines, pumping stations, poles, pad-mounted transformers, and buried lines.

h. Location of all abutting streets, water courses, railroads, bridges, storm sewers, culverts, drain pipes and any related infrastructure and drainage information.

i. Location and dimensions of all existing and proposed easements and alley ways shall be shown.

j. Size, dimensions, and height(s) of any existing and proposed building(s), and all building setback dimensions.

k. Parking lots, including islands, interior parkways, parking lot design, interior traffic circulation, number and size of parking spaces, and all associated dimensions.

l. Ingress and egress location and dimensions.

m. Location and dimensions of loading zones.

n. Garbage dumpsters and recycling containers, including location, screening, and access. All dumpsters and recycling containers shall be screened with a combination of opaque fencing and landscaping material.

o. Plans for sound buffering and/or noise abatement if applicable.

p. Plans for landscaping and buffers if required.

q. Location and dimensions of all proposed signage.

(amended by Ord. #97-2-11-2)

11-614. Telecommunications Towers. The requirements of this section apply to the placement of commercial transmitting and receiving antennae, including any incidental structures to the antennae. Requirements noted below are meant to prevent some of the deleterious effects which can occur as the result of the erection of telecommunications towers. Commercial telecommunications towers must adhere to the following standards.

1. Setbacks for Towers. Towers constructed on lots or parcels adjacent to any residential zoning district shall be set back from the boundary line of that adjacent property (lot(s) or parcel(s)). The tower setback shall be based on one of the following methods, whichever is greater: twenty-five (25) feet, plus an additional one (1) foot for each three (3) feet by which the height of the tower exceeds the maximum height for any adjacent residential zoning district; or, by the applicable principal use setbacks in the zoning district in which the tower is located.

2. Guy Wires and Supports. Guy wires, and associated support for guy wires, shall be set back a minimum of ten (10) feet from side and rear property lines, and no guy wire shall be allowed within the required front setback.

3. Legal Nonconformance. A commercial telecommunications tower legally existing prior to the adoption of this section may be repaired, maintained, or rebuilt without conforming to the section's required standards.

4. Screening from Public View. Any tower shall be screened from public view to a height of six (6) feet, and such screening shall extend vertically from the base of the tower structure at ground level. (However, where a tower is not visible to public view from its base at ground level to a height of six (6) feet, then no screening shall be required.) Screening may consist of existing features on the site of a tower, materials installed or constructed by the developer, or a combination of the two.
    a. Existing site features used for screening may include the existing topography or vegetation, or existing built structures which provide appropriate screening from public view.

    b. Screening materials installed or constructed by the developer may include earth berms, planted evergreen trees or shrubs, and fencing or walls.

    c. A combination of screening elements stated in Subsections (a) and (b) may be utilized by the developer of the tower site.

5. Planting of New Vegetation. Where vegetation is installed for tower screening, the time allowed for installation shall not exceed thirty (30) days after the completion of tower construction and associated appurtenances. If seasonal circumstances prevent the planting of vegetation on a tower site, then the building inspector may allow an extension of the thirty (30) day time limit into the next growing season, but for no more than thirty (30) days of that season.

6. Drainage and Erosion Control. Measures to control erosion and drainage on a tower site shall conform to the requirements noted in Section 11-611 of the Kingston Zoning Ordinance.

CHAPTER 7

ENFORCEMENT

11-701. Enforcing Officer
11-702. Building Permit Required
11-703. Issuance of Building Permit
11-704. Certificate of Occupancy
11-705. Records
11-706. Violations and Remedies

11-701. Enforcing Officer. The provisions of this ordinance shall be administered and enforced by a building inspector who shall have the power to enter upon any premises as are necessary to carry out his duties in the enforcement of this ordinance.

The building inspector shall be appointed by the chief legislative body of the City of Kingston, Tennessee. His duties shall include the following:

1. The building inspector shall serve as the zoning officer unless such duties are delegated by the chief legislative body of the City of Kingston.

