

Ordinance No. 2017-01
**AN ORDINANCE OF THE CITY OF FRIENDSVILLE, TENNESSEE REPEALING
AND REPLACING THE CURRENT ZONING ORDINANCE**

WHEREAS, Tennessee Code Annotated § 13-7-201 authorizes the Board of Commissioners of the City of Friendsville to establish zoning regulations within the City Limits; and

WHEREAS, the current Zoning Ordinance of the City of Friendsville has been in effect for several years and is in need of an update; and

WHEREAS, the City of Friendsville Planning Commission has worked to develop an updated zoning ordinance; and

WHEREAS, the Planning Commission has recommended the following ordinance for approval by the Board of Commissioners;

**NOW THEREFORE BE IT ORDAINED BY THE CITY OF FRIENDSVILLE,
TENNESSEE AS FOLLOWS:**

SECTION 1. The current zoning ordinance will now be repealed and replaced by the following:

SECTION

101. Authority

102. Short Title

103. Purpose

101. Authority. An ordinance, in pursuance of the authority granted by Tennessee Code Annotated Title 13, Chapter 7, Part 2 for the purpose of promoting the public health, safety, morals, convenience, order, prosperity and general welfare; to provide for the establishment of districts within the corporate limits; to regulate, within such districts, the location, height, bulk, number of stories and size of buildings and structures, the percentage of lot occupancy, the required open spaces, the density of population and the uses of land, buildings and structures; to provide methods of administration of this ordinance; and, to prescribe penalties for the violation thereof.

BE IT ORDAINED by the Board of Commissioners, City of Friendsville, as follows:

102. Short Title. This ordinance shall be known as the “Zoning Ordinance of the City of Friendsville, Tennessee.” The map herein referred to as the “Zoning Map of Friendsville, Tennessee,” and all explanatory matter thereon are hereby adopted and made a part of this ordinance. A copy of the zoning map is on file in the city hall.

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

ARTICLE II

DEFINITIONS

SECTION

201. Interpretation of Defined Terms

202. Interpretation of Undefined Terms

203. Terms

201. Interpretation of Defined Terms. Terms found in this ordinance for which definitions are set out in this article shall be interpreted as always having such meaning, unless the context within which such term is used clearly indicates otherwise.

202. Interpretation of Undefined Terms. Terms found in this ordinance for which no definition is included in this article shall be interpreted, if technical in nature, by reference to generally accepted planning, engineering, or other professional terminology; and if non-technical in nature, shall be interpreted according to common usage, unless the context within which such term is used clearly indicates otherwise. Certain undefined terms, however, shall be interpreted as follows, unless the context clearly indicates otherwise:

1. **Tense; Number.** Words used in the present tense can include the future; words in the masculine gender can include the feminine and neuter; words in the singular number can include the plural; and words in the plural can include the singular, unless the obvious construction of the wording indicates otherwise.
2. **Shall; Should; May.** The word "shall" is mandatory; the word "may" is permissive. The word "includes" shall not limit a term to the specific examples but is intended to extend its meaning to all other instances or circumstances of like character.
3. **Measurement of Distances.** Unless otherwise specified, all distances shall be measured horizontally and at right angles to the line in relation to which the distance is specified.
4. **Day.** Unless otherwise specified, the term "day" shall mean calendar day.
5. **Used; Erected.** The word "used" shall be deemed also to include designed, intended, or arranged to be used; the term "erected" shall be deemed also to include constructed, reconstructed, altered, placed, relocated or removed.
6. **Land Use.** The terms "land use" and "use of land" shall be deemed also to include building use and use of building.

7. **State; County.** The word "State" means the State of Tennessee and its authorized agents. The word "County" means the County of Blount, Tennessee, and its authorized agents.

203. Terms.

ACCESS: The right to cross between public and private property, allowing pedestrians and vehicles to enter and leave property.

ADVERTISING: Includes any writing, printing, graphics, painting, display, emblem, drawing, sign, or other device, including but not limited to pennants on a cord, streamers, large inflated balloons, designed, used or intended for advertising, or to draw attention to the site on which such items are located, whether placed on the ground, rocks, trees, or other natural features or on buildings, structures, milestones, sign boards, billboards, wall board, roof board, frames, supports, fences or other man-made structure.

AGRICULTURE: The use of land for the growing of crops or plants, including truck farming, field crops, and wholesale nurseries; the raising of poultry or livestock; fish hatcheries and fish ponds; dog kennels and other small animal specialty farms; and pasturage and forestry.

ALLEY: A minor right-of-way, which affords only a secondary means of access to property that has been accepted or opened by state or city.

BOARDING HOUSE, ROOMING HOUSE, TOURIST HOME, OR BED AND BREAKFAST INN: A building containing a single dwelling unit and not more than five (5) guest rooms where lodging is provided with or without meals for compensation.

BUFFER STRIP: A strip of land containing plant materials which have such growth characteristics as will provide a year-round obscuring screen not less than six (6) feet in height within two (2) years of planting.

BUILDING: Any structure having a roof supported by columns or by walls and intended for the shelter, housing, or enclosure of persons, animals, or chattel.

- a. **BUILDING OR USE, ACCESSORY:** A building or use customarily incidental and subordinate to the principal building or use and located on the same lot with such building or use.
- b. **BUILDING, PRINCIPAL:** A building in which the principal use of the lot on which the building is located is conducted.

BUILDING HEIGHT: The vertical distance measured from the finished grade at any building line to the highest point of the roof; provided that where land is subject to required minimum flood elevations, the building height shall be measured from such required elevation.

BUILDING OFFICIAL: The person or persons appointed by the Mayor to administer the provisions of the Zoning Ordinance. In the absence of the Building Official, the Mayor may assume the responsibilities of the Building Official. The

Building Official may also be referred to in certain contexts as Building Inspector or Administrator.

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

- a. **BUILDING SETBACK LINE, FRONT:** A line delineating the minimum allowable distance between the street right-of-way, or if an official future street right-of-way has been established, from that future street right-of-way line, and the face of a building on a lot. The front building setback line extends the full width of the lot and is parallel to or concentric with the street right-of-way. A corner lot has two front building setback lines,
- b. **BUILDING SETBACK LINE REAR:** A line delineating the minimum allowable distance between the rear property line and a building on a lot (other than for permitted accessory structures). The rear setback line extends the full width of the lot.
- c. **BUILDING SETBACK LINE, SIDE:** A line delineating the minimum distance between the side property line and a building on a lot. The side setback line extends from the front building setback line to the rear building setback line, or to point of intersection of two side setback lines on a corner lot.

BUSINESS SERVICES: Establishments engaged primarily in rendering services to business establishments on a fee or contract basis, such as advertising and mailing; building maintenance; employment services; management and consulting services; protective services; and office equipment rental.

CLUB: Buildings and facilities owned or operated by an association or persons for a social or recreational purpose, but not operated primarily for profit or to render a service which is customarily carried on as business.

CONDOMINIUM PROJECT: A residential, commercial, or industrial project in which two (2) or more apartments (as defined in 66-27-102, TCA), rooms, office spaces, or other units in an existing or proposed building(s) or structure(s) are offered for sale. For purposes of this ordinance a condominium shall be treated as a Planned Unit Development (PUD).

CONTIGUOUS: Adjoining or separated by no more than a street, railroad, canal, stream, or similar feature.

DAY CARE CENTER: An establishment which receives for care and supervision five (5) or more children or adults for less than 24 hours per day unattended by parent or legal guardian, and shall include day nurseries, child or senior adult day care services, nursery schools and play schools, and kindergartens. The care of four (4) or fewer children shall be considered as a home occupation.

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.

DUPLEX: See Dwelling, Duplex.

DWELLING: A structure containing one or more dwelling units each of which provides shelter, sanitation, kitchen facilities, and necessary amenities for permanent human habitation. A dwelling does not include hotels, motels, dormitories, fraternity or sorority houses, nursing homes, recreational vehicles, campers or any temporary lodging, except that which may be offered in a bed and breakfast inn/tourist home.

- a. **DWELLING, DUPLEX:** A building designed, constructed, or reconstructed and used for two (2) dwelling units that are connected by a common structural wall. For the purposes of this ordinance, the placement of two (2) or more duplexes upon one (1) lot shall be defined as a Planned Unit Development (PUD).
- b. **DWELLING, MOBILE HOME:** A residential unit designed and intended for occupancy by one (1) family and having all of the following characteristics: contains sleeping accommodations, a flush toilet, a tub or shower, bath and kitchen facilities with plumbing and electrical connections provided for attachment to outside systems; is designed to be transported after fabrication on its own wheels on a single chassis; arrives at the site where it is to be occupied as a complete dwelling ready for occupancy except for minor and incidental unpacking and assembly operations, location on foundation supports, connection to utilities and the like; and is designed so it can be removed and installed at other sites. For the purposes of this ordinance, a "single-wide" mobile home shall be considered as defined under this definition.
- c. **DWELLING, MANUFACTURED/MODULAR:** A dwelling composed of two or more transportable factory-fabricated units that when assembled at a building site will become a finished permanent dwelling in a fixed location on a permanent foundation. The term is intended to apply to major assemblies, and does not include prefabricated panels, trusses, plumbing trees, and other prefabricated sub-elements incorporated into a structure at a building site. A "double-wide" mobile home placed upon a permanent foundation and having the appearance of a site built home shall be regarded as a manufactured/modular dwelling.
- d. **DWELLING, MULTI-FAMILY:** A residential building containing three (3) or more separate rental or owner-occupied dwelling units located on a single lot.
- e. **DWELLING, SINGLE FAMILY:** A building designed, constructed and used for one (1) dwelling unit. In accordance with the provisions of 13-24-201, TCA, a manufactured/modular dwelling, as defined in this ordinance, and homes for the mentally retarded or mentally or physically handicapped, as defined in 13-24-102, TCA, shall be considered as a single family dwelling.
- f. **DWELLING, SINGLE FAMILY WITH ACCESSORY APARTMENT:** A residential building having the external appearance of a single-family residence, but in which there is

located a second dwelling unit, subordinate in size to the primary dwelling unit. For the purposes of this ordinance, a single family dwelling with an accessory apartment shall not be considered a duplex.

DWELLING UNIT: One (1) or more rooms in a residential building or residential portion of a building which are arranged, designed, used, or intended for use as a complete, independent living facility for not more than one (1) family, and which includes permanent provisions for living, sleeping, eating, cooking, and sanitation.

EARTHMOVING: The removal from or addition of soil to a site for grading purposes or the removal, extraction, or mining of soils, limestone, gravel, rock, clays, or of any other mineral by whatever process.

- a. **EARTHMOVING, MAJOR:** All functions, work, facilities, and activities conducted or constructed on a site of any size, the purpose of which is the development, extraction, or benefaction of mineral deposits. This definition shall also be deemed to include pre-mining site preparation activities, all uses reasonably incidental to, with the exception of chemical processing plants, and all post-mining reclamation activities. Major earthmoving shall also be defined as including any earthmoving activity, other than mineral extraction, which involves over fifty (50) acres.
- b. **EARTHMOVING, MINOR:** Any earthmoving which affects an area between two (2) and fifty (50) acres, and which is being conducted for purposes other than the extraction of any type of rock or mineral which has commercial value.

FAMILY: One or more persons occupying a dwelling unit and living together as a single housekeeping unit.

FLEA MARKET: Any premises where the principal use is the sale of new and used household goods, personal effects, tools, art work, small household appliances, and similar merchandise, objects, or equipment, in small quantities, in broken lots or parcels, not in bulk, for use or consumption by the immediate purchaser in open air or partly enclosed booths or stalls not within a wholly enclosed building.

FRONT YARD: See Yard, Front.

GARAGE OR YARD SALE: A sale, held for no more than seven (7) consecutive days no more often than once every six (6) months, for the purpose of disposing of surplus household items. Sales activities at residences not meeting the intent of this definition shall be considered either as a home occupation or commercial activity and shall be subject to regulation and/or prohibited in accordance with the provisions of this ordinance.

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

GRADING: Any development activity which involves the stripping, cutting, filling, or stockpiling of earth or land which does not meet the definition of mining, quarrying, and extractive activities.

GROUP CARE HOME: Any dwelling, building or other place, occupied by eleven (11) or more persons including resident staff, whether operated for profit or not, which provides, for a period exceeding twenty-four (24) hours, one or more personal services for persons not related to the owner or administrator by law, blood, marriage or adoption, and not in foster care, who require such services. The personal services, in addition to housing and food services, may include but are not limited to personal assistance with bathing, dressing, housekeeping, adult supervision, emotional security and other related service; but not including medical services. Group care homes shall not be deemed to include, group housing, clubs, hotels, motels, and nursing homes.

GROUP HOUSING: Any premises where the principal use involves provision of two (2) or more lodging units for non-transient occupancy, which may provide dining room service. The term group housing shall be deemed to include fraternity or sorority houses, dormitories, convents, monasteries, and similar uses, but shall not be deemed to include hotels, motels, or group care homes, or bed and breakfast/tourist homes.

HEALTH DEPARTMENT: The Blount County Health Department.

HEAVY MANUFACTURING: See Manufacturing, Heavy.

HEAVY UTILITY USE: Any of the following uses: electrical power plants; water treatment plants; wastewater treatment plants; service and supply yards for any light or heavy utility use which is one (1) acre or greater in size.

HOME OCCUPATION: A use of a dwelling unit for an occupation conducted by a resident thereof and which is clearly incidental to use of the structure for residential purposes, does not change the character thereof, and is otherwise allowed under provisions of this ordinance.

HOTEL, MOTEL: A building or portion thereof, or a group of buildings, which provides two (2) or more lodging units for transient occupancy on a daily, weekly or similar short term basis, whether such establishment is designated as hotel, inn, automobile court, motel, motor inn, motor lodge, tourist cabin, tourist court, or otherwise; except that a bed and breakfast inn/tourist home shall not be considered as a hotel or motel.

INDUSTRY: See Manufacturing.

JUNK VEHICLE: Any motor vehicle, trailer, or semi-trailer which is inoperable and which, by virtue of its condition, cannot be restored to operable condition with repairs costing less than its current resale value, provided that such vehicle, trailer or semi-trailer shall be presumed to be a junk vehicle if no license plates are displayed or if the license plates displayed have been invalid for more than sixty (60) days. However, the term junk vehicle shall not be deemed to include any agricultural vehicle stored on agriculturally used property.

JUNKYARD: The use of any land, for the parking, storage, keeping, disassembly, demolition, sale, or abandonment of junk, including scrap metals or

other scrap materials, waste paper, rags, used building materials, old household appliances, junked, wrecked or inoperative automobiles, or other vehicles or machinery or parts thereof, and similar materials. The term junkyards shall not be deemed to apply to outside storage permitted as an accessory use to pawn shops, antique stores, or to the sale of operative and usable used vehicles, equipment, furniture, or household goods and appliances.

KENNEL: Any place so designed that dogs cannot escape and where any number of dogs are kept for the purpose of sale, rental, boarding, breeding, hire as guard dogs on other property, or for any commercial purpose or economic venture. A kennel shall not be interpreted to include a pet shop.

LIGHT MANUFACTURING OR LIGHT INDUSTRY: See Manufacturing, Light.

LIGHT UTILITY USE: Any of the following uses: electric substations and distribution centers including transformer stations; natural gas, oil and other petroleum product metering, regulating, compressor, control and distribution stations, but not including any storage facilities; radio, television, microwave facilities and satellite earth stations; sewage pumping facilities; telecommunication facilities, including but not limited to exchanges, dial centers and repeater stations, except ordinary telephone or telegraph transmission poles and lines; potable water storage, control, and pumping facilities; service and supply yards for any of the above uses, where such yards are less than one (1) acre in area.

LODGING UNIT: A building or portion thereof designed essentially for sleeping purposes and not for long term occupancy.

LOT AREA: The total area circumscribed by the boundaries of a lot, except that; when the legal instrument creating a lot shows the boundary of the lot extending into a public street right-of-way, then the lot boundary for purposes of computing the lot area shall be the street right-of-way line, or if the right-of-way line, cannot be determined, a line running parallel to and twenty five (25) feet from the center of the traveled portion of the street.

