

# **ZONING ORDINANCE**

**OF**

# **VONORE, TENNESSEE**

**Adopted 1978**

**Updated**

**June 2020**

**Monroe County Planning Department  
103 College Street South  
Madisonville, TN 37354**

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## VONORE ZONING ORDINANCE

The following ordinances are included in this update from the 2008 printing of the Vonore Zoning Ordinance:

Ordinance 08-03  
Ordinance 09-07  
Ordinance 10-06  
Ordinance 11-01  
Ordinance 12-04  
Ordinance 15-01  
Ordinance 15-04

Updated July 2015

Ordinance 17-04  
Ordinance 17-05  
Ordinance 17-06  
Ordinance 17-07  
Ordinance 18-07  
Ordinance 19-13  
Ordinance 19-15  
Ordinance 20-04

Update June 2020

## CHAPTER 2

### ZONING CODE SECTION

#### SECTION

11-201. Title

11-202. Purpose

11-203. Zoning Map

11-204. Definitions

11-201. **Title.** Chapters two (2) through nine (9) shall be known as the Zoning Ordinance of the Town of Vonore.

11-202. **Purpose.** The zoning regulations and districts as herein set forth, have been made in accordance with a comprehensive plan for the purpose of promoting the 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, flood, panic and other dangers, to provide adequate light and air, to prevent the overcrowding of land, to avoid undue concentration of population, to facilitate the adequate provision of transportation, water, sewerage, schools, parks and other public requirements. They have been made with reasonable consideration among other considerations as to the character of each district and its particular use, and with a view of conserving the value of buildings and encouraging the most appropriate use of land throughout the town.

11-203. **Zoning Map.** The location and boundaries of the zoning districts established by this ordinance are bounded and defined as shown on the map entitled “Zoning Map of the Town of Vonore, Tennessee,” adopted (date), and certified by the Town Recorder. This map with all explanatory matter thereon is hereby adopted and made a part of this ordinance.

11-204. **Definitions.** For the purpose of this zoning code and in order to carry out the provisions and intentions as set forth herein, certain words, terms, abbreviations, and phrases (and their derivatives) shall be used and interpreted as defined hereinafter. Words used in the present tense shall include the future tense; words 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; words in the masculine gender include the feminine and neuter; the term “shall” is always mandatory 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.”

Any word or term not defined within the Zoning Ordinance or within the adopted construction codes shall be construed to be used in this ordinance as defined by the latest edition of Webster’s Unabridged Dictionary. Any word or term not defined in the

Town's ordinances or the latest edition of Webster's Unabridged Dictionary 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 use customarily incidental, appropriate and subordinate to the principal use of land or buildings and located on the same lot.

**ACCESSORY USE:** A use of land or of a building or portion thereof customarily incidental and subordinate to the principal use of the land or building and located on the same lot with the principal use.

**ADDITION:** An extension or increase in floor area or height of a building or structure. It includes any walled and roofed expansion to the perimeter of a building in which the addition is connected by a common load bearing wall other than a fire wall. Any walled and roofed addition which is connected by a fire wall or is separated by independent perimeter load-bearing walls is new construction.

**AGRICULTURE USE:** This includes growing of crops in the open, dairying, grazing, the raising and maintaining of livestock, horticulture, viticulture, floriculture, forests, and woods, provided that all state, county, and town health codes are complied with.

**AGRICULTURE ACCESSORY USE:** Those structures or equipment which are normally required in the operation of agriculture uses. No more than three (3) structures or buildings on each farm shall be classified as agricultural accessory uses except by the specific approval of the board of zoning appeals.

**ALLEY:** A minor right-of-way, 20 feet or less wide which has been dedicated to public uses, 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.

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

**AND/OR:** In a choice of two code or ordinance provisions, signifies that use of both provisions will satisfy the code or ordinance requirement and use of either provision is also acceptable.

**ANIMATED OR MOVING SIGN.** Any sign or part of a sign that changes physical position or light intensity by any movement or rotation or that gives the visual impression of such movement or rotations.

**APARTMENT HOUSE/BUILDING:** Any building or portion thereof used as a multiple dwelling for the purpose of providing three or more separate dwelling units which may share means of egress and other essential facilities.

**APPLICABLE GOVERNING BODY:** The Town of Vonore or government subdivision or entity (department, commission, official, etc.) authorized to administer and enforce the provisions of this ordinance and the building code, as adopted or amended.

**APPEAL:** A request for a review of the Building Official's interpretation of any provision of this ordinance or a request for a variance.

**APPROVED:** Approved by the Building Official or other authority having jurisdiction.

**ARCHITECT:** A duly registered and licensed architect.

**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. It is the area included within surrounding exterior walls, or exterior walls and fire walls, exclusive of courts. The area of a building or portion of a building without surrounding walls shall be the usable area under the horizontal projection of the roof or floor above.

**AREA, GROSS FLOOR:** The area within the inside perimeter of the exterior walls with no deduction for corridors, stairs, closets, thickness of walls, columns or other features, exclusive of area open and unobstructed to the sky.

**AREA, NET FLOOR:** The area actually occupied not including accessory unoccupied areas such as corridors, stairs, closets, thickness of walls, columns, toilet room, mechanical area or other feature.

**ASSISTED CARE LIVING FACILITY:** Residences for the elderly that provide rooms, meals, personal care, and supervision of self-administered medication. They may also provide other services, such as recreational activities and transportation.

**AUTOMOBILE WRECKING:** The dismantling, storage, sale or dumping of used motor vehicles, trailers, or parts thereof.

**AUTOMOBILE WRECKING, JUNK, AND SALVAGE YARD:** Any lot or place which is exposed to weather and upon which more than five motor vehicles of any kind, incapable of being operated and which it would not be economically feasible to make operative, are placed, located, or found.

**AVERAGE GROUND ELEVATION:** The elevation of the mean finished grade at the front of the structure.



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

**BILLBOARD.** A sign that directs attention to a business, commodity, service, or entertainment conducted, sold, or offered at a location other than the premises of which the sign is located. It is intended for periodic message rotation and is often sold or leased as advertising space.

**BLEACHERS:** Tiered or stepped seating facilities without backrests.

**BOARD:** The Vonore Board of Zoning Appeals.

**BOARDING STABLE:** A structure designed for the feeding, housing, and exercising of horses not owned by the owner of the premises and for which the owner of the premises receives compensation.

**BUILDING:** Any structure having a roof supported by columns or walls, including tents, lunch wagons, dining cars, mobile or manufactured homes, and similar structures, whether stationary or moveable. Any structure that encloses a space used for sheltering any occupancy. Each portion of a building separated from other portions by fire wall shall be considered as separate building. (See Structure.)

**BUILDING AREA OF A LOT:** That portion of a lot bounded by the required rear yard, side yards, and the building setback line.

**BUILDING COMMISSIONER, OFFICIAL, OR INSPECTOR:** The zoning and codes officer or his authorized representative appointed by the Vonore Board of Mayor and Aldermen who is charged with the administration and enforcement of this ordinance and the building code which has been adopted.

**BUILDING LINE:** The line, established by this ordinance, beyond which the building shall not extend, except as specifically provided herein.

**BUILDING LINE SETBACK:** 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, the front of a building or structure 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 distance between the side property line and the 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 the building on a lot. The side setback line extends from the front building setback line to the rear building setback line.

**BUSINESS SERVICES:** Any activity conducted for gain which renders services primarily to other commercial enterprises, or which services and/or repairs appliances and machines used in a home or business.

**CAMPAIGN SIGN.** See “Political Sign”.

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

**CANOPY SIGN.** A sign that is part of or attached to an awning, canopy, etc., or structural protective cover over a door, window, or outdoor service area.

**CHANGEABLE ELECTRONIC MESSAGE/CHANGEABLE COPY SIGN.** An electrically activated changeable sign upon which the message changes more than two (2) times in a twenty-four (24) hour period, and except when the message is changed, the message shall remain stationary. For the purposes of this ordinance, any wall sign, ground sign, or pole sign can be a changeable electronic message/changeable copy sign.

**CITY:** See Applicable Governing Body.

**CLINIC:** See Medical Facility.

**COMMERCIAL FEED LOT:** Any parcel of land on which 250 or more cattle or hogs are being kept or fed for the purpose of slaughter and sale on the commercial food market.

**COMMISSION:** The Vonore Municipal Planning Commission.

**CONVENIENCE STORE:** Any retail establishment offering for sale prepackaged food products, household items, newspapers and magazines, and sandwiches and other freshly prepared foods, such as salads, and fuel.

**COVERAGE:** The 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, club house, pool, dining facilities, lounge.

**CULTURAL FACILITIES:** Establishments relating to cultural, historic, educational, or natural interests, such as theaters, museums, art galleries, libraries, and other such similar facilities as determined by the Board of Zoning Appeals.

**DAY NURSERY/CHILD CARE CENTER:** Any place, home, or institution, which receives six (6) or more children, established for conducting the normal activities for exercise, development of skills and play.

**DEVELOPMENT:** Any man-made change to improved or unimproved real estate, including but not limited to buildings or other structures, mining, dredging, filling, grading, paving, excavation or drilling operations, or storage of equipment for materials.

**DIGITAL SIGN.** A sign that is digital in nature and uses exclusively liquid-crystal display (LCD), light-emitting diode (LED), or similar electronic technology for providing content to the sign.

**DISTRICT:** Any section or sections of the area lying within the corporate limits of the Town of Vonore, for which the regulations governing the use of the land and the use, density, bulk, height, and coverage of buildings and other structures is in force.

**DWELLING:** A building or part thereof used exclusively for residential purposes unless qualified otherwise under one of the following categories:

A **dwelling unit** is a single unit providing complete, independent living facilities for one or more persons including permanent provisions for living, sleeping, eating, cooking and sanitation.

1. **Single detached dwelling** means a building and accessories thereto principally used, designed, or adapted for use by single household.
2. **Duplex dwelling** means a building and accessories thereto principally used, designed, or adapted for the use by two (2) households, the living quarters of each of which are completely separated.
3. **Apartment dwelling** means a building and accessories thereto principally used, designed, or adapted for use as occupancy by three (3) or more households each of which has separate living quarters.
4. **Rooming house** means a building and accessories thereto principally used, designed, or adapted to provide living accommodation for not more than five (5) occupants and without owner-provided cooking and dining facilities.

5. **Town house** means a single family structure constructed in a series or group of non-detached dwelling units with property lines separating each unit.
6. **Mobile home, manufactured home, or trailer** is a detached single family dwelling unit with all of the following characteristics:
  - a. Designed for long-term occupancy, and containing sleeping accommodations, a flush toilet, a tub or shower bath and kitchen facilities, with plumbing and electrical connections provided for attachment to outside systems; and,
  - b. Designed to be transported after fabrication on its own wheels, or on a flatbed, or other trailers or detachable wheels; and,
  - c. Arriving at the site where it is to be occupied as a dwelling complete, often including major appliances and furniture and ready for occupancy except for minor and incidental unpacking and assembly operations, located on foundation supports, connection to utilities and the like; and,
  - d. Being unable to meet the building code requirements for conventional dwelling units.
7. **Mobile home park** means any area, tract, site or plot of land whereupon two or more mobile homes are herein defined as placed, located, or maintained, and shall include all accessory buildings used or intended to be used as part of the equipment thereof.
8. **Dormitory** means a space in a unit where group sleeping accommodations are provided with or without meals for persons not members of the same family group, in one room or in a series of closely associated rooms under joint occupancy and single management, as in college dormitories, fraternity houses, military barracks, and ski lodges.

**ELECTRONIC MESSAGE CENTER.** An electronic message center (EMC) is a sign that is capable of displaying words, symbols, figures, or images that can be electronically changed by remote or automatic means.

**EXCEPTION:** A waiver from the provisions of this ordinance which relieves the applicant from the requirements of a rule, regulation, order or other determination made or issued pursuant to this ordinance.

**EXISTING CONSTRUCTION:** Any structure for which the “start of construction” commenced before the effective date of this ordinance (1977).

**EXISTING MANUFACTURED HOME PARK OR SUBDIVISION:** A manufactured home park or subdivision for which the construction of facilities for servicing the lots on which the manufactured homes are to be affixed (including, at the minimum, the installation of utilities, the construction of streets, and either final site grading or the placing of concrete pads) is completed before the effective date of this ordinance (1977). (See also Mobile Home Park).

**EXISTING STRUCTURES:** See Existing Construction.

**EXPANSION TO AN EXISTING MANUFACTURED HOME PARK OR SUBDIVISION:** The preparation of additional sites by the construction of facilities for servicing the lots on which the manufactured homes are to be affixed (including the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads).

**FAMILY:** One or more persons living together, whether related to each other by birth or not, and having common housekeeping facilities.

**FARM BUILDINGS:** Structures, other than residences and structures appurtenant thereto, for on-farm use (barns, sheds, poultry houses, etc.).

**FISHERIES:** An area devoted to the cultivation of fish and other seafood for commercial sale.

**FLOOR AREA:** The sum of the gross area for each of the several stories under the 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 slaughtering of animals.

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

**FUNCTIONALLY DEPENDENT USE:** A use which cannot perform its intended purpose unless it is located or carried out in close proximity to water. The term includes only docking facilities, port facilities that are necessary for the loading and unloading of cargo or passengers, and ship building and ship repair facilities, but doesn't include long-term storage or related manufacturing facilities.

**GASOLINE SERVICE STATION:** Any area of land, including structures thereon, that is used for the retail sale of gasoline, (but no butane or propane fuels), oil 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 repairs.

**GRADE:** A reference plane representing the average of finished ground level adjoining the building at all exterior walls. When the finished ground level slopes away from the exterior walls, the reference plane shall be established by the lowest points within the area between the building and the lot line or between the building and a point 6 feet from the building, whichever is closer to the building.

**GRADE, FINISHED:** The complete surfaces of lawns, walks, and roads brought to grades as shown on official plans or designs relating thereto.

**GRANDSTANDS:** Tiered or stepped seating facilities.

**GROUND SIGN AND POLE SIGN.** Any sign erected on a free-standing frame, pole(s), or post(s) and not attached to any building.

**GROUP CARE FACILITY:** A nonprofit or for-profit boarding home for the sheltered care of persons with special needs, which, in addition to providing food and shelter, may also provide some combination of personal care, social or counseling services, limited medical services, and transportation.

**HABITABLE SPACE:** A space in a structure for living, sleeping, eating, or cooking. Bathrooms, toilet compartments, closets, halls, storage or utility space, and similar areas are not considered habitable space.

**HEALTH DEPARTMENT:** The Monroe County Health Department.

**HEIGHT OF BUILDINGS OR STRUCTURES:** The vertical distance from grade to the highest finished roof surface in the case of flat roofs or to a point at the average height of the highest roof having a pitch. Height of buildings in stories includes basements, except as specifically provided for elsewhere in this ordinance or the building code.

**HEIGHT, STORY:** The vertical distance from top to top of two successive finished floor surfaces.

**HEIGHT, WALL:** The vertical distance to the top measured from the foundation wall, or from a girder or other intermediate support of such wall.

**HOME OCCUPATION:** See Section 11-603.

**HORIZONTAL SEPARATION:** The distance in feet measured from the building face to the closest interior lot line, to the centerline of a street, alley or public way, or to an imaginary line between two buildings on the same property.

**HOSPITAL:** See Medical Facilities.

**HOTEL/MOTEL:** Any building containing six or more guest rooms intended or designed to be used, or which are used, rented or hired out to be occupied or which are occupied for sleeping purposes by guests.

**HOUSING OFFICIAL:** For purposes of this ordinance, it is the building official.

**JUNKYARD OR SALVAGE YARD:** A lot, land or structure, or part thereof, used primarily for the collection, storing, and sale of wastepaper, 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.