2. The issuance and renewal of all permits and certificates authorized by this ordinance and to maintain records thereof.

3. Maintain and keep current the Kingston Zoning Map and amendments to this ordinance.

4. Conduct inspections to ensure the compliance with the provisions of this ordinance.

5. Other duties as determined by the City of Kingston.

11-702. Building Permit Required. It shall be unlawful to commence excavation, construction of any building, including accessory buildings, or to commence the moving or alteration of any building, except for interior alterations, until the building inspector has issued a building permit for such work.

11-703. Issuance of Building Permit. In applying to the building inspector for a building permit, the applicant shall submit a dimensioned sketch or scale plan indicating the shape, size, height, and location of all buildings to be erected, altered, moved, or demolished 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 zoning code and other ordinances of the City of Kingston, Tennessee, 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.

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

A building permit shall become void six (6) months from the date of issuance unless substantial progress has been made by that date on the project described therein.

11-704. 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 three (3) 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 provisions of this ordinance; or, if such certificate is refused, to state such refusal in writing, with the cause.

11-705. Records. A complete record of applications, sketches, and plans shall be maintained in the office of the building inspector.

11-706. Violations and Remedies. Any person violating any provision of this ordinance shall be guilty of a misdemeanor, and upon conviction shall be fined under the general penalty clause for this code.

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 of such building, structure, or land.

CHAPTER 8

BOARD OF ZONING APPEALS

11-801. Creation and Designation
11-802. Remuneration and Conflict of Interest
11-803. Procedure
11-804. Appeals Procedure
11-805. Administrative Reviews
11-806. Special Exceptions
11-807. Variances
11-808. Further Powers

11-801. Creation and Designation. A Board of Zoning Appeals is hereby established pursuant to provisions of *Tennessee Code Annotated*, Section 11-7-205. The Board of Zoning Appeals shall consist of five (5) members elected by the City Council. The term of office for these members shall be five (5) years; provided, however, initially the members shall be selected whereby one (1) term expires each year. The qualifications for the members shall be established by the City Council by resolution.

11-802. Remuneration and Conflict of Interest. The Kingston Board of Zoning Appeals shall receive no remuneration for its services. Board members are expressly forbidden to accept payment, gifts, or gratuities in any form for services rendered as a member of the board.

Individual board members are automatically disqualified for participation in official actions whenever the member is known or can be shown to have a direct interest in the matter under consideration.

11-803. Procedure. Meetings of the Board of Zoning Appeals shall be held at the call of the chairman and at such other times as the board may determine. All meetings of the board shall be open to the public. The board shall adopt rules of procedure and shall keep records of applications and action thereon. Such records shall be public records.

11-804. Appeals Procedure. 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 a 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 notice to the parties in interest, and decide the same

within a reasonable time. At the hearing, any person or party may appear in person, or be represented by agent or by attorney in order for the Board of Zoning Appeals to take action on the appeal. A fee of twenty-five (25) dollars due and payable to the City of Kingston shall be paid at the time of filing of an appeal to cover any costs of hearings, notices, and other expenses incidental to the appeal.

11-805. Administrative Reviews. The Board of Zoning Appeals shall have the power 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; and for interpretation of the zoning map as provided in Section 11-402 (2).

11-806. Special Exceptions. The Board of Zoning Appeals shall have the power to hear and decide applications for special exceptions (uses and structures permitted on review by the Board of Zoning Appeals) as specified in this ordinance and for decisions on any special questions upon which the Board of Zoning Appeals is specifically authorized to pass under this ordinance.

11-807. Variances. The Board of Zoning Appeals shall have the power to hear and decide applications for variances from the terms of this zoning code, but only where, by reason of exceptional narrowness, shallowness, or shape of a specific piece of property which at the time of the adoption of this zoning code was a lot of record; or where, by reason of exceptional topographic conditions of a piece of property the strict application of the provisions of this zoning code 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 purposes of this zoning code.

