

A photograph of Sevierville City Hall, a two-story brick building with a portico supported by white columns. Three flagpoles stand in front of the building, flying the American flag, the Tennessee state flag, and a smaller flag. The sky is clear and blue. The text 'SEVIERVILLE CITY HALL' is visible on the brick wall.

SEVIERVILLE  
CITY HALL

# Sevierville, Tennessee Zoning Ordinance

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## 1.0 GENERAL PROVISIONS

### 1.1 Authority

- 1.1.1 An ordinance, in pursuance of the authority granted by Sections 13-7-201 through 13-7-210 and Section 13-7-401, Tennessee Code Annotated, for the purpose of promoting the public health, safety, morals, convenience, order, prosperity, and general welfare, to provide for the establishment of districts within the corporate limits and 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 violation thereof.

### 1.2 Title

- 1.2.1 This ordinance shall be known as the "Zoning Ordinance of the City of Sevierville, Tennessee," and the map herein referred to, which is identified by the title "Zoning Map of the City of Sevierville, Tennessee," and all explanatory matters thereon, are hereby adopted and made a part of this ordinance.

### 1.3 Purpose

- 1.3.1 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, and to facilitate the adequate provision of transportation, water, sewage, schools, parks and other public requirements.
- 1.3.2 These regulations have been made with reasonable consideration, among other things, of the character of each district and its particular suitability for particular uses, conserving the value of buildings, and encouraging the most

appropriate use of land throughout the City.

### 1.4 Application of Regulations

- 1.4.1 Use. Except as herein provided, no building or land shall hereinafter 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.
- 1.4.2 Street Frontage. No dwelling shall be erected on a lot which does not abut on at least one street for at least forty (40) feet; except that, condominiums and townhouses may be excluded from this provision through the plan approval process for Planned Unit Developments.
- 1.4.3 Corner Lots. The minimum width of a side yard along an intersecting street shall be fifty (50%) percent greater than the minimum side yard requirements in the district in which the lot is located.
- 1.4.4 One Principal Building on a Lot. Only one principal building and its customary accessory buildings may hereafter be erected on any lot; except that condominiums and townhouses may be excluded from this provision with the approval of the Planning Commission.
- 1.4.5 Reduction of Lot Size. No lot shall be reduced in area so that yards, lot area per family, lot width, building area, or other provisions of this Ordinance shall not be maintained.
- 1.4.6 Abutting and Vacant Lots of Record. A plat of land consisting of one or more adjacent lots with continuous frontage in single ownership which individually are less than lot widths required by this Ordinance, such groups of lots shall be considered as a single lot or several lots of minimum permitted size and the lot or lots in one ownership shall be subjected to the requirements of this Ordinance.
- 1.4.7 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 a

part of a yard or other open space required under this Ordinance for another building.

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

1.4.9 Conformity to Subdivision Regulations. No building permit shall be issued for or no building shall be erected on any lot, unless the street giving access to the subject lot shall have been accepted or opened as a public street prior to that time or unless such street corresponds in its location and lines with a plat approved by the Planning Commission and such approval entered in writing on the plat by the Secretary of the Planning Commission.

1.4.10 Height and Density. Except as provided for in 1.4.11, or other provisions of this ordinance, 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, or 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.

1.4.11 Exception on Height Limits. The height limitations of this Ordinance shall not apply to the following:

- a. Church spires, belfries, cupolas, domes, theater fly lofts, and similar building features not intended for human occupancy.
- b. Monuments, water towers, observation towers, transmission towers, windmills, derricks, and conveyors.
- c. Flag poles, chimneys, masts, aerials, and similar uses which are located on building roofs.

1.4.12 Annexed Territory. Territory which may hereafter be annexed into the City shall be zoned LDR

(R-1), Low Density Residential District, upon the effective date of annexation, unless otherwise specified by an alternative zoning district (or districts) established by the Zoning Ordinance of the City of Sevierville, Tennessee. In general, territory shall be zoned appropriately when it is incorporated into the City.

1.4.13 Fence and Wall Height. Structures consisting of fences and walls shall be limited in height on properties used for non-residential purposes within the City. The height of such structures placed within the required front yard or building setback shall be limited to a maximum of three and a half (3 1/2) feet. Within the rear and side required yards or building setbacks, fences and walls shall be limited to a height of eight (8) feet. No fence or wall may be located closer than one foot from the nearest property line. If a fence or wall is intended primarily for the security of a site or lot, the Code Enforcement Director may determine whether that fence or wall would provide such security, and thus allow for construction to a height of twelve (12) feet.

## 1.5 Legal Status Provisions

1.5.1 Conflict with other Ordinance. In case of conflict between this Ordinance or any part thereof, and the whole or part of any existing or future Ordinance of the City, the most restrictive shall in all cases apply.

1.5.2 Validity. If any section, clause, provision, or portion of this Ordinance shall be held to be invalid, such holding shall not affect any other section, clause, provision, or portion of this Ordinance.

1.5.3 Effective Date. This Ordinance shall take effect and be in force five days after passage of the last reading.



2.0 ZONING DISTRICTS AND MAP ESTABLISHED (ARTICLE VI)

2.1 Zoning Districts Established

For the purpose of this ordinance, the City is hereby divided into fifteen (15) classes of districts as follows:

Table 2.1 Zoning Districts Established	
Standards Districts	<b>Residential Districts</b>
	AR (A-R) - Agriculture Residential
	LDR (R-1) - Low Density Residential
	MDR (R-2) - Medium Density Residential
	HDR (R-3) - High Density Residential
	<b>Commercial Districts</b>
	TC - Town Center
	NC (C-2) - Neighborhood Commercial
	IC (C-3) - Intermediate Commercial
	AC (C-4) - Arterial Commercial
<b>Employment Districts</b>	
IN (M-1) - Industrial	
Special Districts	<b>Special Districts</b>
	HRO - Historic Residential Office
	TCL(C-5) - Tourist Commercial
	VA (V-1) - Visitor Accommodations
	MPD - Master Planned Development
	IIO (II-1) - Interstate Impact Overlay
FLO (FP-1) - Floodplain Overlay	

2.2 Official Zoning Map

The boundaries of these districts are hereby established as shown on the map entitled "Zoning Map of the City of Sevierville, Tennessee," dated September 1986 and all amendments thereof, which is a part of this ordinance and which is on file in the office of the City Administrator.

2.3 Rules for Interpretation of District Boundaries.

- 2.3.1 Unless otherwise specifically indicated on the map, the boundaries of districts are lot lines or the center lines of streets or alleys or such lines extended, the corporate limit lines or a line midway between the main track of a railroad or the center lines of streams or other water bodies.
- 2.3.2 Questions concerning the exact locations of district boundaries, shall be determined by the Board of Zoning Appeals.

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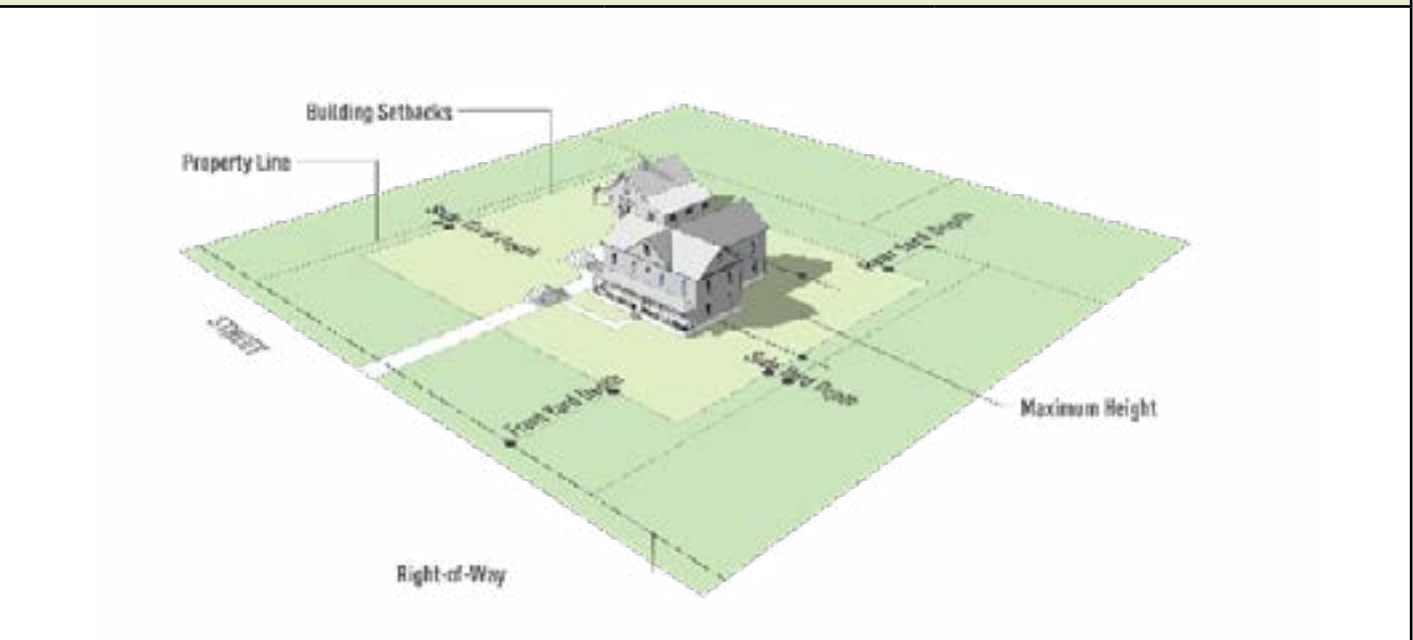
## 2.4 Residential Districts

### 2.4.1 Agriculture Residential District - AR


PURPOSE	TYPICAL BUILDING TYPE
<p>The Agricultural District is intended to provide for agricultural uses such as orchards, nurseries and vineyards, cultivation and livestock farming operations along with estate (1 acre and greater) rural residential neighborhoods. Typically, proposed development and agricultural uses maintain existing natural vegetation and topography to the maximum extent feasible. Activities may include agricultural tourism such as corn mazes, wedding, truck farming, etc.</p>	


AREA, YARD, AND HEIGHT REQUIREMENTS (ARTICLE VIII)		TYPICAL LOT PATTERN
Minimum lot area (sf)	43,560	
Minimum lot width (ft)	80	
Minimum floor area per dwelling unit (sf)	n/a	
Maximum building coverage (% of lot area)	n/a	
Maximum gross unit density	1 unit per acre up to 4 units*	
Maximum height (ft)	35	
Minimum front yard setback (ft)	30	
Minimum side yard setback (ft)	15	
Minimum rear yard setback (ft)	30	
District Land Uses	See Section 3	
Development Standards	See Section 4	
Parking Standards	See Section 5	
<p>NOTES: (sf = square feet, ft = feet)                      *If more than 1 unit, units may be clustered according to Medium Density dimensional criteria.</p>		