**LIGHT INDUSTRY:** Is defined (for the purposes of this ordinance) on the basis of performance in terms of the absence of objectionable noise, smoke, odor, dust, noxious gases, glare, and heat; and of the creation of health and life by reason of fire, effects of industrial wastes, psychological effects, and generation of motor vehicle traffic.

**LIVERY OR BOARDING STABLE:** Any parcel of land which is used to board ten or more horses which are owned by persons not residing on the premises.

**LIVESTOCK:** Domestic animals of types customarily raised or kept on farms.

**LIVESTOCK FEEDING YARDS:** An enclosure designed or used for holding livestock for the purpose of sale or transfer by auction, consignment, or other means.

**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, plot or parcel of land which may include one or more lots of record, occupied or to be occupied by one principal building and its accessory buildings, including the open spaces required under this ordinance. A parcel of land considered as a unit.

**LOT, AREA:** The total surface land area included within lot lines.

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

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

**LOT, FRONTAGE:** That dimension of a lot or portion of a lot abutting on a street.

**LOT, INTERIOR:** A lot other than the corner lot.

**LOT, LINES:** The boundary dividing a given lot from the street, an alley, or adjacent lots.

**LOT OF RECORD:** A lot which is part of a subdivision recorded in the office of the county register of deeds, or a lot described by meets 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 (1977).

**LOT WIDTH:** The width of a lot at the building setback line measured at right angles to its depth.

**MARINA:** A facility for the docking and servicing of boats.

**MEDICAL FACILITIES:**

1. **Convalescent, Rest or Nursing Home:** A health facility where persons are housed and furnished with meals and continued nursing care for compensation.
2. **Dental Clinic or Medical Clinic:** A facility for the examination and treatment of ill and afflicted human out-patients. Patients may not be kept overnight except under emergency conditions.
3. **Hospital:** An institution providing health services for human in-patient medical care for the sick or injured and including related facilities such as laboratories, out-patient facilities, emergency medical facilities, and staff offices which are an integral part of the facilities.
4. **Public Health Center:** A facility used by a health unit for the provision of public health service.

**MINIMUM FLOOR ELEVATION:** The lowest elevation permissible for the construction, erection, or other placement of any floor including a basement floor.

**MOBILE HOME:** A detached residential dwelling unit built on a single chassis and designated for transportation after fabrication on streets or highways on its own wheels or on a flatbed or other trailers, and arriving at the site where it is to be occupied as a dwelling complete and ready for occupancy except for minor and incidental unpacking and assembly operations, location on jacks or other temporary or permanent foundations, connections to utilities, and the like, and which meets all standards of the Southern Standard Building Code.

**MOBILE HOME/MANUFACTURED HOME, OR TRAILER PARK:** Any area, tract, site, or plot of land whereupon mobile homes or manufactured homes as herein



defined are placed, located, or maintained, and shall include all accessory buildings used or intended to be used as part of the equipment thereof.

**MOTEL:** See Hotel/Motel.

**MULTIPLE DWELLING:** See Apartment House.

**NIT:** A unit of measurement of luminance, or the intensity of visible light, where one nit is equal to one candela per square meter. Nits are used to describe the brightness of computer displays, such as LCD screens.

**NONCONFORMING USE:** A building, structure, or use of land existing at the time of enactment of the ordinance (1977) which does not conform to the regulation of the district in which it is located.

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

**OCCUPANCY:** The purpose for which a building, or part thereof, is used or intended to be used.

**OCCUPANCY, MIXED:** A building used for two or more occupancies classified in different occupancy groups.

**OCCUPANT CONTENT:** The actual number of total occupants permitted to occupy a floor area in accordance with the maximum capacity of the exits serving that floor area.

**OCCUPIABLE ROOM:** A room or enclosed space designed for human occupancy in which individuals congregate for amusement, educational or similar purposes, or in which occupants are engaged at labor; and which is equipped with means of egress, light, and ventilation facilities meeting the requirements of the standard building code.

**ONE-TIME EVENT SIGN.** A temporary sign which notifies or advertises an event, such as an election, property sale, merchandise sale, revival, grand opening, yard sale, or other similar short-term, temporary events.

**OPEN AIR GRANDSTANDS AND BLEACHERS:** Seating facilities which are located so that the side toward which the audience faces is unroofed and without an enclosing wall.

**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 the ordinance.

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

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

**PARKING SPACE:** An off-street space available for parking spaces with adequate provisions for drives and aisles for maneuvering and obtaining access, and for entrance and exit.

**PERMIT:** An official document or certificate issued by the building official authorizing performance of a specified activity.

**PERSON:** A natural person, his heirs, executors, administrator, or assigns, of a firm, partnership or corporation and its successors or assigns, or the agent of any of the aforesaid. It includes any individual or group of individuals, association, or any other entity, including state and local governments and agencies.

**PERSONAL SERVICES:** Establishments primarily engaged in providing services involving the care of a person or his or her personal goods or apparel. Such services include: barber, beautician, shoe repair, seamstress/tailor, laundry and dry cleaning, health clubs, and other similar activities as determined by the Board of Zoning Appeals.

**PLANNING COMMISSION:** The Vonore Municipal Planning Commission.

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

**PLATFORM, PERMANENT:** A platform used within an area for more than 30 days.

**PLATFORM, TEMPORARY:** A platform used within an area for 30 days or less.

**POLE SIGN.** See “Ground Sign and Pole Sign”.

**POLITICAL SIGN.** A one-time event sign announcing or supporting political candidates, issues, or subject in connection with any national, state, or local election.

**PRINCIPAL USE:** The specific primary purpose for which land or a building is used.

**PRIVATE WASTEWATER TREATMENT:** Individual subsurface sewage disposal systems e.g., septic tanks, package treatment plants for individual aeration systems employed for the collection and treatment and/or disposal of wastewater as approved by the local health department.

**PROFESSIONAL OFFICE:** The office of a physician, dentist, attorney, architect, engineer, planner, accountant, the clergy, or similar professions.

**PROJECTING SIGN.** A sign attached perpendicular to a building or the wall of a structure and overhanging a sidewalk.

**PROPERTY LINE, ASSUMED:** The centerline of a street where an exterior building wall faces a street, or an imaginary line between the exterior walls of two buildings on the same lot.

**PROPERTY LINE, COMMON:** A line dividing one lot from another.

**PUBLIC SPACE:** A legal open space on the premises, accessible to a public way or street, such as yards, courts or open spaces permanently devoted to public use, which abuts the premises and is permanently maintained accessible to the fire department and free of all encumbrances that might interfere with its use by the fire department.

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

**PUBLIC UTILITIES:** A closely regulated enterprise with a franchise for providing to the public a utility service deemed necessary for public health, safety, and welfare. A public utility shall include such structures as pump stations, lift stations, and other similar facilities. It shall not include buildings, storage areas, warehousing areas, or warehousing facilities.

**PUBLIC WAY:** Any street, alley or other parcel of land open to the outside air, deeded, dedicated or otherwise permanently appropriated to the public for public use and having a clear and unobstructed width and height of not less than 10 feet.

**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.

**PUBLIC WATER:** A municipal, community, or utility district water treatment and distribution system of a type approved by the State Department of Public Health.

**PUD (PLANNED UNIT DEVELOPMENT):** A single, planned area of land which, (1) has both individual building sites and a 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 public or private.

**REPAIR:** The reconstruction or renewal of any part of an existing building for the purpose of its maintenance.

**REVIEWING STANDS:** Elevated platforms accommodating not more than 50 persons. Seating facilities, if provided, are normally in the nature of loose chairs. Reviewing stands accommodating more than 50 persons are grandstands.

**ROADSIDE STAND:** A structure used or intended to be used solely by the owner or tenants for the sale only of seasonal farm products of the farm on which it is located.

**ROOF LINE:** The juncture of the roof and the perimeter wall of a structure.

**ROOF SIGN:** A sign which is mounted or painted on the roof of a building or which is wholly dependent upon a building for support and which projects above the roof line of a building.

**SANITARY LANDFILL:** An area or site used by a public or private entity for the 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.

**SHOPPING CENTER:** A group of commercial establishments planned, constructed, and managed as a total entity, with customer and employee parking provided on-site.

**SIGN.** Any object, device, display, or structure, or part thereof, situated outdoors, which is used to advertise, identify, display, direct or 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.

**SIGN FACE.** The area or display surface used for the message.

**SIGN, OFF-PREMISE:** A sign relating to a product, service, or establishment that is not on the premises on which the sign is located.

**SIGN, ON-PREMISE:** A sign relating to a product, service, or establishment that is on the premises on which the sign is located.

**SPECIAL EXCEPTION:** A use which is specifically permitted if the owner can demonstrate to 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 of head clearance equals less than fifty (50) percent of the floor area of the story next below shall be a half-story. A basement shall be considered as

a story if more than half of its height is above the average ground level from which the “height of building” is measured or if it is subdivided and is used for commercial uses.

**STREET:** A public or private thoroughfare which constitutes or is designed to constitute the main access to more than one lot and which has been legally dedicated and accepted for public use. Any public thoroughfare, street, avenue, boulevard, park or space more than 20 feet wide which has been dedicated or deeded to the public for public use.

**STREET LINE:** A lot line dividing a lot from a street.

**STRUCTURAL WORK OR ALTERATION:** The installation or assembly of any new structural components, or any change to existing structural components, in a system, building, or structure.

**STRUCTURE:** Any combination of materials, including buildings, constructed or erected, the use of which requires location on the ground and including, among other things, signs, billboards, and fences. It also means a walled and roofed building that is principally above ground, a manufactured home, a gas or liquid storage tank, or other man-made facilities or infrastructures.

**SUBDIVISION:** The division of a tract, or parcel of land into two or more lots, sites or other division of land, provided that the parcels of land are under five acres or if at five acres with depths not greater than four times their width for the purpose of sale, or building development, whether immediate or future. It includes resubdivision and, when appropriate to the context, related to the process of subdividing of the land or territory subdivided.

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

**TEMPORARY SIGN.** A one-time event sign designed and intended to be displayed for a short period of time.

**TENANT:** Any person, agent, firm, corporation or division, who uses or occupies land, a building, or portion of a building by title, under a lease, by payment of rent, or who exercises limited control over the space.

**TOWN:** See Applicable Governing Body.

**TOXIC MATERIALS:** Material (gaseous, liquid, solid, particulate) which is capable of causing injury to living organisms by chemical reaction even when present in relatively small amounts.

**TRAVEL TRAILER/MOTOR HOME:** A vehicular, portable structure designed as a temporary dwelling for travel, recreational, and vacation uses.

**TRAVEL TRAILER PARK:** A plot of land designed and equipped to accommodate travel trailers and/or motor homes for short periods of time.

**VALUATION OR VALUE:** When applied to a building, means the estimated cost to replace the building in kind.

**VARIANCE:** A grant of relief from the requirements of this ordinance which permits construction in a manner otherwise prohibited by this ordinance where specific enforcement would result in unnecessary hardship.

**VIOLATION:** The failure of a structure or other development to be fully compliant with the community's zoning, building code, or floodplain management regulations. A structure or other development without the elevation certificate, other certification, or other evidence of compliance required in this ordinance is presumed to be in violation until such time as that documentation is provided.

**WALL SIGN.** Any sign that is attached to, painted on, or in some other way uses a wall of a building in such a manner that the wall becomes the supporting structure for the sign. No such sign shall extend above the top edge of a building wall or project more than twelve (12) inches from the wall of the building.

**WRITING:** Includes printing and typewriting.

**YARD:** An open space, other than a court, on the same lot with a principal building, open, unoccupied and unobstructed by building from the ground to the sky except as otherwise provided in this ordinance, provided that accessory buildings may be located in a rear yard.

**YARD, FRONT:** The yard extending across the entire width of the lot between the nearest part of the principal building, including covered porches and the front lot line.

**YARD, REAR:** The yard extending across the entire width of the lot between the nearest part of the principal building, including covered porches and the rear lot line.

## CHAPTER 3

### GENERAL PROVISIONS

#### SECTION

- 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. Lot Must Abut a Public Street
- 11-306. Reductions in Lot Area Prohibited
- 11-307. Obstruction to Vision at Street Intersection Prohibited
- 11-308. Junked Yards/Dumps
- 11-309. Off-Street Automobile Storage
- 11-310. Access Control
- 11-311. Off-Street Loading and Unloading Space Required
- 11-312. Maximum Building Height
- 11-313. Vonore Municipal Flood Damage Prevention Regulations

11-301. **Scope.** For the purpose of the zoning ordinance, and except as specifically noted, there are certain 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 explicitly permitted by and in conformity with the regulations where specified for the district in which it is located, except as hereafter noted.

11-303. **Continuance of Nonconforming Uses and Structures.** It is the intent of the zoning ordinance to recognize that the elimination as expeditiously as is reasonable for the existing building and structures or uses that are not in conformity with the provisions of the zoning ordinance. It is as much a subject of health, safety, and welfare as it is the prevention of the establishment of new uses that would violate the provisions contained herein. It is also the intent of the zoning ordinance to work toward the elimination of nonconforming uses, buildings, structures while avoiding the unreasonable invasion of established property rights. Lawful nonconforming uses, buildings, and structures existing at the time of the passage of the zoning ordinance (1977) 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 classification or to a nonconforming use of a more restricted classification; provided, however, that establishment of another nonconforming use of the same or more restrictive 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 the zoning ordinance (1977). A nonconforming use of a building or buildings except commercial or industrial uses shall not be enlarged to additional land or buildings after the effective date of the zoning ordinance (1977).
3. Industrial and commercial uses may be permitted to construct additional facilities provided that there is a reasonable amount of space for such construction on the property owned by such industry or business. "Reasonable amount of space" is defined as that area necessary so that the additional building(s) shall conform to all appropriate provisions of the zoning ordinance and shall not, in the opinion of the board of zoning appeals be detrimental to adjoining property.
4. When a nonconforming use of any structure or land has been discontinued for a period of one (1) year, it shall not be reestablished or changed to any use not in conformity with the provisions of this ordinance.
5. Any nonconforming building or nonconforming use which is damaged by wind, fire or other act of nature, may be reconstructed and used as before if it be done within twelve (12) months of such damage, unless damaged to the extent of more than fifty (50) percent of its fair sales value immediately prior to damage. In the case of buildings or structures which are more than 50 percent damaged, repair or reconstruction will conform to the provisions of the zoning ordinance. If a structure has been used for commercial uses it may be demolished and new facilities necessary to the conduct of such business or industry reconstructed if there is a reasonable amount of such space for such reconstructions on the property owned by such business or industry. "Reasonable amount of space" is defined as that area necessary so that the reconstructed building(s) shall conform to all appropriate provisions of the zoning ordinance, and shall not, in the opinion of the board of zoning appeals be detrimental to adjoining property.
6. A nonconforming building or a building housing a nonconforming use shall not be structurally altered except in conformance with the provisions of the zoning ordinance. This provision shall not be construed to prevent normal maintenance and repairs required for structural safety.

**11-304. Only One Principal Building on Any Lot.** Only one principal building and its customary accessory buildings may be erected on any lot. This provision does not prohibit group housing developments as permitted elsewhere in this ordinance. In the case of a shopping center or other commercial use, more than one building shall be permitted on a single lot, providing the requirements for minimum lot size, off-street parking, and fire resistant wall(s) are met.



11-305. **Lot Must Abut a Public Street.** No building shall be erected on a lot which does not abut on at least one publicly approved street for a distance of at least twenty-five (25) feet.