In granting a variance the board may attach thereto such conditions regarding the location, character, and other features or use as it may deem advisable in furtherance of the purposes of this zoning code.

11-808. Further Powers. The Board of Zoning Appeals shall also have any other powers as provided for in Sections 13-7-205, 206 and 207 of *Tennessee Code Annotated*.

1. Procedure for Hearing Variance Requests.
    a. After written denial of a building permit from the building inspector, a property owner may make application for variance, using forms obtainable.

    b. Upon receipt of an application and fee, the board shall hold a public hearing, having first given ten (10) days notice. Such notice of the time and place of

such hearing shall be published in a daily paper of general circulation. The board shall consider and decide all applications for the variances within thirty (30) days of such public hearing and in accordance with the standards provided below.

2. Standards for Variances. In granting a variance, the board shall ascertain that the following criteria are met:
   a. Variances shall be granted only where special circumstances or conditions (such as exceptional narrowness, topography, or siting) fully described in the findings of the board, do not apply generally in the district.

   b. Variances shall not be granted to allow a use otherwise excluded from the particular district in which requested.

   c. For reasons fully set forth in the findings of the board, the aforesaid circumstances or conditions are such that the strict application of the provisions of this ordinance would deprive the applicant of any reasonable use of this land. Mere loss in value shall not justify a variance; there must be a deprivation of beneficial use of land.

   d. Any variance granted under the provisions of this section shall be the minimum adjustment necessary for the reasonable use of the land.

   e. The granting of any variance is in harmony with the general purposes and intent of this ordinance and will not be injurious to the neighborhood, detrimental to the public welfare, or in conflict with the comprehensive plan for development.

3. Requirements for the Granting of a Variance. Before the board shall have the authority to grant a variance, the person claiming the variance has the burden of showing:
   a. That the granting of the permit will not be contrary to the public interest.

   b. That the literal enforcement of the ordinance will result in unnecessary hardship, granting the permit contrary to the provisions of the ordinance the spirit of the ordinance will be observed.

   c. That by granting the permit contrary to the provisions of the ordinance, the spirit of the ordinance will be observed.

   d. That by granting the permit, substantial justice will be done.

CHAPTER 9

HISTORIC ZONING COMMISSION

11-901. Creation and Appointment
11-902. Procedure
11-903. Powers and Duties
11-904. Jurisdiction

11-901. Creation and Appointment. In accordance with the *Tennessee Code Annotated*, Title 13, the City Council of Kingston shall create a nine (9) member Historical Zoning Commission (HZC) which shall consist of a representative of a local historical organization; an architect, if available; a person who is a member of the local planning commission at the time of appointment; and the remainder shall be from the community in general.

The Historical Zoning Commission shall be appointed by the Mayor subject to the confirmation by the Council. The terms shall be for five (5) years except that the terms of at least one (1) member but not more than two (2) are leaving in the same year. Initial terms shall be as follows: one for one year, two for two years, two for three years, two for four years, and two for five years. All members shall serve without compensation. Vacancies shall be filled for the unexpired terms of those members whose position has become vacant in the manner herein provided for the appointment of such members.

11-902. Procedure. Meetings of the Historical Zoning Commission shall be held at the call of the chairman or by the majority of the membership. All meetings of the commission shall be open to the public. The commission shall keep minutes of its procedures showing the vote of each member upon each question, or if absent or failing to vote, indicating such fact. Minutes shall be filled in city office.

11-903. Powers and Duties. The Historical Zoning Commission shall have the following powers:

1. To request detailed construction, restoration, and/or demolition plans and related data pertinent to thorough review of any proposal before the commission.

2. The Historical Zoning Commission shall within forty-five (45) days following availability of sufficient data, direct the granting of a building permit with or without conditions or direct the refusal of a building permit providing, the grounds are stated in writing.