LOT OF RECORD: A lot which is part of a subdivision plat recorded in the office of the county register of deeds, or a lot described by metes and bounds, the description of which has been recorded in the office of the county register of deeds prior to the effective date of this zoning ordinance; except that, lots created in violation of the subdivision regulations shall not be deemed lots of record.

LOT LINE, REAR: That lot line that is most distant from, and is most nearly parallel with, the front lot line. If a rear lot line is less than ten (10) feet in length, or if the lot comes to a point at the rear, the rear lot line shall be deemed to be a ten (10) foot line parallel to the front lot line, lying wholly within the lot.

LOWEST FLOOR: The lowest floor of the lowest enclosed area (including basement). In the F-1 district, an unfinished or flood resistant enclosure, usable 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 such enclosure is not built so as to render the structure in violation of the applicable non-elevation design requirements of the F-1 district.

MANUFACTURING: The processing, fabricating, preparing, extracting, assembling, packaging, cleaning, servicing, testing or repairing of materials, products, or equipment on the premises of a manufacturing establishment as defined below.

- a. **HEAVY MANUFACTURING ESTABLISHMENT:** Any premises where the principal use is manufacturing which may involve significant air, water, noise, radiation, or other pollution likely to substantially affect surrounding property uses such as, but not limited to the following: bulk storage of flammable, explosive, toxic, or noxious materials as a principal use; pulp paper or other chemical processing of raw wood materials; cement manufacturing plant; fertilizer or pesticide manufacture; and petroleum or asphalt refining or manufacturing.
- b. **LIGHT MANUFACTURING ESTABLISHMENT:** Any premises where the principal use is manufacturing which complies with the use limitations and the purpose and intent of the Light Industrial District, including concrete mixing and batching plant.
- c. **CEMENT MANUFACTURING:** The mechanical and chemical processing of raw materials to produce cement.
- d. **CONCRETE MIXING AND BATCHING:** The mixing and batching of cement and other materials to form concrete for use elsewhere than the plant site.

MEDICAL CLINIC. Medical services for outpatients only.

MINING ACTIVITIES: Removal of resources from the earth, including soil, which cannot meet the definition of minor earthmoving. (See also, Major Earthmoving).

MINI-WAREHOUSE: Any building designed, arranged, or used primarily for the storage of excess personal property of individuals or families and for which fees are charged for the use of space in such building.

MOBILE HOME DWELLING: See Dwelling, Mobile Home; and, Dwelling, Manufactured/Modular.

MOBILE HOME PARK: A designation of sites on a property in which ownership of the resulting sites are maintained by one owner (or company) and developed exclusively as mobile home rental sites.

MODULAR DWELLING UNIT: See Dwelling, Manufactured/Modular.

MOTEL: See Hotel, Motel.

MULTI-FAMILY DWELLING: See Dwelling, Multi-Family.

NONCONFORMITY: A lot, structure, or use of land, or any combination thereof, which was lawful before this ordinance was passed or amended, but which would now be prohibited under the terms of this ordinance.

NURSING HOME: Any facility licensed under the Tennessee Statutes as a skilled or intermediate care facility.

OFFICE: A room, studio, suite, or building in which a person transacts his business or carries on his stated occupation. An office shall not involve manufacturing, fabrication, production, processing, assembling, cleaning, testing, repair, or storage of materials, goods and products; or the sale or delivery of any materials, goods, or products which are physically located on the premises.

PAIN MANAGEMENT CLINIC: A privately-owned facility in which a majority of the facility's patients, seen by any or all of its medical doctors, osteopathic physicians, advanced practice nurses with certificates of fitness to prescribe, or physician assistants, are provided pain management services by being prescribed or dispensed certain drugs as further defined in Tennessee Code Annotated (TCA) 63-1-301(5), excluding certain medical facilities identified in TCA 63-1-302, and as amended by the State Legislature.

PERSON: Any individual, corporation, governmental agency, business trust, estate, trust, partnership, association, two or more persons having a joint or common interest, or any other legal entity.

PERSONAL SERVICES: Establishments primarily engaged in providing services involving the care of a person or his/her apparel, such as beauty and barber shops, shoe repair, tailor and seamstress, and weight control and exercise salons.

PLANNED UNIT DEVELOPMENT. An integrated design for development of residential, commercial, or industrial uses, or combination of uses which is professionally designed to allow flexibility and initiative in site and building design and location, in accordance with a plan approved by the planning commission.

PREMISES: Any unit of land including any buildings or structures thereon.

PRINCIPAL BUILDING: See Building, Principal.

PRINCIPAL USE: See Use, Principal.

PRIVATE WASTEWATER TREATMENT: Individual subsurface sewage disposal systems (i.e., septic tanks), package treatment plants, individual aeration systems, or other privately owned systems, employed for the collection and treatment and/or disposal of wastewater, as approved by appropriate local or state agencies.

PROFESSIONAL OFFICE: The office of a physician, dentist, attorney, architect, engineer, accountant, or similar professionals.

PUBLIC: When used in reference to any use, area, building, or structure, means held, used, or controlled exclusively for public purposes by a department or branch of government, without reference to the ownership of the building or structure or of the realty upon which it is situated.

PUBLIC WASTEWATER SYSTEM: A municipal, county, or utility district sewerage collection, treatment, and disposal system approved by the Tennessee Department of Environment and Conservation and/or the Public Service Commission, as may be applicable.

PUBLIC WATER SYSTEM: A municipal, county, or utility district water treatment and distribution system approved by the Tennessee Department of Environment and Conservation and/or the Public Service Commission, as may be applicable.

REAR YARD: See Yard, Rear.

RECREATIONAL VEHICLE: A travel trailer, motor home, pick-up coach, camping trailer, or other similar vehicular accommodation which is occupied on a temporary, transient basis for travel, recreational, or vacation purposes.

RECREATIONAL VEHICLE PARK: A parcel of land where recreational vehicle sites are offered for placement of recreational vehicles. Recreational vehicle parks may also include camping areas designated for the exclusive use of camping tent, camping trailers, and pick-up coaches and vehicle conversions, provided that such designated areas are shown on the approved site plan.

RETAIL TRADE AND SERVICES: Establishments engaged in selling goods and/or offering services to the general public for personal, small business, or household use or consumption.

SATELLITE DISH ANTENNA: An earth station antenna, parabolic or spherical in design, for the reception or transmission of satellite or terrestrial communication services.

SHOPPING CENTER: For the purpose of this ordinance, a shopping center shall be considered as an enterprise located on a single parcel of property which is internally separated or segregated into individual shops or separate, distinct businesses or functions. Individual ownership is not a factor. These centers shall be developed as a planned unit development.

SIGN: Any device or structure designed or used to attract the attention of persons for the purpose of communicating a message.

- a. **SIGN, OFF-PREMISES:** A sign that draws attention to or communicates information about a business, service, commodity, accommodation, attraction, or other activity that is conducted, sold, or offered at a location other than the premises on which the sign is located.
- b. **SIGN, ON-PREMISES:** A sign that draws attention to or communicates information about a business, service, commodity, accommodation, attraction, or other activity that is conducted, sold, or offered on the premises upon which such sign is located.

- c. **SIGN, TEMPORARY:** A sign that is used in connection with a circumstance, situation, or event that is designed, intended or expected to take place or to be completed within a reasonably short or definite period after the erection of such sign. If a sign display area is permanent but the message displayed is subject to periodic changes, that sign shall not be regarded as temporary.

SINGLE FAMILY DWELLING: See Dwelling, Single Family.

SPECIAL EVENTS: Circuses, fairs, carnivals, festivals, or other types of special events that run for longer than one (1) day but not longer than two (2) weeks, are intended to or likely to attract substantial crowds, and are unlike the customary or usual activities generally associated with the property where the special event is to be located.

SPECIAL EXCEPTION: A use, as may be identified as such in this ordinance, which would not be appropriate generally or without restriction throughout a particular district in which it is allowed but which, if controlled as to number, area, location, relationship to the neighborhood, mode of operation, size, design, appearance, or similar matters, would be made compatible with a district's permitted uses.

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 used for human occupancy between the topmost floor and the roof.

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

- a. **STREET, FRONTAGE OR FRONTAGE ROAD:** A public or private street, paralleling and in close proximity to a major thoroughfare, designed primarily, to promote safety by providing free access to adjoining property and limited access to major thoroughfares. All points of ingress and egress are subject to approval by the appropriate State and/or city authorities.
- b. **STREET, PRIVATE:** A street, way, or easement, not a component of the state or federal system or the city thoroughfare system.
- c. **STREET, PUBLIC:** Any vehicular way, except alleys, which is owned and maintained by the city, state, or federal governments.

STREET LINE: The dividing line between a street and a lot. For public streets, the street line shall be the existing right-of-way line; for private streets, the street line shall be the edge of the pavement, or the edge of the legally described street, whichever is greater; provided, however that on any streets exhibited in the Major Road Plan, the street line shall be the proposed right-of-way line in such plan, or the existing street right-of-way line, whichever is the greater distance from the center line established in such plans.

STRUCTURE: Anything constructed or erected with a fixed location on the ground, or attached to something having or requiring a fixed location on the ground. Among other things, structures include buildings, walls, fences, and signs, but do not include paving and sidewalks.

SUBDIVISION REGULATIONS: The Subdivision Regulations of the City of Friendsville.

TEMPORARY USE: Any use which is not designed nor intended to be permanent in nature, and unless otherwise specified in this ordinance, shall not be permitted for a period over ninety (90) days.

TENNESSEE CODE ANNOTATED (TCA): The official compilation of the laws of the State of Tennessee

USE: Any activity, occupation, business, or operation carried on, or intended to be carried on, in a structure or on a tract of land.

- a. **USE OR STRUCTURE, ACCESSORY:** A use or structure which is clearly incidental to and customarily found in association with, and serves a principal use; is subordinate in purpose, area, or extent to the principal use served; is located on the same lot as the principal use, and which is zoned to permit such use, or within the principal building on a lot when such an accessory use contributes primarily to the comfort and convenience of the owners, occupants, employees, customers, or visitors of the principal use.
- b. **USE, PRINCIPAL:** The dominant, main, and chief use(s) of land or structures which provides the principal current utility to the property owner, as distinguished from accessory uses.
- c. **USE, SPECIAL EXCEPTION:** See Special Exception.
- d. **USE, TEMPORARY:** See Temporary Use.

UTILITY USE, HEAVY: See Heavy Utility Use.

UTILITY USE, LIGHT: See Light Utility Use.

VARIANCE: A modification of the provisions of this ordinance when such modification will not be contrary to the public interest where, owing to conditions peculiar to the property and not the result of the actions of the applicant occurring after the effective date of the ordinance, a literal enforcement of the ordinance would result in unnecessary and undue hardship.

VEHICLE SALES, RENTAL, AND SERVICES ESTABLISHMENT: Any premises where the principal use is the sale, rental, service, or repair of any vehicle such as an automobile, motorcycle, truck, trailer, ambulance, taxicab, boat, farm machinery, or construction equipment. Vehicle sales, rental, and services establishment shall not be deemed to include the storage, except for sales display, of trucks, machinery, or equipment of more than one and one-half (1-1/2) tons in weight, or buses, or the sales, rental, or service of mobile home dwellings. Vehicle sales, rental, or services establishments shall be deemed to include gasoline service stations.

WAREHOUSE: Any premises where the principal use is storage of merchandise, products, or materials in bulk for a fee or charge or for distribution to other establishments operated by the same business enterprise or establishment. A warehouse may include accessory wholesale sales and retail sales as limited by other provisions of this ordinance, but shall not be deemed to include motor freight terminals, mini-warehouses or the bulk storage of flammable, explosive, toxic, or noxious materials as a principal use.

WHOLESALE SALES: The sale of goods, merchandise and commodities in gross, primarily for purposes of resale.

WHOLESALE TRADE ESTABLISHMENT: Any premises where the principal use is the conduct of wholesale sales, or the sale of merchandise to institutional, commercial, and industrial customers.

YARD: Any area on the same lot with a building or building group lying between the building or building group and the nearest lot line, unobstructed from the ground upward and unoccupied except by specific uses and structures allowed in such area by the provisions of this ordinance. For the purpose of this ordinance, there shall be a distinction between "yard" and "minimum yard" or "required yard." The minimum or required yard requirements set forth in this ordinance represent that minimum distance which the principal building(s) shall set back from the respective lot lines or street line, as applicable.

YARD, FRONT: A yard extending across the full width of a lot, measured from and perpendicular to the front lot line or street right of way line, and extending to the principal building or structure.

- a. On a through lot, the two (2) yards lying between the principal building and the two (2) or more public streets shall be deemed to be front yards and shall be controlled by the provisions for same.
- b. On a corner lot, the two yards along the intersecting streets shall be deemed front yards and shall be controlled by provisions for same.

YARD, REAR: A yard extending across the full width of the lot and lying between the rear lot line of the lot and the principal building group, and measured perpendicular from and along a line parallel with the rear lot line.

YARD, SIDE: A yard between the side lot line of the lot and the principal building, and extending from the front yard to the rear yard, or, in the absence of either of such yards, to the front or rear lot lines, as may be. The side yard shall be measured perpendicular from and along a line parallel with the side lot line.

YARD SALE: See Garage Sale.

ARTICLE III

GENERAL PROVISIONS

SECTION

- 301. **Continuance of Nonconforming Uses and Structures**
- 302. **Discontinuance and Abandonment of Nonconforming Uses**
- 303. **Off-Street Automobile Parking**
- 304. **Off-Street Loading and Unloading Space**
- 305. **Off-Street Parking Lot Design Requirements**
- 306. **Ingress/Egress Requirements**
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- 310. **Site Plan Regulations for Commercial, Multi-Family, Public and Semi-Public Uses**
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- 313. **Customary Home Occupations**
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- 315. **Gasoline Service Stations**
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- 317. **Telecommunications Towers**

301. **Continuance of Nonconforming Uses and Structures.** Lawful nonconforming uses, buildings, and structures existing at the time of the passage of this zoning ordinance, or any amendment thereto, shall be allowed to remain subject to the following provisions:

1. **Industrial, Commercial, and Business Nonconforming Uses.** In accordance with the provisions of 13-7-208, TCA, nonconforming industrial, commercial, or business establishments shall be allowed to continue, to reconstruct facilities, including those which may be destroyed by fire or natural disaster, or to expand facilities so long as there is a reasonable amount of space to allow such expansion without creating a nuisance to adjoining property owners. Whenever such planned expansion would encroach into the required yards set out in this ordinance for the district within which such nonconforming use is located, the Board of Zoning Appeals shall rule upon the question of whether or not there is "reasonable space" to allow such expansion. Nothing in this subsection, however, shall be construed as allowing a nonconforming use to acquire additional land to permit expansion.

2. **Residential Uses and Structures.** Single family, duplex, and multi-family dwelling units which are located in any district where not now permitted, may be altered, enlarged, or reconstructed, including those which may be destroyed by fire or natural disaster, provided the number of dwellings is not increased and such alteration, enlargement, or reconstruction does not extend beyond the existing “footprint” of such structure, that is, unless such alteration, enlargement, or reconstruction can be accomplished within the required yard setbacks for the district within which it is located. The alteration, expansion, or reconstruction of any structure located within the F-1, Flood Hazard District, however, shall be subject to the applicable location and construction requirements of that district.

302. **Discontinuance and Abandonment of Nonconforming Uses.** When a nonconforming use of any building or land has ceased for a period of thirty (30) months, it shall not be re-established or changed to any use not in conformity with the provisions of this ordinance.