11-306. **Reduction in Lot Area Prohibited.** No lot, even though it may consist of one or more adjacent lots of record, shall be reduced in area so that yards, lot area per family, lot width, building area, or other requirements of the zoning ordinance are not maintained. This section shall not apply when a portion of a lot is acquired for a public purpose.

11-307. **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 objection 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 centerline. The requirements of this section shall not be construed to prohibit any necessary retaining wall.

11-308. **Junked Yards/Dumps.** No lot or lots, tracts or parcels within the corporate limits shall have a junked yard. A junked yard shall consist of scrap building materials, metals, appliances, brick, concrete, car parts, other household items, car tires or any similar materials. The junked yard determination will be made when such materials exceed five (5) percent of the individual lot area.

11-309. **Off-Street Automobile Storage.** In all districts there shall be provided, at such time any building or structure is erected or enlarged or increased in capacity or there is a change in occupancy, off-street parking spaces.

1. The number of parking spaces provided shall meet the minimum requirements for the specific uses as set forth below for uses not specifically mentioned herein, off-street parking requirements shall be determined by the board of zoning appeals.

Assisted care living facilities. One (1) parking space for each employee per shift plus one (1) parking space for each four (4) residential units.

Automobile service stations. One (1) space for each 1,500 square feet of lot area or fraction thereof.

Boarding houses and rooming houses. Not less than one (1) space for each one (1) room to be rented.

Commercial building or use. Not less than one (1) space for each two hundred and fifty (250) square feet of floor space.

General or professional offices. One (1) space for each three hundred (300) square feet of office total floor space.

Group care facilities. One (1) parking space for each employee per shift plus one (1) parking space per three (3) beds.

Hospital. One (1) space for each bed intended for patients use, exclusive of bassinets; and not less than one (1) space for each two (2) persons employed on or intended to be employed on a single shift, with a minimum of five (5) spaces provided for any establishment.

Hotels, motels, and other tourist accommodations. Not less than one (1) space for each room to be rented plus one (1) additional space for each three (3) employees.

Manufacturing or other industrial use. Not less than one (1) space for each two (2) persons employed on or intended to be employed on a single shift, with a minimum of five (5) spaces provided for any establishment.

Medical or dental clinics. Four (4) spaces per doctor or dentist or one (1) space for each two hundred (200) square feet of floor space.

Mobile home parks. Two (2) spaces for each mobile home space provided.

Multiple family dwellings. Not less than two (2) spaces per dwelling unit.

Nursing homes. One (1) parking space for each employee per shift plus one (1) parking space per five (5) beds.

Public or private clubs. One (1) space for each two hundred (200) square feet of total floor area.

Restaurants. One (1) space per one hundred (100) square feet of floor area. For drive-in restaurants, one (1) space per fifty (50) square feet of floor space.

School. For elementary, junior high and equivalent private or parochial schools, one (1) space for each faculty member and employee; for secondary schools and institutions of higher learning, one (1) space for each faculty member and employee plus one (1) for each ten students.

Single and two-family dwellings. Not less than two (2) spaces for each dwelling unit.

Shopping Centers. Not less than one (1) space for each two hundred and fifty (250) square feet of floor space.

Theaters, auditoriums, churches, stadiums, or other uses designed to draw an assembly of persons. Not less than one (1) space for each five (5) seating spaces provided in the main meeting hall or place.

2. Certification of minimum parking requirements. Each application for a building permit shall include information as to the location and dimensions of off-street parking and loading space and the means of ingress and egress to such space. This information shall be in sufficient detail to enable the building inspector to determine whether or not the requirements are met.
3. Combination of required parking space. The required parking space for any number of separate uses may be combined in one (1) lot; however, the required space assigned to one use may not be assigned for another use, except that the parking space required for churches, theaters, or assembly halls whose peak attendance will be at night or on Sundays may be assigned to a use which will be closed at night or on Sundays.
4. Remote parking space. If the off-street parking space required by the zoning ordinance cannot be reasonably provided on the same lot on which the principal use is located, such space may be provided on any land within three hundred (300) feet of any public entrance to such principal use, provided such land is in the same ownership as the principal use. Such land shall be used for no other purpose so long as no other adequate provision of parking space, meeting the requirements of the zoning ordinance, has been made for the principal use.
5. Minimum parking lot site design

To provide for orderly, safe, and systematic circulation within parking areas, off-street parking lots shall meet the following general requirements:

- a. Except for parcels of land devoted to one (1) and two (2) family uses, all areas devoted to off-street parking shall be so designed and be of such size that no vehicle is required to back into a public street to obtain egress.
- b. Except for parcels of land devoted to one (1) and two (2) family uses, all areas devoted to off-street parking shall be of a sealed-surface construction, such as plant mix asphalt or concrete and shall be maintained in such a manner that no dust will result from continuous use. Gravel shall not be permitted.
- c. All parking lots shall be designed so as to eliminate surface water ponding and shall be drained without contributing to drainage problems on adjoining property.

- d. Entrances and exits to all off-street parking lots shall comply with the requirements of Section 11-310 of this code.
- e. Parking Spaces

Each parking space shall be a minimum of ten (10) feet in width and nineteen (19) feet in length.

Each handicapped/accessible parking space shall be a minimum of eight (8) feet in width and nineteen (19) feet in length. Such spaces shall have an adjacent access aisle, which shall be a minimum of five (5) feet in width and extend the full length of the parking spaces they serve. For every six (6) handicapped/accessible parking spaces, at least one (1) shall be a van-accessible parking space. Such van-accessible parking space shall have an adjacent access aisle of eight (8) feet in width.

Handicapped/accessible parking spaces shall be located on the shortest accessible route of travel from adjacent parking to an accessible building entrance(s).

- f. Minimum width of aisle and back-up areas

Minimum width of parking lot aisles shall be as follows:

- 1) 90 degree parking – 25 feet
- 2) 60 degree parking – 18 feet (25 feet for two-way aisle)
- 3) 45 degree parking – 13 feet (25 feet for two-way aisle)
- 4) 30 degree parking – 12 feet (25 feet for two-way aisle)

Back-up or turn-around areas located at the end of dead-end parking aisles shall be a minimum of ten (10) feet in length.

- g. The storage lane for a drive-thru window shall be of adequate length to accommodate the storage of a minimum of eight (8) cars from the ordering station, or per a Traffic Impact Study.
- h. Parking lots shall be set back a minimum of five (5) feet from all front, side, and rear property lines. Such areas shall be grassed and be retained as permanent green space.

11-310. **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) point of access to any one public street for each four hundred (400) feet of lot frontage, or fraction thereof; provided, however, that lots less than one hundred (100) feet in width shall have no more than one point of access to any one public street, except gasoline stations which shall be allowed two (2) points of access.
3. Where two driveways are provided for one 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 head of the Vonore Highway and Street Department, or if a state highway, a permit must be obtained from the Tennessee Department of Highways.

11-311. **Off-Street Loading and Unloading Space Required.** Every building or structure hereafter constructed and used for industry, business, or trade involving the receiving or distribution of vehicles, materials, or merchandise shall provide space 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 4,999	One (1) space
5,000 to 9,999	Two (2) spaces
10,000 to 14,999	Three (3) spaces
15,000 to 19,999	Four (4) spaces
Over 20,000	Four (4) spaces plus one (1) space for each additional 20,000 square feet

11-312. **Maximum Building Height.** No structure shall be erected which exceeds three (3) stories or fifty (50) feet in height except as provided by Section 11-504.

11-313. **Vonore Municipal Flood Damage Prevention Regulations.**

**ARTICLE I. STATUTORY AUTHORIZATION, FINDINGS OF FACT, PURPOSE AND OBJECTIVES**

**Section A. Statutory Authorization**

The Legislature of the State of Tennessee has in Sections 13-7-201 through 13-7-210, Tennessee Code Annotated delegated the responsibility to local governmental units to adopt regulations designed to promote the public health, safety, and general welfare of its citizenry. Therefore, the Town of Vonore, Tennessee, Mayor and Alderman, do ordain as follows:

**Section B. Findings of Fact**

1. The Town of Vonore, Tennessee, Mayor and its Legislative Body wishes to maintain eligibility in the National Flood Insurance Program (NFIP) and in order to do so must meet the NFIP regulations found in Title 44 of the Code of Federal Regulations (CFR), Ch. 1, Section 60.3.
2. Areas of the Town of Vonore, Tennessee are subject to periodic inundation which could result in loss of life and property, health and safety hazards, disruption of commerce and governmental services, extraordinary public expenditures for flood protection and relief, and impairment of the tax base, all of which adversely affect the public health, safety and general welfare.
3. Flood losses are caused by the cumulative effect of obstructions in floodplains, causing increases in flood heights and velocities; by uses in flood hazard areas which are vulnerable to floods; or construction which is inadequately elevated, floodproofed, or otherwise unprotected from flood damages.

**Section C. Statement of Purpose**

It is the purpose of this Ordinance to promote the public health, safety and general welfare and to minimize public and private losses due to flood conditions in specific areas. This Ordinance is designed to:

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

**Section D. Objectives**

The objectives of this Ordinance are:

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

## **ARTICLE II. DEFINITIONS**

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

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

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

**"Addition (to an existing building)"** means any walled and roofed expansion to the perimeter or height of a building.

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

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

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

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

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

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

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

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

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

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

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

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

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

**"Existing Manufactured Home Park or Subdivision"** means a manufactured home park or subdivision for which the construction of facilities for servicing the lots on which the manufactured homes are to be affixed (including, at a minimum, the installation of utilities, the construction of streets, final site grading or the pouring of concrete pads) is



completed before the effective date of the first floodplain management code or ordinance adopted by the community as a basis for that community's participation in the NFIP.

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

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

**"Flood" or "Flooding"** means a general and temporary condition of partial or complete inundation of normally dry land areas from:

1. The overflow of inland or tidal waters.
2. The unusual and rapid accumulation or runoff of surface waters from any source.

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

**"Flood Elevation Study"** means an examination, evaluation and determination of flood hazards and, if appropriate, corresponding water surface elevations, or an examination, evaluation and determination of mudslide (i.e., mudflow) or flood-related erosion hazards.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

1. Listed individually in the National Register of Historic Places (a listing maintained by the U.S. Department of Interior) or preliminarily determined by the Secretary of the Interior as meeting the requirements for individual listing on the National Register;
2. Certified or preliminarily determined by the Secretary of the Interior as contributing to the historical significance of a registered historic district or a district preliminarily determined by the Secretary to qualify as a registered historic district;

3. Individually listed on the Tennessee inventory of historic places and determined as eligible by states with historic preservation programs which have been approved by the Secretary of the Interior; or
4. Individually listed on the Town of Vonore, Tennessee inventory of historic places and determined as eligible by communities with historic preservation programs that have been certified either:
  - a. By the approved Tennessee program as determined by the Secretary of the Interior or
  - b. Directly by the Secretary of the Interior.

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

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

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

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

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

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

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

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

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

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

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

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

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

**"Reasonably Safe from Flooding"** means base flood waters will not inundate the land or damage structures to be removed from the Special Flood Hazard Area and that any subsurface waters related to the base flood will not damage existing or proposed structures.

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

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

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

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

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

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

**"Start of Construction"** includes substantial improvement, and means the date the building permit was issued, provided the actual start of construction, repair, reconstruction, rehabilitation, addition, placement, or other improvement was within 180 days of the permit date. The actual start means either the first placement of permanent

construction of a structure (including a manufactured home) on a site, such as the pouring of slabs or footings, the installation of piles, the construction of columns, or any work beyond the stage of excavation; and includes the placement of a manufactured home on a foundation. Permanent construction does not include initial land preparation, such as clearing, grading and filling; nor does it include the installation of streets and/or walkways; nor does it include excavation for a basement, footings, piers, or foundations or the erection of temporary forms; nor does it include the installation on the property of accessory buildings, such as garages or sheds, not occupied as dwelling units or not part of the main structure. For a substantial improvement, the actual start of construction means the first alteration of any wall, ceiling, floor, or other structural part of a building, whether or not that alteration affects the external dimensions of the building.

**"State Coordinating Agency"** the Tennessee Department of Economic and Community Development, as designated by the Governor of the State of Tennessee at the request of FEMA to assist in the implementation of the NFIP for the State.

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

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

**"Substantial Improvement"** means any reconstruction, rehabilitation, addition, alteration or other improvement of a structure in which the cost equals or exceeds fifty percent (50%) of the market value of the structure before the "start of construction" of the initial improvement. This term includes structures which have incurred "substantial damage", regardless of the actual repair work performed. The market value of the structure should be (1) the appraised value of the structure prior to the start of the initial improvement, or (2) in the case of substantial damage, the value of the structure prior to the damage occurring.

The term does not, however, include either: (1) Any project for improvement of a structure to correct existing violations of State or local health, sanitary, or safety code specifications which have been pre-identified by the local code enforcement official and which are the minimum necessary to assure safe living conditions and not solely triggered by an improvement or repair project or; (2) Any alteration of a "historic structure", provided that the alteration will not preclude the structure's continued designation as a "historic structure".

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

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

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

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

### **ARTICLE III. GENERAL PROVISIONS**

#### **Section A. Application**

This Ordinance shall apply to all areas within the incorporated area of the Town of Vonore, Tennessee.

#### **Section B. Basis for Establishing the Areas of Special Flood Hazard**

The Areas of Special Flood Hazard identified on the Town of Vonore, Tennessee, as identified by FEMA, and in its Flood Insurance Study (FIS) and Flood Insurance Rate Map (FIRM), Community Panel Number(s) 47123CO185D, 0180D, 0160D, 0070D, 0088D, 0170D, 0190D & 0195D dated February 3, 2010, along with all supporting technical data, are adopted by reference and declared to be a part of this Ordinance.

#### **Section C. Requirement for Development Permit**

A development permit shall be required in conformity with this Ordinance prior to the commencement of any development activities.

#### **Section D. Compliance**

No land, structure or use shall hereafter be located, extended, converted or structurally altered without full compliance with the terms of this Ordinance and other applicable regulations.

#### **Section E. Abrogation and Greater Restrictions**

This Ordinance is not intended to repeal, abrogate, or impair any existing easements, covenants or deed restrictions. However, where this Ordinance conflicts or overlaps with another regulatory instrument, whichever imposes the more stringent restrictions shall prevail.

#### **Section F. Interpretation**

In the interpretation and application of this Ordinance, all provisions shall be: (1) considered as minimum requirements; (2) liberally construed in favor of the governing body and; (3) deemed neither to limit nor repeal any other powers granted under Tennessee statutes.

#### **Section G. Warning and Disclaimer of Liability**

The degree of flood protection required by this Ordinance is considered reasonable for regulatory purposes and is based on scientific and engineering considerations. Larger floods can and will occur on rare occasions. Flood heights may be increased by man-made or natural causes. This Ordinance does not imply that land outside the Areas of Special Flood Hazard or uses permitted within such areas will be free from flooding or flood damages. This Ordinance shall not create liability on the part of the Town of Vonore, Tennessee or by any officer or employee thereof for any flood damages that

result from reliance on this Ordinance or any administrative decision lawfully made hereunder.

**Section H. Penalties for Violation**

Violation of the provisions of this Ordinance or failure to comply with any of its requirements, including violation of conditions and safeguards established in connection with grants of variance shall constitute a misdemeanor punishable as other misdemeanors as provided by law. Any person who violates this ordinance or fails to comply with any of its requirements shall, upon adjudication therefore, be fined as prescribed by Tennessee statutes, and in addition, shall pay all costs and expenses involved in the case. Each day such violation continues, shall be considered a separate offense. Nothing herein contained shall prevent the Town of Vonore, Tennessee from taking such other lawful actions to prevent or remedy any violation.