### TYPICAL DEVELOPMENT CONFIGURATION

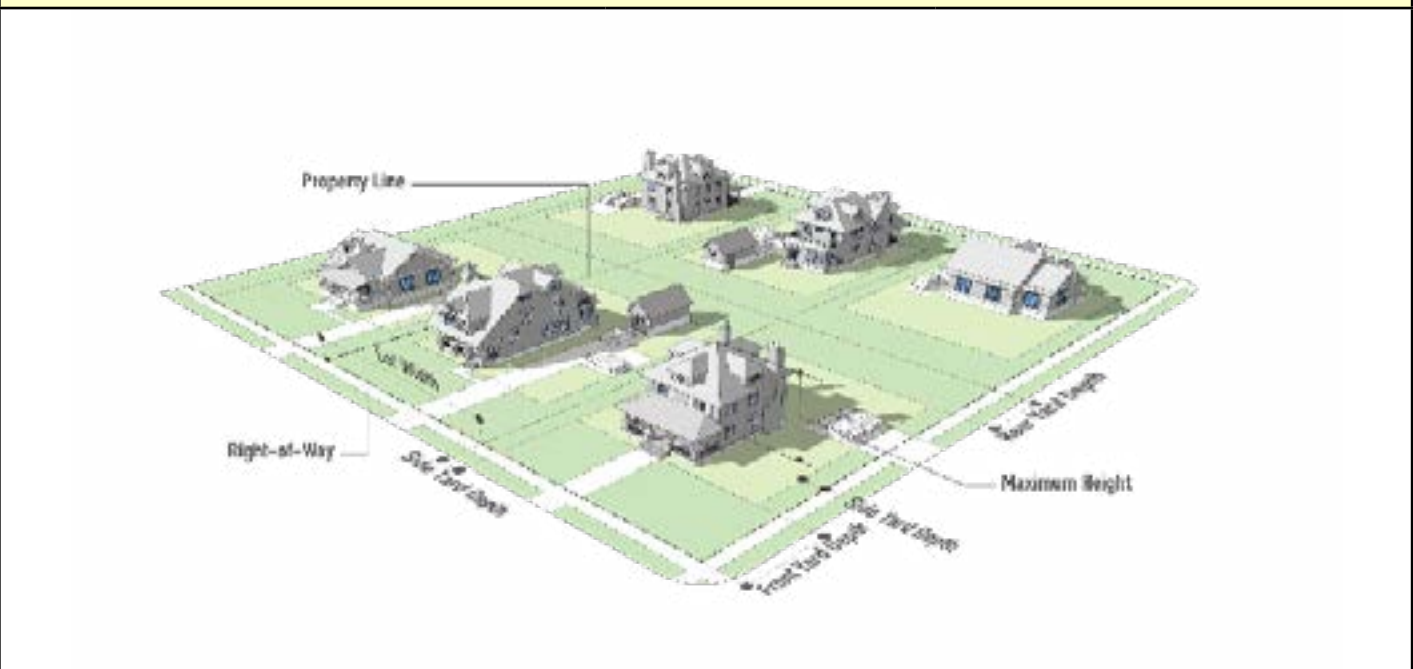


**2.4.2 Low Density Residential - LDR**

PURPOSE	TYPICAL BUILDING TYPE
<p>It is the intent of this district to establish low density residential areas along with open areas which appear likely to develop in a similar manner. The requirements for the district are designed to protect essential characteristics of the district and to promote compatible activities.</p>	

AREA, YARD, AND HEIGHT REQUIREMENTS (ARTICLE VIII)		TYPICAL LOT PATTERN
Minimum lot area (sf)	10,000	
Minimum lot width (ft)	80	
Minimum floor area per dwelling unit (sf)	n/a	
Maximum building coverage (% of lot area)	n/a	
Maximum gross unit density(ac)	4.4	
Maximum height (ft)	35	
Minimum front yard setback (ft)	30	
Minimum side yard setback (ft)	15	
Minimum rear yard setback (ft)	30	
District Land Uses	See Section 3	
Development Standards	See Section 4	
Parking Standards	See Section 5	
<p>NOTES: (sf = square feet, ft = feet)</p>		

**TYPICAL DEVELOPMENT CONFIGURATION**





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2.4.3 Medium Density Residential - MDR				
PURPOSE			TYPICAL BUILDING TYPE	
It is the intent of this district to provide areas for single and multi-family dwellings; to encourage development and continued use of the land for residential purposes; to prohibit business and industrial uses and, other uses which would interfere with development or continuation of single or multi-family dwellings.			Photo to be added	
AREA, YARD, AND HEIGHT REQUIREMENTS (ARTICLE VIII)			TYPICAL LOT PATTERN	
	Single Family Detached	Duplex	Multiple-Family	Photo to be added
Minimum lot area (sf)	8,000	16,000	?	
Minimum lot width (ft)	70	70	70	
Minimum floor area per dwelling unit (sf)	n/a	n/a	n/a	
Maximum building coverage (% of lot area)	n/a	n/a	n/a	
Maximum gross unit density(ac)	5.4	8	8	
Maximum height (ft)	35	35	35	
Minimum front yard setback (ft)	30	30	30	
Minimum side yard setback (ft)	8 per story	8 per story	8 per story	
Minimum rear yard setback (ft)	25	25	25	
District Land Uses	See Section 3			
Development Standards	See Section 4			
Parking Standards	See Section 5			
NOTES: (sf = square feet, ft = feet) Site plan review or PUD Plan review is required for multi-family according to Sections 8.3, 10.1 Appendix, and 8.4 where applicable.				
TYPICAL DEVELOPMENT CONFIGURATION				
Illustration to be added				



**2.4.4 High Density Residential - HDR**

PURPOSE	TYPICAL BUILDING TYPE
It is the intent of this district to provide areas for high density residential development plus open areas where similar development is likely to occur. Professional services are permitted in the district provided that they meet applicable standards, are limited so as not to encourage general business activity, and are located on a major arterial or collector street as noted on the zoning map.	

AREA, YARD, AND HEIGHT REQUIREMENTS (ARTICLE VIII)				TYPICAL LOT PATTERN
	Single Family Detached	Duplex	Multiple-Family	
Minimum lot area (sf)	7,000	14,000	?	
Minimum lot width (ft)	40	40	40	
Minimum floor area per dwelling unit (sf)	n/a	n/a	n/a	
Maximum building coverage (% of lot area)	n/a	n/a	n/a	
Maximum gross unit density(ac)	6.2	21	21	
Maximum height (ft)	35	35	35	
Minimum front yard setback (ft)	30	30	30	
Minimum side yard setback (ft)	8 per story	8 per story	8 per story	
Minimum rear yard setback (ft)	25	25	25	
District Land Uses	See Section 3			
Development Standards	See Section 4			
Parking Standards	See Section 5			
NOTES: (sf = square feet, ft = feet) Site plan review or PUD Plan review is required for multi-family according to Sections 8.3, 10.1 Appendix, and 8.4 where applicable.				

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## 2.5 Commercial Districts

### 2.5.1 Town Center District (TC)

PURPOSE	TYPICAL BUILDING TYPE
<p>The Town Center District (TC) is intended to accommodate a mixture of uses developed in a traditional grid typical of a traditional downtown, walkable environment. A variety of building types ranging in height from two to three stories may incorporate office, retail, entertainment, upper floor residential, and institutional uses in one building or on adjacent sites. Buildings are located close to the sidewalk and should be designed to accommodate high levels of pedestrian activity. Parking should be located both on-street and at strategically located off-street surface lots. The fringe of the TC District supports traditional single-family neighborhoods connected with bicycle and pedestrian facilities. The TC District is intended to foster vibrant, walkable, mixed-use, and economically-sustainable development and redevelopment in the City's traditional core and encourage development or redevelopment that complements the downtown area's unique architectural and historical character with pedestrian connections within the downtown and between it and nearby key destinations.</p>	

AREA, YARD, AND HEIGHT REQUIREMENTS		TYPICAL LOT PATTERN
Minimum lot area (sf)	None	
Minimum lot width (ft)	None	
Minimum floor area per dwelling unit (sf)	450	
Maximum building coverage (% of lot area)	100	
Maximum Gross Unit Density(ac)	n/a	
Maximum height (ft)	64	
Minimum/Maximum front yard setback (ft)	0/0	
Minimum/Maximum side yard setback (ft)	0/0	
Minimum rear yard setback (ft)	0	
District Land Uses	See Section 3	
Development Standards	See Section 4	
Parking Standards	See Section 5.2.1	
<p>NOTES: (sf = square feet, ft = feet) Site plan review is required according to Sections 8.3 and 10.1 Appendix.</p>		

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2.5.2 Neighborhood Commercial - NC		
PURPOSE		TYPICAL BUILDING TYPE
It is the intent to this district to establish commercial areas to serve surrounding residential districts. The regulations are intended to discourage strip commercial development and encourage grouping of uses in which parking and traffic congestion is reduced to a minimum.		Photo to be added
AREA, YARD, AND HEIGHT REQUIREMENTS (ARTICLE VIII)		TYPICAL LOT PATTERN
Minimum lot area (ac)	n/a	Photo to be added
Minimum lot width (ft)	n/a	
Minimum floor area per dwelling unit (sf)	n/a	
Maximum building coverage (% of lot area)	n/a	
Maximum Gross Unit Density(ac)	21	
Maximum height (ft)	35	
Minimum front yard setback (min) (ft)	30	
Minimum side yard setback (ft)	10	
Minimum rear yard setback (ft)	25	
District Land Uses	See Section 3	
Development Standards*	See Section 4	
Parking Standards	See Section 5	
NOTES: (sf = square feet, ft = feet) Site plan review is required according to Sections 8.3, 10.1 Appendix, and 8.4 where applicable. *Planned Unit Development requirements shall govern all shopping centers.		
TYPICAL DEVELOPMENT CONFIGURATION		
Illustration to be added		

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**2.5.3 Intermediate Commercial - IC**

PURPOSE	TYPICAL BUILDING TYPE
It is the intent of this district to establish a commercial area that encourages compatible commercial uses. The regulations are intended to reduce traffic congestion and maintain the characteristics of the community.	