303. **Off-Street Automobile Parking.**
 1. **Minimum Parking Requirements.** 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 and by reference to the following: “Parking Standards” edited by Michael Davidson and Fay Dolnick, American Planning Association, Planning Advisory Service Report Number 510/511, published November 2002. Each space shall conform to off-street parking lot design requirements as established in Section 305.
 - a. **Automobile repair shop and/or truck repair:** One (1) space for each employee plus one (1) space for each two hundred and fifty (250) square feet of floor space used for repair work.
 - b. **Bed & Breakfast/Tourist Homes:** One (1) space for each room to be rented in addition to the two (2) spaces for the home.
 - c. **Bowling Alley:** Not less than five (5) spaces for each bowling lane.
 - d. **Churches:** One (1) space for each four (4) seats.
 - e. **Clubs and lodges:** One (1) space for each three hundred (300) square feet of floor space.

- f. Dwelling, single-family: Not less than two (2) spaces per dwelling unit.
- g. Dwelling, multiple-family: Not less than two (2) spaces per dwelling unit.
- h. Funeral parlors: One (1) space for each four (4) seats in the chapel.
- i. Gasoline service stations and similar establishments: Four (4) spaces for each bay or similar facility plus one (1) space for each employee.
- j. Hospitals and convalescent/nursing homes: One (1) space for each four (4) patient beds, plus one (1) space for each two (2) employees including staff doctors and nurses.
- k. Hotels, motels, and other tourist accommodations: not less than one (1) space for each room to be rented plus one (1) additional space per three (3) employees.
- l. Manufacturing or other industrial use: Not less than one (1) space for each three (3) persons employed or intended to be employed, with a minimum of five (5) spaces for any establishment.
- m. Mobile home parks: Two (2) spaces for each mobile home.
- n. Movie Cinema: Not less than one (1) space for each four (4) seats.
- o. Offices:
 - i. Medical-one (1) space for each three hundred (300) square feet of floor space.
 - ii. Other professional-one (1) space for each four hundred (400) square feet of floor space.
 - iii. General –one (1) space for each four hundred (400) square feet of floor space.
- p. Places of public assembly: one space for each five (5) seats in the principal assembly room or area.
- q. Restaurants: One (1) space per four (4) customers computed on a maximum service capacity, plus one (1) space for each two (2)

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

- r. Retail business, shopping centers, and similar uses: Four (4) spaces for each one thousand (1,000) square feet of gross lease area.
- s. Schools: One (1) space for each faculty member, and five (5) additional spaces for visitor parking; plus one space for each four (4) pupils except in elementary and junior high schools.
- t. Wholesale business: One (1) space for each three (3) employees based on maximum employment.

2. **Combination of required parking space**: The required parking space for any number of separate uses may be combined in one (1) lot, but the required space assigned to one (1) use may not be assigned to 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 Sunday.

3. **Remote Parking Space**: If the off-street parking space required herein cannot reasonably be provided on the same lot on which the principal use is located, the Board of Zoning Appeals may permit such space to be provided on other off-street property provided such space lies within four hundred (400) feet of the main entrance to such principal use, provided that such land is in the same ownership as the principal use, provided it is not on the opposite side of a major street or stream, provided a sidewalk is constructed connecting the two parcels if none exists, and provided such remote parking space is located within a zoning district which permits the same or similar uses to that use for which the parking is intended.

304. **Off-Street Loading and Unloading Space**. On every lot on which a business, trade, or industry is hereafter established, space with access to a public street or alley shall be provided for the loading and unloading of vehicles off the public street or alley. Each space shall measure at a minimum 12 x 30 feet and shall not be considered as part of the space requirements for off-street automobile storage.

305. **Off-Street Parking Lot Design Requirements**.

- 1. **Surfacing Requirements**. With the exception of single family dwellings, all required parking areas for all other uses shall be surfaced with asphaltic concrete, cement concrete or other similar materials. The reviewing body, however, may approve the use of grassed or graveled parking areas for churches or other places of worship, for places of public assembly for

meetings or other events, and for temporary uses where it is clear that such areas can be adequately maintained due to the infrequency of use, that adequate traffic control means will be provided for directing the flow of traffic and for parking, and that paved parking areas will be provided for all regular employees and visitors.

2. **Location of Parking Spaces.** Except as provided elsewhere in this ordinance, parking spaces may be located within any required yard, but not nearer to any street right-of-way than five (5) feet; and, shall be located so that no vehicle is required to back into a public street.

3. **Minimum Parking Space and Vehicle Circulation Aisle Size.** Each space shall be a minimum of nine (9) feet by nineteen (19) feet with minimum parking aisle and width dimensions as set out below:

| Degree of Parking | Minimum Aisle Width in Feet | | | |
|-------------------|-----------------------------|--------------------|----------------------------|--------------------|
| | one way traffic accessing: | | two way traffic accessing: | |
| | single row of spaces | two rows of spaces | single row of spaces | two rows of spaces |
| 90 | 18 | 22 | 22 | 24 |
| 60 | 16 | 20 | 20 | 24 |
| 45 | 14 | 20 | 18 | 24 |
| 30 | 12 | 20 | 18 | 24 |

If the degree of parking does not equal thirty, forty-five, sixty, or ninety degrees, the aisle width shall equal the measurements for the next largest angle listed in the table above. For example, parking angled at fifty degrees would require the same aisle widths as parking angled at sixty degrees.

4. **Ingress/Egress.** Entrances and exits for all off-street parking lots shall comply with the requirements of Section 306 of this ordinance.

5. **Protection From Fixed Objects.** All fixed objects within parking lots (utility poles, signs, fire hydrants, etc.) shall be located within islands designed so as to prevent intrusion by vehicles.

6. **Traffic Control Signs.** Signs, signals, and markings used to direct the movement of traffic within the parking lot shall be in conformance with most current National Manual on Uniform Traffic Control Devices or any similar manual adopted by the Tennessee Department of Transportation. Where needed, size reduction of devices shall be approved; however, shape and color shall meet the requirements of the manual.

7. **Landscaping.** Landscaping shall be installed as provided for in Section 310.2. and Section 311.2.b.
8. **Handicapped Parking.** All off-street parking areas shall reserve spaces for use by disabled persons in accordance with the following standards:

| Total Parking in Lot | Required Number of Handicapped Spaces |
|----------------------|---------------------------------------|
| 1 to 25 | 1 |
| 26 to 50 | 2 |
| 51 to 75 | 3 |
| 76 to 109 | 4 |
| 110 to 150 | 5 |
| 151 to 200 | 6 |
| 201 to 300 | 7 |
| 301 to 400 | 8 |
| 401 to 500 | 9 |
| 501 to 1000 | 2% of Total |
| Over 1000 | 20 plus 1% of total over 1,000 |

All handicapped parking spaces shall be a minimum of twelve (12) feet in width, adequately identified for handicapped use only, and located in a manner as to be proximate to the major facility, free from standing water, and situated in a way so that a handicapped individual will not have to walk or maneuver behind other parking cars. This requirement shall not apply to parking accessory to one (1) and two (2) family dwellings.

9. **Vehicular Circulation Between Adjoining Properties.** For the purpose of encouraging commerce and promoting traffic safety along major arterial streets, as designated on the Major Road Plan, by allowing traffic to move between adjoining properties without having to reenter a major arterial street, site or PUD plans for new or expanded uses along major arterial streets shall include a circulation aisle within the required front yard which is at least twenty (20) feet in width and extends the entire width of the site. Such circulation aisles shall be designed in a manner to allow connection with existing or future circulation aisles on adjoining properties. If parking spaces, 60 degrees or greater in angle, are designed so as to have direct access onto the circulation aisle, the width of such aisle shall be increased in accordance with Section 305.3 of this ordinance.

306. **Ingress/Egress Requirements.** The following regulations are designed to protect and promote the safety of the traveling public while providing for adequate access of individual properties to the public streets in the city. As part of an application for a building permit, except for single family and duplex dwellings, the applicant shall include an ingress/egress plan which meets the requirements of this section.

For uses requiring a site plan or PUD plan, the ingress/egress plan shall be a part of such plan. Uses which wish to have access onto a state/federal highway will need to also obtain an access permit from the Tennessee Department of Transportation, and the property owner shall have the responsibility of coordinating his application for a TDOT permit with the building permit review process. Where there is conflict between these regulations and those of TDOT, the stricter shall apply.

1. Driveway Entrance Location

- a. Single driveways shall be positioned at right angles to the roadway. Where two driveways are used on one frontage, and they are to be used for access to and from both directions of travel on the highway, each roadway shall be at right angles with the centerline of the roadway. The driveway angle may be between 45 degrees (min.) and 60 degrees (max.) when the driveway is to be used for vehicles in only one direction of highway travel (right turns only) on a divided highway.
- b. Except for arterial and collector streets, no driveway entrance shall be constructed within twenty-five (25) feet of the point of intersection of the rights-of-way of two intersecting streets. A greater distance may be required where public safety or special conditions warrant the requirement of a greater setback. For arterial and collector streets as defined on the Major Road Plan, access points shall be located at the furthest point practical from the intersection of two or more streets, and in no case shall the distance of separation be less than eighty (80) feet, measured between the nearest edges of the driveway and the right-of-way of the intersecting street.
- c. Driveway entrances shall be located at least five (5) feet from side lot lines, except that a joint use driveway may be allowed in nonresidential zoning districts if approved by the reviewing body and if established by legal instrument. In residential districts, the building official may approve such joint use driveways, if they do not violate the intent of this section or any other part of this ordinance.
- d. Corner lots shall be accessed from the lesser-traveled road or lesser classification of road except in instances where such access would create an undue hazard to public safety.
- e. If a lot of record cannot meet the above access control requirements, a driveway cut will not be denied; but the spirit and intent of this section shall be adhered to as closely as possible.

2. **Maximum Width of Driveways.** Driveways shall not exceed thirty (30) feet in width at the intersection with the right-of-way line, unless site specific circumstances require a greater width. The radius at intersection shall be 50 feet upon access to roads with restricted width, and this shall not be included in measuring the maximum width of driveway.

3. **Number of Driveway Entrances.** In order to promote traffic safety by limiting points of vehicular conflict, driveway entrances shall be governed in accordance with the following provisions, except where more stringent requirements are mandated by the Tennessee Department of Transportation:

The maximum number of permitted access points for all multi-family, commercial, and industrial developments requiring a site plan shall be determined by the frontage of the lot, tract, parcel, or undivided development, whichever is the largest land area.

| Frontage | Maximum Number of Access Points |
|-----------------|---------------------------------|
| 150' or less | 1 |
| 151' - 500' | 2 |
| 501' or greater | 3 |

Multiple Driveways. The separation of multiple driveways on one lot shall be governed by the classification of street which they adjoin and as set out below:

| Street Classification | Minimum Distance Between Multiple Driveways |
|-----------------------|---|
| Arterial | 200 feet |
| Major Collector | 150 feet |
| Minor Collector | 100 feet |
| Residential | 40 feet |

4. **Driveway Entrance Construction Standards.** All driveway entrances shall have a paved surface from the edge of the street's pavement to the outer limit of the public right-of-way; except that the building official may waive this requirement for single family dwellings, which do not have a paved driveway. In all instances, however, driveway entrances shall be designed and installed to properly accommodate stormwater runoff. Access points shall not exceed a gradient of three (3) percent from the edge of the traveled lane for a distance of twenty (20) feet.

307. Obstruction to Vision at Street Intersection Prohibited.

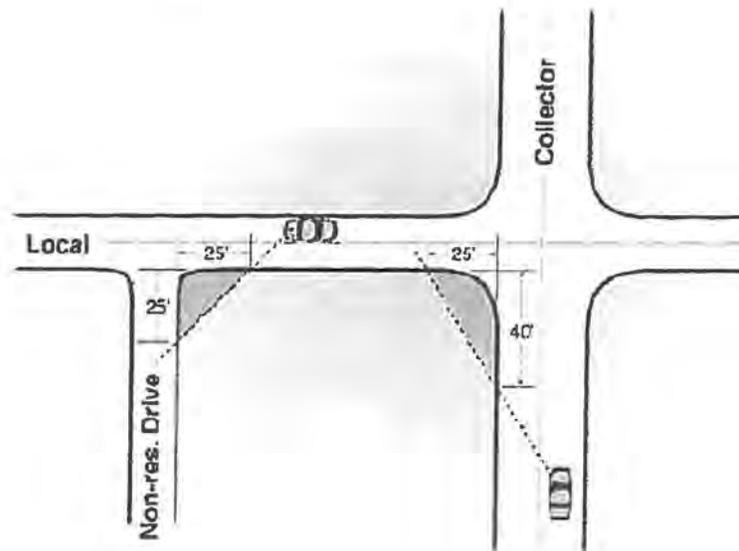
In all districts there shall be no plants, structures or any other obstructions to view, including fences, placed in or on any yard of a lot that would obstruct the vision of auto or pedestrian traffic using the intersecting public streets.

At the intersection of public streets or non-residential (commercial or industrial) drives, within the triangle area formed by the lines of adjacent edge of pavements of the intersecting streets or drives and a line joining points on such lines at a distance shown below from their intersection, there shall be no obstruction to vision between the height of three and one-half (3 1/2) feet and ten (10) feet above the average grade of each street or drive at the intersecting line thereof. The requirements of this section may be varied to accommodate any necessary retaining wall.

The distance along pavement edge shall be the following based on classification of streets in the Friendsville Major Street Plan:

| | |
|---------------|---------|
| Arterial | 55 feet |
| Collector | 40 feet |
| Local Street | 25 feet |
| Non-res drive | 25 feet |

Illustration for reference.



308. Planned Unit Development (PUD) Regulations. A PUD is an alternative means of developing property which the planning commission may allow or require where flexibility in the standard design requirements of this ordinance is desirable in order to achieve more efficient use of land and public services for the purpose of creating a more desirable living, working, and/or shopping environment.

1. **Applicability of PUD Regulations.** A PUD may be developed in any district provided that the uses permitted and density requirements of the district allow the development and the PUD plan elements are approved by the planning commission. Residential, commercial, public, semi-public, or industrial uses, or combinations of these uses where district or special regulations permit, may be developed under the PUD concept. Cluster type subdivisions and condominiums, townhouses, multi-dwelling units, rental developments, multi-use commercial developments, industrial uses, recreational vehicle parks, and multi-use or ownership developments shall be considered as PUD's for the purpose of this ordinance.
2. **Relationship of PUD Regulations to District and Site Plan Regulations.** Unless specifically altered by any provision of this Section 308, the use and development regulations of Sections 310 and 311 and Sections 601-607, or any other applicable provision of this ordinance, shall also apply to the development of a PUD.
3. **General Requirements.** All PUD developments shall comply with the following requirements.
 - a. **Minimum Site.** No PUD shall have an area less than that required by the planning commission as adequate for the proposed project; however, the minimum site shall not be less than three (3) acres.
 - b. **Structures and Open Space.** The planning commission shall require structures and open space to be arranged on the site in such a way that adjacent uses will not be adversely affected.
 - i. Where feasible, the highest height and intensity of uses shall be toward the interior of the projects.
 - ii. No freestanding building shall be closer than twenty (20) feet to any other freestanding building.
 - iii. Minimum setback requirements for lots, as established in Articles VI and VII, may be varied upon approval of the planning commission; except that, in no case shall the setbacks from any exterior project site side or rear property line be less than twenty-five (25) feet.

- iv. Landscaping/buffering requirements, as contained in Sections 310 and 311 and Article VI, shall be applied to PUD developments; except that, the planning commission may require additional landscape materials or structures where it is deemed to be in the public interest to do so.
4. **Open Space Requirements.** Preservation, maintenance, and ownership of open space areas and facilities shall be accomplished by one or more of the following methods, and shall be established in an appropriate legal manner, and required documents shall be submitted with the site plan for the project.
 - a. Dedication to and acceptance by the public as part of a governmental administered park and open space system.
 - b. A property owners association.
 - c. The developer or management authority of the PUD.
5. **Parking and Access Control Requirement.** The provisions of this ordinance relating to vehicular access and parking (Sections 303 through 307) shall be adhered to.
6. **Density Requirements of Residential PUD.** The density (units per gross acre) of dwelling units in a PUD shall be no greater than that allowed in the zoning district within which a PUD is located. The open spaces around public structures, such as schools and churches may be included in the gross acreage of the site for the purpose of calculating the number of residential units that are allowed within a PUD.
7. **Signs.** The number, size, type, and placement of signs within PUDs shall be governed by the applicable provisions of Section 309 of this ordinance.
8. **Street and Utility Construction Standards.** Public and common ways for pedestrian and vehicular circulation shall be developed in relationship to other existing or planned streets and ways and with the Friendsville Major Road Plan. Whether or not the subdivision of property is proposed within a PUD, all project street and way improvements shall comply with the construction standards set out in the subdivision regulations. Due to the uniqueness of each PUD, the owner/developer of a PUD may request slight adjustments in widths of streets, ways, utility easements, curbing, and similar standards set out in the subdivision regulations; and, upon a determination of good cause being shown for such adjustments, the planning commission may permit changes or alterations in standards, provided the spirit and intent of this section can be preserved.