**ARTICLE IV. ADMINISTRATION**

**Section A. Designation of Ordinance Administrator**

The Building Official is hereby appointed as the Administrator to implement the provisions of this Ordinance.

**Section B. Permit Procedures**

Application for a development permit shall be made to the Administrator on forms furnished by the community prior to any development activities. The development permit may include, but is not limited to the following: plans in duplicate drawn to scale and showing the nature, location, dimensions, and elevations of the area in question; existing or proposed structures, earthen fill placement, storage of materials or equipment, and drainage facilities. Specifically, the following information is required:

1. Application stage
  - a. Elevation in relation to mean sea level of the proposed lowest floor, including basement, of all buildings where Base Flood Elevations are available, or to certain height above the highest adjacent grade when applicable under this Ordinance.
  - b. Elevation in relation to mean sea level to which any non-residential building will be floodproofed where Base Flood Elevations are available, or to certain height above the highest adjacent grade when applicable under this Ordinance.
  - c. A FEMA Floodproofing Certificate from a Tennessee registered professional engineer or architect that the proposed non-residential floodproofed building will meet the floodproofing criteria in Article V, Sections A and B.
  - d. Description of the extent to which any watercourse will be altered or relocated as a result of proposed development.
2. Construction Stage

Within AE Zones, where Base Flood Elevation data is available, any lowest floor certification made relative to mean sea level shall be prepared by or under the direct supervision of, a Tennessee registered land surveyor and certified by same. The Administrator shall record the elevation of the lowest floor on the development permit. When floodproofing is utilized for a non-residential building, said certification shall be prepared by, or under the direct supervision of, a Tennessee registered professional engineer or architect and certified by same.

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

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

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

### **Section C. Duties and Responsibilities of the Administrator**

Duties of the Administrator shall include, but not be limited to, the following:

1. Review all development permits to assure that the permit requirements of this Ordinance have been satisfied, and that proposed building sites will be reasonably safe from flooding.
2. Review proposed development to assure that all necessary permits have been received from those governmental agencies from which approval is required by Federal or State law, including Section 404 of the Federal Water Pollution Control Act Amendments of 1972, 33 U.S.C. 1334.
3. Notify adjacent communities and the Tennessee Department of Economic and Community Development prior to any alteration or relocation of a watercourse and submit evidence of such notification to FEMA.
4. For any altered or relocated watercourse, submit engineering data/analysis within six (6) months to FEMA to ensure accuracy of community FIRM's through the Letter of Map Revision process.
5. Assure that the flood carrying capacity within an altered or relocated portion of any watercourse is maintained.



6. Record the elevation, in relation to mean sea level or the highest adjacent grade, where applicable, of the lowest floor (including basement) of all new and substantially improved buildings, in accordance with Article IV, Section B.
7. Record the actual elevation, in relation to mean sea level or the highest adjacent grade, where applicable to which the new and substantially improved buildings have been floodproofed, in accordance with Article IV, Section B.
8. When floodproofing is utilized for a nonresidential structure, obtain certification of design criteria from a Tennessee registered professional engineer or architect, in accordance with Article IV, Section B.
9. Where interpretation is needed as to the exact location of boundaries of the Areas of Special Flood Hazard (for example, where there appears to be a conflict between a mapped boundary and actual field conditions), make the necessary interpretation. Any person contesting the location of the boundary shall be given a reasonable opportunity to appeal the interpretation as provided in this Ordinance.
10. When Base Flood Elevation data and floodway data have not been provided by FEMA, obtain, review, and reasonably utilize any Base Flood Elevation and floodway data available from a Federal, State, or other sources, including data developed as a result of these regulations, as criteria for requiring that new construction, substantial improvements, or other development in Zone A on the Town of Vonore, Tennessee FIRM meet the requirements of this Ordinance.
11. Maintain all records pertaining to the provisions of this Ordinance in the office of the Administrator and shall be open for public inspection. Permits issued under the provisions of this Ordinance shall be maintained in a separate file or marked for expedited retrieval within combined files.

## **ARTICLE V. PROVISIONS FOR FLOOD HAZARD REDUCTION**

### **Section A. General Standards**

In all areas of special flood hazard, the following provisions are required:

1. New construction and substantial improvements shall be anchored to prevent flotation, collapse and lateral movement of the structure;
2. Manufactured homes shall be installed using methods and practices that minimize flood damage. They must be elevated and anchored to prevent flotation, collapse and lateral movement. Methods of anchoring may include, but are not limited to, use of over-the-top or frame ties to ground anchors. This requirement is in addition to applicable State of Tennessee and local anchoring requirements for resisting wind forces.
3. New construction and substantial improvements shall be constructed with materials and utility equipment resistant to flood damage;

4. New construction and substantial improvements shall be constructed by methods and practices that minimize flood damage;
5. All electrical, heating, ventilation, plumbing, air conditioning equipment, and other service facilities shall be designed and/or located so as to prevent water from entering or accumulating within the components during conditions of flooding;
6. New and replacement water supply systems shall be designed to minimize or eliminate infiltration of flood waters into the system;
7. New and replacement sanitary sewage systems shall be designed to minimize or eliminate infiltration of flood waters into the systems and discharges from the systems into flood waters;
8. On-site waste disposal systems shall be located and constructed to avoid impairment to them or contamination from them during flooding;
9. Any alteration, repair, reconstruction or improvements to a building that is in compliance with the provisions of this Ordinance, shall meet the requirements of "new construction" as contained in this Ordinance;
10. Any alteration, repair, reconstruction or improvements to a building that is not in compliance with the provision of this Ordinance, shall be undertaken only if said non-conformity is not further extended or replaced;
11. All new construction and substantial improvement proposals shall provide copies of all necessary Federal and State permits, including Section 404 of the Federal Water Pollution Control Act amendments of 1972, 33 U.S.C. 1334;
12. All subdivision proposals and other proposed new development proposals shall meet the standards of Article V, Section B;
13. When proposed new construction and substantial improvements are partially located in an area of special flood hazard, the entire structure shall meet the standards for new construction;
14. When proposed new construction and substantial improvements are located in multiple flood hazard risk zones or in a flood hazard risk zone with multiple Base Flood Elevations, the entire structure shall meet the standards for the most hazardous flood hazard risk zone and the highest Base Flood Elevation.

**Section B. Specific Standards**

In all Areas of Special Flood Hazard, the following provisions, in addition to those set forth in Article V, Section A, are required:

1. Residential Structures

In AE Zones where Base Flood Elevation data is available, new construction and substantial improvement of any residential building (or

manufactured home) shall have the lowest floor, including basement, elevated to no lower than one (1) foot above the Base Flood Elevation. Should solid foundation perimeter walls be used to elevate a structure, openings sufficient to facilitate equalization of flood hydrostatic forces on both sides of exterior walls shall be provided in accordance with the standards of this section: “Enclosures”.

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

2. Non-Residential Structures

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

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

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

3. Enclosures

All new construction and substantial improvements that include fully enclosed areas formed by foundation and other exterior walls below the

lowest floor that are subject to flooding, shall be designed to preclude finished living space and designed to allow for the entry and exit of flood waters to automatically equalize hydrostatic flood forces on exterior walls.

- a. Designs for complying with this requirement must either be certified by a Tennessee professional engineer or architect or meet or exceed the following minimum criteria.
  - 1) Provide a minimum of two openings having a total net area of not less than one (1) square inch for every square foot of enclosed area subject to flooding;
  - 2) The bottom of all openings shall be no higher than one (1) foot above the finished grade;
  - 3) Openings may be equipped with screens, louvers, valves or other coverings or devices provided they permit the automatic flow of floodwaters in both directions.
- b. The enclosed area shall be the minimum necessary to allow for parking of vehicles, storage or building access.
- c. The interior portion of such enclosed area shall not be finished or partitioned into separate rooms in such a way as to impede the movement of floodwaters and all such partitions shall comply with the provisions of Article V, Section B.

4. Standards for Manufactured Homes and Recreational Vehicles

- a. All manufactured homes placed, or substantially improved, on: (1) individual lots or parcels, (2) in expansions to existing manufactured home parks or subdivisions, or (3) in new or substantially improved manufactured home parks or subdivisions, must meet all the requirements of new construction.
- b. All manufactured homes placed or substantially improved in an existing manufactured home park or subdivision must be elevated so that either:
  - 1) In AE Zones, with Base Flood Elevations, the lowest floor of the manufactured home is elevated on a permanent foundation to no lower than one (1) foot above the level of the Base Flood Elevation or
  - 2) In approximate A Zones, without Base Flood Elevations, the manufactured home chassis is elevated and supported by reinforced piers (or other foundation elements of at least equivalent strength) that are at least three (3) feet in height above the highest adjacent grade (as defined in Article II).
- c. Any manufactured home, which has incurred “substantial damage” as the result of a flood, must meet the standards of Article V, Sections A and B.

- d. All manufactured homes must be securely anchored to an adequately anchored foundation system to resist flotation, collapse and lateral movement.
- e. All recreational vehicles placed in an identified Special Flood Hazard Area must either:
  - 1) Be on the site for fewer than 180 consecutive days;
  - 2) Be fully licensed and ready for highway use (a recreational vehicle is ready for highway use if it is licensed, on its wheels or jacking system, attached to the site only by quick disconnect type utilities and security devices, and has no permanently attached structures or additions), or;
  - 3) The recreational vehicle must meet all the requirements for new construction.

5. Standards for Subdivisions and Other Proposed New Development Proposals

Subdivisions and other proposed new developments, including manufactured home parks, shall be reviewed to determine whether such proposals will be reasonably safe from flooding.

- a. All subdivision and other proposed new development proposals shall be consistent with the need to minimize flood damage.
- b. All subdivision and other proposed new development proposals shall have public utilities and facilities such as sewer, gas, electrical and water systems located and constructed to minimize or eliminate flood damage.
- c. All subdivision and other proposed new development proposals shall have adequate drainage provided to reduce exposure to flood hazards.
- d. In all approximate A Zones require that all new subdivision proposals and other proposed developments (including proposals for manufactured home parks and subdivisions) greater than 50 lots or 5 acres, whichever is the lesser, include within such proposals Base Flood Elevation data (See Article V, Section E).

**Section C. Standards for Special Flood Hazard Areas with Established Base Flood Elevations and With Floodways Designated**

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

- 1. Encroachments are prohibited, including earthen fill material, new construction, substantial improvements or other development within the

regulatory floodway. Development may be permitted however, provided it is demonstrated through hydrologic and hydraulic analyses performed in accordance with standard engineering practices that the cumulative effect of the proposed encroachments or new development shall not result in any increase in the water surface elevation of the Base Flood Elevation, velocities, or floodway widths during the occurrence of a base flood discharge at any point within the community. A Tennessee registered professional engineer must provide supporting technical data, using the same methodologies as in the effective Flood Insurance Study for the Town of Vonore, Tennessee and certification, thereof.

2. New construction and substantial improvements of buildings, where permitted, shall comply with all applicable flood hazard reduction provisions of Article V, Sections A and B.

**Section D. Standards for Areas of Special Flood Hazard Zones AE with Established Base Flood Elevations but Without Floodways Designated**

Located within the Special Flood Hazard Areas established in Article III, Section B, where streams exist with base flood data provided but where no floodways have been designated (Zones AE), the following provisions apply:

1. No encroachments, including fill material, new construction and substantial improvements shall be located within areas of special flood hazard, unless certification by a Tennessee registered professional engineer is provided demonstrating that the cumulative effect of the proposed development, when combined with all other existing and anticipated development, will not increase the water surface elevation of the base flood more than one (1) foot at any point within the community. The engineering certification should be supported by technical data that conforms to standard hydraulic engineering principles.
2. New construction and substantial improvements of buildings, where permitted, shall comply with all applicable flood hazard reduction provisions of Article V, Sections A and B.

**Section E. Standards for Streams without Established Base Flood Elevations and Floodways (A Zones)**

Located within the Special Flood Hazard Areas established in Article III, Section B, where streams exist, but no base flood data has been provided and where a Floodway has not been delineated, the following provisions shall apply:

1. The Administrator shall obtain, review, and reasonably utilize any Base Flood Elevation and floodway data available from any Federal, State, or other sources, including data developed as a result of these regulations (see 2 below), as criteria for requiring that new construction, substantial improvements, or other development in approximate A Zones meet the requirements of Article V, Sections A and B.
2. Require that all new subdivision proposals and other proposed developments (including proposals for manufactured home parks and

subdivisions) greater than 50 lots or 5 acres, whichever is the lesser, include within such proposals Base Flood Elevation data.

3. Within approximate A Zones, where Base Flood Elevations have not been established and where such data is not available from other sources, require the lowest floor of a building to be elevated or floodproofed to a level of at least three (3) feet above the highest adjacent grade (as defined in Article II). All applicable data including elevations or floodproofing certifications shall be recorded as set forth in Article IV, Section B. Openings sufficient to facilitate automatic equalization of hydrostatic flood forces on exterior walls shall be provided in accordance with the standards of Article V, Section B.
4. Within approximate A Zones, where Base Flood Elevations have not been established and where such data is not available from other sources, no encroachments, including structures or fill material, shall be located within an area equal to the width of the stream or twenty feet (20), whichever is greater, measured from the top of the stream bank, unless certification by a Tennessee registered professional engineer is provided demonstrating that the cumulative effect of the proposed development, when combined with all other existing and anticipated development, will not increase the water surface elevation of the base flood more than one (1) foot at any point within the Town of Vonore, Tennessee. The engineering certification should be supported by technical data that conforms to standard hydraulic engineering principles.
5. New construction and substantial improvements of buildings, where permitted, shall comply with all applicable flood hazard reduction provisions of Article V, Sections A and B. Within approximate A Zones, require that those subsections of Article V Section B dealing with the alteration or relocation of a watercourse, assuring watercourse carrying capacities are maintained and manufactured homes provisions are complied with as required.

**Section F. Standards For Areas of Shallow Flooding (AO and AH Zones)**

Located within the Special Flood Hazard Areas established in Article III, Section B, are areas designated as shallow flooding areas. These areas have special flood hazards associated with base flood depths of one (1) to three (3) feet where a clearly defined channel does not exist and where the path of flooding is unpredictable and indeterminate; therefore, the following provisions, in addition to those set forth in Article V, Sections A and B, apply:

1. All new construction and substantial improvements of residential and non-residential buildings shall have the lowest floor, including basement, elevated to at least one (1) foot above as many feet as the depth number specified on the FIRM's, in feet, above the highest adjacent grade. If no flood depth number is specified on the FIRM, the lowest floor, including basement, shall be elevated to at least three (3) feet above the highest adjacent grade. Openings sufficient to facilitate automatic equalization of hydrostatic flood forces on exterior walls shall be provided in accordance with standards of Article V, Section B.

2. All new construction and substantial improvements of non-residential buildings may be floodproofed in lieu of elevation. The structure together with attendant utility and sanitary facilities must be floodproofed and designed watertight to be completely floodproofed to at least one (1) foot above the flood depth number specified on the FIRM, with walls substantially impermeable to the passage of water and with structural components having the capability of resisting hydrostatic and hydrodynamic loads and the effects of buoyancy. If no depth number is specified on the FIRM, the structure shall be floodproofed to at least three (3) feet above the highest adjacent grade. A Tennessee registered professional engineer or architect shall certify that the design and methods of construction are in accordance with accepted standards of practice for meeting the provisions of this Ordinance and shall provide such certification to the Administrator as set forth above and as required in accordance with Article IV, Section B.
3. Adequate drainage paths shall be provided around slopes to guide floodwaters around and away from proposed structures.