AREA, YARD, AND HEIGHT REQUIREMENTS (ARTICLE VIII)		TYPICAL LOT PATTERN	
Minimum lot area (sf)	n/a		
Minimum lot width (ft)	n/a		
Minimum floor area per dwelling unit (sf)	n/a		
Maximum building coverage (% of lot area)	n/a		
Maximum Gross Unit Density(ac)	n/a		
Maximum height (ft)	* See note below		
Minimum front yard setback (ft)	20		
Minimum side yard setback (ft)	1-4 stories 5-6 stories		10 each side 15 each side^
Minimum rear yard setback (ft)	25		
District Land Uses	See Section 3		
Development Standards	See Section 4		
Parking Standards	See Section 5		
<p>NOTES: (sf = square feet, ft = feet)</p> <p>Site plan review is required according to Sections 8.3, 10.1 Appendix, and 8.4 where applicable.</p> <p>*Maximum of 44 feet floor of top floor of building, with maximum height of building not to exceed 64 feet. For structures other than buildings, the maximum height shall be 44 feet.</p>			

**TYPICAL DEVELOPMENT CONFIGURATION**



2.5.4 Arterial Commercial - AC			
PURPOSE		TYPICAL BUILDING TYPE	
<p>It is the general purpose and intent of this district to establish areas of commercial uses along major arterial streets and adjacent intersecting streets that encourage grouping of compatible commercial uses, reduce traffic congestion, and secure adequate light, air, and aesthetic qualities for residents of the City.</p>		Photo to be added	
AREA, YARD, AND HEIGHT REQUIREMENTS (ARTICLE VIII)		TYPICAL LOT PATTERN	
Minimum lot area (sf)	n/a	Photo to be added	
Minimum lot width (ft)	149^		
Minimum floor area per dwelling unit (sf)	n/a		
Maximum Gross Unit Density (ac)	n/a		
Maximum height (ft)	•See note below		
Minimum front yard setback (ft)	30		
Minimum side yard setback (ft)	1-4 stories 5 stories 6 stories		10 each side 20 each side+ 30 each side~
Minimum rear yard setback (ft)	20		
District Land Uses	See Section 3		
Development Standards*	See Section 4		
Parking Standards	See Section 5		
<p>NOTES: (sf = square feet, ft = feet)                      Site plan review is required according to Sections 8.3, 10.1 Appendix, and 8.4 where applicable.                      ^Except that land tracts 300 ft or more may have minimum lot widths of 75 feet, provided: (1) a frontage access street is constructed to City specifications, and, (2) the street is approved by the Planning Commission and accepted by the City.                      •Maximum of 44 ft floor of top floor of building, with maximum height of building not to exceed 64 ft. For structures other than buildings, the maximum height shall be 44 ft.                      + On 5 story buildings, setbacks may shift side yard requirements to 10/30 ft.                      ~Buildings of 6 stories may shift side yard requirements to 20/40 ft.                      * Planned Unit Development Standards shall govern all shopping centers.</p>			
<b>TYPICAL DEVELOPMENT CONFIGURATION</b>			

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## 2.6 Employment Districts

### 2.6.1 Industrial District - IN

PURPOSE	TYPICAL BUILDING TYPE
<p>It is the intent of this district to establish industrial areas along with open areas which will likely develop in a similar manner. The requirements established in the district regulations are designed to protect the essential characteristics of this district in order to promote and encourage industrial, wholesaling, and business uses.</p>	

AREA, YARD, AND HEIGHT REQUIREMENTS (ARTICLE VIII)		TYPICAL LOT PATTERN
Minimum lot area (sf)	n/a	
Minimum lot width (ft)	n/a	
Minimum floor area per dwelling unit (sf)	n/a	
Maximum building coverage (% of lot area)	n/a	
Maximum height (ft)	44^	
Minimum front yard setback (ft)	30	
Minimum side yard setback (ft)	20	
Minimum rear yard setback (ft)	25	
District Land Uses	See Section 3	
Development Standards	See Section 4	
Parking Standards	See Section 5	

NOTES: (sf = square feet, ft = feet)

Site plan review is required according to Sections 8.3, 10.1 Appendix, and 8.4 where applicable.

^Maximum of 32 ft floor of top floor of building with maximum height of building not to exceed 44 ft.



### TYPICAL DEVELOPMENT CONFIGURATION





## 2.7 Special Districts

### 2.7.1 Historic Residential Office - HRO

PURPOSE		TYPICAL BUILDING TYPE
<p>It is the purpose and intent of this district to protect and strengthen historic residential neighborhoods, foster civic beauty, strengthen the local economy, and promote the preservation of historic structures and sites for the present and future citizens of the City. To this end, this district provides for the regulation of exterior design, use of materials, and arrangement of principal and accessory uses and structures on sites within this district in a manner which will preserve the residential and historic character of this district whenever residential structures are proposed for adaptation to another principal use. It is also the intent of this district to assure that the construction of new structures for multi-family residential and nonresidential uses have an external appearance compatible with the general character of residential structures within the district listed as "contributing structures" to the Thomas Addition Historic District, as has been designated by the National Register of Historic Places. Further, it is the intent of this district to preserve tree cover.</p>		
AREA, YARD, AND HEIGHT REQUIREMENTS (ARTICLE VIII)		TYPICAL LOT PATTERN
Minimum lot area (sf)^	8,000^	
Minimum lot width (ft)	70	
Minimum floor area per dwelling unit (sf)	n/a	
Maximum building coverage (% of lot area)	n/a	
Maximum height (ft)	35	
Minimum front yard setback (ft)	30	
Minimum side yard setback (ft)	8 per story	
Minimum rear yard setback (ft)	25	
District Land Uses	See Section 3	
Development Standards	See Section 4	
Parking Standards	See Section 5	
<p>NOTES: (sf = square feet, ft = feet)                      Site plan review is required according to Sections 8.3, 10.1 Appendix, and 8.4 where applicable.                      Site plan must be reviewed by the HRO Committee prior to consideration by the Planning Commission. Applicant or representative shall be present at HRO Meeting at which the plan is reviewed.</p> <p>^16,000 sf for duplex. Maximum density 8 units/acre</p>		
TYPICAL DEVELOPMENT CONFIGURATION		

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2.7.2 Tourist Commercial - TCL (C-5)	
PURPOSE	TYPICAL BUILDING TYPES
It is the intent of this district to provide areas for large comprehensively designed mixed use developments for tourist-related uses and to further provide development regulations which recognize the unique impact and needs of such specialized mixed use developments. No previously developed area nor a presently undeveloped area shall be considered for rezoning to TCL until and unless the conditions set out in 2.7.3.1-2.7.3.3 are met.	
photo to be added	
AREA, YARD, AND HEIGHT REQUIREMENTS (ARTICLE VIII)	TYPICAL LOT PATTERN
Minimum district and lot area	^
Minimum lot width (ft)	n/a
Minimum floor area per dwelling/short-term rental unit (sf)	n/a
Maximum impervious lot coverage (% of lot area)	n/a
Maximum Gross Unit Density (ac)	21
Maximum height for buildings (ft)	110
Maximum height for non-building structures	88ft*
Minimum front yard setback for buildings	30ft
Minimum side yard setback for buildings - Up to 64ft	10^^
Minimum side yard setback for buildings - >64ft to 80ft	30
Minimum side yard setback for buildings - >80ft to 110	30 plus 1 ft for each ft above 80
Minimum rear yard setback for buildings - Up to 64ft	25
Minimum rear yard setback for buildings - >64ft to 80ft	30
Minimum rear yard setback for buildings - >80ft to 110	30 plus 1 ft for each ft above 80
Minimum front yard setback for non-building structures	The height of the structure but no less than 30 ft
Minimum side yard setback for non-building structures	The height of the structure but no less than 10 ft^^
Minimum rear yard setback for non-building structures	The height of the structure but no less than 30 ft
District Land Use	See Section 3
Development Standards	See Section 4
Parking Requirements	See Section 5
<p>NOTES: (sf = square feet, ft = feet)</p> <p>Site plan review is required according to Section 8.3, 10.1 Appendix, 8.4 if applicable.</p> <p>^25 ac shall be required to create a C-5 zone. (See 2.7.3.1 - 2.7.3)</p> <p>^^Except that no structure shall be located closer than 25 ft to the boundary to a zoning district other than TCL.</p> <p>*No structure may be more than 44 feet above the next highest structure on the site. (See 3.4.7.2)</p>	
photo to be added	



## Tourist Commercial District - TCL

- 2.7.2.1 **Requirements for Rezoning Application.** No previously developed area nor a presently undeveloped area shall be considered for rezoning to this designation until and unless the following conditions are met:
- a. **Minimum District Size.** Twenty-five (25) acres. The applicant or City shall initiate annexation proceedings for any area intended to be included as part of a tourist commercial area developed under provisions of 2.7.3, with the effective date of TCL zoning being coordinated with the effective date of annexation.
  - b. **Location and Configuration of District.** The area proposed for rezoning shall have frontage on an arterial street. The primary entrance to the district shall be provided from such arterial street; except that, the primary entrance may be located upon a collector street upon a finding by the Planning Commission that such street is adequate to accommodate the amount and type of traffic expected. Secondary entrances to the district may be provided by a collector street so long as such street is deemed to be adequate to accommodate the amount and type of traffic expected to use such secondary entrances.
  - c. **Composition of Uses Within District.** At least eighty (80) percent of a TCL district shall be devoted to commercial, amusement, recreational, and residential uses primarily oriented toward attracting and housing tourists.
  - d. **Schedule for Development.** A schedule outlining the anticipated dates on which various types of site improvements and establishment of uses are anticipated to occur shall be submitted with or included on the master plan (see 2.7.3.f.) for the district.
  - e. **Signs.** Major and minor project identification signs and internal project directional signs, along with signs related to individual uses within a TCL district, shall be subject to the provisions of Table 6.3, and other applicable provisions of Chapter 6.0 of this ordinance.
  - f. **Master Plan Requirements.** In order for the Planning Commission to take action on an application for the creation of a TCL district, a generalized master plan and schedule for development must be submitted which contains the items set out below. If the district is to be developed in phases, then such shall be indicated on the plan.
    - i. **Anticipated Uses.** Indicate location of anticipated tourist-oriented and other uses.
    - ii. **Access, Parking, and Transportation Facilities.** Indicate location and width of primary and secondary access points onto the existing public street system, location and width of proposed public streets and/or internal drives within the District, location of surface parking areas and/or parking garages with estimated number and type of parking spaces (passenger vehicles, private tour buses, recreational vehicles, delivery vehicles), and, if applicable, the location of transit stops for vehicles such as trolleys and buses.
    - iii. **Sign Locations.** The locations of major and minor project identification signs and internal project directional signs shall be shown on the master plan.
    - iv. **Traffic Impact Study.** A traffic impact study shall be prepared by an engineer licensed to practice in the State. Such plan shall include analysis of traffic generation and impact upon the existing public street system from the initial through final development phase.
- 2.7.2.2 **Consideration of Rezoning Application.** Upon approval of the master plan, the Planning Commission will certify its recommendation to the Board of Mayor and Aldermen regarding rezoning of the subject site to TCL. In the event that a TCL district created pursuant to Section 2.7.3.1 does not develop in accordance with the master plan and the intent of this district, the Planning Commission may review the continued appropriateness of such district and may propose all or part

## Tourist Commercial District - TCL (C-5)

of such district be rezoned to another commercial zoning classification.