9. **Plan Preparation and Review Process.** Applicants for PUD approval shall follow the plan preparation and review process, set out below, except that, the planning commission may modify this process as may be necessary so long as the intent of this section is not violated.
 - a. **PUDs Involving the Subdivision of Property for Resale or Lease.**
 - i. **Preliminary PUD Plan.** Prior to submitting a preliminary subdivision plat for review, a preliminary PUD plan shall be submitted to the planning commission which shall include the following: the general location of buildings and uses, general circulation patterns, open space and recreation areas, parking areas, ingress/egress points, sketch elevations and drainage, the boundary dimensions, overall density of development, public uses, landscaping concepts, zoning classification, and other information deemed pertinent by the planning commission. The approved preliminary PUD plan shall serve as the plan upon which the final PUD plan and preliminary subdivision plat are based. Approval of a preliminary PUD plan shall lapse twelve (12) months from the date it was approved.
 - ii. **Final PUD Plan/Preliminary Subdivision Plat.** In addition to meeting the applicable provisions of the subdivision regulations regarding preparation of a preliminary plat, a final PUD plan shall be submitted for approval to include architectural/engineering plans for: utilities, vehicular and pedestrian circulation systems, location of all structures, topographic intervals at no less than five (5) feet, minimum elevations, and grading, the physical relationship of uses, parking areas, open space and recreation areas, landscaped areas, buffer or screening materials and locations, areas proposed for dedication as parks, ways, or places, final drafts or legal documents, and other information deemed pertinent by the planning commission. Upon approval of the final PUD plan and the preliminary subdivision plat by the planning commission, development may commence with the installation of public improvements. No lots however shall be sold until final subdivision plat approval has been granted by the planning commission with all required improvements having either been installed or appropriate security posted for the installation of such improvements.
 - b. **PUDs Not Involving the Subdivision of Property for Resale or Lease.** In PUDs in which no individual parcel of property is

owned or rented, such as a condominium, shopping center, and similar uses, the following requirements for PUD plan preparation apply:

- i. Preliminary PUD Plan. A concept plan containing the following information shall be submitted to the planning commission for review: the general location of buildings and uses, general circulation patterns, open space and recreation areas, parking areas, ingress/egress points, sketch elevations and development, public uses, landscaping concepts, zoning classification, and other information deemed pertinent by the planning commission. The approved preliminary PUD plan shall serve as the plan upon which the final PUD plan is based. Approval of a preliminary PUD plan shall lapse twelve (12) months from the date it was approved.
 - ii. Final PUD Plan. Following approval of a preliminary PUD plan, the developer may proceed to prepare a final PUD plan which shall include detailed architectural/engineering plans for: utilities, vehicular and pedestrian circulation systems, location of all structures, topographic internals at no less than five (5) feet, minimum elevations, and grading, the physical relationship of uses, parking areas, open space and recreation areas, landscaped areas, buffer or screening materials and locations, areas proposed for dedication as parks, ways, or places, final drafts of legal documents, and other information deemed pertinent by the planning commission. Upon approval of the final PUD plan, appropriate permits may be issued.
10. Staging of Development. The PUD applicant may elect to develop the site in successive stages. The stages and expected development periods shall be shown on the preliminary PUD development plan. However, each stage given final PUD approval must be substantially complete within itself. The planning commission may also require the development of a PUD project in stages if public facilities are not adequate to handle the entire development initially.
 11. Permits. The developer of the PUD shall be entitled to receive appropriate development permits after approval of the final PUD plan and the preliminary subdivision plat, where applicable.

12. **Changes and Modifications.** A PUD project may be changed or modified under conditions established for minor changes and major changes.
 - a. **Minor changes.** The planning commission may approve changes in minor shifts of building locations proposed streets in ways, utilities and easements, recreation and open space areas or other features on the approval plan. However, these changes shall not increase densities, change exterior boundary lines, change uses, materially change location or amount of land devoted to specific uses, or significantly change the exterior features or appearance of buildings and uses shown on the approved plans.
 - b. **Major changes.** All changes other than those established as minor shall be considered as major changes to the PUD plan and shall require a new plan submission in accordance with the procedures and requirements for approval of a PUD plan.

309. **Signs.** It is the purpose of this section to establish reasonable and impartial regulations for the location of signs within the zoning districts of the city so as to achieve a more aesthetically desirable environment through flexible and diversified standards that provide for adequate light, air, and open spaces and a reduction in congestion and hazardous conditions with the city. Therefore, all signs erected, replaced, constructed, expanded, or relocated on any property within the city shall conform to the provisions of this section.
 1. **General Provisions.**
 - a. **Plans Required.** The building official shall be provided with plans and specifications identifying the location, type, and design of any sign, which requires a permit under the provisions of this section.
 - b. **Height.** Except as noted in 309.4.a.i, and ii. no part of any sign shall exceed twenty-five (25) feet in height, except that the building official may allow a sign of up to thirty (30) feet where an unusual circumstance involving topography or congestion exists. Except as noted in 309.1.c. and 309.4.a.i. and ii. the announcement portion of all permanent signs shall be located at least nine (9) feet above the ground. Signs placed above a walkway not in a public right-of-way shall have a minimum clearance of nine (9) feet.
 - c. **Setback.** No part of any sign shall be placed closer than five (5) feet to any public right-of-way; except that, signs of no more than three (3) square feet may be located at the right-of-way to designate entrances and exits provided such signs will be less than

three (3) feet higher than the driveway to prevent any visual obstruction to vehicles exiting the premises.

- d. Number of Signs. No business shall have more than two (2) signs, but not two (2) signs of the same type; except that, signs of no more than three (3) square feet may be located at the right-of-way to designate entrances and exits provided such signs will be less than three (3) feet higher than the driveway to prevent any visual obstruction to vehicles exiting the premises.
- e. State Sign Regulations. U.S. 321 through the city carries the state designation of “Scenic Parkway” and those areas of the city along U.S. 321 annexed into the city after January 1, 1982 also carry the designation of “Scenic Highway. In general, within zoning districts inside of cities, local sign regulations apply. Any sign in areas designated as “Scenic Parkway” or “Scenic Highway” shall conform to applicable state regulations in addition to local sign regulations, and the most restrictive shall prevail.

2. **Prohibited Signs and Advertising Devices.**

- a. Signs which include: action, motion, moving materials, or which have any moving parts including, but not limited to, pennants on a string, streamers, and large inflated balloons; or contain flashing lights or bulbs; or are intermittently lighted; or interfere with the view of traffic or that could be confuses with any authorized traffic control sign, signal or device, with the exception of signs that display time and temperature and public service announcements without advertising matter.
- b. Signs which advertise an activity, business, product or service not conducted on the premises upon which the sign is actually located; except those signs allowed in Section 309.3.a. and b. and small directional signs no greater than four (4) square feet in area, limited to two (2) per business or institution.
- c. Portable signs, except as permitted under Section 309.3.f.
- d. Signs which are not securely affixed to the ground, or otherwise affixed in a permanent manner to an approved supporting structure.
- e. Roof signs, being signs that extend beyond the top of a roof.
- f. Signs in any residential districts, which are internally illuminated.

- g. Signs on public property or in public right-of-way including utility poles except those erected by an authorized public entity.
 - h. Billboards.
3. **Signs Permitted in all Zoning Districts.** The following types of signs are permitted in all districts, subject to the conditions set out below and other applicable provisions of this ordinance. Such signs do not require a permit.
- a. **Political Campaign Signs.** One (1) sign per candidate per premise, each sign not to exceed four (4) square feet in residential districts or sixteen (16) square feet in all other districts, may be erected on private property no more than thirty (30) days prior to the election. All campaign signs shall be removed by the property owner within seven (7) days after the results of an election are certified.
 - b. **Temporary Special Event Signs.** Signs not exceed thirty-two (32) square feet which announce a special event sponsored by a civic, philanthropic, educational, or religious organization may be erected on private property no more than thirty (30) days prior to the event. All special event signs shall be removed by the property owner within seven (7) days of the conclusion of an event.
 - c. **Parking Areas.** Signs internal to parking areas, which direct vehicular or pedestrian traffic but bear no advertising. They shall be no larger than three (3) square feet each.
 - d. **Construction Site Signs.** One sign noting construction information and trades shall be permitted for each site. The maximum size shall be thirty-two (32) square feet. The sign shall be allowed only until the project is complete and shall be removed prior to issuance of a certificate of occupancy.
 - e. **Real Estate Sale/Lease Signs.** Except as provided in Section 309.4.a.iii, signs up to total area of nine (9) square feet in residential zones or up to total area of thirty-two (32) square feet in commercial and industrial zones, advertising the sale, rental, or lease of the premises or part of the premises on which the signs are displayed are permitted. Such signs shall be removed within fourteen (14) days of the sale, rental or lease.
 - f. **Temporary Portable Signs.** Portable signs may be allowed as a “Special Event Sign” (see subsection b. above) or may be used to announce the grand opening of a new business, or the closing of an

existing business, but in no event, shall such signs remain more than thirty (30) days nor exceed thirty-two (32) square feet in size. In no case, however, shall such signs violate the provisions of Section 309.2.a.

- g. Residential Name/Address Signs. For each single family dwelling unit, one (1) nameplate indicating name, address, house number, home occupation, or an announcement of space for boarders or roomers, if applicable, limited to two (2) square feet in area, is permitted.

4. Signs Requiring a Permit.

a. Residential Districts.

- i. For subdivisions, and PUD's (including multi-family developments and all non-residential uses, one (1) permanent identification/entrance sign, not to exceed twenty (20) square feet in area nor twelve (12) feet in height, is permitted. Such signs shall not be required to have the announcement portion of the sign meet the requirements of Section 309.1.b., except that no sign shall be of such design nor placed in such location so that the provisions of Section 307 of this ordinance are violated. Individual buildings within a PUD may have one (1) identification sign not exceeding nine (9) square feet in area.

- ii. While under development, a subdivision or PUD may have one (1) temporary sign, not exceeding twenty (20) square feet in area and twelve (12) feet in height. Such sign is permitted in addition to any permanent identification sign, but shall be removed after two (2) years or when ninety (90) percent of the project is sold, whichever occurs first. Temporary signs shall not be required to have the announcement portion of the sign meet the requirements of section 309.1.b, except that no sign shall be of such design nor placed in such a location so that the provisions of Section 307 of this ordinance are violated.

- iii. Off-premise directional signs. See Section 309.2.b.

b. Commercial and Industrial Districts.

- i. Shopping centers, malls, and commercial or industrial PUD's shall be limited to one (1) major directory sign, not

to exceed one hundred (100) square feet in area and each business within such developments shall be limited to one (1) wall sign, containing no more than one (1) square foot of area per linear foot of wall which faces a public street and/or customer parking area. Separate businesses on out parcels with public road frontage developed or marketed along with a shopping center, mall or commercial or industrial PUD, may have one (1) ground sign not exceeding the size set out for ground signs in Section 309.4.b.ii.

- ii. Except as provided for in Section 309.3 and 309.4.b.i., and subject to the provisions of Section 309.1, the maximum sign area permitted per freestanding business or industry, shall be as follows:

| Maximum Sign Size | | | | |
|----------------------------------|---------------------|-------------|------------------------|-----------------|
| Type of Street | Maximum Speed Limit | Wall Sign | Ground Sign (Per Face) | Projecting Sign |
| 2-Lanes | 20 mph | 50 sq. ft. | 15 sq. ft. | 15 sq. ft. |
| | 25-30 mph | 50 sq. ft. | 20 sq. ft. | 20 sq. ft. |
| | 35 mph | 50 sq. ft. | 25 sq. ft. | 25 sq. ft. |
| | 40 mph | 50 sq. ft. | 50 sq. ft. | Not Permitted |
| | 45-55 mph | 100 sq. ft. | 75 sq. ft. | Not Permitted |
| 4-Lanes | 20 mph | 50 sq. ft. | 15 sq. ft. | 15 sq. ft. |
| | 25-30 mph | 50 sq. ft. | 30 sq. ft. | 25 sq. ft. |
| | 35 mph | 50 sq. ft. | 65 sq. ft. | 40 sq. ft. |
| | 40-45 mph | 100 sq. ft. | 75 sq. ft. | Not Permitted |
| | 50-55 mph | 100 sq. ft. | 90 sq. ft. | Not Permitted |
| 4-Lanes w/median or turning lane | 30 mph | 50 sq. ft. | 65 sq. ft. | 25 sq. ft. |
| | 35 mph | 50 sq. ft. | 75 sq. ft. | 40 sq. ft. |
| | 40-65 mph | 100 sq. ft. | 80 sq. ft. | Not Permitted |

- iii. Off-Premise directional signs. See Section 309.2.b.

310. Site Plan and Development Regulations for Commercial, Multi-Family, Public, and Semi-Public Uses. It is the general purpose and intent of this section to require site plans, for all new developments or redevelopment's of commercial, multi-family, public, and semi-public uses. The purpose of these regulations is to protect the public health, safety, and welfare of the citizens of Friendsville through a lessening of traffic congestion, the securing of adequate light and air, the preservation of aesthetic qualities, and the protection of property.

These plans shall be approved by the planning commission as consistent with this ordinance and with the comprehensive planning program of the city prior to the issuance of grading or building permits.

Site plans for small additions to existing buildings shall be exempt from review when, in the opinion of the building official and planning staff, the addition will not adversely affect the general purpose and intent of these regulations. A sketch plan, however, shall still be required as set out in Section 903.

Shopping centers, recreational vehicle parks, apartments, condominiums, and other similar types of projects shall be developed under the provisions of the Planned Unit Development (PUD) Regulations as set out in Section 308; except that, unless specifically altered by the provisions of Section 308 or the use and development regulations contained in Articles VI and VII or any other applicable provision of this ordinance, all provisions relating to plan preparation and site development contained in this section shall also apply to the plan preparation and site development of all PUD's.

In accordance with the provisions of 13-4-104, Tennessee Code Annotated, site plans for any public use including, but not limited to, schools, parks, streets and highways, public buildings, and utilities, shall be submitted to the planning commission for review, and shall be prepared in accordance with the provisions of Sections 308, Articles VI and VII, and this section as may be applicable.

A site plan shall set forth the proposed development of the total land tract and shall meet the following regulations:

I. **General Provisions.**

- a. All site plans shall be prepared by a licensed engineer, landscape architect, architect, and/or surveyor, as may be appropriate, and in accordance with state law regarding the practice of these professions. Drawings shall be at a scale of not less than 1" = 20' for small tracts less than five acres, and 1" = 50' for large tracts five acres or greater. For large overall developments such as PUD and subdivision plats greater than 10 acres, the scale may be 1"=100' if approved by the reviewing body.
- b. All site plans shall show:
 - i. Topography of existing and finished grades.
 - ii. Location of all land subject to flooding.
 - iii. Dimensions and calls of all property lines.