**Section G. Standards For Areas Protected by Flood Protection System (A-99 Zones)**

Located within the Areas of Special Flood Hazard established in Article III, Section B, are areas of the 100-year floodplain protected by a flood protection system but where Base Flood Elevations have not been determined. Within these areas (A-99 Zones) all provisions of Article IV and Article V shall apply.

**Section H. Standards for Unmapped Streams**

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

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

**ARTICLE VI. VARIANCE PROCEDURES**

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

1. Authority



The Town of Vonore, Tennessee Municipal Board of Zoning Appeals shall hear and decide appeals and requests for variances from the requirements of this Ordinance.

2. Procedure

Meetings of the Municipal Board of Zoning Appeals shall be held at such times, as the Board shall determine. All meetings of the Municipal Board of Zoning Appeals shall be open to the public. The Municipal Board of Zoning Appeals shall adopt rules of procedure and shall keep records of applications and actions thereof, which shall be a public record. Compensation of the members of the Municipal Board of Zoning Appeals shall be set by the Legislative Body.

3. Appeals: How Taken

An appeal to the Municipal Board of Zoning Appeals may be taken by any person, firm or corporation aggrieved or by any governmental officer, department, or bureau affected by any decision of the Administrator based in whole or in part upon the provisions of this Ordinance. Such appeal shall be taken by filing with the Municipal Board of Zoning Appeals a notice of appeal, specifying the grounds thereof. In all cases where an appeal is made by a property owner or other interested party, a fee of one hundred dollars (\$100.00) for the cost of publishing a notice of such hearings shall be paid by the appellant. The Administrator shall transmit to the Municipal Board of Zoning Appeals all papers constituting the record upon which the appeal action was taken. The Municipal Board of Zoning Appeals shall fix a reasonable time for the hearing of the appeal, give public notice thereof, as well as due notice to parties in interest and decide the same within a reasonable time which shall not be more than ninety (90) days from the date of the hearing. At the hearing, any person or party may appear and be heard in person or by agent or by attorney.

4. Powers

The Municipal Board of Zoning Appeals shall have the following powers:

a. Administrative Review

To hear and decide appeals where it is alleged by the applicant that there is error in any order, requirement, permit, decision, determination, or refusal made by the Administrator or other administrative official in carrying out or enforcement of any provisions of this Ordinance.

b. Variance Procedures

In the case of a request for a variance the following shall apply:

- 1) The Town of Vonore, Tennessee Municipal Board of Zoning Appeals shall hear and decide appeals and requests for variances from the requirements of this Ordinance.

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

- 5) Variances shall not be issued within any designated floodway if any increase in flood levels during the base flood discharge would result.

**Section B. Conditions for Variances**

1. Variances shall be issued upon a determination that the variance is the minimum relief necessary, considering the flood hazard and the factors listed in Article VI, Section A.
2. Variances shall only be issued upon: a showing of good and sufficient cause, a determination that failure to grant the variance would result in exceptional hardship; or a determination that the granting of a variance will not result in increased flood heights, additional threats to public safety, extraordinary public expense, create nuisance, cause fraud on or victimization of the public, or conflict with existing local laws or Ordinances.
3. Any applicant to whom a variance is granted shall be given written notice that the issuance of a variance to construct a structure below the Base Flood Elevation will result in increased premium rates for flood insurance (as high as \$25 for \$100) coverage, and that such construction below the Base Flood Elevation increases risks to life and property.
4. The Administrator shall maintain the records of all appeal actions and report any variances to FEMA upon request.

**ARTICLE VII. LEGAL STATUS PROVISIONS**

**Section A. Conflict with Other Ordinances**

In case of conflict between this Ordinance or any part thereof, and the whole or part of any existing or future Ordinance of the Town of Vonore, Tennessee, the most restrictive shall in all cases apply.

**Section B. Severability**

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

## CHAPTER 4

### ZONING DISTRICTS

#### SECTION

- 11-401. Classification of Districts
- 11-402. Boundaries of Districts
- 11-403. Application of District Regulations
- 11-404. R-1, Low Density Residential District
- 11-405. R-2, High Density Residential District
- 11-406. A-1, Agriculture District
- 11-407. C-1, Neighborhood Business District
- 11-408. Reserved for future use
- 11-409. C-3, Highway Commercial District
- 11-410. M-1, Light Industrial District
- 11-411. M-2, Heavy Industrial District
- 11-412. Flood Plain District

11-401. **Classification of Districts.** For the purposes of this ordinance, the Town of Vonore, Tennessee, is hereby divided into eight (8) districts, as follows:

- R-1, Low Density Residential District
- R-2, High Density Residential District
- A-1, Agriculture District
- C-1, Neighborhood Business District
- C-3, Highway Business District
- M-1, Light Industrial District
- M-2, Heavy Industrial District
- F, Flood Plain District

11-402. **Boundaries of Districts.** The town is hereby divided into districts, as shown on the official zoning map and declared to be dated with the effective date of the code that adopts the zoning map or zoning map amendments. Changes to the official zoning map shall be entered on the map promptly after the amendment has been approved by the Vonore Board of Mayor and Aldermen. Certified prints of the zoning map and/or zoning map amendments shall be maintained in the office of the recorder of Vonore, Tennessee and shall be made available for inspection by the public at all reasonable times, as long as this code remains in effect. The official "Zoning Map of Vonore, Tennessee," shall be the final authority as to the current zoning status of land and water areas, buildings, and other structures of the town.

Unless otherwise indicated, the boundaries indicated as approximately following the center lines of streets, highways, or alleys shall be construed as following the town limit. Boundaries which are indicated as following railroad lines shall be construed to be

midway between following the center lines of streams, lakes, and rivers, shall be construed to follow such centerlines.

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

**11-403. Application of District Regulations.** The regulations set by this code within each district shall be minimum regulations and shall apply uniformly to each class or kind of structure or land. No building or structure or land shall hereafter be used or occupied, and no building or structure or part thereof shall hereafter be erected or altered to exceed the height or bulk; to change occupancy; to accommodate or house a greater number of families; to occupy a greater percentage of lot area; or to have narrower or smaller rear yards, front yards, side yards, or other open space; than herein required. Uses not expressly permitted are prohibited.

No part of a yard or other open space, or off-street parking or loading space required about or in connection with any building for the purpose of complying with this ordinance, shall be included as part of a yard, open space, or off-street parking and loading space similarly required for any other building. No yard or lot existing at the time of passage of this code (1977) shall be reduced in dimension or area below the minimum requirements as set forth herein. Yards or lots created after the effective date of this code shall meet at least the minimum requirements established by this code.

**11-404. R-1, Low Density Residential District.** The purpose of this district is to provide for lower density residential options. Within the R-1 Low Density Residential District, as shown on the Zoning Map of Vonore, Tennessee, the following regulations and other applicable provisions of this zoning code shall apply:

1. Uses Permitted:
  - a. Single-family and two-family dwellings, but excluding mobile homes.
  - b. Accessory uses and buildings, provided that such uses and buildings are incidental to the principal use.
  - c. Customary home occupations, provided the conditions in Section 11-603 are met.
  - d. Agricultural uses.
  - e. Public parks.
  - f. Public utilities.

- g. Churches and other places of worship, provided buildings are set back a minimum of fifty (50) feet from all property lines and parking lots are set back a minimum of ten (10) feet from all property lines. A site plan shall be submitted to and approved by the planning commission.
  - h. Cemeteries, provided the conditions in Section 11-607 are met.
  - i. Public schools.
2. Area Regulations: The principal building shall be located so as to comply with the following requirements:
    - a. Minimum lot area for single family dwellings served by public water and sewer systems: 15,000 square feet.
    - b. Minimum lot area for single family dwellings not served by public water and sewer: 32,000 square feet.
    - c. Minimum lot area for two family dwellings served by public water and sewer systems: 25,000 square feet.
    - d. Minimum lot area for two family dwellings not served by public water and sewer: 1.5 acres.
    - e. Minimum lot width at building setback line: 100 feet.
    - f. Minimum depth of front yard: 30 feet.
    - g. Minimum depth of rear yard: 20 feet.
    - h. Minimum depth of side yards: 12 feet.
    - i. No structure shall exceed three (3) stories or forty (40) feet in height except as provided in Section 11-504.
  3. Location of Accessory Buildings. 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 buildings on the same lot.
  4. Building Area. On any lot, the area occupied by all buildings shall not exceed forty (40) percent of the total area of such lot.
  5. Off-Street Parking. As regulated in Section 11-309.

11-405. **R-2, High Density Residential District.** The purpose of this district is to provide for higher density residential options. Within the R-2 High Density Residential District, as shown on the Zoning Map of Vonore, Tennessee, the following regulations and other applicable provisions of this zoning code shall apply.

1. Permitted Uses:
  - a. Single-family and two-family dwellings.
  - b. Mobile homes, provided the conditions in Section 11-606 are met.
  - c. Accessory uses and buildings, provided that such uses and buildings are incidental to the principal use.
  - d. Customary home occupations.
  - e. Agricultural uses.
  - f. Public parks.
  - g. Public utilities.
  - h. Churches and other places of worship, provided buildings are set back a minimum of fifty (50) feet from all property lines and parking lots are set back a minimum of then (10) feet from all property lines. A site plans shall be submitted to and approved by the planning commission.
  - i. Cemeteries, provided the conditions in Section 11-607 are met.
  - j. Public schools.
  - k. Golf courses and country clubs, provided buildings are set back a minimum of fifty (50) feet from all property lines and parking lots are set back a minimum of ten (10) feet from all property lines.
2. Special Exceptions: As part of the special exception approval process, all special exception applicants shall notify via U.S. Mail all adjacent property owners of the Board of Zoning Appeals meeting on the special exception request. In addition, no permits shall be issued except with the written approval of the Board of Zoning Appeals and subject to such conditions and safeguards as the Board may require in order to preserve and protect the character of the district.

The following uses may be permitted after review and approval by the Board of Zoning Appeals:

- a. Mobile home parks. At a minimum, such facilities shall comply with the requirements of Section 11-606. Such property shall also front on and have direct access to a street that has paved surface that is a minimum of twenty (20) feet in width with a minimum of two (2) foot wide paved or gravel shoulders.
- b. Multi-family uses, defined as three (3) or more residential units sharing a common wall on one parcel. At a minimum, such facilities shall comply with the following requirements:
  - 1) Such developments shall have a maximum of fifteen (15) units per acre;
  - 2) The property shall front on and have direct access to a street that has a paved surface that is a minimum of twenty (20) feet in width with a minimum of two (2) foot wide paved or gravel shoulders;
  - 3) All buildings shall be set back a minimum of thirty (30) feet from all property lines and there shall be a minimum distance of fifteen (15) feet between buildings;
  - 4) All parking lots and driveways shall be set back a minimum of ten (10) feet from all property lines;
  - 5) Garbage dumpsters shall be set back a minimum of twenty (20) feet from all property lines and shall be screened from adjacent properties;
  - 6) A maximum lot coverage of fifty percent (50%);
  - 7) The complex shall be connected to public water and public sewer; and
  - 8) A site plan, per Section 11-609, shall be submitted to the planning commission. The planning commission may deny the site plan for failure to comply with the site plan requirements or for inadequacies in the site's design.
- c. Nursing Homes and Assisted Care Living Facilities. At a minimum, such facilities shall comply with the following requirements:
  - 1) All federal, state, and local regulations must be met;
  - 2) The property shall front on and have direct access to a street that has a paved surface that is a minimum of twenty (20) feet in width with a minimum of two (2) foot wide gravel or paved shoulders;
  - 3) All buildings shall be set back a minimum of thirty (30) feet from all property lines;



- 4) All parking lots and driveways shall be set back a minimum of ten (10) feet from all property lines;
  - 5) Garbage dumpsters shall be set back a minimum of twenty (20) feet from all property lines and shall be screened from adjacent properties;
  - 6) A maximum lot coverage of fifty percent (50%);
  - 7) The facility shall be connected to public water and public sewer;
  - 8) The facilities shall meet the minimum requirements of the NFPA Fire Code;
  - 9) The Board of Zoning Appeals may impose additional access, drainage, and site planning requirements as may relate to the health, safety, and welfare of the residents; and
  - 10) A site plan, per Section 11-609, shall be submitted to the planning commission. The planning commission may deny the site plan for failure to comply with the site plan requirements or for inadequacies in the site's design.
- d. Group Care Facilities. At a minimum, such facilities shall comply with the following requirements:
- 1) All federal, state, and local regulations must be met;
  - 2) The property shall front on and have direct access to a street that has a paved surface that is a minimum of twenty (20) feet in width with a minimum of two (2) foot wide gravel or paved shoulders;
  - 3) All buildings shall be set back a minimum of thirty (30) feet from all property lines;
  - 4) All parking lots and driveways shall be set back a minimum of ten (10) feet from all property lines;
  - 5) Garbage dumpster shall be set back a minimum of twenty (20) feet from all property lines and shall be screened from adjacent properties;
  - 6) A maximum lot coverage of fifty percent (50%);
  - 7) The facility shall be connected to public water and public sewer;

- 8) Security measures shall be put in place as part of the development. At a minimum, an eight (8) foot high privacy fence is required around the entire indoor and outdoor living premises;
  - 9) The facilities shall meet the minimum requirements of the NFPA Fire Code;
  - 10) The Board of Zoning Appeals may impose additional access, drainage, and site planning requirements as may relate to the health, safety, and welfare of the residents; and
  - 11) A site plan, per Section 11-609, shall be submitted to the planning commission. The planning commission may deny the site plan for failure to comply with the site plan requirements or for inadequacies in the site's design.
3. Area Regulations: The principal building shall be located so as to comply with the following requirements:
- a. Minimum lot area for single family dwellings served by public water and sewer systems: 7,500 square feet.
  - b. Minimum lot area for single family dwellings not served by public water and sewer systems: 32,000 square feet.
  - c. Minimum lot area for two family dwellings served by public water and sewer systems: 11,500 square feet.
  - d. Minimum lot area for two family dwellings not served by public water and sewer: 1.5 acres.
  - e. Minimum lot width at building setback line: 100 feet.
  - f. Minimum depth of front yard: 20 feet.
  - g. Minimum depth of rear yard: 20 feet.
  - h. Minimum depth of side yard: 12 feet.
  - i. No structure shall exceed three (3) stories or forty (40) feet in height except as provided in Section 11-504.
4. Location of Accessory Buildings: 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.

5. Building Area: On any lot, the area occupied by all buildings shall not exceed forty (40) percent of the total area of such lot.
6. Off-Street Parking: As regulated in Section 11-309.

11-406. **A-1, Agriculture District.** The primary intent of the A-1 District is to minimize conflicts between agriculture and forestry activities and various non-farm activities; to permit lands best suited for intense agricultural uses to be preserved for these purposes; and to prevent lands unsuitable for development of an urban or non-rural nature, due to topographical problems, location, or the inability to provide necessary urban services from being encroached upon by these incompatible land uses. Areas assigned to the A-1, Agriculture District are primarily areas where growth of an urban or non-rural nature is deemed undesirable for one or more of the reasons outlined above. The following regulations and other applicable provisions of this zoning code shall apply in the A-1, Agriculture District as defined on the Zoning Map of Vonore, Tennessee.

1. Uses Permitted:
  - a. Agricultural and forestry uses.
  - b. Detached single-family and two-family dwellings including mobile homes.
  - c. Agricultural processing.
  - d. Animal husbandry services.
  - e. Boarding stables.
  - f. Fisheries and related services.
  - g. Customary home occupations, provided the conditions in Section 11-603 are met.
  - h. Accessory uses and buildings, provided that such uses and buildings are incidental to the principal use and building.
  - i. Public utilities.
  - j. Roadside stands, provided it is for the sale of agricultural products produced on the premises and that it is set back a minimum of fifteen (15) feet from the roadway and located no closer than two hundred (200) feet to the nearest residence other than the farmstead with which it is associated.