3. Upon review of the application for a building permit in the H-1, Historical District, the Historical Zoning Commission shall give prime consideration to:

a. Historical and/or architectural value of present structures;

b. Relationship of exterior architectural features of such structure to the remainder of the structures of the surrounding area;

c. The general compatibility of exterior design, arrangement, texture, and materials proposed to be used with existing structures in the H-1, Historical District;

d. To any other factor which is deemed pertinent.

4. In no case shall the commission grant variances from the terms of this ordinance.

11-904. Jurisdiction. The Historical Zoning Commission shall have exclusive jurisdiction relating to historic matters. Anyone who may be aggrieved by any final order or judgement reviewed by the courts by procedures of Certiorari as provided in the *Tennessee Code Annotated*, Sections 27-902 and 27-903.

CHAPTER 10

AMENDMENTS AND LEGAL STATUS

11-1001. Procedure and Actions Required
11-1002. Legal Status

11-1001. Procedure and Actions Required.

1. Action of Mayor and Council.
   a. The regulation and the number, area, and boundaries of districts established by this ordinance may be modified, amended, supplemented, changed, or replaced by the mayor and council through the regular process, but not amendment shall become effective unless it is first submitted to and approved by the Kingston Regional Planning Commission, or if disapproved, shall have received a majority vote of the entire membership of the mayor and council.

   b. Upon receipt in proper form of any request for amendment to the zoning ordinance which has been considered by the planning commission, the mayor and council shall post such request together with pertinent data and maps in the office of the city recorder for public inspection, and shall hold public hearing thereon, notice of which shall be given by one publication in a newspaper of general circulation in the municipality at least fifteen (15) days prior to said hearing. In amendments concerning the rezoning of specific districts or pieces of property, notice will be posted on the property or within the district affected.

2. Action of Kingston Planning Commission.
   a. The Kingston Planning Commission shall consider within thirty (30) days any request to amend the Kingston Zoning Ordinance.

   b. The planning commission shall establish principles and procedures for consideration of amendments of the zoning map and ordinance. These procedures and any resulting forms, etc., may be used by the mayor and council in its consideration of the application to amend.

   c. The planning commission on its own initiative may hold hearings to determine the merits of the application in which event paragraph (1)(b) above shall apply.

3. Action of Applicant. Any party who wishes to have the zoning ordinance amended shall:
   a. Apply to the City of Kingston under the principles and procedures established by the Kingston Planning Commission.

b. Pay a fee of twenty-five (25) dollars, due and payable at the time of application for an amendment of the zoning ordinance, to the City of Kingston. Said fee shall be used by the city to defray costs resulting from such application and any subsequent amendment of the zoning ordinance.

11-1002. Legal Status. In case of conflict between this zoning code or any part thereof, and the whole or part of any existing or future ordinance of the City of Kingston, Tennessee, the more restrictive provisions shall in all cases apply.

If any section, clause, provision, or portion of this zoning code 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 code which is not of itself invalid or unconstitutional.

APPENDIX A: QUICK REFERENCE FOR DIMENSIONAL REQUIREMENTS

MINIMUM LOT AREA

Single Family Residential Uses	
With public water and sewer	7,500 sq. ft.
With public water/without public sewer	20,000 sq. ft.
Without public water and sewer	43,560 sq. ft.

Multi Family Residential Uses (requires water & sewer)	
First family unit	6,000 sq. ft.
Second family unit	6,000 sq. ft.
Each additional family unit over two	3,000 sq. ft.