- iv. North point, scale, acreage of sites, and location map.
 - v. Location and dimensions of all existing and proposed structures (including signs), street rights-of way, sidewalks, and easements.
 - vi. Plans for vehicular and pedestrian circulation, waste water disposal, utilities, solid waste disposal, landscaping and open space, signs, off-street parking, and stormwater drainage.
2. **Open Space and Landscaping Plan.** To obtain sufficient space between uses and buildings for adequate light, air, privacy, and amenities, the following requirements for open space and landscaping are established:
 - a. All developments shall meet the minimum yard (open space) requirements established in Articles VI and VII;
 - b. The setback space between a public street and parking areas shall be landscaped with berms and/or appropriate evergreen landscape plants which shall be maintained in a healthy, growing condition through a permanent maintenance program. Any landscaping or berms near public road right-of-way or private access roads or drives shall be installed in a manner that does not hinder vision clearance for traffic.
3. **Signs.** Sign size and placement shall be governed by the provisions of Section 309.
4. **Off-Street Parking.** The off-street parking and loading/unloading areas, point of ingress/egress, and driveways shall be developed in accordance with the provisions of Sections 303 through 307.
5. **Waste Disposal.**

All waste disposal facilities such as garbage cans and dumpsters shall be screened by fencing, walls, or evergreen plant materials in such a way that they are not visible from any public street or adjoining properties.
6. **Stormwater Drainage.** For any development that will disturb one acre or more of land, a certified plan for stormwater drainage prepared by a licensed professional shall be included with the site plan, which identifies all easements, drainage structures including sizes/capacities, and other pertinent information concerning the assumptions upon which the plan is based. The estimated stormwater runoff based on a ten-year storm shall

be calculated for predevelopment and post-development conditions. Any increase in stormwater runoff resulting from the development shall be detained on-site by appropriate means, such as detention basin, or other acceptable methods, and shall be released from the site so that downstream property, watercourses, channels, or conduits shall not receive stormwater runoff from the site at a higher peak flow rate than that which existed prior to the development of the site. The reviewing body shall retain the right to require the use of a larger storm frequency design in areas of critical concern, such as roads, utilities, and existing development.

7. **Issuance of Building Permits.** No building permit shall be issued until the building official receives a site plan, which bears the signed certificates of site plan approval and of application and agreement, as follows:

| | |
|--|--|
| <u>CERTIFICATE OF SITE PLAN APPROVAL</u> | |
| We hereby certify that this site plan has been found to comply with the zoning and site plan regulations of the Friendsville Municipal Planning Commission, with the exception of such variances, if any, as noted in the minutes of the Friendsville Board of Zoning Appeals. | |
| _____ Date | _____ Chairman, Friendsville Municipal Planning Commission |
| _____ Date | _____ Secretary, Friendsville Municipal Planning Commission |

| | |
|--|--------------------|
| <u>CERTIFICATE OF SITE PLAN APPLICATION AND AGREEMENT</u> | |
| I (we) hereby certify that I (we) understand that the approval of a site plan shall expire twelve (12) months after the date of approval unless a building permit has been issued and substantial progress has been made toward completion of the project. | |
| _____ Date | _____ Applicant |
| | _____ Applicant |

8. **Expiration of Approved Site Plans.** Approval of a site plan shall expire twelve (12) months after the date of its approval unless a building permit has been issued and substantial progress has been made toward completion of the project.

311. **Site Plan and Development Regulations for Industrial and Major Earthmoving Uses.** It is the intent of this section to require site plans for all new industrial uses as well as any non-industrial uses which are permitted by right or special exception in the industrial districts of the city and shall apply to the expansion or redevelopment of any existing uses within the city's industrial districts. The purpose of these regulations is to protect the public health, safety, and welfare of the citizens of Friendsville through a lessening of traffic congestion, the securing of adequate light and air, the preservation of aesthetic qualities, and the protection of property. These site plans shall be reviewed and approved by the planning commission as being consistent with the intent of this ordinance and the comprehensive planning program of the city prior to the issuance of any grading or building permit.

Industrial PUD's located in any industrial zoning district shall be developed under the provisions of the Planned Unit Development (PUD) Regulations as set out in Section 308; except that unless specifically altered by the provisions contained in Articles VI and VII, or any other applicable provision of this ordinance, all provisions relating to plan preparation and site development contained in this section shall also apply to the plan preparation and site development of all PUD's.

In accordance with the provisions of 13-4-104, Tennessee Code Annotated, site plans for any public use including but not limited to schools, parks, streets, and highways, public buildings, and utilities, shall be submitted to the planning commission for review and shall be prepared in accordance with the provisions of Sections 308, Articles VI and VII, and this section, as may be applicable.

1. **General Provisions**

- a. All site plans shall be prepared by a licensed engineer, landscape architect, architect, and/or surveyor, as may be appropriate, and in accordance with state law regarding the practice of these professions. Drawings shall be at a scale of not less than 1" = 20' for small tracts and 1" = 50' for large tracts.
- b. All site plans shall show:
 - i. Topography of existing and finished grades.
 - ii. Location of all land subject to flooding.
 - iii. Dimensions and calls of all property lines.
 - iv. North point, scale, acreage of site, and location map.

- v. Location and dimensions of all existing and proposed structures (including signs), street rights-of-way, sidewalks, and easements.
 - vi. Plans for vehicular and pedestrian circulation, utilities, solid waste disposal, landscaping and open space, signage, off-street parking, and storm water drainage.
2. **Open Space and Landscaping Plan.** To obtain sufficient space between uses and buildings for adequate light, air, privacy, and amenities, the following requirements for open space and landscaping are established.
- a. All site plans shall meet the minimum yard requirements (open space) established in Articles VI and VII; except that, on sites adjoining residential zoning districts, the following additional development standards shall apply:
 - i. The requirements for the yard (open space) area shall be one hundred (100) feet. Whenever highly combustible, flammable, or explosive materials or any other materials that have inherent characteristics that constitute a hazard to life or property are to be used on such sites, the planning commission may require additional yard area. Development within required yard areas adjacent to residential districts shall be subject to the following requirements:
 - (a) Off-street parking areas shall be setback no less than fifty (50) feet from the district boundary.
 - (b) At least the first fifty (50) feet of required yard area shall be appropriately landscaped by use of berms and grass, trees, shrubs, or other appropriate plants.
 - (c) No solid or liquid waste disposal areas shall be allowed in the required yard area, with the exception of solid waste dumpster facilities for non-industrial solid waste products.
 - b. The setback space between the public street and parking areas shall be landscaped. In no instance shall such landscaped or bermed area be less than ten (10) feet in width. Any landscaping or berms near public road right-of-way or private access roads or drives shall be installed in a manner that does not hinder vision clearance for traffic.

- i. Where possible, berming shall be installed to screen parked cars, and where berms are not used screening shall be achieved through use of trees and shrubs.
 - ii. All landscaping shall be maintained in a healthy growing condition through a permanent maintenance program.
3. **Signs.** Sign size and placement shall be governed by the provisions of Section 309.
4. **Off-Street Parking.** The off-street parking and loading/unloading areas, points of ingress/egress, and driveways shall be developed in accordance with the provisions of Sections 303 through 307.
5. **Emissions.** To provide for the protection of the environment and the citizens of Friendsville, a plan for emission control shall meet the following requirements:
 - a. No use shall create noise, vibrations, dust, odor, or fumes which are in any way harmful to or endanger the health, safety, and general welfare of the public. In the case of major earthmoving uses, any blasting plans and/or permits shall be submitted with the site plan.
 - b. Uses creating undue glare shall provide shielding so that glare cannot be seen off the site.
 - c. In the event that emission controls are questionable, the planning commission may require certification of the proposed controls by an environmental engineer or other appropriate expert.
 - d. If the city determines a violation of these emission standards is occurring, it shall be authorized to take whatever action it deems appropriate to safeguard the health, safety, and general welfare of the public. The burden of proof that no such violation is occurring or has been abated shall rest solely with the industrial use involved.
6. **Waste Disposal.**
 - a. No waste disposal facilities, whether they be for the disposal of industrial or non-industrial solid waste, shall be allowed within any front yard.
 - b. All waste disposal facilities shall be screened by fencing, walls, or evergreen plant materials in such a way that they are not visible from any public street or adjoining properties.

7. **Stormwater Drainage.** For any development that will disturb one acre or more of land, a certified plan for stormwater drainage prepared by a licensed professional shall be included with the site plan, which identifies all easements, drainage structures including sizes/capacities, and other pertinent information concerning the assumptions upon which the plan is based. The estimated stormwater runoff based on a ten-year storm shall be calculated for pre-development and post-development conditions. Any increase in stormwater runoff resulting from the development shall be detained on-site by an appropriate means, such as detention basin, or other acceptable methods, and shall be released from the site so that downstream property, watercourses, channels, or conduits shall not receive stormwater runoff from the site at a higher peak flow rate than that which existed prior to the development of the site. The reviewing body shall retain the right to require the use of a larger storm frequency design in areas of critical concern, such as roads, utilities, and existing development.

In the case of major earthmoving uses, any discharge plans and/or permits required by the state or federal government shall be submitted with the site plan.

8. **Issuance of Building Permits.** No building permit shall be issued until the building official receives a site plan, which bears the signed certificates of site plan approval of application and agreement as follows:

CERTIFICATE OF SITE PLAN APPROVAL

We hereby certify that this site plan has been found to comply with the zoning and site plan regulations of the Friendsville Municipal Planning Commission, with the exception of such variances, if any, as noted in the minutes of the Friendsville Board of Zoning Appeals.

Date

Chairman, Friendsville Municipal Planning Commission

Date

Secretary, Friendsville Municipal Planning Commission

CERTIFICATE OF SITE PLAN APPLICATION AND AGREEMENT

I (we) hereby certify that I (we) understand that the approval of a site plan shall expire twelve (12) months after the date of approval unless a building permit has been issued and substantial progress has been made toward completion of the project.

Date

Applicant

Applicant

9. **Expiration of Approved Site Plans.** Approval of a site plan shall expire twelve (12) months after the date of its approval unless a building permit has been issued and substantial progress has been made toward completion of the project.
312. **Temporary, Factory-Built, or Factory Assembled Structures.** It shall be unlawful to place any temporary structure, trailer, mobile structure (including, but not limited to: cars, vans, trucks, or buses), tents and tent-type structures, factory-built or factory assembled structures designed for conveyance after fabrication, either on their own wheels, flatbed truck, or other trailers on any residential, commercial, or industrial lot within the city for the purpose of assembly, or for business, educational, hazardous, institutional, mercantile, residential, or storage occupancies, except as noted herein.
1. **Permitted Temporary Factory-Built, or Factory Assembled Structures.** The following structures shall be allowed subject to the provisions of this and other applicable sections of this ordinance and upon obtaining the proper permits from the building official.
- a. Manufactured/modular dwelling units (See Article II for definition) and nonresidential prefabricated structures or modular building units manufactured off-site and transported to the point of use and installed on permanent concrete or masonry foundation as a finished building with permanent sewer or water connections. Such units shall be inspected at the point of manufacture and shall bear the insignia of approval of the Tennessee Department of Commerce and Insurance or other approved inspection agency, as provided for in Title 58, Chapter 36, Part 3, TCA.

- b. Temporary office and storage buildings located on approved construction sites in all zoning districts, provided they are removed upon completion of construction.
- c. Customary accessory storage buildings in approved residential locations.
- d. Tents used by a person, firm, corporation, or group as an assembly occupancy for the purpose of a religious meeting, festival, fair, circus, or carnival for a limited time not to exceed thirty (30) days with proper permit procedure followed; additional permits may be granted for up to ninety (90) days in one calendar year in the C-1, C-2 or M-1 districts.
- e. Tents or temporary buildings used to sell fresh produce locally grown in Blount County during the growing season or Christmas trees during the holiday season in the C-1 and C-2 districts.

313. Customary Home Occupations. The following uses shall be permitted as home occupations within all residential zoning districts, subject to the applicable provisions of the zoning districts and the limitations and requirements set out in subsection 2 below:

1. **Permitted Home Occupations.**

- a. Arts and crafts made by the owners of the premises.
- b. Professional offices for architects, real estate brokers, engineers and other contract workers whose businesses rarely require clients to visit the home.
- c. Tutorial instruction.
- d. Beauty/barber shops.
- e. Antique sales.
- f. Any other use which the Board of Zoning Appeals finds to be of similar character as a special exception.

2. **Requirements/Limitations Regarding the Operation of Home Occupations.**

- a. Location on Premises. A home occupation shall be conducted within a dwelling which is the bona fide residence of the principal

practitioner or in any building accessory thereto which is normally associated with a residential use.

- b. Exterior Alterations. No alterations to the exterior appearance of the principal residential building or premises shall be made which changes the character thereof as a residence.
- c. Outdoor Display or Storage. No outside display of goods or outside storage of equipment or materials used in the home occupation shall be permitted.
- d. Employees. No persons other than members of the immediate family occupying such dwelling, and one (1) person not a member of such family, may participate in or be employed by such occupation.
- e. Level of Activity. The use of the dwelling unit for the home occupation shall be clearly incidental and subordinate to its use for residential purposes by its occupants, and shall under no circumstances change the residential character thereof.
- f. Traffic, Parking. No traffic shall be generated by such home occupation in greater volumes than would normally be expected in a residential neighborhood, and any need for parking generated by the conduct of such home occupation shall be met off the street.
- g. Equipment and Production Processes. No mechanical or electrical equipment shall be employed other than machinery or equipment customarily found in the home associated with a hobby or vocation not conducted for gain or profit, or machinery or equipment which is essential in the conduct of the home occupation; and, no equipment or process shall be used in such home occupation which creates noise, vibration, glare, fumes, odors, or electrical interference detectable to the normal senses off the premises. In the case of electrical interference, no equipment or process shall be used which creates visual or audible interference in any radio or television receivers off the premises.
- h. Signs. No signs accessory to such home occupation shall be displayed except as permitted or authorized by Section 309.4.a.i.

314. Swimming Pools.

- 1. Accessory Use to Single-Family Dwellings. Swimming pools as an accessory use to a single-family dwelling are permitted, provided that,

with the exception of aprons, walks, and equipment rooms, no part of a swimming pool shall protrude into any required front or side yard. A fence or wall, five (5) feet in height designed so as to prevent uncontrolled access by children or pets from the street or adjacent properties into the pool areas, shall be constructed and maintained in good order.

2. Accessory Use Within PUDs. Swimming pools as an accessory use to a multi-family development, recreational vehicle park, or similar uses are permitted. The location and development requirements for swimming pools within PUDs shall be governed by the provisions of Section 308 of this ordinance.

315. Gasoline Service Stations. Neither gasoline pumps nor any part of a canopy structure shall be located any closer than fifteen (15) feet to any street right-of-way line.

316. Cemeteries. The establishment or expansion of a cemetery shall be considered a semi-public use and shall be subject to the provisions of Section 310 and other applicable provisions of this ordinance, and in addition shall be subject to the following development standards:

1. Minimum Site.

- a. No new commercial cemetery shall be established on a site less than ten (10) acres in size and no existing cemetery shall be expanded unless the site is of sufficient size to meet the setback requirements of sub-section 3 below.
- b. No new church cemetery shall be established in a site less than three (3) acres in size and no existing cemetery shall be expanded unless the site is of sufficient size to meet the setback requirements of sub-section 3 below.
- c. Family cemetery plots on or associated with homesites are allowed and shall not be subject to a minimum lot size, but shall be subject to setback requirements of sub-section 3 below.

2. Location. Newly established commercial cemeteries shall have direct access to any arterial or collector street and shall be located so as not to interfere with the logical development of the city's street system.

3. Setbacks. All structures and facilities including, but not limited to, mausoleums, graves, burial lots, monuments, and maintenance buildings, shall be set back at least twenty five (25) feet from any property line or

street right-of-way line, except where other provisions of this ordinance may require a greater setback.

317. Wireless Telecommunication Towers and Antennas. The purpose of this section is to establish general guidelines for the siting of wireless communication towers and antennas. The goals of this section are to: (1) protect residential areas and land uses from potential adverse impacts of towers and antennas; (2) encourage the location of towers in non-residential areas; (3) minimize the total number of towers throughout the City; (4) encourage the joint use of new and existing tower sites rather than construction of additional single-use towers; (5) encourage users of towers and antennas to locate them in areas where the adverse impact on the community is minimal; (6) encourage users of towers and antennas to configure them in a way that minimizes the adverse visual impact of the towers and antennas through careful design, siting, landscape screening, and innovative camouflaging techniques; (7) consider the public health and safety effects of communication towers; and (8) avoid potential damage to adjacent properties from tower failure through engineering and careful siting of tower structures.