- k. Churches and other places of worship, provided buildings are set back a minimum of fifty (50) feet from all property lines and parking lots are set back a minimum of ten (10) feet from all property lines. A site plan must be submitted to and approved by the planning commission.
- l. Cemeteries, provided the conditions in Section 11-607 are met.
- 2. Special Exceptions: As part of the special exception approval process, all special exception applicants shall notify via U.S. Mail all adjacent property owners of the Board of Zoning Appeals meeting on the special exception request. In addition, no permits shall be issued except with the written approval of the Board of Zoning Appeals and subject to such conditions and safeguards as the Board may require in order to preserve and protect the character of the district.

The following uses may be permitted after review and approval by the Board of Zoning Appeals:

- a. The surface and subsurface mining or quarrying, provided no mining or quarrying occurs within one hundred (100) feet of all property lines.
  - b. Marinas.
  - c. Travel trailer parks, provided the conditions in Section 11-608 are met. A site plan, per Section 11-609, shall be submitted to the planning commission. The planning commission may deny the site plan for failure to comply with the site plan requirements or for inadequacies in the site's design.
3. Area Regulations: Buildings and other structures shall be located so as to comply with the following requirements:
- a. Land Area. No farm or other parcel of land shall be reduced in area to provide separate lots or building sites less than three (3) acres.
  - b. Front Yard. The minimum depth of the front yard shall be thirty (30) feet.
  - c. Side and Rear Yard: The minimum side and rear yard shall be twenty (20) feet and for accessory buildings, fifteen (15) feet.
  - d. Lot Width: No lot shall be less than one hundred (100) feet wide at the building setback line.
  - e. Height Requirement: No building shall exceed three (3) stories or thirty-five (35) feet in height except as provided in Section 11-504.
  - f. Maximum Lot Coverage: Principal and accessory buildings shall cover no more than twenty (20) percent of the total lot area.

4. Off-Street Parking: As regulated in Section 11-309.

11-407. **C-1, Neighborhood Business District.** The purpose of this district is to provide for neighborhood shopping and service areas convenient to the neighborhoods and the area near Vonore Town Hall. Within the C-1, Neighborhood Business District, as shown on the zoning map of Vonore, Tennessee, the following regulations and other applicable provisions of this zoning code shall apply:

1. Uses Permitted
  - a. Small scale retail sales, provided there is no outside sales or storage.
  - b. General offices.
  - c. Indoor eating establishments.
  - d. Personal services.
  - e. Governmental services not including correctional institutions and military reservations.
  - f. Cultural facilities.
  - g. Day care centers.
  - h. Bed and Breakfast establishments and other similar overnight lodging.
2. Area Regulations. Buildings and other structures shall be located so as to comply with the following requirements:
  - a. Minimum lot width at the building setback line: fifty (50) feet.
  - b. Minimum front yard setback: thirty (30) feet.
  - c. Minimum rear yard setback: twenty-five (25) feet.
  - d. Minimum side yard setback: twelve (12) feet
3. Off-Street Parking: As regulated in Section 11-309.

11-408. **Reserved for future use.**

11-409. **C-3, Highway Commercial District.** The purpose of this district is to provide for general commercial activity along major collectors and arterial highways. The regulations are designed to encourage the proper development of commercial areas in such a manner as to discourage the problems normally associated with strip commercial development; to encourage concentrations of commercial activities; and to preserve the traffic carrying capacity of the major collectors and arterials upon which such uses are located. Within the C-3, Highway Commercial District, as shown on the Zoning Map of Vonore, Tennessee, the following regulations and other applicable provisions of this zoning code shall apply:

1. Uses Permitted

- a. Retail sales.
- b. Hotels, motels, and other overnight lodging establishments.
- c. Eating establishments.
- d. General offices.
- e. Automotive and marine repair services.
- f. Contract construction services.
- g. Personal services.
- h. Business services.
- i. Public schools and educational institutions and services.
- j. Day care centers.
- k. Recreation facilities.
- l. Public utilities and associated buildings, storage areas, warehousing areas, and warehousing facilities.
- m. Gasoline service stations, provided the conditions in Section 11-607 are met.
- n. Marinas.
- o. Funeral homes and mortuaries.
- p. Nursing Homes and Assisted Care Living Facilities, provided such facilities shall comply with the following requirements:

- 1) All federal, state, and local regulations are met;
  - 2) The facilities are connected to public water and public sewer; and
  - 3) The facilities meet the minimum requirements of the NFPA Fire Code.
- q. Group Care Facilities, provided such facilities shall comply with the following requirements:
- 1) All federal, state, and local regulations are met;
  - 2) The facilities are connected to public water and public sewer;
  - 3) The facilities meet the minimum requirements of the NFPA Fire Code; and
  - 4) Security measures are put in place as part of the development. At a minimum, an eight (8) foot high privacy fence is required around the entire indoor and outdoor living premises.
- r. Churches and other places of worship.
- s. Cemeteries subject to Section 11-607 of this ordinance.
- t. Medical facilities.
- u. Cultural facilities.
- v. Philanthropic institutions and clubs.
- w. Self Service Storage Facilities (Mini-Warehouses), provided the conditions in Section 11-610 are met.
2. Special Exceptions. No permits shall be issued except with the written approval of the Board of Zoning Appeals and subject to such conditions and safeguards as the Board may require in order to preserve and protect the character of the district.

The following uses may be permitted after review and approval by the Board of Zoning Appeals:

- a. Travel trailer parks, provided the conditions in Section 11-608 are met.
- b. Any business or services which are of the same general nature of the above permitted uses.

3. Area Regulations. Buildings shall be located so as to comply with the following requirements:
  - a. Minimum lot width at building line: fifty (50) feet.
  - b. Minimum depth of front yard: thirty (30) feet.
  - c. Minimum width of side yards:
 

1-story building	ten (10) feet
2-story building	twelve (12) feet
3-story building	fifteen (15) feet
  - d. Commercial buildings shall be permitted to be built on a common lot line provided there is written mutual consent of the owners the building directly involved and the adjacent walls of the buildings have a fire-resistant rating required in the adopted fire code.
  - e. For shopping centers, more than one building shall be permitted on a single lot, provided that all applicable area and space requirements have been complied with, and further provided that all attached buildings share a common fire-resistant wall which meets all specifications of the adopted fire code related to fire walls.
4. Off Street Parking and Loading: Off-street parking and loading and unloading areas shall be provided in accordance with Sections 11-309 and 11-311 of this code.

11-410. **M-1, Light Industrial District.** The purpose of this district is to provide areas for warehousing, manufacturing, and similar light industrial uses. Within the M-1, Light Industrial District, as shown on the Zoning Map of Vonore, Tennessee, the following regulations and other applicable provisions of this zoning code shall apply:

1. Uses Permitted
  - a. Industry related offices.
  - b. Commercial laundry and dry cleaning facilities.
  - c. Outdoor equipment storage lots and yards, excluding wrecking, junk, and salvage yards.
  - d. Communication facilities.



- e. Public utilities and associated buildings, storage areas, warehousing areas, and warehousing facilities.
  - f. Wholesale trade.
  - g. Retail trade – building materials, hardware, and farm equipment.
  - h. Warehousing and storage facilities.
  - i. Food and kindred products manufacturing not including meat products, manufacturing.
  - j. Textile mill products manufacturing.
  - k. Agricultural processing.
  - l. Apparel and other finished products manufacturing made from fabrics.
  - m. Furniture and fixtures manufacturing.
  - n. Printing, publishing, and allied industries.
  - o. Small scale stone, clay, glass, wood, and metal products manufacturing.
  - p. Professional, scientific, and controlling instruments manufacturing.
  - q. Automotive and boat service and repair facilities.
  - r. Any use or structure customarily incidental to the above uses.
2. Special Exceptions. Any use which, in the opinion of the Board of Zoning Appeals, is of the same general character as the above permitted uses and that would not harm the intent of the code will be permitted. In addition, no permits shall be issued except with the written approval of the Board of Zoning Appeals and subject to such conditions and safeguards as the Board of Zoning Appeals may require in order to preserve and protect 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: twenty-five (25) feet.
  - b. Minimum depth of rear yard: twenty (20) feet.
  - c. Minimum width of side yards:

1-story building	ten (10) feet on each side
2-story building	fifteen (15) feet on each side
3-story building	twenty (20) feet on each side

- d. There is no required minimum lot size except that the lot shall be of sufficient size so that the development complies with the minimum requirements of this district and other applicable requirements established in the Zoning Ordinance.
4. Off Street Parking and Loading: Off-street parking and loading and unloading areas shall be provided in accordance with Sections 11-309 and 11-311 of this code.

11-411. **M-2, Heavy Industrial District.** The purpose of this district is to provide areas for heavy manufacturing uses and processes. Within the M-2, Heavy Industrial District, as shown on the Zoning Map of Vonore, Tennessee, the following regulations and other applicable provisions of this zoning code shall apply:

- 1. Permitted Uses:
  - a. All uses permitted in the M-1, Light Industrial District.
  - b. Stone, clay, glass, wood, and metal products manufacturing.
  - c. Boat manufacturing.
  - d. Automotive and boat parts and products manufacturing.
  - e. Meat products and manufacturing.
  - f. Paper and allied products manufacturing.
  - g. Chemicals and allied products manufacturing.
  - h. Concrete or cement products manufacturing.
  - i. Fabrication and assembly of permitted manufacturing products.
  - j. Petroleum refining and related industries.
  - k. Primary metal industries.
  - l. Metal finishing.
  - m. Mining activities and related services, such as quarrying.

- n. Rock, sand, and gravel sales yards.
  - o. Distribution centers.
  - p. Freighting or trucking yard or terminal.
2. Special Exceptions. Any use which, in the opinion of the Board of Zoning Appeals, is of the same general character as the above permitted uses and that would not harm the intent of the code will be permitted. In addition, no permits shall be issued except with the written approval of the Board of Zoning Appeals and subject to such conditions and safeguards as the Board of Zoning Appeals may require in order to preserve and protect the character of the district.
  3. Uses Prohibited. Uses that are determined to be offensive or obnoxious by reason or emission of odor, dust, smoke, gas, noise, vibration, congestion, and the like, and those uses deemed dangerous due to potential explosion dangers, threat of fire, or poisonous fumes.
  4. Area Regulations. All buildings permitted in the M-2, Heavy Industrial District, shall comply with the following requirements:
    - a. Minimum depth of front yard: forty (40) feet.
    - b. Minimum depth of rear yard: thirty (30) feet. No yard shall be required for that portion of a lot which fronts on a railroad or a rail spur line. Rear yards for industrial lots adjacent to the R-1 and R-2 Districts shall be one hundred (100) feet.
    - c. Minimum width of side yards:
 

1-story building	fifteen (15) feet on each side
2-story building	twenty (20) feet on each side
3-story building	twenty-five (25) feet on each side

Side yards for industrial lots adjacent to R-1 and R-2 Districts shall be a minimum of one hundred (100) feet. No yard shall be required for that portion of a lot which fronts on a railroad or a spur line.
    - d. Lot Width: No lot shall be less than one hundred and fifty (150) feet at the building setback line.
    - e. Maximum Lot Coverage: No maximum lot coverage shall be imposed in the M-2, Heavy Industrial District.

- f. Height Requirement: No height limitations shall be imposed in the M-2, Heavy Industrial District.
5. Off Street Parking and Loading: Off-street parking and loading and unloading areas shall be provided in accordance with Sections 11-309 and 11-311 of this code.
6. 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 Monroe County Health Department, the appropriate utility company, and if appropriate, the Tennessee Department of Health.
  - b. Documentation that approved means area 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.

**11-412. Flood Plain District.**

1. The Flood Plain District is established as an overlay district of flood damage prevention regulations, the intent of which is to protect the health, safety, and welfare of the citizens by requiring that development within this district be governed by regulations found in Chapter 3, Section 11-313. Vonore Municipal Flood Damage Prevention Regulations, of this ordinance. These regulations are in accordance with the National Flood Disaster Act of 1973 and all subsequent amendments.

The appearance of the Flood Plain District on the Vonore Zoning Map is intended only to provide a general location of flood hazard within the community. The flood plain consists of the 100 year regulatory “Floodway” and the Special Flood Hazard Areas (SFHAs) Subject to Inundation by the 1% Annual Chance Flood [commonly known as the 100-year flood] and the Other Flood Areas (Zone X), areas of 0.2% annual chance flood [commonly known as the 500-year flood], as defined in Chapter 3, Section 11-313, and depicted on the Flood Insurance Rate Maps for Monroe County, Tennessee and Incorporated Areas. The flood elevation maps discussed in Chapter 3, Section

11-313, shall be used to establish individual project requirements as determined by the flood plain administrator.

2. The regulations of any zoning district underlying the Flood Plain District shall prevail; except that no building, development, or improvement project shall be commenced within the Flood Plain District unless a permit has been obtained from the flood plain administrator, stating such project plans meet the requirements of Chapter 3, Section 11-313, of this ordinance.

## CHAPTER 5

### EXCEPTIONS AND MODIFICATIONS

#### SECTION

11-501. Lot of Record

11-502. Adjoining Substandard Lots of Record

11-503. Rear and Side Yards Abutting a Railroad Siding

11-504. Height Limits

11-505. Planned Unit Developments

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 (1977) 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 possible.

11-502. **Adjoining Substandard Lots of Record.** Where two or more substandard adjacent lots of record with a continuous frontage are under the same ownership, or where such substandard lot of record has continuous frontage with a larger tract under the same ownership, such lots shall be combined to form one or more building sites meeting the minimum requirements of the district within which they are located.

11-503. **Rear and Side Yard Abutting a Railroad Siding.** In industrial districts where 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.

11-504. **Height Limits.** The height limits of this zoning code shall not apply to churches, schools, hospitals and other public buildings, provided that the minimum widths of the 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.

11-505. **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 that is 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 or commercial, excluding C-2.
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 Vonore 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.
4. 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 Vonore, 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.
5. 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.
6. Minimum Site. The minimum development site for a planned unit development shall be five (5) acres.
7. Density. A residential planned unit development may have a density fifteen (15) percent greater than that of the district in which the planned unit development is located.
8. Site Improvements.

- a. Streets. All dedicated public streets shall be constructed to conform to the general intent of the Vonore 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 storm water 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.
9. 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 Vonore Regional Planning Commission during the plan approval stage.
10. 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.
11. 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.
12. 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.

13. Approval Process. The Vonore 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 11-609 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 11-609.
14. Preliminary PUD Site Plan. A preliminary site plan shall be submitted at least ten (10) days prior to the meeting at which it is meant to be considered. 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.
15. Final Site Plan. The final site plan shall be submitted at least ten (10) 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 storm water sewers. Locations of fire hydrants and electrical lines must be indicated as well.

- d. The proposed development plan shall be prepared by and have the seal of an architect or engineer duly registered to practice in the State of Tennessee.
16. 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 filed.
  - 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.
17. 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.