2.7.2.3 **Submission of Site Plans.** Following the creation of a TCL district, uses shall generally be developed in the sequence set out in the master plan. Site plans for individual structures and/or use within the district shall be prepared in accordance with Sections 8.3 and 10.0 Appendix of this ordinance. Additions or changes to structures, parking areas, and/or access points onto public streets shall also require submittal of a site plan. However, upon a finding by the appropriate officials of the Development, Codes Enforcement, and Engineering Departments that a proposed addition or change is minor, and will not significantly impact the public street or infrastructure system, then such site plan maybe reviewed and approved by City staff.

### 2.7.4 Master Planned Development District (MPD)

PURPOSE	TYPICAL BUILDING TYPE
<p>The purpose of the Master Planned Development District is to provide for the development of well-planned communities through flexible and diversified land development standards. For purposes of this Ordinance a Master Planned Development District shall be a tract of land at least 25 acres in area.</p>	<p>The Master Planned Development District is highly customized. A typical building illustration is not applicable.</p>
PRINCIPAL INTENSITY AND DIMENSIONAL STANDARDS	TYPICAL LOT PATTERN

2.7.3 Visitor Accommodation District - VA	
PURPOSE	TYPICAL BUILDING TYPES
It is the intent of this district to provide a range of uses to satisfy visitor or tourist needs for accommodations, while also allowing residential living units meant for longer stays. For the purposes of the regulations governing the district, the term “accommodation unit” shall be defined as set out in Chapter 9.0 Definitions.	photo to be added
AREA, YARD, AND HEIGHT REQUIREMENTS (ARTICLE VIII)	TYPICAL LOT PATTERN
Minimum lot area (sf) <sup>^</sup>	^
Minimum lot width (sf)	n/a
Minimum floor area per unit (sf)	n/a
Maximum building coverage (% of lot area)	80
Maximum height (sf)	44 ft floor of top floor of building with maximum height of building not to exceed 64 ft.
Minimum front yard setback (ft) <sup>^^</sup>	Buildings and recreational vehicle parking areas, 25 ft from exterior property lines of development. Buildings to be at least 20 ft apart and recreational vehicle pads for one night stays to be no closer than twenty (20) to any other recreational vehicle pad or any boundary (front, side or rear) of such pad.
Minimum side yard setback (ft) <sup>^^</sup>	
Minimum rear yard setback (ft) <sup>^^</sup>	
District Land Uses	See Section 3
Development Standards	See Section 4
Parking Standards	See Section 5
NOTES: (sf = square feet, ft = feet) Site plan review is required according to Section 8.3 and Appendix. <sup>^</sup> 3 acres shall be required to establish a VA zone for 100 or less accommodation units. (See 2.7.3.1 - 2.7.3.3) <sup>^</sup> 4 acres shall be required to establish a VA zone for 100 or more accommodation units. (See 2.7.3.1 - 2.7.3.3) <sup>^^</sup> Where the building or other codes of the City require more separation for certain types of buildings, the stricter shall govern. •For structures other than buildings, the maximum height shall be 44 ft.	
TYPICAL DEVELOPMENT CONFIGURATION	
Illustration to be added.	

## Visitor Accommodation District - VA (V-1)

### 2.7.3.1 Conditions for Establishment of the District

a. A minimum of three (3) acres shall be required to establish a district intended for one hundred (100) or less accommodation units, at least a majority of which are primarily intended for overnight rental, short-term rental, or seasonal use by persons who are not residents of the City.

b. A minimum of four (4) acres shall be required to establish a district intended for more than one hundred (100) accommodation units, at least a majority of which are primarily intended for overnight rental, short-term rental, or seasonal use by persons who are not residents of the City.

c. Prior to approval of an area for VA zoning, adequate public utilities shall be available to that area, including water for fire protection and potable use, sanitary sewer, and electrical power.

d. The VA district is not appropriate for placement within residential subdivisions zoned LDR or MDR, where single family housing predominates. It is rather intended for areas where high density residential uses occur, where commercial uses are present or envisioned, or where relatively undeveloped areas allow substantial space for resort or vacation oriented environments.

e. A conceptual or master plan shall be submitted to the Planning Commission for approval when the Planning Commission considers a request for VA zoning. The plan shall indicate property boundaries, general building locations, access points, adjacent right of ways, parking areas and drives, number of units, accessory uses, amenities, and any other information deemed crucial by the Planning Commission. Acceptance of a suitable conceptual plan shall be a necessary condition for zoning approval.

2.7.3.2 Subordinate Uses. In addition to the primary permitted uses for the VA District, as set out in Table 3.1, the following uses may be allowed in accordance with the following standards:

a. As provided for in Table 3.1, recreational vehicle parks, and recreational vehicle storage areas for the temporary use of visitors occupying other accommodations within the confines of the development are permitted, but limited to occupying no more than fifty (50) per-

cent of the development site.

b. Game or exercise rooms and spaces, conference buildings, and restaurants (seating 75 or more persons) may be permitted in structures separate from accommodation units, if such structures or facilities are incidental to the principal use of visitor accommodations.

c. Where accommodation units within a single development or site amount to sixty (60) or more units, the following accessory uses may be included in a building containing at least twenty five (25) accommodation units, or, in separate buildings, so long as such are oriented toward serving overnight patrons of the development: gift shops, auto rental offices, pharmacies, florists, coffee and confectionery shops, barber and beauty shops, exercise or game rooms, restaurants, and conference Areas.

2.7.3.3 Site Development Standards. In addition to other applicable development standards in this ordinance, such as those related to off-street parking and signs, the following standards shall apply in the VA District:

a. Any visitor accommodation development exceeding two hundred (200) accommodation units shall be required to submit a traffic impact study, conducted by a Professional Engineer (P.E.) prior to site plan approval by the planning commission. Such a study shall consider projected traffic volumes on existing or proposed streets and roads providing access to a visitor accommodation development, and the capacities of those thoroughfares to convey the volumes adequately. The result of the traffic impact study shall be one of the factors evaluated by the Planning Commission regarding site plan approval.

b. A minimum of 20% of every visitor accommodation development shall be devoted to open space and planted with vegetation. Such open space may be used also to satisfy landscape requirements as set forth in the Landscape Standards section of Table 4.1 and may provide areas for recreational uses utilizing landscaped surfaces (trails, playing fields, etc.).

c. Visitor accommodation developments shall have building setbacks of at least twenty-five (25) feet from their exterior property lines, and buildings shall be located at least twenty (20) feet apart. However, the adopt-

ed building code of the City of Sevierville may require more than the minimal distance of building separation for certain types of buildings. The stricter requirement shall govern with regard to the distance of building separation.

d. Recreational vehicle parks, or recreational vehicle parking areas used for temporary storage of such vehicles during the period their owners are occupying other accommodations on site, shall be setback from exterior property boundaries at least twenty-five (25) feet. Recreational vehicle pads used for overnight stays shall be located so that no recreational vehicle pad is closer than twenty (20) feet to any other recreational vehicle pad on any boundary (front, side, or rear) of such pad.

#### 2.7.3.4 Site Plans for Visitor Accommodation Development

a. A detailed site plan shall be submitted to the Planning Commission for any visitor accommodation development proposed in an established VA district, regardless of the particular types of permitted accommodation units anticipated for the development. The site plan shall meet the site plan preparation regulations set out in Section 8.3 and 10.1 Appendix.

**2.7.4 Master Planned Development District (MPD)**

PURPOSE	TYPICAL BUILDING TYPE
<p>The purpose of the Master Planned Development District is to provide for the development of well-planned communities through flexible and diversified land development standards. For purposes of this Ordinance a Master Planned Development District shall be a tract of land at least 25 acres in area.</p>	<p>The Master Planned Development District is highly customized. A typical building illustration is not applicable.</p>

PRINCIPAL INTENSITY AND DIMENSIONAL STANDARDS		TYPICAL LOT PATTERN
Minimum lot area (sf)	According to Master Plan	<p>Lotting patterns vary widely in a Master Planned Development according to the nature and purpose of the development. Lotting pattern may range from those associated with a residential neighborhood to those associated with major commercial or industrial developments.</p>
Minimum lot width (ft)		
Minimum floor area per dwelling unit (sf)		
Maximum building coverage (% of lot area)		
Maximum height (ft)		
Minimum front yard depth (ft)		
Minimum side yard depth (ft)		
Minimum rear yard depth (ft)		
District Land Use	Permitted and prohibited uses to be proposed in the master plan	
Development Standards	See Section 4	
Parking Standards	See Section 5	
<p>NOTES: (sf = square feet, ft = feet)                      Site plan review is required according to Section 8.10.                      Approval according to Section 8.11.</p>		

**TYPICAL DEVELOPMENT CONFIGURATION**





## Master Planned Development District (MPD)

### 2.7.4.1 Master Plan Required

The MPD District shall be established only upon application, after public hearing as specified in the amendatory procedures of this Ordinance. The MPD shall require an approved Master Plan setting out the district standards, which will govern the development as described in the following sections. The Master Plan must provide for and conform entirely to the following requirements:

a. MPD Zones are intended to be developed at a higher quality standard. The MPD District Standards shall indicate the land use, development standards, and other applicable specifications, which shall govern the MPD. If the MPD District Standards does not address specific land use, development standard or other specification, the standard of the previous zoning district shall apply.

b. Residential areas shall be permitted a maximum density of up to 8.2 units per acre for detached dwellings and up to 23 units per acre for attached dwellings.

c. Uses permitted in the MPD may be any combination of uses that are found on the "Uses Permitted by District" table under the MPD district, subject to approval of the Planning Commission.

d. Street widths and improvements thereof, as well as off street parking facilities must conform to City standards or in lieu of such standard, to the standard approved in the master plan. While alternate widths may be proposed, in no case shall street construction standards be varied

e. Provisions for solid waste, water supply, sanitary sewers, storm water drainage, and connections shall be made according to requirements to the City.

f. All improvements are to be installed and by the developer unless other arrangements approved by the Board of Mayor and Alderman are made. Maintenance of improvements shall be based on the designation of public or private use.

g. Other special improvements may be required if they are deemed reasonable and essential, and may require that appropriate deed restrictions be recorded in the office of the Sevier County Register of Deeds and enforceable by the City for 20 years.