A. **Definitions.** As used in this section, the following terms shall have the meanings set forth below:

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

Antenna means any exterior transmitting or receiving device mounted on a tower, building or structure and used in communications that radiate or capture electromagnetic waves, digital signals, analog signals, radio frequencies (excluding radar signals), wireless telecommunications signals or other communication signals.

FAA means the Federal Aviation Administration.

FCC means the Federal Communications Commission.

Height means, when referring to a tower or other structure, the distance measured from the finished grade of the parcel to the highest point on the tower or other structure, including the base pad and any antenna.

Tower means any structure that is designed and constructed primarily for the purpose of supporting one or more antennas for telephone, radio and similar communication purposes, including self-supporting lattice towers, guyed towers, or monopole towers. The term includes radio and television transmission towers, microwave towers, common-carrier towers, cellular telephone towers, alternative tower structures, and the like. The term includes the structure and any support thereto.

B. Applicability and Exceptions.

1. New Towers and Antennas. All new towers or antennas shall be subject to regulations in this section, except as provided in subsections B.2 through B.5 below, inclusive.

2. Amateur Radio Station Operator/Receive Only Antennas. This Section shall not apply to any tower, or the installation of any antenna on such tower, that is seventy (70) feet in height or less, and is owned and operated by an amateur radio station operator or is used exclusively for receive only antennas. All other applicable regulations to towers greater than 70 feet in height and found within this Section shall continue to apply.

3. Preexisting Towers or Antennas. Preexisting towers and preexisting antennas shall not be required to meet the requirements of this Section.

4. AM Array. For purposes of implementing this Section, an AM array, consisting of one or more tower units and supporting ground system which functions as an AM broadcasting antenna, shall be considered one tower. Measurements for setbacks and separation distances shall be measured from the outer perimeter of the towers included in the AM array. The provisions of this Section shall not apply to additional array tower units of equal or lesser height within the perimeter of the AM array.

5. Governmental, Emergency Communication and Airport Uses. The provisions of this Section shall not apply to towers, and antennas on such towers, located on property owned, leased, or otherwise controlled by governmental jurisdictions, airport authorities or utility providers, and required for governmental functions, air traffic control and communication, or emergency communications.

C. General Provisions and Requirements

1. Principal or Accessory Use. Antennas and towers may be considered either principal or accessory uses. A different existing use of an existing structure on the same lot shall not preclude the installation of an antenna or tower on such lot.

2. Lot Size. For purposes of determining whether the installation of a tower or antenna complies with district development regulations, including but not limited to setback requirements, and other such requirements, the dimensions of the entire lot shall control, even though the antennas or towers may be located on leased areas within such lot.

3. Inventory of Existing Sites. Each applicant for an antenna and/or tower shall provide to the Building Official an inventory of its existing towers, antennas, or sites approved for towers or antennas, within the City and Blount and Loudon Counties within 5,000 feet outside the boundary of the City, including specific information about the location, height, and design of each tower. All applications and documents submitted to the Building Official shall be subject to the Tennessee Public Records Act, Tennessee Code Annotated, Sections 10-7-503, *et seq.*

4. Visual effects and screening. Towers and antennas shall meet the following requirements: (a) Towers shall either maintain a galvanized steel finish or, subject to any applicable standards of the FAA, be painted a neutral color so as to reduce visual obtrusiveness; (b) At a tower site, the design of the buildings and related structures shall, to the extent possible, use materials, colors, textures, screening, and landscaping that will blend them into the natural setting and surrounding buildings; (c) If an antenna is installed on a structure other than a tower, the antenna and supporting electrical and mechanical equipment shall be of a neutral color that is identical to, or closely compatible with, the color of the supporting structure so as to make the antenna and related equipment as visually unobtrusive as possible.

5. Lighting. Towers shall not be artificially lighted, unless required by the FAA or other applicable authority. If lighting is required, the lighting alternatives and design chosen must cause the least disturbance to the surrounding views. Where lighting is required by FAA such lighting shall be of the “dual lighting” provisions as defined by the FAA (white during the day and red during the evening hours), or in the alternative, the structure may be red lighted and marked (painted) as prescribed by the FAA regulations.

6. Structural Safety Standards. To ensure the structural integrity of towers, the owner of a tower shall ensure that it is constructed and maintained in compliance with standards contained in applicable state building codes and the applicable standards for towers that are published by the Electronic Industries Association, as amended from time to time.

7. Measurement. For purposes of measurement, tower setbacks and separation distances shall be calculated and applied to facilities located in the entirety of the City, Blount County and Loudon County irrespective of municipal and county jurisdictional boundaries.

8. Franchises, Authorizations, Licenses and Permits. Owners and/or operators of towers or antennas shall certify that all franchises, authorizations, licenses, and permits required by law or governmental regulations for the construction and/or operation of a wireless communication system have been obtained and shall file a copy of all required franchises, authorizations, licenses and permits with the Building Official.

9. Public Notice. For purposes of this ordinance, any special exception request, variance request, or appeal of an administrative decision shall require public notice to all abutting property owners and all owners of properties that are located within one thousand (1,000) feet of the property on which a tower is proposed or a decision is sought, in addition to any notice otherwise required by this Ordinance.

10. Signs. No signs shall be allowed on an antenna or tower or within the tower compound, except for a property identification sign as provided elsewhere in this ordinance, and structure identification signs as may be required by the FCC or the FAA. Such signs shall not exceed four square feet in area or as required by the FCC or FAA, and shall be mounted no higher than six feet from the finished grade of the ground or as required by the FCC or FAA.

D. Towers shall be a special exception use in any zone and subject to special exception procedures under the Board of Zoning Appeals as found in Article 10, with the following provisions and requirements.

1. In granting a special exception, the Board of Zoning Appeals may impose conditions to the extent the Board concludes such conditions are necessary to minimize adverse effects of the proposed tower on adjoining properties.

2. Any information of an engineering nature that the applicant submits, whether civil, mechanical, or electrical, shall be certified by a licensed professional engineer under regulations of the State of Tennessee for such certifications.

3. For any tower, a site plan shall be required under provisions of Section 310, with the following additional information:

(a) A scaled site plan clearly indicating the location, type and height of the proposed tower, on-site land uses and zoning, adjacent land uses and zoning (including when adjacent to other counties), adjacent roadways, proposed means of access, setbacks from property lines, elevation drawings of the proposed tower and any other accessory structures, topography, parking, and other information deemed by the Board of Zoning Appeals to be necessary to assess compliance with this Ordinance.

(b) Survey or legal description of the parent tract and leased parcel (if applicable).

(c) The setback distance between the proposed tower and the nearest residential unit.

- (d) The separation distance from other towers described in the inventory of existing sites submitted pursuant to Section 317.C.3 shall be shown on a map of scale not less than one inch equal 2000 feet. The applicant shall also identify the type of construction of the existing tower(s) and the owner/operator of the existing tower(s), if known.
- (e) A landscape plan showing specific landscape materials for buffering from surrounding properties.
- (f) Method of fencing, and finished color and, if applicable, the method of camouflage and illumination of the tower.
- (g) A description of compliance with provisions and regulations contained in this Ordinance, and all applicable federal, state or local laws and regulations.
- (h) A notarized statement by the applicant as to whether construction of the tower will accommodate collocation of additional antennas for future users.
- (i) A description of the suitability of the use of existing towers, other structures, or alternative technology not requiring the use of towers or structures, which could provide the services intended to be provided through the use of the proposed new tower.
- (j) A description of the feasible location(s) of future towers or antennas within the City and Blount and Loudon Counties based upon existing physical, engineering, technological or geographical limitations in the event the proposed tower is erected.

4. In addition to any standards for consideration of special exception applications found in Article 10, the Board of Zoning Appeals shall consider the following factors in determining whether to approve a special exception, although the Board may waive or reduce the burden on the applicant of one or more of these factors if the Board concludes that the goals of this Section are better served thereby: (a) Height of the proposed tower; (b) Proximity of the tower to residential structures and subdivisions; (c) Nature of uses on adjacent and nearby properties; (d) Surrounding topography; (e) Surrounding tree coverage and foliage; (f) Design of the tower, with particular reference to design characteristics that have the effect of reducing or eliminating visual obtrusiveness; (g) Proposed ingress and egress; and (h) Availability of suitable existing towers, other structures, or alternative technologies not requiring the use of towers or structures, as discussed in Subsection 317.D.5 (following)..

5. Availability of Suitable Existing Towers, Other Structures, or Alternative Technology. No new tower shall be permitted unless the applicant

demonstrates to the reasonable satisfaction of the Board of Zoning Appeals that no existing tower, structure or alternative technology that does not require the use of towers or structures can accommodate the applicant's proposed antenna. An applicant shall submit information requested by the Board related to the availability of suitable existing towers, other structures or alternative technology. Evidence submitted to demonstrate that no existing tower, structure or alternative technology can accommodate the applicant's proposed antenna may consist of any of the following:

- (a) No existing towers or structures that meet applicant's engineering requirements, including but not limited to height and structural strength, are located within the geographic area.
- (b) The applicant's proposed antenna would cause electromagnetic interference with the antenna on the existing towers or structures, or the antenna on the existing towers or structures would cause interference with the applicant's proposed antenna.
- (c) The fees, costs, or contractual provisions required by the owner in order to share an existing tower or structure or to adapt an existing tower or structure for sharing are unreasonable. Costs exceeding new tower development are presumed to be unreasonable.
- (d) The applicant demonstrates that there are other limiting factors that render existing towers and structures unsuitable.
- (e) The applicant demonstrates that an alternative technology that does not require the use of towers or structures, such as a cable microcell network using multiple low-powered transmitters/receivers attached to a wireline system, is unsuitable. Costs of alternative technology that exceed new tower or antenna development shall not be presumed to render the technology unsuitable.

6. **Setbacks.** The following setback requirements shall apply to all towers for which a special exception is granted; provided, however, that the Board of Zoning Appeals may reduce the standard setback requirements if the goals of this Section would be better served thereby:

- (a) Towers must be set back a distance equal to at least seventy-five percent (75%) of the height of the tower from any adjoining lot line.
- (b) Guys and accessory buildings must satisfy the minimum setback requirements for commercial uses.

7. **Separation.** The following separation requirements shall apply to all towers and antennas for which a special exception is granted; provided,

however, that the Board of Zoning Appeals may reduce the standard separation requirements if the goals of this Ordinance would be better served thereby.

(a) Tower separation shall be measured from the base of the tower to the lot line of the off-site uses. Separation distance shall be 200 feet or 300 % the height of the tower, whichever is greater, in relation to an existing residential use or a platted subdivision lot intended predominantly for residential use.

(b) Separation distances between towers shall be applicable for and measured between the proposed tower and preexisting towers. The separation distances shall be measured by drawing or following a straight line between the base of the existing tower and the proposed base, pursuant to a site plan, of the proposed tower. The separation distances (listed in linear feet) shall be as shown in the following table.

Existing Towers - Types

| | Lattice | Guyed | Monopole 75 Ft in Height or Greater | Monopole Less Than 75 Ft in Height |
|-------------------------------------|---------|-------|--|---|
| Lattice | 5,000 | 5,000 | 1,500 | 750 |
| Guyed | 5,000 | 5,000 | 1,500 | 750 |
| Monopole 75 Ft in Height or Greater | 1,500 | 1,500 | 1,500 | 750 |
| Monopole Less Than 75 Ft in Height | 750 | 750 | 750 | 750 |

8. Security fencing. Towers shall be enclosed by security fencing not less than six feet in height and shall also be equipped with an appropriate anti-climbing device; provided however, that the Board of Zoning Appeals may waive such requirements, as it deems appropriate.

9. Landscaping. The following requirements shall govern the landscaping surrounding towers for which a special exception is granted; provided, however, that the Board of Zoning Appeals may waive such requirements if the goals of this Section would be better served thereby.

(a) Tower facilities shall be landscaped with a buffer of plant materials that effectively screens the view of the tower compound from property used for residences. The standard buffer shall consist of a landscaped strip at least four (4) feet wide along the outside perimeter of the compound.

(b) In locations where the visual impact of the tower would be minimal, the landscaping requirement may be reduced or waived.

(c) Existing mature tree growth and natural land forms on the site shall be preserved to the maximum extent possible. In some cases, such as towers sited on large, wooded lots, natural growth around the property perimeter may be sufficient buffer if measures are proposed which will maintain such natural growth.

E. Accessory Cabinets or Structures.

A cabinet or structure accessory to an antenna shall be of sufficient area to accommodate the electronics required for the antenna and no greater than twelve feet in height. If the accessory cabinet or structure is associated with a tower on top of a building, then the cabinet or structure shall occupy no more than ten percent of the area of the roof of the structure on which the tower is attached. The cabinet or structure shall be constructed of materials that as much as possible blend in with other surrounding structures. The cabinet or structure shall be no closer than 40 feet to any residential lot line. Structures or cabinets shall be screened from view of all residential properties which abut or are directly across the street from the structure or cabinet by a solid fence 6 feet in height or an evergreen hedge with ultimate height of 12 feet and a planted height of at least 36 inches. The requirements for floor area may be modified by the Board of Zoning Appeals to encourage collocation of antennas.

G. Removal of Abandoned Antennas and Towers.

Notwithstanding any other provision in this Resolution, any antenna or tower that is not operated for a continuous period of twelve (12) months shall be considered abandoned, and the owner of such antenna or tower, or the owner of the real property upon which the abandoned antenna or tower is located, shall remove the same within ninety (90) days of receipt of notice from the Building Official notifying the owner of such abandonment. Failure to remove an abandoned antenna or tower within said ninety (90) days shall be grounds to remove the tower or antenna at the owner's expense. If there are two or more users of a single tower, then this provision shall not become effective until all users abandon the tower.

H. Nonconforming Uses

1. Towers that are constructed, and antennas that are installed, in accordance with the provisions of this ordinance shall not be deemed to constitute the expansion of a nonconforming use or structure.

2. Preexisting towers shall be allowed to continue their usage as they presently exist. Routine maintenance (including replacement with a new tower of

like construction and height) shall be permitted for such preexisting towers. New construction other than routine maintenance on a preexisting tower shall comply with the requirements of this Ordinance.

3. Bona fide nonconforming towers or antennas that are damaged or destroyed may be rebuilt without having to first obtain a special exception and without having to meet the separation requirements specified in Sections 317.D.7. The type, height, and location of the tower onsite shall be of the same type and intensity as the original facility. If such tower or antenna is not rebuilt within twelve months of destruction, then the tower or antenna shall be deemed abandoned as specified in Section 317.G and shall not be rebuilt.

I. Applications for the installation, erection and/or construction of Antennas, cabinets, shelters or similar equipment or structures as colocation on existing towers may be approved by and permits issued by the Building Official.

ARTICLE IV

APPLICATION OF REGULATIONS

SECTION

- 401. Use
- 402. Street Frontage
- 403. Corner Lots
- 404. One Principal Building on a Lot
- 405. Reduction of Lot Size
- 406. Yard and Other Spaces
- 407. Accessory Building and Use Regulations
- 408. Height and Density

401. **Use.** Except as herein provided, no building or land shall hereafter be used and no building or part thereof shall be erected, moved or altered unless for a use expressly permitted by and in conformity with the regulations herein specified for the district in which it is located.
402. **Street Frontage.** No building shall be erected on a lot, which does not abut on at least one public street for at least forty (40) feet. Residential planned unit developments may be excluded from this provision through the plan approval process for planned unit developments. If an approved public street is inadequate to serve a proposed development, the developer may be required to improve the existing street to approved city standards.
403. **Corner Lots.** A corner lot along two intersecting streets shall have two front yard setbacks of minimum depth as defined in this ordinance. The Board of Zoning Appeals may grant variance of this requirement for one of the frontages that relates to the traditional side of a house, provided that the variance shall result in a front yard setback not less than 20 feet.
404. **One Principal Building on a Lot.** Only one principal building and its customary accessory buildings may hereafter be erected on any lot; except that planned unit developments may be excluded from this provision on the approval of the planning commission. In the R-1 and R-2 zoning districts, the Board of Zoning Appeals may permit up to two single family dwelling units on a single lot as a special exception, provided that each dwelling unit individually meets all setback and lot area requirements for a stand-alone single family unit for the applicable zoning district.