## CHAPTER 6

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

#### SECTION

- 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. Mobile Homes and Mobile Home Parks
- 11-607. Development Standards for Certain Uses
- 11-608. Location and Development Standards for Travel Trailer Parks
- 11-609. Site Plan Requirements
- 11-610. Performance Standards for Self Service Storage Facilities (Mini-Warehouses)

11-601. **Scope.** The supplementary regulations are listed and described in this chapter, rather than repeated several times throughout the 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 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 the computations of lot coverage by all buildings. The board of zoning appeals may waive side and open 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.** The home occupation is intended to permit home based employment and entrepreneurship opportunities which do not alter or impact the residential character of the district. The home occupation is intended to be flexible, granting the resident(s) the opportunity to conduct a business or service on the property, provided such activity does not infringe upon individual rights of neighbors or property values within the area. Changing technologies and economic/social trends make identification of all conceivable occupations impractical. The primary use of the property shall be residential. The following conditions shall apply to all home occupations:

1. No person other than household members residing on the premises shall be engaged in such home occupation.

2. If conducting a home occupation, a business license and a home occupation permit shall be obtained from the Town of Vonore.
3. Space devoted to home occupations shall not exceed twenty percent (20%) or a maximum of six hundred (600) square feet of the dwelling unit, whichever is less.
4. No home occupation shall be conducted in any accessory building or garage;
5. No alteration to any building shall indicate from the exterior that the building is being used for other than residential purposes.
6. No articles, materials, good, or equipment indicative of the home occupation shall be visible from any public street or adjacent properties.
7. Outdoor storage is prohibited.
8. No traffic shall be generated by the home occupation in greater volume than would normally be expected in a residential neighborhood. Off street parking shall be provided.
9. The use shall not increase noise, vibration, glare, fumes, odors, or electrical interference detectable to the normal senses off the premises.
10. No equipment or process shall be used which creates visual or audible interference in any radio or television receivers off the premises, or causes electrical fluctuations in the line voltage off the premises.
11. The home occupation shall not increase the type or volume of solid waste for at-curb disposal beyond that which is otherwise typical for a residence.

11-604. **Signs and Billboards.** The purpose of these sign regulations is to balance the need of communication with the need to minimize traffic hazards, reduce clutter, and improve community appearance. The regulations for signs and billboards are enumerated below:

1. General Provisions. All signs erected, replaced, reconstructed, expanded, or relocated on any property within the town shall conform with the provisions of this section.
  - a. All signs erected, constructed, or placed in any district shall conform to the adopted building codes 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.

- b. With the exception of One-Time Event Signs, all signs shall obtain a sign permit from the Town of Vonore.
- c. A sign permit application shall include the proposed sign location, sign type, dimensions, total square footage, height, and lighting.
- d. The sign area for all wall, awning, canopy, and marquee signs shall be measured by drawing an imaginary single, regular geometric shape of a rectangle, circle, or equilateral triangle around the sign face. The text and other associated graphics do not have to be physically connected.
- e. The sign area for all ground, pole, projecting, and One-Time Event signs shall be the entire face of the sign, including the advertising surface and any framing, trim, or molding, but not including the supporting structures. The area of each sign face shall be counted toward the total allowed sign area. For example, on a two-sided sign, both sides shall be counted toward the total sign area.
- f. All ground, pole, and One-Time Event signs shall be set back a minimum of five (5) feet from all property lines. Signs shall be placed so as not to restrict sight distance for entering, existing, or passing vehicles.
- g. Wall, awning, canopy, marquee, and projecting signs shall only be permitted on walls facing a public street and/or an on-site parking lot.
- h. A total of one (1) pole or ground sign is allowed per road frontage per parcel, provided such signs are a minimum of two hundred (200) feet apart.
- i. Projecting signs erected and overhanging any sidewalk shall be placed a minimum of seven (7) feet and six (6) inches above the sidewalk. Such sign may extend over the sidewalk a distance equal to two-thirds ( $\frac{2}{3}$ ) the width of the sidewalk, but in no case exceeding ten (10) feet. All other projecting signs shall be placed a minimum of nine (9) feet above adjacent grade and may extend a maximum of ten (10) feet.
- j. Signs may be internally or externally illuminated. If externally illuminated, such lighting shall not shine or glare directly onto adjacent properties or street rights-of-ways. For the purposes of this ordinance, glare shall be defined as any brightness within the field of vision of such a character as to cause annoyance, discomfort, interference with vision, or loss of visual performance and visibility.
- k. When an entity is no longer in operation, the associated sign(s) shall be removed.
- l. Existing signs which were legally in existence prior to the adoption of this section which do not conform to the specific provisions of this section are declared legal nonconforming signs. Any legal nonconforming sign shall be allowed to remain and be maintained. If, however, the sign suffers more than fifty (50) percent

damage or deterioration, as based on appraisal, the sign must be brought into conformance with these regulations or removed. If the nonconforming sign is removed and replaced with a new sign, such new sign shall comply with these regulations.

2. Prohibited signs and devices. The following types of signs and devices are prohibited.
  - a. Billboards, unless existing at the time of the adoption of this ordinance.
  - b. Roof signs.
  - c. Off-premise signs.
  - d. Unless provided for elsewhere in this section, animated or moving signs, digital signs, scrolling reader boards, electronic message center signs, and flashing or intermittent illumination of signs are prohibited.
  - e. Signs which are erected or maintained where by reason of its position, wording, illumination, size, shape, or color may obstruct, impair, obscure, interfere with the view of or be confused with any authorized traffic control sign, signal, or device.
  - f. Signs on public property and street rights-of-ways, except those erected and/or managed by an authorized public entity.
  - g. Signs that are not securely affixed to the ground or wall.
  - h. Signs which are not expressly permitted by this section or any other ordinance of the town.
3. Residential Districts. In addition to meeting the other provisions of this section, all signs within the R-1 Low Density Residential District and the R-2 High Density Residential District shall conform with the following provisions.
  - a. Any activity lawfully conducted on the premises shall be permitted one (1) non-illuminated sign up to two (2) square feet in area.
  - b. Uses permitted as a Special Exception, churches and other places of worship, cemeteries, public schools, and golf courses shall be permitted one (1) ground or pole sign per road frontage. Such sign(s) may be up to sixty-four (64) square feet in area with a maximum of thirty-two (32) square feet per sign face and shall not exceed ten (10) feet in height.
  - c. Uses permitted as a Special Exception, churches, cemeteries, public schools, and golf courses shall be permitted any number of wall signs. The total square footage allowed for all the wall signs combined shall be based on the length of the

wall on which the signs are mounted. The total area of such wall signs shall be one-half (1/2) square feet of sign area per each linear foot of building wall on which the sign(s) is/are mounted.

- d. Residential neighborhoods shall be permitted one (1) non-illuminated ground or pole sign per neighborhood entrance. Such sign may be up to fifty (50) square feet in area with a maximum of twenty-five (25) square feet per sign face and shall not exceed eight (8) feet in height.
4. Agricultural District: In addition to meeting the other provisions of this section, all signs within the A-1 Agriculture District shall conform with the following provisions.
    - a. Any activity lawfully conducted on the premises shall be permitted one (1) non-illuminated sign up to two (2) square feet in area.
    - b. Uses permitted as a Special Exception, churches and other places of worship, and cemeteries shall be permitted one (1) ground or pole sign per road frontage. Such sign(s) may be up to sixty-four (64) square feet in area with a maximum of thirty-two (32) square feet per sign face and shall not exceed ten (10) feet in height.
    - c. Uses permitted as a Special Exception, churches and other places of worship, and cemeteries shall be permitted any number of wall signs. The total square footage allowed for all the wall signs combined shall be based on the length of the wall on which the signs are mounted. The total area of such wall signs shall be one-half (1/2) square feet of sign area per each linear foot of building wall on which the sign(s) is/are mounted.
  5. Neighborhood Business District. In addition to meeting the other provisions of this section, all signs within the C-1 Neighborhood Business District shall conform with the following provisions.
    - a. The same regulations apply to residential uses in the C-1 Neighborhood Business District as applied to the Residential Districts as outlined above.
    - b. Freestanding entities shall be permitted one (1) ground or pole sign per road frontage. Such sign(s) may be up to fifty (50) square feet in area with a maximum of twenty-five (25) square feet per sign face and shall not exceed eight (8) feet in height.
    - c. Multiple use buildings shall be permitted one (1) ground or pole sign per road frontage. Such sign(s) fifty (50) square feet in area with a maximum of twenty-five (25) square feet per sign face and shall not exceed eight (8) feet in height.
    - d. Freestanding entities shall be permitted any number of wall signs, canopy signs, and projecting signs. The total square footage allowed for all the signs combined shall be based on the length of the wall on which the signs are mounted. The total

area of such signs shall be one (1) square foot of sign area per each linear foot of building wall on which the sign(s) is/are mounted.

- e. Tenants within a multiple use building shall be permitted any number of wall signs, canopy signs, and projecting signs. The total square footage allowed for all the signs combined shall be based on the length of the building wall of the tenant space. The total area of such signs shall be one (1) square foot of sign area per each linear foot of building wall of tenant space upon which the sign(s) is/are mounted.
6. Highway Commercial District. In addition to meeting the other provisions of this section, all signs within the C-3 Highway Commercial District shall conform with the following provisions.
- a. The same regulations apply to residential uses in the C-3 Highway Commercial District as applied to the Residential Districts as outlined above.
  - b. If fronting on Highway 411, freestanding entities shall be permitted one (1) ground or pole sign. Such sign may be up to four hundred (400) square feet in area with a maximum of two hundred (200) square feet per sign face and shall not exceed twenty-five (25) feet in height.
  - c. If fronting on Highway 411, multiple use buildings shall be permitted one (1) ground or pole sign. Such sign may be up to four hundred (400) square feet in area with a maximum of two hundred (200) square feet per sign face and shall not exceed twenty-five (25) feet in height.
  - d. If not fronting on Highway 411, freestanding entities shall be permitted one (1) ground or pole sign. Such sign may be up to two hundred (200) square feet in area with a maximum of one hundred (100) square feet per sign face and shall not exceed fifteen (15) feet in height.
  - e. If not fronting on Highway 411, multiple use buildings shall be permitted one (1) ground or pole sign. Such sign may be up to two hundred (200) square feet in area with a maximum of one hundred (100) square feet per sign face and shall not exceed fifteen (15) feet in height.
  - f. Freestanding entities shall be permitted any number of wall signs, canopy signs, and projecting signs. The total square footage allowed for all the signs combined shall be based on the length of the wall on which the signs are mounted. The total area of such signs shall be one (1) square foot of sign area per each linear foot of building wall on which the sign(s) is/are mounted.
  - g. Tenants within a multiple use building shall be permitted any number of wall signs, canopy signs, and projecting signs. The total square footage allowed for all the signs combined shall be based on the length of the building wall of the tenant



space. The total area of such signs shall be one (1) square foot of sign area per each linear foot of building wall of tenant space upon which the sign(s) is/are mounted.

- h. If fronting on Highway 411, flashing or intermittent illumination of signs, including scrolling reader boards, are permitted.
  - i. If not fronting on Highway 411, flashing or intermittent illumination of signs, including scrolling reader boards, are prohibited.
  - j. If fronting on Highway 411, electronic message center (EMC) signs are permitted provided the following conditions are met:
    - (i) Such signs shall hold a static message for a minimum of 60 seconds; and
    - (ii) The lighting of such signs shall not exceed 3,000 nits during daylight hours (sunrise to sunset) and 1,000 nits during dark hours (sunset to sunrise).
  - k. If not fronting on Highway 411, electronic message center (EMC) signs are prohibited.
7. Industrial Zoning Districts. In addition to meeting the other provisions of this section, all signs within the M-1 Light Industrial District and the M-2 Heavy Industrial district shall conform with the following provisions.
- a. Entities shall be permitted one (1) ground or pole sign. Such sign may be up to two hundred (200) square feet in area with a maximum of one hundred (100) square feet per sign face and shall not exceed twenty-five (25) feet in height.
  - b. Entities shall be permitted one (1) sign per driveway entering the premises. Such sign(s) may be up to four (4) square feet in area with a maximum of two (2) square feet per sign face and shall not exceed three (3) feet in height.
  - c. Buildings shall be permitted any number of wall signs. The total square footage allowed for all the wall signs combined shall be based on the length of the wall on which the signs are mounted. The total area of such signs shall be one (1) square foot of sign area per each linear foot of building wall on which the sign(s) is/are mounted.
  - d. Industrial parks shall be permitted one (1) ground or pole sign per industrial park entrance. Such sign may be up to four hundred (400) square feet in area with a maximum of two hundred (200) square feet per sign face and shall not exceed thirty-two (32) feet in height.
8. One-Time Event Signs. In addition to meeting the other provisions of this section, all one-time event signs shall conform with the following provisions.

- a. One-time event signs are permitted in all zoning districts, on developed land, and on vacant land.
- b. Such signs shall be a maximum of sixty-four (64) square feet with a maximum of thirty-two (32) square feet per sign face shall not exceed six (6) feet in height, shall be non-illuminated, and shall be affixed to the ground or a building.
- c. For the purposes of this ordinance, political and campaign signs shall be considered one-time event signs, however, one (1) one-time event sign per candidate, issue, or subject shall be permitted per parcel/lot (Tennessee Code Annotated 2-7-143).

**Billboards.** Billboards existing at the time of the adoption of this ordinance shall be considered permitted and allowed uses. Such billboards shall not be permitted to increase in size, width, or height, change locations on the premises, or add changing sign faces. Such billboards shall also not be permitted to add flashing or intermittent illumination, including scrolling reader boards and electronic message centers (EMC). An inventory of these three (3) existing billboards is included in this ordinance as Attachments A and B (Ordinance No. 20-04).

**11-605. Swimming Pools.** No swimming pool or part thereof, excluding aprons, walks, and equipment rooms, shall protrude into any required front or side yard space except in the C-3, Highway Business District where swimming pools are permitted in front yards when the pool is operated in conjunction with a permitted use in that district. 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 be not 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 and the A-1 Agriculture District, provided that the pool is intended and is to be used solely for the enjoyment of the occupants and their guests of the property on which it is located.

**11-606. Mobile Homes and Mobile Home Parks.** The following regulations shall apply to mobile homes and mobile home parks:

1. A single mobile home may be placed on a lot in the R-2, Residential Districts, provided that it has underpinning, a driveway, a patio, and provided all open space, parking, and setback provisions of the district are complied with; and further provided that all applicable housing and building code provisions are complied with. All other mobile homes occupied for living purposes shall be confined to mobile home parks excepting nonconforming mobile homes subject to Section 11-303 of this code, and temporary occupancies as provided for in Section 11-602. 2. of this code.

2. A temporary permit not exceeding six (6) months may be issued for occupancy of a mobile home/manufactured home on a lot with another dwelling or building for living purposes where applicant can show that such occupancy is necessary to provide for the care of a sick or infirm person or the guarding of a construction site. A temporary permit may be renewed for a period of six months when the applicant can show that the conditions under which the permit was originally issued have not changed. Upon expiration of the temporary permit or upon a change in the circumstances under which the permit or its renewal was granted the mobile home shall be moved within thirty (30) days.
3. A permit may be issued for a mobile home to permanently be located on a site when such a unit is to be used solely for security personnel in conjunction with a school or similar facility as authorized by the Vonore Board of Zoning Appeals. In its review of the application for a permit the Board may impose such conditions on the use of location of said mobile home as it determines necessary to protect the health, safety, and welfare of the general public.
4. Applications for mobile home parks: An application for a mobile home park shall be presented to the board of zoning appeals for review and approval prior to the issuance of a building permit for such use. The application, in addition to the usual requirements, shall consist of a map drawn to a scale no smaller than 1" = 100' setting forth therein the geographical location, boundaries, drainage, buildings and sanitation facilities such as location of water and sewer lines and the number, location, and size of all mobile home spaces.
5. Mobile home parks shall conform to the following standards:
  - a. No parcel of land containing less than two (2) acres and less than ten (10) mobile home spaces available at the time of first occupancy shall be used for mobile home parks. All mobile home parks shall be served by a public water and sewer system as approved by the board of zoning appeals.
  - b. There shall not be less than thirty-six hundred (3,600) square feet of lot area for each space provided on the site. For double-wide mobile homes the minimum lot size shall be six thousand (6,000) square feet.
  - c. Ground anchors shall be installed at each mobile home space to tie down mobile homes.
  - d. Each mobile home park shall be permitted to display on each street frontage, one accessory business sign of maximum size of thirty-two (32) square feet. Said sign shall contain thereon only the name and address of the mobile home park and may be lighted by indirect lighting only.