2.7.4.2 A minimum total area of 15 percent of the gross

residential area shall be set aside for open space and recreation. Of this total, 5 percent must be passive and active recreation intended to serve residents of the MPD. Parks and playgrounds must be suitably improved for its intended use. Natural features clearly worthy of preservation may be left unimproved as open space with a maximum of one-half covered in water. If the developer permanently set's aside more than 15 percent of open space, then the developer can work with the City staff in terms of how the open space is preserved (i.e. natural state, active and/or passive recreation, water, etc.).

2.7.4.3 The developer shall also submit sketches of the plan for the entire project showing the relationship of uses, street patterns, open space and the general character of the proposed development, including a schematic rendering illustrating the character of a typical segment of the development.

2.7.4.4 The Master Site Plan shall conform to the site plan standards in the Appendix of this Ordinance.

## 2.7.5. Overlay Districts

2.7.5.1 Flood Overlay District (FLO.) The Flood Overlay District identifies land within the City that lies wholly or partly within the 100-year floodplain or floodway. The zoning map indicates the approximate location of these floodplains. The official National Flood Insurance Program (NFIP) flood maps should be consulted for final determination of the boundary of this overlay district.

- a. Uses. Allowable uses in this overlay district shall be those allowed in the underlying base zoning district.
- b. Development within the FLO District. Any development within this District shall be accomplished in accordance with the provisions of the Sevierville Municipal Flood Damage Prevention Ordinance, and with the following provisions:
  - i. All development within the FLO District shall be constructed so that the finished floor elevation is one (1) foot above the one hundred (100) year flood elevation.
  - ii. Except as provided for in iii. below, no building or structure shall be located within ten (10) feet of an established floodway lying within the FLO, as shown on NFIP maps.
  - iii. The Planning Commission may allow construction in the designated floodway provided a detailed engineering study is submitted that verifies a "no impact" condition is maintained. The study shall make use of the HEC-RAS computer model or a subsequent FEMA approved model.
  - iv. On any stream without an established floodway, no building or structure shall be permitted within ten (10) feet of the top of the bank of the stream.

2.7.5.2 Interstate Impact Overlay District (IIO). The provisions of this District are designed to recognize the unique circumstances created at the points at which local, state, and federal streets and highways intersect with the federal Interstate system of highways. The intent of this district is to provide for the placement of on-premises business signs, appropriate in size and scale to their setting, for the purpose of attracting high speed Interstate travelers to exit the Interstate.

- a. Uses. Allowable uses in this overlay district shall be those allowed in the underlying base zoning district.

- b. Interstate monopole signs may be placed within the IIO District, but only in accordance with all applicable provisions of Chapter 6.0, Signs, and Chapters 3.0 and 4.0, where applicable.

2.7.3.3 Downtown Commercial Historic Overlay District (DHO). The Downtown Commercial Historic District identifies properties within the original historic boundaries of the original development of the commercial area of Downtown Sevierville. The intent of this overlay is to preserve and protect the pedestrian connectivity, the historic architecture, and the historical center of Sevier County.

The overlay zone, as adopted by the Board of Mayor and Alderman, and as may be amended from time to time, shall be regulated in accordance with the Historic Zoning Commission requirements as set forth in T.C.A. § 13-7-401 – 13-7-409 and Section 8.3 of this ordinance.

- a. Uses: The allowable uses shall be those allowed in the underlying base zoning district.
- b. Additional Requirements: A certificate of appropriateness, as defined in Section 8.4 hereof, must be issued by the Historic Zoning Commission, in accordance with its procedures as set forth in Subsection 8.4.4 hereof, prior to any site development, alteration, demolition or the issuance of a building permit in the DHO District.

## 3.0 USES AND PERFORMANCE CONDITIONS

### 3.1 Establishment of a Table of Uses

The uses permitted in order to achieve the intent of the zoning districts established by [Chapter 2.0](#) are set forth in the Table of Uses, [Table 3.1](#).

### 3.2 Determination of Use Category

The provisions of this ordinance shall be administered and enforced by the Municipal Building Inspector. This official shall have the right to enter upon any premises necessary to carry out his duties in the enforcement of this ordinance.

### 3.3 Table of Uses

3.3.1 Generally. [Table 3.1 Uses Permitted by District](#) lists uses permitted in each zoning district by right; except that, within the TC District certain uses may be permitted as a special exception, or after staff review. Specific use performance conditions are set forth in [Section 3.4](#).

3.3.2 Districts. [Table 3.1 Uses Permitted by District](#) lists uses for each district within the City's zoning jurisdiction. Uses in Overlay Districts are governed by the uses in underlying districts and further supplemented by regulations set out in other provisions of this ordinance.

3.3.3 Symbols.

- i. Where the symbol "■" is shown, the use to which it refers is permitted as a use by right in the indicated district, provided it complies fully with all applicable development standards of this Chapter.
- ii. Where the symbol "◆" is shown, the use to which it refers is a special exception and must be approved by the Board of Zoning Appeals under the process for special exceptions set out in [Section 8.2.3.b](#).
- iii. Where the symbol "□" is shown, the use to which it refers requires staff review in which additional supporting and clarifying information may be required and development conditions applied to mitigate negative impacts.

- iv. Where the symbol "--" is shown or where a cell is blank in the table, the use to which it refers is not permitted.

### 3.4 Additional Standards

[Section 3.4](#), which follows [Table 3.1](#), contains additional standards applicable to the various uses organized by the use categories set out in [Table 3.1](#): Agriculture; Residential; Institutional; Industrial; Lodging; Office; Recreational and Entertainment; Retail and Personal Service; Support Service; Accessory; and Temporary and Miscellaneous;

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TABLE 3.1 USES PERMITTED BY DISTRICT																
■	Permitted															
□	Permitted on Review															
◆	Special Exception															
-	Not Permitted	AR A-R	LDR R-1	MDR R-2	HDR R-3	TC	NC C-2	IC C-3	AC C-4	IN M-1	HRO	TCL C-5	VA V-1	MPD		
<b>Agriculture</b>																
Agriculture Tourism Activity	■											■	■	■		
Customary General Farming	■	■	■	■	■		■	■								
Winery	■									■		■	■	■		
<b>Residential</b>																
Boarding and Rooming Houses				■	■									■		
Live/Work Unit						■	■	■						■		
Mobile Home Park					■		■									
Multifamily				■	■		■	■			□	■	■	■		
Single Family	■	■	■	■	■	◆	■	■			■		■	■		
Two Family				■	■		■	■			■	■	■	■		
Upper Floor Housing						■	■	■	■		■	■	■	■		
<b>Institutional</b>																
Community & Civic Association Uses					■	■	■	■	■	■				■		
Government		■	■	■	■	■	■	■	■	■	■	■		■		
Hospital						■	■	■	■	■				■		
Library						■	■	■	■					■		
Medical Clinics (Specified)							■	■	■					■		
Museum or Art Gallery						■	■	■	■			■		■		
Nursing Home					■		■	■	■	■				■		
Park, Public	■	■	■	■	■	■	■	■	■	■	■	■	■	■		
Religious Assembly	■	■	■	■	■	■	■	■	■	■	□	■	■	■		
School		■	■	■	■		■	■	■					■		
<b>Industrial</b>																
Any industry which does not cause injurious or obnoxious noise, fire hazards or other objectionable conditions										■						
Large Distillery										■						
Mining/Extraction										◆						
<b>Lodging</b>																
Bed and Breakfast Homestay											■			■		
Bed and Breakfast Inn												■	■	■		

TABLE 3.1 USES PERMITTED BY DISTRICT																	
■	Permitted																
	□																
◆	Special Exception																
-	Not Permitted	AR A-R	LDR R-1	MDR R-2	HDR R-3	TC	NC C-2	IC C-3	AC C-4	IN M-1	HRO	TCL C-5	VA V-1	MPD			
	Hotel, Motel - With Amusement																
	Hotel, Motel - Without Amusement																
	Recreational Vehicle Park/Travel Trailer Park																
	Recreational Vehicle Parking for Tourist occupying other Accommodations within a Development																
	Short-Term Rental Unit	■		□	■	■	■	■	□		□	■	■	■			
<b>Office</b>																	
	Cabin Rental Office																
	Doctor/Dentist Office																
	Professional Offices				■	■	■	■	■	■	■	■	■	■			
<b>Recreation and Entertainment</b>																	
	Outdoor Entertainment (44 Feet and Under)																
	Outdoor Entertainment (Over 44 Feet)											□					
	Places of Amusement - Indoor																
	Special Assembly Venue	■															
	Tennis Clubs, Country Clubs, & other similar uses		■	■	■					■							
<b>Retail and Personal Service</b>																	
	Automobile and Mobile Home Sales																
	Day Care Center			■	■						□						
	Day Care (TC)																
	Farmer's Market																
	Financial Services																
	Funeral Home																
	Gasoline Stations																
	Pawn Shops																
	Personal Services																
	Psychic & Palm Reading Activities																
	Restaurant With Drive-Through																
	Restaurant Without Drive-in or Drive-Through																
	Retail Distilleries																
	Retail Stores																

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## 3.4 Additional Standards

### 3.4.1 Agriculture Uses

#### 3.4.1.1 Agriculture Tourism Activity (Agritourism)

- a. **Definition:** Recreational, entertainment, and/or educational activity occurring on land on which farm products or nursery products are raised. Examples of agriculture tourism activities include: crops offered to direct consumers for sale and/or harvesting in small quantities, such as flowers, herbs, fruit, berries, and/or vegetables and conducting classes related to the growing and use of such products; vineyards/wineries; and/or, offering a suitable rural setting for a corn maze, wedding, and/or similar periodic activities.

b. **Parking:**

- i. Two spaces for any residential use on site.
- ii. Demonstration by property owner of adequate stabilized parking area to accommodate vehicles of patrons of the agriculture tourism activity, such as automobiles, vans, buses, and recreational vehicles.