405. **Reduction of Lot Size.** No lot shall be reduced in area so that yard, lot width, building area, or other provisions of this ordinance shall not be maintained.

406. **Yard and Other Spaces.** No part of a yard or other open space required about any building for the purpose of complying with the provisions of this ordinance shall be included, as part of a yard or other open space required under this ordinance for another building.

407. **Accessory Building and Use Regulations.** Buildings and/or uses, which are, customarily incidental and subordinate in size and function to the principal use of a site are considered to be accessory buildings and/or uses and are permitted on the same lot with a principal use. The establishment of accessory buildings and/or uses shall be subject to the following provisions and other applicable provisions of this ordinance:

1. **General Provisions.**

- a. No accessory structure shall be occupied or used unless the principal structure to which it is accessory is occupied or being used.
- b. If an accessory building shares a structural wall with a principal building, it shall be deemed to be a part of the principal building and shall comply with the requirements of the ordinance applicable to a principal building, such as setback, height, etc.

2. **Location.**

- a. **Residential districts.** Except for general farming structures, accessory buildings not exceeding one (1) story or fourteen (14) feet in height, and occupying less than twenty (20) percent of the required rear yard, may be located as close as ten (10) feet to the rear property line, except as may be provided for in Article VI. No accessory buildings or uses shall be permitted within any required front or side yard, except for perimeter fencing and such items as mail boxes, yard ornaments, and light fixtures located so as not to hinder vision of traffic, or create a nuisance or safety hazard to neighboring property or the public.
- b. **General Farming Structures.** Accessory general farming structures shall not exceed thirty-five (35) feet in height. Those exceeding fourteen (14) feet in height shall meet all yard setback requirements of a principal structure; except as may be provided for in Section 601.2.a.

- c. Commercial and Industrial Districts. The location of accessory uses and structures shall be in accordance with the provisions of Sections 310 and 311, and Articles VI and VII of this ordinance.
 3. Off-Street Parking and Loading Facilities. These facilities shall be located in accordance with the provisions of Sections 302 through 304.
 4. Signs. The size, type, and location of signs shall be governed by Section 309 and other applicable sections of the ordinance.
408. Height and Density. No building or structure shall hereafter be erected or altered so as to exceed the height limit, to accommodate or house a greater number of families, to have narrower or smaller front yards or side yards than are required or specified in the regulations herein for the district in which it is located.

ARTICLE V

ESTABLISHMENT OF DISTRICTS

In accordance with the intent and purpose of this ordinance, the following zoning district classifications are hereby established:

| | |
|-------------|---|
| Residential | R-1 District – Low Density Residential |
| Residential | R-2 District – Medium Density Residential |
| Commercial | C-1 District – General Commercial |
| Commercial | C-2 District – Corridor Commercial |
| Industrial | M-1 District – Industrial |
| Flood | F-1 District – Flood Hazard |

The boundaries of the zoning districts are hereby established as shown on the map entitled “Zoning Map of Friendsville, Tennessee,” and any amendments, which may be made thereto. This map is hereby made a part of this ordinance. The official copy of the map shall remain on file at city hall.

Unless otherwise specifically indicated on the map, the boundaries of districts are to be considered property boundary lines, the center lines of streets or such lines extended, the corporate limit lines, or the center lines of streams or other bodies of water. When questions arise concerning the precise location of a district boundary, the Board of Zoning Appeals shall render a decision as to its location in the manner provided for in Article X of this ordinance.

ARTICLE VI

PROVISIONS GOVERNING USE DISTRICTS

SECTION

- 601. R-1, Low Density Residential
- 602. R-2, Medium Density Residential
- 603. C-1, General Commercial
- 604. C-2, Corridor Commercial
- 605. M-1, Light Industrial
- 606. F-1, Flood Hazard

601. **R-1, Low Density Residential.** It is the purpose and intent of this district to protect areas that have been previously developed for residential use and to provide areas that are suitable for low density housing. This district is designed to secure for the persons who reside there a comfortable, healthy, safe, and pleasant environment in which to live and to prohibit incompatible and disruptive activities.

In order to achieve the purpose and intent of this district, as shown on the zoning map, the following uses are permitted, provided such uses are developed in accordance with site development standards contained in this and other applicable sections of this ordinance. (See especially, Articles III, IV, and VII).

1. Permitted Uses.
 - a. Single family dwellings.
 - b. Single family dwellings, with one (1) accessory apartment.
 - c. Single family planned unit developments developed in accordance with Section 308.
 - d. Duplex dwellings.
 - e. Publicly owned buildings and uses; schools offering general education; churches; and, country clubs, tennis clubs, and other similar uses which characteristically provide recreation or leisure activities for nearby residents on a membership basis, provided:
 - i. A site plan prepared in accordance with Section 310 is submitted to the planning commission for review.

- ii. All buildings are setback at least fifty (50) feet from side and rear property lines unless adjacent to property zoned C-1, C-2, or M-1.
 - iii. An evergreen plant buffer and/or obscuring fence at least eight (8) feet in height is placed along side and rear property lines.
 - iv. The site is located on a collector or arterial street.
- f. Light utility uses, except service and supply yards of any size provided:
- i. All structures are setback at least twenty-five (25) feet from side and rear property lines; unless adjacent property is zoned C-1, C-2, or M-1.
 - ii. An evergreen plant buffer and/or obscuring fence at least eight (8) feet in height is placed around the light utility use or along the side, rear, and front property lines.
- g. Agriculture; except for, the raising of swine, commercial poultry farms, high intensity commercial cattle, equine, or other type livestock farms, and dog kennels (See "Special Exception Uses" below).
- h. Customary home occupations subject to the requirements of Section 313.
- i. Customary accessory buildings, structures, and uses subject to the requirements of Section 407.
- j. Signs, subject to the requirements of Section 309.
- k. Off-street parking and access control is required, and shall be developed in accordance with the provisions of Sections 303-307.
- l. Temporary office and storage buildings located on approved construction sites, provided they are removed upon completion of construction.
2. Special Exception Uses. The following uses may be allowed upon approval by the Board of Zoning Appeals. A sketch plan, as set out in Section 903, shall be submitted with the application for Special Exception approval.

- a. The keeping or raising of swine, subject to the following minimum standards:
 - i. No hog(s) shall be placed upon any parcel of property that is less than five (5) acres in size.
 - ii. Up to three (3) hogs may be permitted on any one five (5) acre parcel and one (1) additional hog may be permitted for each acre over (5) acres contained in any one parcel; provided the provisions of iii-v below are observed.
 - iii. No free-ranging swine nor any barn, pen, feed lot, or watering pond or trough, shall be located any closer than five hundred (500) feet from any property line and/or free-flowing stream. The area within which swine are confined shall be surrounded by a structure and/or fencing that will prevent the escape of swine onto adjoining properties or public right-of-way.
 - iv. The manner in which swine are kept, in addition to the conditions set out in Sections i, ii, and iii above, shall be in accordance with generally accepted swine farming practices. The Board of Zoning Appeals may consult with the Blount County Health Department or other recognized experts in order to determine if proper practices are being proposed.
 - v. No swine farming operation shall be conducted in such a manner as to become a nuisance or threat to the public health or safety.
 - vi. Any other conditions the Board of Zoning Appeals may impose based upon circumstances, which may be peculiar to any one site.
 - b. Commercial poultry farms, high intensity commercial cattle, equine, or other type livestock farms; and dog kennels, so long as such uses may be operated in such a way as to be in keeping with the general intent of the district, and subject to any conditions the Board of Zoning Appeals may impose based upon circumstances which may be peculiar to any one site.
3. Uses Prohibited. Any use not listed in Section 1 above, and any use not approved for a specific site under provisions of Section 2 above.

- 602. R-2, Medium Density Residential.** It is the intent of this district to provide areas for medium density residential development and other uses compatible with such development.

In order to achieve the purpose and intent of this district, as shown on the zoning map, the following uses are permitted, provided such uses are developed in accordance with site development standards contained in this and other applicable section so this ordinance. (See especially Articles III, IV, and VIII).

1. Permitted Uses.
 - a. Any use permitted in the R-1 District, subject to any development regulations for such uses.
 - b. Multi-family dwellings subject to the requirements of Section 310. Multi-family developments, which include more than one (1) multi-family dwelling on a lot shall be considered as a PUD and shall also be subject to the requirements of Section 308.
 - c. Day care centers serving between five (5) and twelve (12) children unrelated to the operator (defined as “family day care homes” and “group day care homes” in 71-3-501, TCA); provided, however a sketch plan, as set out in Section 903, is first reviewed and approved by the planning commission.
 - d. Boarding house, rooming house, tourist home, or bed and breakfast inn, provided that there shall be no greater than five (5) guest rooms.
 - e. Customary home occupations; subject to the requirements of Section 313.
 - f. Customary accessory buildings, structures, and uses subject to the requirements of Section 407.
 - g. Signs, subject to the requirements of Section 309.
 - h. Off-street parking and access control is required, and shall be developed in accordance with the provisions of Sections 303-307.
 - i. Temporary office and storage buildings located on approved construction sites, provided they are removed upon completion of construction.
2. Special Exception Uses. None.

3. Uses Prohibited. Any use not listed in Section 1 above, and any use not approved for a specific site under provisions of Section 2 above.

603. C-1, General Commercial. The intent of this district is to provide areas for retail trade and service establishments, offices, personal services establishments, and business services establishments oriented primarily toward serving local citizens and other uses compatible with the intent of this district.

When proposed uses are adjacent to a residential zoning district, a buffer strip shall be established.

Prior to the issuance of any building permit, a site plan, prepared in accordance with section 310, shall be submitted to and approved by the planning commission for uses permitted in this district.

In order to achieve the purpose and intent of this district, as shown on the zoning map, the following uses are permitted, provided such uses are developed in accordance with site development standards contained in this and other applicable sections of this ordinance. (See especially, Articles III, IV, and VII).

I. Permitted Uses.

- a. Retail trade and services; except that no outside storage or sales shall be permitted unless adequately screened from neighboring properties and public rights-of-way.
- b. Business, professional, and personal services.
- c. Gasoline service stations, including those with convenience stores, and/or with facilities for minor automobile service activities; except that no outdoor storage of vehicles or merchandise shall be permitted unless adequately screened from neighboring properties and public rights-of-way.
- d. Cultural and social activities, including fraternal clubs and lodges.
- e. One (1) dwelling unit, accessory to and part of another use permitted in this district, intended primarily for occupation by a business owner, manager, or security staff.
- f. Publicly owned buildings and uses.
- g. Schools offering general education.
- h. Churches

- i. Day care centers
 - j. Light utility uses
 - k. Customary accessory buildings, structures, and uses subject to the requirements of Section 407.
 - l. Signs, subject to the requirements of Section 309.
 - m. Off-street parking and access control is required and shall be developed in accordance with the provisions of Sections 303-307 except that no new off-street parking shall be required for the reuse of existing structures where no additional lot area is available. Any off-street parking that is provided, however, shall meet the applicable provisions of Sections 302-307 as closely as is practicable.
 - n. Temporary uses, subject to the requirements of Section 312.
2. Special Exception Uses. None.
3. Uses Prohibited. Any use not listed in Section 1 above, and any use not approved for a specific site under provisions of Section 2 above.

604. C-2, Corridor Commercial. The intent of this district is to provide areas for retail sales establishments, offices, personal services establishments, and business establishments to serve the needs of the traveling public as well as the greater Friendsville area and to allow other uses compatible with the intent of this district in a manner which will protect the travel efficiently, traffic safety, and aesthetics along such commercial corridors.

When proposed uses are adjacent to a residential zoning district a buffer zone at least ten (10) feet in width shall be established in which no part of any principal or accessory building or use, including parking, may be located, and, within which a buffer strip and/or obscuring fence shall be maintained.

Prior to the issuance of any building permit, a site plan, prepared in accordance with Section 310, shall be submitted and approved by the planning commission.

In order to achieve the purpose and intent of this district, as shown on the zoning map, the following uses are permitted, provided such uses are developed in accordance with site development standards contained in this and other applicable sections of this ordinance. (See especially Articles III, IV, and VII).

1. Permitted Uses.
- a. Retail trade and services.

- b. Business, professional, and personal services.
- c. Gasoline service stations, including those with convenience stores and/or with facilities for automobile service activities.
- d. Multi-family housing. Multi-family developments, which include more than one (1) multi-family dwelling on a lot shall be considered as a PUD and shall also be subject to the requirements of Section 308.
- e. Vehicle sales, rental, and repair services.
- f. Cultural and social activities, including fraternal clubs and lodges.
- g. One (1) dwelling unit, accessory to and part of another use permitted in this district, intended primarily for occupation by a business owner, manager, or security staff.
- h. Publicly owned buildings and uses.
- i. Schools offering general education
- j. Churches.
- k. Day care centers, and Child Care Centers as defined in TCA 71-3-501.
- l. Nursing homes.
- m. Light and heavy utility uses, provided storage yards are adequately screened from neighboring properties and public rights-of-way.
- n. Retail plant nurseries, and landscaping services establishments, provided storage yards for mulch, topsoil, growing containers, etc., are adequately screened from neighboring properties and public rights-of-way.
- o. Funeral homes.
- p. Hotels and motels.
- q. Mini-warehouses/self-storage facilities.

- r. Construction services establishments provided all materials storage and inoperable vehicles are stored indoors or are adequately screened from neighboring properties and public rights-of-way.
- s. Indoor commercial recreation and amusement activities.
- t. Hospitals.
- u. Customary accessory buildings, structures, and uses subject to the requirements of Section 407.
- v. Signs, subject to the requirements of Section 309.
- w. Off-street parking and access control is required and shall be developed in accordance with the provisions of Sections 303-307, including Section 305.9, where applicable. Off-street parking for development sites having frontage on a major arterial, as shown on the city's zoning map, shall be set back at least ten (10) feet from the street right-of-way and landscaped in accordance with Section 310.2.b.
- x. Temporary uses, subject to the requirements of Section 312.

2. Special Exception Uses.

The following may be permitted after review and finding of the Board of Zoning Appeals that such use is compatible with surrounding land uses and can be supported with existing infrastructure. In approving such use, the board may impose reasonable conditions upon its operation to insure its continued compatibility with surrounding uses. Prior to considering a request for a special exception for the following uses, the board shall advertise a public hearing on the matter at least 10 (ten) days prior to the date of such hearing and shall require the submission of a site plan prepared in accordance with general provisions for commercial uses in the zone.

- (a) Pain Management Clinic, with the following requirements: clinic shall meet and maintain all licensing and permit requirements of the State of Tennessee, including but not limited to those in TCA 63-1-301, *et seq.*; clinic location shall be 1000 feet from any school, day care facility, park, or church measured from property line to property line; clinic location shall be 300 feet from any residential structure; clinic property abutting an R-1 zoned property (not a public right-of-way) shall be secured from access across property line by a fence no less than 6 feet in height; clinic location and access shall be on a major arterial street as shown on the Major Road Plan for Friendsville.

- 3. Uses Prohibited. Any use not listed in Section 1 above, and any use not approved for a specific site under provisions of Section 2 above.

- 605. M-1, Light Industrial District.** The intent of this district is to provide areas for scientific research and development; light manufacturing, processing, and assembly; storage, warehousing, and distribution; and other light industrial uses which can be located in reasonable proximity to commercial or residential uses without significant adverse impacts and to allow other uses generally compatible with the intent of this district.