- e. Each mobile home space shall be at least thirty-six (36) feet wide except that double-wide and expandable units shall be a minimum of 60 feet wide.
- f. Individual plot spaces for mobile homes shall be clearly defined and mobile homes parked so that there will be at least fifteen (15) feet of clear space between mobile homes and any attachment thereto, such as a garage or porch. With respect to mobile homes parked end-to-end, clearance shall be not less than twelve (12) feet. No home shall be located less than twenty (20) feet from any building within the park.
- g. Each mobile home space shall be provided with a pad which shall be a minimum of twelve (12) feet by fifty (50) feet, which shall be constructed of four (4) inches of compacted gravel.
- h. Access roads within a mobile home park shall meet the design and construction specifications of minor residential streets as required in the Town of Vonore Subdivision Regulations; provided, however, that the actual road width required shall be twenty (20) feet, and curbs shall not be required. Roadways in mobile home parks shall be maintained as private drives and shall not be accepted as public roads by the town.
- i. Mobile homes shall not be used for commercial, industrial, or other non-residential uses within the park, except that such units may be used to house a management office(s), if necessary.
- j. All public health and sanitary requirements prescribed by Sections 53-3210 through 53-3220, Tennessee Code Annotated and the “Regulations Governing Trailer Courts in Tennessee” of the Tennessee Department of Public Health, must be adhered to and the plans approved by the Monroe County Sanitarian prior to the issuance of a building permit for such use.
- k. All mobile homes and mobile home parks which do not conform to the provisions of the zoning code shall be discontinued in accordance with the provisions of Section 11-303 of this code.

11-607. **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 is expressly prohibited. Any fence or wall erected for screening purposes shall be properly painted or otherwise maintained in good condition.

**11-608. Location and Development Standards for Travel Trailer Parks.**

- 1. Application for travel trailer parks. All applications for travel trailer parks construction shall be filed in accordance with Chapter 7, Section 11-702 of this ordinance and shall be accompanied by all plans, schedules, and other information herein required.

2. Minimum size of a travel trailer park. Each parcel of land to be used for a travel trailer park shall have a minimum area of three (3) acres.
3. Permitted activities.
  - a. Spaces in travel trailer parks may be used by travel trailers, or equivalent facilities constructed in or on automotive vehicles, tents, or other short term housing devices.
    - 1) Non-recreational service and administrative buildings are permitted.
    - 2) Accessory activities of the travel trailer park as a convenience solely for guests of the park.
4. Design standards for travel trailer parks.
  - a. Density. There shall be no more than twenty-two (22) travel trailer sites per acre of land within the travel trailer park. This shall also apply to any tent camping area.
  - b. Streets and parking.
    - 1) Direct vehicular access to the travel trailer park shall be only from an approved street.
    - 2) Width of streets: Streets in a travel trailer park shall be private and shall have a minimum paved width of:
 

(1) One-way	12 feet
(2) Two-way	20 feet
    - 3) Street surfacing: All streets shall meet the paving specifications of the Vonore Planning Commission's Subdivision Regulations.
    - 4) Parking: Each travel trailer or tent site shall have off-street parking for both travel trailer and towing vehicle.
3. Buffer strips.
  - a. There shall be a suitably landscaped perimeter buffer strip not less than twenty-five (25) feet in depth between travel trailer sites and all public streets abutting the travel trailer park.

- b. There shall be a suitably landscaped buffer strip of not less than fifteen (15) feet in depth between travel trailer sites and all other boundaries of the park.
4. Design Requirements for Travel Trailer Site.
- a. Minimum size
    - 1) All sites shall have a minimum area of 1,000 square feet with a minimum width of 20 feet and a minimum length of 50 feet.
    - 2) Each site shall be designed so that any two camping units will have a minimum distance of ten (10) feet between them.
  - b. Access. Each travel trailer site shall abut at least one street within the boundaries of the travel trailer park and access to the site shall be only from such an internal street.
  - c. Sewage Disposal All travel trailer parks shall be served by a public sewer system, if available, or by a sanitary sewer system approved by the Tennessee State Health Department.
  - d. Sanitary Facilities. All sanitary facilities shall be installed in accordance with the Tennessee Camp Sanitation Act.
  - e. Water Facilities.
    - 1) All travel trailer parks must be served by a public water system.
    - 2) There shall be at least one (1) water hydrant for every five (5) camp sites. Community hydrants shall be no closer than 25 feet nor further than 200 feet from any unit.
    - 3) All hydrants shall have a drain or a sump.
  - f. Signs. The maximum display surface area shall not exceed 25 square feet and one sign shall be permitted at each vehicular entrance. Such signs shall not be permitted in any required yard and shall be lighted by indirect illumination only. Those signs necessary for directional or safety purposes are permitted.
  - g. Electricity. All electrical facilities shall be in accordance with all state and local electrical codes and ordinances.

- h. Refuse Storage, Collection and Disposal. Each site shall be provided with at least one (1) fly-tight, watertight, rodent proof container of a capacity not less than four (4) gallons and not more than thirty (30) gallons. However, this may be waived when sites are within two hundred (200) feet of a large covered trash receptacle (e.g., dumpster dumpster). All refuse shall be collected at least twice weekly and where public or private collection service is not available, the owner or operator of the travel trailer park shall dispose of the refuse by transporting it to a disposal area approved by the Monroe County Health Department. All refuse shall be collected and transported in covered vehicles or covered containers.

11-609. **Site Plan Requirements.** To ensure compliance with all Town regulations, site plans are required for all new developments, modifications to existing developments, and/or redevelopments of all non single-family and two-family residential uses. Such plans shall be approved by the planning commission prior to the issuance of a building permit.

All site plans shall be prepared and certified by a licensed engineer, landscape architect, architect, and/or surveyor, as may be appropriate, and in accordance with state law regarding the practice of these professions. The site plan shall include the following:

1. Property street address;
2. Property map/parcel information;
3. Name and address of property owner(s);
4. Name and address of applicant(s);
5. Name, address, and stamp of professional who prepared the plan;
6. Current zoning classification and required building setback requirements;
7. North arrow;
8. Graphic scale. The site plan shall be drawn to a scale of 1" = 20', 1" = 30', or 1" = 50', depending on the size of the tract. Plans shall be legible;
9. Location map;
10. Date of preparation;



11. Acreage of the property;
12. A boundary survey of the property, including all rights-of-ways, easements, and covenants;
13. Topographic contours at vertical intervals of not more than five (5) feet;
14. Ingress and egress locations with widths, sight distance, and distances to nearby intersections and other driveways;
15. Locations and dimensions for all buildings, parking lots, loading zone areas, sidewalks, trash dumpsters, and accessory structures;
16. Layout and dimensions of all parking lots, including parking spaces, driveway aisles, loading zone areas, and sidewalks;
17. Location of any ground or pylon sign. Sign permits are required from the Town for each sign;
18. Square footage of proposed building(s);
19. If applicable, total number of dwelling units;
20. Location and size of all existing utilities and proposed utilities, including fire hydrants and light poles;
21. There shall be a minimum of one (1) working fire hydrant within five hundred (500) feet from all proposed buildings. If no fire hydrant is available, fire hydrant(s) must be installed;
22. A landscape plan. A minimum of ten percent (10%) of all front yards shall be landscaped in permanent trees or shrubs. Grass is not considered landscaping, but is required as a ground cover;
23. A drainage plan with on-site detention or retention, unless the planning commission agrees otherwise. All drainage tiles and other control measures shall be shown and indicated by size and drainage flow. Additional information may be required by the planning commission;
24. An erosion control plan;
25. The location and an identification of all significant physical features of the property based on readily available information, such as floodplains, wetlands, ponds, lakes, streams, springs, steep slopes, surface depressions or sinkholes, and historic, archaeological, or cultural sites;

26. A plan showing the storage and disposal of any contaminant wastes;
27. A plan showing the storage and use of any combustible materials, hazardous materials, and toxic or flammable products or wastes; and
28. A plan addressing any odor, dust, smoke, gas, noise, vibration, congestion, and the like associated with the development.

**11-610. Performance Standards for Self Service Storage Facilities (Mini-Warehouses).** At a minimum, such facilities shall comply with the following requirements:

1. Area regulations:
  - a. Minimum lot size – 60,000 square feet
  - b. Minimum building setbacks:
    - 1) Front yard – 30 feet or 40 feet if fronting street is classified as a Major Arterial on the Major Road Plan
    - 2) Side yard – 20 feet
    - 3) Rear yard – 30 feet
  - c. Maximum building height – 18 feet measured from eave
  - d. Maximum unit size – 700 square feet
2. Internal driveways and parking areas:
  - a. All parking areas and driveway aisles accessing such parking areas shall be paved.
  - b. All internal driveway aisles serving the site or accessing self-service storage units not designed for vehicular storage such as boats and recreational vehicles shall be paved.
  - c. Due to the needed additional width and turn-around area, all internal driveway aisles directly accessing storage units designed for vehicular storage such as boats and recreational vehicles may be graveled in lieu of being paved. All graveled areas shall be compacted and a geo textile fabric shall be laid directly on the soil to maintain a separation of the soil from the gravel.

3. No door openings for any self-service storage unit shall be constructed facing any adjacent residentially zoned property.
4. Perimeter fencing is required around the entire site. If a building is facing interior to the site, the exterior wall of the building may be substituted in lieu of fencing if there are no openings on that exterior wall.
5. At least five percent (5%) of the total site area shall be landscaped in permanent plantings of trees, shrubs, and grass.
6. All lights shall be shielded to direct light onto the established uses and away from all adjacent properties and rights-of-ways.
7. Recreational vehicles, boats, and all operational vehicles may be stored outside in designated areas only. All other storage shall be within enclosed structures.
8. Self-service storage facilities shall be limited to “dead storage” use only. Dead storage is goods not in use or associated with any office, retail, commercial, industrial, or other business use on the premises.
9. No hazardous materials shall be stored in any storage unit.
10. Any use that is noxious or offensive because of odors, dust, noise, fumes, or vibrations is prohibited.
11. The operation of power tools, spray painting equipment, table saws, lathes, compressors, welding equipment, kiln, and other similar equipment is prohibited.
12. With the exception of public auctions applicable to delinquent renters in accordance with all applicable laws, no sales, garage sales, auctions, or miscellaneous services or business activities shall be conducted on the premises.
13. The servicing or repair of motor vehicles, boats, recreational vehicles, lawn mowers, or any other similar equipment shall not be conducted on the premises.
14. The establishment of a transfer and storage business is prohibited.
15. Fire protection shall be provided to meet existing building codes and fire protective requirements regarding hydrant locations, fire walls, etc.
16. Signs shall be limited to one (1) sign for each property line abutting or adjoining a street right-of-way. Signs identifying the nature of the self-service storage facility shall not exceed fifteen (15) feet in height or forty (40) square feet in area. No additional advertising signs shall be permitted on the property.

17. A site plan, per Section 11-609, shall be submitted to the planning commission. The planning commission may deny the site plan for failure to comply with the site plan requirements or for inadequacies in the site's design.

**CHAPTER 7**  
**ENFORCEMENT**

**SECTION**

- 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 make such inspections of buildings or premises as are necessary to carry out his duties in the enforcement of this ordinance.

11-702. **Building Permit Required.** It shall be unlawful to commence the excavation for, or the construction of, any building or structure (including temporary), including accessory buildings, or to commence the moving or alteration of any building, 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 complete the building permit application form and shall submit a dimensioned sketch of scale plan indicating the shape, size, height, and location of all buildings to be erected, altered, or moved and of any building(s) 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, alteration, or construction as set forth in the application are in conformity with the provisions of this zoning code and other ordinances of the Town of Vonore, Tennessee, then in force, the building inspector shall issue a building permit for such excavation, alteration, 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, the adopted construction codes, or any other ordinance of the Town of Vonore.

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 herein. Extension(s) in the date of 90 days increments may be made upon application to, and approval of the building inspector.

11-704. **Certificate of Occupancy.** No land or building or part thereof hereafter erected or altered in its use, occupancy, 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 and, where applicable, the adopted construction codes.

Within three (3) business 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 of the land, building or part thereof and the proposed use thereof are found to conform with the provisions of this ordinance and/or the adopted construction codes; or, if such certificate is refused, to state such refusal in writing, with the cause.

11-705. **Records.** A complete record of applications, sketches, inspections, field notes, 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, altered, 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

#### SECTION

- 11-801. Creation and Designation
- 11-802. Procedure
- 11-803. Appeals, How Taken
- 11-804. Administrative Reviews
- 11-805. Special Exceptions
- 11-806. Procedure for Authorizing Special Exceptions
- 11-807. Variances

11-801. **Creation and Designation.** A Board of Zoning Appeals is hereby established in accordance with Sections 13-7-201 through 13-7-207, Tennessee Code Annotated. As permitted by Section 13-7-205, Tennessee Code Annotated the Vonore Municipal Planning Commission is hereby designated as the Board of Zoning Appeals.

11-802. **Procedure.** Meetings of the board of zoning appeals shall be held at the call of the chair 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 procedures and shall keep records of applications and action thereon. Such records shall be public records.

11-803. **Appeals, How Taken.** An appeal to the board of zoning appeals may be taken by any person, firm, or corporation aggrieved, or by any governmental officer, department, board, or bureau affected by 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 appeals was taken. The board shall fix a reasonable time. Upon the hearing any person or party may appear in person, by agent or by attorney.

11-804. **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 the interpretation of the zoning map as provided in Section 11-402.

11-805. **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.

11-806. **Procedure for Authorizing Special Exceptions.** The following procedure is established to provide for the application of uses permitted as special exceptions by the board of zoning appeals.

1. Application. An application shall be filed with the board of zoning appeals for review. Said application shall show the location and intended use of the site, the names of the property owners and existing land uses within four hundred (400) feet, and any other material pertinent to the request which the board may require.
2. Restrictions. In the exercise of its approval, the board may impose such conditions regarding the location, character, or other features of the proposed uses or buildings as it may deem advisable in the furtherance of the general purposes of this ordinance.
3. Validity of Plans. All approved plans, conditions, restrictions, and rules made a part of the approval of the board shall constitute certification on the part of the applicant that the proposed use shall conform to such regulations at all times.
4. Time limit. All applications for “special exceptions” shall be decided within forty-five (45) days of the date of application, and the applicant shall be provided with either written notice of approval or denial.

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 (1977) was a lot or record; or where, by reason of exceptional topographic conditions or other extraordinary or exceptional situation or condition 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.



## CHAPTER 9

### AMENDMENTS AND LEGAL STATUS

#### SECTION

11-901. Amendment

11-902. Legal Status

11-901. **Amendment.** Such regulations, restrictions, and boundaries as are provided for in this ordinance may be amended, supplemented, changed, modified, or repealed by the chief legislative body of the Town of Vonore, Tennessee and amendments shall be effective only after official notice and public hearing.

No amendments shall become effective unless it is first submitted to and approved by the planning commission, or, if disapproved, shall receive a majority vote of the entire membership of the Board of Mayor and Aldermen of the Town of Vonore, Tennessee.

11-902. **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 Town of Vonore, 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 of itself invalid or unconstitutional.