- c. **Loading:** As provided for in [Section 5.3](#) of this ordinance.

d. **Additional Standards:**

- i. Comply with other City regulations that may be applicable to operation of the agriculture tourism activity, such as but not limited to, Title 16, Chapter 3, Special Events, Title 10, Animal Control, of the Municipal Code, and the Fire Code.
- ii. Demonstrate awareness of TCA 43-39-101-103, regarding the inherent risks of an agritourism activity.

#### 3.4.1.2 Customary General Farming

- a. **Definition:** The use of property for the cultivation of crops and other farm products common

to Sevier County.

- b. **Parking:** Two spaces for any residential use on site.

- c. **Loading:** None

d. **Additional Standards:**

- i. Provide adequate driveway depth so as to prevent farm vehicles from impeding the flow of traffic on the adjoining public street.
- ii. Comply with other City ordinances as may be applicable.
- iii. For property within the AR zone, if any agriculture tourism activity or special event occurs on the property, such must comply with Section 3.4.1.1 of this ordinance.

#### 3.4.1.3 Winery

- a. **Definition:** Any place or premises wherein wines are manufactured from any fruit or brandies distilled as the by-product of wine or other fruit or cordials compounded, and also includes a winery for the manufacture of wine.

b. **Parking:**

- i. One space per 250 square feet of retail sales area or customer service area.
- ii. All parking must be provided within the property. No parking shall be permitted on the public right-of-way or within 10 feet of property lines on the side and rear of the property.

- c. **Loading:** None required, except for manufacturers of wine which shall conform to [Section 5.3](#) of this ordinance.

d. **Additional Standards:** None

### 3.4.2 Residential Uses

#### 3.4.2.1 Boarding House - Rooming House

- a. Definition: A building containing a single dwelling unit and not more than five guest rooms where lodging is provided with or without meals for compensation.
- b. Parking: Two spaces for the single dwelling unit
- c. Loading: None
- d. Additional Standards: None

#### 3.4.2.2 Live/Work Unit

- a. Definition: A single unit consisting of both a commercial and/or office component and a residential component that is occupied by the same resident. The live/work unit shall be the primary dwelling of the occupant.
- b. Parking: Two for the occupant. Additional parking may be required based upon the type of business component.
- c. Loading: As provided for in [Section 5.3](#) of this ordinance.
- d. Additional Standards:
  - i. The commercial component of live/work units are intended for use by the following occupations: accountants; architects; artists and artisans; attorneys, computer software and multimedia related professionals; consultants; engineers; fashion, graphic, interior and other designers; hair stylists; home-based office workers, insurance, real estate and travel agents; one-on-one instructors; photographers, and similar occupations;
  - ii. The residential and the commercial space must be occupied by the same tenant, and no portion of the live/work unit may be rented or sold separately;

- iii. The commercial component as designated on the approved floor plan shall remain commercial and cannot be converted to residential use;
- iv. The residential component as designated on the floor plan approved through the building permit shall remain residential and cannot be converted to commercial use;
- v. Signage intended to promote on-site commercial uses shall be restricted to two square foot signs permanently affixed to door or wall of the business component;
- vi. The external access for the commercial component shall be oriented to the street and should have at least one external entrance/exit separate from the living space. The entrance to the business component shall be located on the ground level. Access to the commercial component of each live/work unit shall be clearly separate from the common walkways or entrances to the other residential units within the development, or other residential units in adjacent developments.

#### 3.4.2.3 Mobile Home Park

- a. Definition: A parcel or tract of land under single ownership which has been planned and improved for the placement of mobile homes for dwelling purposes.
- b. Parking: One space for a each unit
- c. Loading: None
- d. Additional Standards: Where two or more mobile homes are to be located on one development site, such development site will be considered as a residential PUD.

## 3.4.2.4 Multifamily Dwelling

- a. Definition: A structure or structures containing more than two attached dwelling units used for residential occupancy.
- b. Parking:
  - i. 150 units or less = 2 parking spaces per unit
  - ii. 151-300 units = 1.5 parking spaces per unit
  - iii. 301+ units = 1 parking space per unit
- c. Loading: None
- d. Additional Standards:
  - iv. Where two or more multifamily buildings are to be located on one development site, such development will be considered as a residential PUD.
  - v. The minimum site size and minimum number of residential units stated in i. above shall not apply to residential or mixed use residential developments located within a commercial or visitor accommodation district within which multi-family residential uses are permitted.
- e. Additional TC Standards:
  - i. Façades shall be designed with consistent materials and treatments that wrap around all street-facing façades. There shall be a unifying architectural theme for the entire multifamily development, utilizing a common vocabulary of architectural forms, elements, materials, or colors in the entire structure.
  - ii. Building facades shall include windows, projected or recessed entrances, overhangs, and other architectural features. Three-dimensional elements, such as balconies and bay windows, are encouraged to provide dimensional

elements on a façade.

- iii. Flat roofs shall include cornices, parapets, or similar architectural details to add variety and break up the roofline.
- iv. A site plan shall be required for a multifamily dwelling containing 3 or more dwelling units on a parcel. Where a development site contains more than one multi-family dwelling of 3 or more dwelling units, there shall be a minimum distance of 10 feet between such dwellings. Multifamily dwellings of more than three (3) units shall require site plan review to determine the minimum distance between buildings.
- v. When abutting existing single-family residential uses, the entity responsible for establishing the multi-family use shall construct and maintain a buffer zone in one of the allowed forms of buffer zones, or combinations thereof, the specific form or combination thereof to be determined and approved by the Planning Commission.
- f. Additional HRO Standards: Multi-family developments with five or more units must be located on a collector or arterial street.

## 3.4.2.5 Single Family Dwelling

- a. Definitions:
  - i. A building designed, constructed, and used for one dwelling unit.
  - ii. TC District
    - a. Detached Single Family: A residential building designed for occupancy by one family. For the purposes of this subsection, a single-family dwelling does not refer to mobile, manufactured, modular, panelized or pre-cut homes.

- b. Dwelling, Single Family Attached. Two or more dwelling units, each with primary outside access on the ground floor; and that are attached to each other by legally divided common walls which do not have openings and do not provide for internal access between the dwelling units. This term includes townhomes and duplexes.

to ensure safe and adequate spaces for on-site residents.

- b. Parking: Two spaces for each dwelling unit
- c. Loading: None
- d. Additional Standards: None

c. Loading:

- i. In the HRO and TC districts: None.
- ii. In the NC, IC, AC, TCL, and VA districts: As provided for in Section 5.3 of this ordinance.

d. Additional Standards:

- i. In the HRO and TC districts: None.
- ii. In the NC, IC, AC, TCL, and VA districts:

1. Architectural Standards: Lower commercial and upper residential shall be architecturally different, but complementary through any combination of differing siding materials, bulking, window shapes, colors, changes in roof form and height, and other architectural elements. Box style designs are not permitted.

2. Amenity Requirements:

i. A minimum of half of all upper floor housing units shall be provided with a balcony at least four (4) feet in depth and four (4) feet in length. Balcony requirement may be waived through high-quality design and materials at the discretion of the Development Director.

ii. Recreation shall be provided in the form of a shared courtyard with walkways, green space, and seating or by providing walking trails, seating or picnic areas, and/or playgrounds or ball fields.

3. Residential Entrances: Residential entrances shall be distinguishable from commercial entrances by being located on a different side of the building from commercial uses or by being

3.4.2.6 Two Family or Duplex Dwelling

- a. Definition: A building designed, constructed or reconstructed and used for two dwelling units that are connected by a common structural wall.
- b. Parking: Two spaces for each dwelling unit
- c. Loading: None
- d. Additional Standards: Where two or more two family or duplex buildings are to be located on one development site, such development will be considered as a residential PUD.

3.4.2.7 Upper Floor Residential

- a. Definition: A building where residential occurs on the second floor or above which contains a kitchen and is at least 450 square feet in floor area.
- b. Parking:
  - i. In the TC district: None.
  - ii. In the HRO, NC, IC, AC, TCL, and VA districts: Two (2) spaces per dwelling unit.
    - 1. Commercial and Residential parking may be designated separately



pushed back from the commercial façade line. Residential entrances shall be placed away from loading/receiving docks and dumpster/garbage collection areas. Additionally, residential entrances shall be well lit during both the day and night and shall incorporate high quality landscaping while providing protection from wind and rain through use of canopy or other design tools.

4. Height for Setback Incentive: The front setback may be reduced by five (5) feet per story of upper floor housing provided after the second story of the structure. At no time shall the front setback be less than fifteen (15) feet front the front property line.

5. American with Disabilities Act: To meet ADA requirements, those buildings without elevators may utilize the ground floor for ADA accessible units only.

### 3.4.3 Institutional Uses

#### 3.4.3.1 Community and Civic Association Uses

- a. Definition: Headquarters and meeting facilities for organizations operating on a membership basis for the promotion of the interests of the members, including facilities for: business associations; civic, social, and fraternal organizations; labor unions and similar organizations; political organizations; professional membership organizations and other membership organizations.
- b. Parking: One space for each 300 square feet of floor space
- c. Loading: As provided for in Section 5.3 of this ordinance
- d. Additional HDR Standards:
  - i. Use must be on an arterial or collector

street, buildings must be placed no less than 50 feet from all property lines, a planted buffer strip must be erected on side and rear property lines, and a site plan must be approved by the Planning Commission.

- ii. Existing buildings may be utilized, provided that the provisions of this ordinance are met as closely as possible, and that: no parking shall be allowed in the front yard, and, a site plan is approved by the Planning Commission.

#### 3.4.3.2 Government

- a. Definition: A building, structure, site, or any portion thereof that is used by the City, County, State, or Federal government.
- b. Parking: Based on use of building or land.
- c. Loading: As provided for in Section 5.3 of this ordinance.
- d. Additional LDR, MDR, and HDR standards: Buildings may not be placed closer than 50 feet to the side and rear property lines, there must be planted buffer strips along side and rear property lines, and a site plan must be approved by the Planning Commission.
- e. Additional TC standards: If use is named in Section 5.2.1 of this ordinance, adequate parking must be demonstrated.

#### 3.4.3.3 Hospital

- a. Definition: Any institution, place, building or agency represented and held out to the general public as ready, willing and able to furnish care, accommodations, facilities and equipment for the use, in connection with the services of a physician or dentist, of one (1) or more nonrelated persons who may be suffering from deformity, injury or disease or from any other condition for which nursing, medical or surgical services would be appropriate for care, diagnosis or treatment, and is licensed as such by the State of Tennessee.

see.