When proposed uses are adjacent to a residential zoning district, such uses shall be developed in accordance with Section 311.2.a.i. (a), (b), and (c).

Prior to the issuance of any building permit, a site plan, prepared in accordance with Section 311, shall be submitted and approved by the planning commission.

In order to achieve the purpose and intent of this district, as shown on the zoning map, the following uses are permitted, provided such uses are developed in accordance with site development standards contained in this and other applicable sections of this ordinance. (See especially, Articles III, IV, and VII).

1. Permitted Uses.

- a. Scientific research and development establishments.
- b. Warehouses.
- c. Wholesale trade establishments.
- d. Motor freight terminals.
- e. Light manufacturing plants, to include concrete mixing and batching plants but not cement manufacturing plants (see definitions under Manufacturing).
- f. Food and dairy products processing, excluding slaughter houses.
- g. Construction services and materials establishments.
- h. Landscaping services establishments.
- i. Medical clinics and day care centers accessory to an industrial use and intended to provide care primarily to the employees of such industrial use and their families.
- j. Light and heavy utility uses.

- k. Retail sales of food and sundry-type items, located within an industrial building or PUD, intended for sale only to the work force within that building or PUD.
 - l. Retail sales to the general public in conjunction with an industrial use only under the following conditions:
 - i. The commodities offered for sale have been manufactured, processed, fabricated, or warehoused on the premises;
 - ii. The retail sales are purely incidental to the industrial use of the property;
 - iii. The amount of area devoted to retail sales is no more than twenty (20) percent of the gross floor area of the main floor of the primary industrial building on the premises, or, four-thousand (4,000) square feet, whichever is less.
 - m. Construction and farming vehicle and equipment sales, rental, and services establishments.
 - n. Publicly owned buildings and uses.
 - o. Customary accessory buildings, structures, and uses subject to the requirements of Section 407.
 - p. Signs, subject to the requirements of Section 309.
 - q. Off-street parking and access control is required and shall be developed in accordance with the provisions of Sections 303-307, including 305.9, where applicable. Off-street parking for development sites having frontage on a major arterial, as shown on the city's zoning map, shall be set back at least ten (10) feet from the street right-of-way and landscaped in accordance with Section 311.2.b.
 - r. Major earthmoving.
 - s. Temporary uses, subject to the requirements of Section 312.
2. Special Exception Uses. None.
3. Uses Prohibited. Any use not listed in Section 1 above, and any use not approved for a specific site under provisions of Section 2 above.

606. F-1, Flood Hazard District. The flood hazard district is established as an overlay district, the intent of which is to protect the health, safety, and welfare of

the citizens by requiring that development within this district be regulated in accordance with the National Flood Disaster Act of 1973, as amended through October 1990. The regulations of any zoning district underlying the F-1 district shall prevail; except that, no building, development, or improvement project shall be commenced within the F-1 district unless a permit has been obtained from the building official stating such project plans meet the requirements of the city's flood damage prevention ordinance, a copy of which is on file in the building official's office.

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

701. Area, Yard, and Height Requirements. For the purpose of this ordinance, area, yard, and height requirements for the district classifications of the City of Friendsville, Tennessee, Zoning Ordinance are hereby established as follows:

| Minimum Lot Size | | | | Minimum Yard Requirements From Property Lines (feet) | | | |
|------------------|---------------------|---|-----------------------------------|--|------------|------------|-------------------------------------|
| District | Area in Square Feet | Square Feet Per Additional Family (for multifamily) | Lot Width at Bldg. Setback (feet) | Front Yard* | Side Yard* | Rear Yard* | Maximum Height of Structures (feet) |
| R-1 | 30,000 | NA**** | 100 | 25 | 10 | 25 | 35 |
| R-2 | 30,000 | 10,000***** | 100 | 25 | 10 | 25 | 35 |
| C-1 | | NA | | 10 | 10 | 25 | 35 |
| C-2 | 30,000** | 10,000 | | 35 | 15* | 25 | 35 |
| M-1 | | NA | | 35 | 20 | 25 | 35*** |

* Different setback requirements set out in Sections 308, 310, 311, 803 and 601-607 shall be adhered to when they differ from the requirements included in this Article. In the C-2 zone, any side lot line adjacent to a property in the C-2, C-1 or M-1 zone shall have a minimum side setback of 10 feet.

** Applies only to multi-family developments. No minimum lot size for C-2 commercial property, provided that all design elements for any proposed use are contained on the property and provided that septic capability is commensurate with proposed use.

*** Height limits may be increased by the Board of Zoning Appeals for the following situations, provided an adequate internal fire protection system and fire hydrants are installed for such structure:

1. for land located more than 1000' from the R-O-W of U.S. Hwy 321, the height of structure may be increased to a maximum of 70 feet;
2. for land located within 1000' of the R-O-W of U.S. Hwy 321, the height of structure may be increased not to exceed a height of thirty-five feet (35') above the level of the highway on property located below the level of the highway, consistent with provisions in TCA 54-17-115 (a)(1).

**** The Board of Zoning Appeals may permit up to two single family dwelling units on a single lot as special exception, provided that each dwelling unit individually meets all setback and lot area requirements for a stand-alone single family unit for the applicable zoning district.

ARTICLE VIII

EXCEPTIONS AND MODIFICATIONS

SECTION

801. Lot of Record

802. Adjoining and Substandard Lots of Record

803. Front Yards

804. Exceptions to Height Limits

- 801. Lot of Record.** Where the owner of a lot consisting of one or more adjacent lots of official record at the time of the adoption of applicable zoning regulations does not own sufficient land to enable him to conform to the yard or other requirements of the zoning regulations, an application may be submitted to the Board of Zoning Appeals for a variance from the terms of the zoning ordinance. Such lot may be used as a building site; provided, however, that the yard and other requirements of the district are complied with as closely, in the opinion of the Board of Zoning Appeals, as is possible.
- 802. Adjoining and Substandard Lots of Record.** Where two or more substandard lots of record with a continuous frontage are under the same ownership, or where a substandard lot of record has continuous frontage with a larger tract under the same ownership, such lots shall be combined to form one or more building sites meeting the minimum requirements of the district in which they are located.
- 803. Front Yards.** The front yard setback requirements of this ordinance for dwellings shall not apply to any lot where the average depth of existing front yards on developed lots located within two hundred (200) feet on each side of such lot and within the same block and zoning district and fronting on the same street as such lot, is less than the minimum required front yard depth. In such cases, the minimum front yard shall be the average of the existing front yard depths on the developed lots.
- 804. Exceptions to Height Limits.** The limitations of this ordinance shall not apply to church steeples, flagpoles, masts, and telecommunications towers and similar structures not intended for human occupancy, provided that state requirements for land adjacent to Highway 321 as a Scenic Highway still apply.

ARTICLE IX

ADMINISTRATION AND ENFORCEMENT

SECTION

- 901. **Building Permit Required**
- 902. **Enforcing Officer**
- 903. **Application for Issuance of Building Permits**
- 904. **Expiration/Extension of Building Permit Approvals**
- 905. **Final Site Inspection/Issuance of Certificate of Occupancy**
- 906. **Violations**
- 907. **Penalties**
- 908. **Remedies**

901. **Building Permit Required.** It shall be unlawful to commence the excavation for or the construction of any building including accessory buildings, or to commence the moving or alteration of any building, including accessory buildings or to commence any major earthmoving project, or to change use of any building except residential dwellings, until the building official has issued for such work a building or other appropriate permit including a statement that the plans, specifications, and intended use of such building in all respects conform with the provisions of this ordinance. Application for a building permit shall be made to the building official.
902. **Enforcing Officer.** The provisions of this ordinance shall be administered and enforced by the Building Official. The building official shall have the authority to enter upon any land during reasonable hours and make examinations and surveys that do not occasion damage or injury to private property.
903. **Application For/Issuance of Building Permits.** For all multi-family residential, commercial, public, semi-public, or industrial uses, a site plan or PUD plan, whichever may be applicable, prepared in accordance with the provisions of Sections 310, 311, and/or 308, and Articles VI and VII, shall be submitted with an application for a building permit. Building permit applications for all other uses not requiring a site plan or PUD plan shall be accompanied by a dimensioned sketch or scale plan indicating the size and shape of the lot and location and use of any existing or proposed buildings or structures on the site. No building permit for earthmoving or construction shall be issued unless all the applicable provisions of this ordinance have been met. If the request for issuance of a building permit is refused, the building official shall state the reason for his refusal in writing.

904. Expiration/Extension of Building Permit Approvals.

1. Expiration of Building Permits. Unless provided for otherwise in this ordinance, building permits shall be null and void one (1) year from the date of issuance, if, in the opinion of the building official, substantial progress is not being made toward completing a development activity as it was approved. Upon the showing of good cause by the permit holder, the building official may grant an extension for up to one (1) and only one (1) six (6) month period, so long as the permit holder applies for such extension at least three (3) weeks prior to the expiration date of the permit.
2. Abandonment of Permitted Projects. Any project for which a building permit has been issued and where an accessory or principal building has only been partially constructed at the end of one (1) year and for which an application for extension has not been submitted, may be subject to being considered as an unsafe and illegal building and may be subject to the provisions of the adopted building code for the City and any other applicable provisions of this or any other ordinance of the city.

905. Final Site Inspection/Issuance of Certificate of Occupancy. In order to ensure that a building, structure, or addition has been constructed in accordance with the approved sketch, site, or PUD plan and will be occupied by a use lawful within the zoning district in which it is located, the building official shall make a final inspection upon notification by the owner or occupant that a premises is ready to be occupied. Within three (3) working days of such application, the building official shall make a final inspection of the property in question, and shall issue a certificate of occupancy if the building or structure or use of land is found to conform to the provisions of this ordinance and the statements made in the application for the building permit. If such a certificate is refused, the building official shall state such refusal in writing with the cause. No land or building hereafter erected or altered in its use shall be used until such a certificate or occupancy has been granted.

906. Violations. Any person whether owner, lessee, principal, agent, employee, or otherwise who violates any provision of this ordinance, permits any such violation, fails to comply with any of the stipulations, or safeguards attached to any permit, variance, special exception, or other such final authorization or approval hereunder, or who erects, constructs or reconstructs any building or structure, or uses any land in violation of any written statement or plan submitted and approved pursuant to this ordinance shall be guilty of a misdemeanor.

907. Penalties. Any persons violating any provision of the ordinance shall be guilty of a Class C misdemeanor and upon conviction shall be subject to such penalties as

may be provided for by law. Each day of such violation shall constitute a separate offense.

- 908. Remedies.** In case any building or structure is erected, constructed, altered, repaired, converted or maintained, or any building, structure or land is used in violation of this ordinance, the building official or any other appropriate authority or any adjacent or neighboring property owner who would be specifically damaged by such violation, may institute injunction, mandamus, or other appropriate action in proceeding to: prevent the occupancy of such building, structure, or land; or to prevent such unlawful erection, construction, reconstruction, alteration, repair, conversion, maintenance, or use; or to correct or abate such violation.

ARTICLE X

BOARD OF ZONING APPEALS

SECTION

1001. Creation and Appointment

1002. Procedure

1003. Appeals

1004. Powers

1005. Action of the Board of Zoning Appeals

- 1001. Creation and Appointment.** A board of zoning appeals is hereby established in accordance with Section 13-7-205, TCA. The Friendsville Municipal Planning Commission is hereby designated as the board of zoning appeals and the terms of the members of the board of zoning appeals shall be concurrent with the terms of the members of the Friendsville Municipal Planning Commission.
- 1002. Procedure.** Meetings of the board of zoning appeals shall be held at the call of the chairman or by a majority of the membership and at such other times as the board may determine. Such chairman, or in his/her absence, the acting chairman, may administer oaths and compel the attendance of witnesses. All meetings of the board shall be open to the public. The board shall keep minutes of its proceedings, showing the vote of each member upon each question, or, if absent or failing to vote, indicating such fact; shall take all evidence necessary to justify or explain its action, and shall keep records of its examinations and other official action, all of which shall be immediately filed in the office of the board and shall be a public record.
- 1003. Appeals.** An appeal to the board of zoning appeals may be taken by any person, firm or corporation aggrieved, or by any governmental officer, department, board, or bureau affected by any decision of the building official based in whole or part on provisions of this ordinance. Such appeal shall be taken within a reasonable time, as provided by the rules of the board, by filing with the building official and with the board of zoning appeals a notice of appeal, specifying the grounds thereof. The building official shall transmit forthwith to the board all papers constituting the record upon which the action appeal was taken. The board shall set a time for the hearing of the appeal within sixty (60) days after its submittal, give notice of the hearing, as well as due notice to the parties in interest, and decide on the issue within a reasonable time. Upon hearing, any party may appear in person or by agent or attorney.

1004. Powers. The board of zoning appeals shall have the following powers:

1. Administrative Review. To hear and decide appeals where it is alleged by the appellant that there is error in any order, or requirement, permit decision, determination or refusal made by the building official or other administrative official in the carrying out or enforcement of any provision of this ordinance.
2. Special Exceptions. To hear and decide special exceptions to this ordinance as specified and noted in other sections of this Ordinance.
3. Variance. To hear and decide applications for variance from the terms of this ordinance, but only where, by reason of exceptional narrowness, shallowness, or shape of a specific piece of property at the time of adoption of this ordinance was a lot of record; or where by reason of exceptional topographical conditions or other extraordinary or topographical conditions or other extraordinary or exceptional situations or conditions of a piece of property, the strict application of the provisions of this ordinance would result in exceptional practical difficulties to or would result in exceptional practical difficulties to or exceptional and undue hardship upon the owner of such property, provided that such relief may be granted without substantial detriment to the public good and without substantially impairing the intent and purpose of this ordinance. In granting a variance, the board may attach thereto such conditions regarding the location, character, and other features of the proposed building, structure or use, as it may deem advisable in furtherance of the purpose of this ordinance. Before any variance is granted it shall be shown that special circumstances are attached to the property, which do not generally apply to other property in the neighborhood.

1005. Action of the Board of Zoning Appeals. In exercising the aforementioned powers, the board of zoning appeals may, in conformity with the provisions of this ordinance, reverse or affirm, wholly or partly, or may modify the order, requirement, decision or determination appealed from, and to that end shall have all powers of the building official. The concurring vote of a majority of the board shall be necessary to reverse any order, requirement, decision or determination of any such administrative official, or to decide in favor of the applicant on a matter upon which it is required to pass under this ordinance, or to authorize any variance from the terms of this ordinance.

ARTICLE XI
AMENDMENTS

SECTION

1101. Procedure

1102. Approval by Planning Commission

1103. Introduction of Amendment

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

1102. Recommendation by Planning Commission. No such amendment shall become effective unless the same be first submitted to the planning commission for recommendation, either for approval, disapproval, or suggestions. If the planning commission disapproves after such submission, it shall require the favorable vote of a majority of the entire membership of the board of commissioners to become effective.

1103. Introduction of Amendment. Upon the introduction of an amendment of this ordinance or upon the receipt of a petition to amend this ordinance, the board of commissioners shall publish a notice of such request for an amendment, together with the notice of time set for hearing by the board of commissioners of the request change. Said notice shall be published in some newspaper of general circulation in the City of Friendsville, Tennessee. Said hearing by the board of commissioners shall take place not sooner than fifteen (15) days after the date of publication of such notice.

ARTICLE XII

LEGAL STATUS PROVISIONS

SECTION

1201. Conflict with Other Ordinances and/or Subdivision Regulations

1202. Validity

1203. Effective Date

1201. Conflict with Other Ordinances and/or Regulations. In the case of conflict between this ordinance or any part thereof, and the whole or part of any existing or future ordinance or regulations of the City of Friendsville, the most restrictive shall in all cases apply.

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

1203. Effective Date. This ordinance shall take effect and be in force five (5) days after its final passage, the public welfare demanding it.

Certified by Planning Commission November 22, 2016

Passed on First Reading February 2, 2017

Public Hearing February 2, 2017

Passed on Second Reading March 2, 2017



Mayor Andy Lawhorn



City Recorder Janet Ledbetter