YARD REQUIREMENTS

District	Lot Width at Building Setback Line	Front	Rear	Each Side		
				1 Story	2 Story	3 Story
R-1	75'	30'	20'	10'	15'	20'
R-2	50'	25'	15'	8'	10'	15'
R-3	*	*	*	*	*	*
O-1	50'	35'	20'	10'	15'	20'
C-1	-----	10'	20'	5'	5'	5'
C-2	50'	30'	-----	10'	15'	20'
C-3	50'	35'	20'	10'	15'	20'
C-4	-----	25'	-----	-----	-----	-----
M-1	-----	40'	20'	10'	15'	20'
M-2	-----	50'	25'	20'	25'	30'

* Refer to Section 11-615 for Mobile Home Park Development Standards

LANDSCAPING AND PARKING

Landscaping - required in all districts.

Minimum Area of a Parking Space - shall be 200 square feet.

KINGSTON ZONING ORDINANCE AMENDMENTS ADDED

No.	Ord. #	Date	Ord. Pg. #	Change Made
1	97-2-11-1	Apr-97	71	Added Section 11-613 - "Site Plan Review Standards and Procedures".
2	97-2-11-2	Mar-97	72	Added Section 11-614 - "Telecommunications Towers".
3	97-12-9	Apr-98	45	Replaced Section 11-503 - "Group Housing" with "Planned Unit Developments".
4	98-4-14-1	Jun-98	4	Removed definition of "Day Nursery" in Section 11-203 and added definition of "Child Care Facility".
5	98-4-14-1	Jun-98	25	Replaced Subsection 1(e) in Section 11-406 - "O-1, Office District" to allow child care facilities, public and private schools and colleges".
6	98-9-8	Dec-98	52	Replaced initial paragraph of Subsection 1 in Section 11-604 to restrict sign height to twenty-five feet and to allow for a variance procedure for this limitation.
7	98-9-8	Dec-98	53	Replaced Subsection 2 of Section 11-604 with sign regulations for the R-1 and R-2 districts.
8	98-9-8	Dec-98	54	Replaced Subsection 3 of Section 11-604 with sign regulations for the O-1 and C-4 districts.
9	98-9-8	Dec-98	54	Replaced Subsection 4 of Section 11-604 with sign regulations for the C-1, C-2, and C-3 districts.
10	99-12-14-1	Nov-99	10	Replaced definition of "Streets" in Section 11-203 and added definitions of "Streets", "Streets, Private", and "Streets, Public".
11	99-12-14-1	Nov-99	14	Replaced Section 11-305 - "Lot Must Abut a Public Street" with "Street Frontage".
12	99-12-14-1	Nov-99	33	Added Subsection 6(d) "Private Streets" to Section 11-410, allowing for private streets within the C-4 district.
13	00-3-14-2	Apr-00	52	Replaced Subsection 1(c) of Section 11-604, restricting signs in business or industrial districts to one hundred square feet in area unless within five hundred feet of an interstate highway right-of-way, in which the maximum sign area is three hundred square feet.
14	02-3-12-2	Apr-02	30	Replaced Section 11-410.2.h - "C-4, Controlled Commercial District" to allow multi-family dwellings, attached dwellings, and detached single family dwellings.
15	02-3-12-2	Apr-02	30	Replaced Section 11-410.2 - "Permitted Uses and Structures" with language requiring BZA and/or planning commission approval for proposed uses within the C-4 district.
16	5-8-9-2	Sep-05	15	Replaced Section 11-309 - "Off Street Automobile Storage" in its entirety.
17	7-4-10	Jun-07	75	Changed scale for sigth plans from 1" = 25' to 1" = 30'
18	7-6-12-4	Jul-07	Flood	Changed map adoption dates.
19	7-8-14	Oct-07	49	Replaces sign regulations
20	9-3-10	Apr-09	74	Replaces site plan review standards.
21	9-8-11-1	Sep-09	Flood	Changed map panel numbers and adoption dates.
22	11-5-10-5	Jun-11	Flood	Repealed old and adopted new ordinance.
23	12-11-13-2	Dec-12	24-25	Removed mobile homes as allowed uses in the R-2 zone.
24	12-11-13-3	Dec-12	11-13 & 49	Reworks sign regulations and adds definitions.