- b. Parking: One space for each two staff or visiting doctors plus one space for each two employees and one space for each four beds, computed on the largest number of employees on duty at any period of time.
- c. Loading: As provided for in Section 5.3 of this ordinance.
- d. Additional Standards: None

3.4.3.4 Library

- a. Definition: A public or quasi-public nonprofit facility where literary, musical, reference, and similar materials are available for use on site and/or for loan to patrons, and which may include accessory uses such as a gift shop or café for support of the facility and as a convenience for patrons.
- b. Parking: One space per 4 seats available in the library and in its largest group meeting room, plus one space per two employees on the largest shift.
- c. Loading: As provided for in Section 5.3 of this ordinance.
- d. Additional Standards: None

3.4.3.5 Medical Clinics (Specified)

- a. Definition: Not included in the definition of a specified medical clinic are walk-in clinics that are an accessory use to a retail establishment, clinics that serve a specified subset of the population such as low-income, employee groups, or any clinic operated within the grounds of a hospital facility.

Pain Clinics: For purposes of determining if a clinic, facility, or office qualifies as a 'pain management clinic' or 'clinic', it means a privately-owned clinic, facility or office in which any health care provider licensed under TCA§63-1-301 provides chronic nonmalignant pain treatment to a ma-

jority of its patients for ninety (90) days or more in a twelve-month period, or provides the pain management services of evaluation, diagnosis, or treatment for the prevention, reduction or cessation of the symptoms of pain through pharmacological, non-pharmacological and other approaches with the exception of the treatment of malignant conditions in an oncological setting which specifically excludes hospices and hospitals.

Addiction Rehabilitation Clinic: Any medical practice/facility which prescribes or dispenses methadone, suboxone, or any drug for the treatment of addiction.

- b. Parking: One space per 300 square feet of floor space
- c. Loading: As provided for in Section 5.3 of this ordinance
- d. Additional Standards: None

3.4.3.6 Museum or Art Gallery

- a. Definition: A public or quasi-public facility in which objects of historical, scientific, artistic, or cultural interest are stored and exhibited.
- b. Parking: One space per 1,000 square feet of patron gallery area and for any accessory area, such as a gift shop or café, plus one space for each employee on the highest shift.
- c. Loading: As provided for in Section 5.3 of this ordinance.
- d. Additional Standards: None

3.4.3.7 Nursing Home, Assisted-care Facility

- a. Definition:
  - i. Nursing Home: A facility which provides 24-hour skilled nursing care, and other medical and related services to persons admitted because of illness, disease, and/or physical infirmity, and which can

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be licensed as such by the State.

- ii. Assisted-care Living: A facility which provides bathing, dressing, and non-medical living assistance services, such as meal preparation, grooming, and other activities of daily living for persons who are elderly or have disabilities, and which can be licensed by the State as such.
- b. Parking: One space for each staff member on the largest shift, plus one space for each three beds
  - c. Loading: As provided for in Section 5.3 of this ordinance
  - d. Additional Standards: Any such facility must possess and maintain a State operating licence.
  - e. Additional HDR Standards:
    - i. Use must be on an arterial or collector street, buildings must be placed no less than 50 feet from all property lines, a planted buffer strip must be erected on side and rear property lines, and a site plan must be approved by the Planning Commission.
    - ii. Existing buildings may be utilized, provided that the provisions of this ordinance are met as closely as possible, and that: no parking shall be allowed in the front yard; and, a site plan is approved by the Planning Commission.

#### 3.4.3.8 Park, Public

- a. Definition: Land retained for public recreational use, designed to meet the needs of residents of a defined area or the City as a whole. Land may be improved with playground apparatus, tennis courts, public golf courses (with or without a clubhouse), picnic areas, shelters, riding, biking or hiking trails, skateboard areas, other game courts or pits, art, memorials, and historic structures. Public parks may include greenways

and natural areas and features that are subject to minimal maintenance, open to the public, and subject to seasonal closure.

- a. Parking: One space per employee present on the highest shift, plus additional spaces for patrons based upon type, or combination of types, of facilities and typical schedule of activities.
- b. Loading: As provided for in Section 5.3 of this ordinance.
- c. Additional Standards: None

#### 3.4.3.9 Religious Assembly

- a. Definition: An enclosed facility principally used for people to gather together for public worship, religious training, or other religious activities.
- b. Parking: One space for each 4 seats
- c. Loading: As provided for in Section 5.3 of this ordinance
- d. Additional Standards: The structure height limitation of these regulations shall not apply to the spires, belfries, and domes of a religious assembly not intended for human occupancy.
- e. Additional LDR, MDR, and HDR Standards: Buildings may not be placed closer than 50 feet to the side and rear property lines, there must be planted buffer strips along side and rear property lines, and a site plan must be approved by the Planning Commission.
- f. Additional TC Standards: One single family dwelling for the housing of the pastor or similar leader of the religious assembly and their family will be considered customary and incidental as a part of this use.
- g. Additional HRO Standards: Religious assemblies must be located on a collector or arterial street.

#### 3.4.3.10 School

- a. Definition: Buildings and uses for educational or research activities associated with an academic institution which has a curriculum for any grades from kindergarten through high school and/or for higher education, and which may include residential facilities for faculty, staff, and students.
- b. Parking:
  - i. Primary/Elementary and Middle/Junior High School: One space per faculty member and other employees, plus one space per classroom. Any additional parking requirements shall be determined based upon unique characteristics including enrollment, seating capacity of on campus sports and performing arts venues, and other similar facilities.
  - ii. High School: One space per faculty member and other employees, plus one space per eight students. Any additional parking requirements shall be determined based upon unique characteristics including enrollment, seating capacity of on campus sports and performing arts venues, and other similar facilities, and if applicable, on campus housing.
  - iii. College: One space per faculty member and other employees. Any additional parking requirements shall be determined based upon unique characteristics including enrollment, seating capacity of on campus sports and performing arts venues, and other similar facilities, and if applicable, amount of on campus housing.
- c. Loading: As provided for in [Section 5.3](#) of this ordinance.
- d. Additional LDR, MDR, and HDR Standards: Buildings may not be placed closer than 50 feet to the side and rear property lines, there must be planted buffer strips along side and rear property lines, and a site plan must be approved by the Planning Commission.

### 3.4.4 Industrial Uses

- 3.4.4.1 Any industry which does not cause injurious or obnoxious noise, fire hazards, or other objectionable condition
  - a. Definition: A manufacturing, fabrication, parts assembly, and/or similar process that can be operated in accordance with applicable City, State, and/or Federal environmental, building, and fire safety regulations.
  - b. Parking: One space for each 3 employees on the largest shift, and one space per 250 square feet of retail sales area, if applicable.
  - c. Loading: Space shall be provided as set out in [Section 5.3](#) of this Ordinance unless the applicant can otherwise demonstrate that a different standard is appropriate for a particular type of industrial use.
  - d. Additional Standards: Board of Zoning Appeals will consider requests for exception to height requirements for unique manufacturing processes.
- 3.4.4.2 Large Distillery
  - a. Definition: A facility where intoxicating liquors or intoxicating drinks are manufactured, having more than seven thousand five hundred (7,500) gallons of alcohol product on site at any one time, and which is located and is operated in accordance with applicable provisions of this and other ordinances of the City, including, but not limited to, the building code and fire code.
  - b. Parking: One space for each 3 employees on the largest shift and one space per 250 square feet of area associated with retail sale of the product, if applicable
  - c. Loading: Space shall be provided as set out in [Section 5.3](#) of this Ordinance.
  - d. Additional Standards: None
- 3.4.4.3 Mining/Extraction
  - a. Definition:

- i. Extraction from the earth of mineral aggregates or nonmetallic minerals for off-site use or sale, including drilling and blasting as well as associated activities such as excavation and grading of such materials.
  - ii. On-site manufacturing or processing operations that may involve the use of equipment for the crushing, screening, separation, washing, compounding, mixing or blending of mineral aggregates or nonmetallic resources obtained by extraction from the mining site or with materials transferred from off-site.
  - iii. On-site manufacturing processes aimed at producing nonmetallic resource products for sale or use by the operator.
  - iv. Stockpiling of nonmetallic products for sale or use off-site and stockpiling of waste materials.
  - v. Transport of the extracted nonmetallic resources, finished products or waste materials from the extraction site.
  - vi. Disposal of waste materials.
  - vii. Reclamation of the extraction site.
- b. Parking: One per employee; 4 visitor spaces
- c. Loading: All loading/unloading operations shall not impede traffic flow.
- d. Additional Standards:
- i. Setbacks. The following minimum setbacks shall be maintained from property boundaries at the surface and their vertical extensions below the surface:
    - a. Twenty-five feet (25') of adjoining property lines, except for visual screening, reclamation, and berming of overburden material, unless written consent of the owner of the adjoining property is first secured, recorded in the Sevier County Register's Office and a copy submitted to the Director of Development.
  - ii. No portion of the facility, including stockpiling of any material, may exceed 44' feet in height from the established base elevation, which shall be established during the site planning process.
  - iii. All dust, vapors, odors and contaminants must be contained entirely on the property controlled by the applicant.
  - iv. Noise must be within the limits permitted by the City Code or by State law, whichever is more restrictive.
  - v. Conceptual approval may occur prior to the issuance of state permits but final approval will not be issued with the submission and approval of all required state and federal permits.
- b. One thousand feet (1000') of any existing dwelling or platted residential subdivision, not owned by the operator or owner, unless written consent of the owner of the adjoining property is first secured, recorded in the Sevier County Register's Office and a copy submitted to the Director of Development.
- c. Five hundred feet (500') of the boundary of any zoning district where such operations are not permitted.
- d. Thirty feet (30') of any right-of-way of any existing or platted street, road or highway, except berm construction, vegetative screening, or maintenance activities unless by written consent of the adjacent road authority having jurisdiction over the right-of-way and a copy is submitted to the Director of Development.



- vi. Any technical assistance required by the City for the evaluation of the permit shall be borne by the applicant, with the required consultants chosen by the city.
- vii. Buffering of planted material sufficient provide an opaque screen is required.
- viii. Reclamation plan and grades are required to be submitted at the time of site plan application.
- ix. Any other applicable special requirement that would protect the health, safety and welfare of the public may be required through the special exception process.
- x. Temporary Borrow Excavations and/or Temporary Stockpiling of Mineral Aggregates and Similar Materials for Long-term Construction Projects. Borrow excavations and stockpiling of mineral aggregates and similar materials on or near an approved construction site to be used only for such project may be permitted through and administrative review process, subject to the following provisions:
  - a. Submittal of a site plan which includes: zoning district within which such is located, shows the points of ingress/egress to the site, describes method to control traffic into and from the site so that it does not impede the flow of traffic the adjoining public street, setback for all operations on site, including material storage, from the property boundaries which shall be no less that the minimum setback of the zoning district within which the temporary operation is located, visual buffer plan where such site adjoins a residential area or zone or a public street, plan to control dust and noise from the operation, and, a plan to control stormwater runoff on and from the

site.

- b. If the area of temporary operations or stockpiling will not be fully returned to its preconstruction condition by the act of completing the construction project itself, or, if such borrow excavation or stockpiling occurred on a nearby site, a reclamation plan shall be submitted as part of the site plan.
- c. When approved, the site plan shall expire one year following the date of its approval. If all borrow excavation and/or stockpiling of materials is not fully completed and such site returned to its preconstruction condition, then the Development Director may extend the approval in increments of six months, and may require the submittal of revised site plan at any such interval prior to granting such approval.

### 3.4.5 Lodging Uses

#### 3.4.5.1 Bed and Breakfast, Bed and Breakfast Inn

- a. Definition: A unique type of residential accommodation within which the owner or innkeeper resides which offers rooms to paying guests for stays of short duration and within which at least the breakfast meal is prepared by the innkeeper for guests.
- b. Parking: Two spaces for the owner/innkeeper, one space for each guest room, and one space for each four employees, if applicable.
- c. Loading: As provided for in [Section 5.3](#) of this ordinance.
- d. Additional Standards: Accommodations that also meet the definition of a Bed and Breakfast Establishment, or, as a Bed and Breakfast Homestay under TCA 68-14-502, must operate in compliance with applicable provisions of TCA and with provisions of this and other applicable

## City codes.

## 3.4.5.2 Bed and Breakfast Homestay

- a. Definition: A home having three or fewer guest rooms, the owner of which resides therein, where overnight lodging and breakfast is provided to tourists. For the purposes of this ordinance, a bed and breakfast homestay shall not be considered as a boarding or rooming house.
- b. Parking: Two spaces for the homeowner and one space for each guest room
- c. Loading: None
- d. Additional Standards:
  - i. Accommodations that also meet the definition of a Bed and Breakfast Homestay under TCA 68-14-502, must operate in compliance with applicable provisions of TCA and with provisions of this and other applicable City codes.
  - ii. HRO District: Compliance with site plan and development standards applicable to the HRO District.

## 3.4.5.3 Hotel, Motel Without Amusement

- a. Definition: Any building or establishment kept, used, or maintained as, or advertised as, or offered to the public to be, a place where sleeping accommodations are furnished for pay to transients or travelers, whether or not meals are served to transients or travelers; "hotel" does not include a short-term rental unit, as defined in § 13-7-602.
- b. Parking: One space for each four employees, plus one space for each accommodation
- c. Loading: As provided for in [Section 5.3](#) of this ordinance
- d. Additional Standards: This use is limited to short-term use of not more than 30 days in any 90-day period.

## 3.4.5.4 Hotel, Motel With Amusement

- a. Definition: Any building or establishment kept, used, or maintained as, or advertised as, or offered to the public to be, a place where sleeping accommodations are furnished for pay to transients or travelers, whether or not meals are served to transients or travelers, and where amusement is provided; "hotel" does not include a short-term rental unit, as defined in § 13-7-602.
- b. Parking: One space for each accommodation and one space for each three employees on the largest shift. If the amusement is also open to patrons other than guests of the hotel or motel, additional parking shall be required based upon type of amusement and other factors, using parking standards applicable to free-standing amusement uses in this Ordinance for guidance.
- c. Loading: As provided for in [Section 5.3](#) of this ordinance.
- d. Additional Standards:
  - i. This use is limited to short-term use of not more than 30 days in any 90-day period.
  - ii. Amusements shall operate in compliance with TCA 68-121-101, et seq, where applicable, and/or with other accepted industry standards.

## 3.4.5.5 Recreational Vehicle Park/Travel Trailer Park

- a. Definition: Any plot of land on which two or more recreational vehicles/travel trailers are located and used as temporary living or sleeping quarters.
- b. Parking: One space per 400 square feet of office or customer service area.
- c. Loading: As provided for in [Section 5.3](#) of this ordinance.
- d. Additional Standards: The occupants of such parks may not remain in the same park more

than thirty days.

#### 3.4.5.6 Short-Term Rental Units

- a. **Definition:** A residential dwelling unit meaning a structure or part of a structure designed and used as a home of a person, family, or household, including a single-family dwelling, such as a house or cabin or a portion of a single-family dwelling, an individual residential dwelling unit in a duplex, or an individual residential dwelling unit in a multi-family building, such as an apartment building, a condominium, cooperative, or time-share building, that is rented, wholly or partially, for a fee for a period of less than thirty (30) continuous days. The term 'short-term rental unit' does not include a hotel or motel, as defined in 68-14-302, TCA, a bed and breakfast establishment, as defined in 68-14-502, TCA, or a bed and breakfast homestay, as defined in 68-14-502, TCA
  - b. **Parking:** 1 space per bedroom, at a rate of 2 persons per bedroom, plus 1 space per 4 additional guests based on occupancy load. No recreational vehicles, buses, or trailers shall be visible on the street or property in conjunction with the short-term rental use.
  - c. **Loading:** None
  - d. **Additional Standards:**
    - i. **AC District:** A time-share unit is the only type of short-term rental use allowed in the AC Arterial Commercial zone and may only be permitted on review.
    - ii. **HRO District:** Short-Term Rental Units are only permitted within the HRO district if they are on a collector or arterial street and can comply with parking and solid waste requirements.
    - iii. **MDR District:** Short-Term Rental Units may only be allowed in the MDR district with notification to property owners within one hundred feet (100') of the proposed short-term rental no less than twenty-one (21) days prior to the Planning Commission Meeting. Notified property owners will have seven (7) days to respond. If no opposition is reported, the short-term rental may be approved by planning staff. If opposition is reported, a public hearing must be held and determination made by the Planning Commission.
- iv. Short-Term Rental Accommodations shall be classified as R-1 occupancies. These buildings may be constructed as an R-3 occupancy in accordance with the building code and fire code in effect at the time of construction. These buildings are subject to the fire sprinkler exemptions of TCA 68-120-101(a)(8)(A) unless they reach any of the below thresholds. Upon reaching any of these thresholds, these buildings are not subject to the fire sprinkler exemptions of TCA 68-120-101(a)(8)(A) and will require fire sprinklers.
    1. The accommodation contains an occupant load of 13 or greater;
      - a. Occupancy load calculations for accommodations less than 5,000 gross square feet shall be calculated at 1 occupant for every 200 square feet of all conditioned spaces. The following spaces may be exempt from occupancy calculations
        - i. Unconditioned spaces such as crawl spaces, porches, garages, and carports.
        - ii. Stairways without storage.
        - iii. Closets less than twenty-four (24) square feet.
        - iv. Bathrooms less than fifty-five (55) square feet.
        - v. Enclosed indoor swimming pool areas
      - b. Occupancy load calculations for accommodations 5,000 or greater shall be calculated at 1 occupant for every

200 square feet aggregate.

2. The accommodation is more than 3 stories in height;
  - a. A basement shall count as a story regardless of finishes or climate control.
3. The accommodation is greater than 5,000 gross square feet aggregate.
  - a. Gross square feet aggregate is the area of all floors within the outside perimeter of the exterior walls and includes any basement, finished or unfinished.
- e. Occupancy Load: Shall be posted in a location acceptable to the fire code official.

### 3.4.6 Office Uses

#### 3.4.6.1 Cabin Rental Office

- a. Definition: An office which is located away from a site on which a majority of a firm's cabin and similar overnight and short-term rental accommodations are located. Such office generally sees patrons for the purpose of delivering/collecting keys to an accommodation and/or for providing information or other items to patrons for use during their stay.
- b. Parking: One space per 400 square feet. If a cabin rental office also has associated facilities such as a storage building or linens laundry, then additional spaces shall be required based upon the type of facility and employees.
- c. Loading: None, unless cabin rental office also has associated facilities such as a storage building or linens laundry where trucks are regularly on site to deliver/pick-up items, in which case adequate area for such vehicles shall be provided.
- d. Additional Standards: None

#### 3.4.6.2 Doctor/Dentist Office

- a. Definition: A facility for the examination and treatment of ill or afflicted human outpatients, provided, however, that the patients are not kept overnight except under emergency conditions.
- b. Parking: One space per 300 square feet of floor space
- c. Loading: As provided for in Section 5.3 of this ordinance
- d. Additional Standards: None

#### 3.4.6.3 Professional Office

- a. Definition: Places of business of individuals engaged in providing professional services, such as attorneys, architects, and similar professions which often conduct business by appointment.
- b. Parking:
  - i. One for each 400 square feet of floor space
  - ii. HRO District: One for each 400 square feet of floor space, except that no nonresidential use shall have less than four (4) spaces. Existing garages and carports may be counted toward meeting the minimum parking standard. However, the loss of parking spaces through the future conversion of any such structure to a use other than parking, shall require the provision of spaces to replace those lost. Where a lot on which a structure 1,500 square feet or greater in size is converted or constructed on a lot adjoining a street on which on-street parking is prohibited, one (1) additional off-street parking space above the minimum number normally required shall be provided. At least one (1) space shall be provided for use by handicapped persons. Such space shall be conveniently located to an entrance accessible to handicapped

persons.

- c. Loading: As provided for in Section 5.3 of this ordinance
- d. Additional HRO Standards: Professional offices in the HRO District shall conduct business at a scale and in a manner compatible with residential use and shall not primarily serve as a location for the receipt, sale, delivery, or transfer of goods to customers, and which generally see clients by appointment during the hours of 8:00 a.m. and 5:00 p.m., Monday through Friday. (See also, Chapter 4.0 regarding development standards applicable in the HRO District)

### 3.4.7 Recreation and Entertainment Uses

#### 3.4.7.1 Outdoor Entertainment (44 Feet and Under)

- a. Definition: An outdoor area generally operated for profit with facilities and equipment for amusement, entertainment, or recreational purposes, including, but not limited to, amusement rides, theme parks, go-kart tracks, waterparks, train or tramway rides, mini-golf, film or live entertainment venues such theaters/amphitheaters, professional sports stadiums, outdoor firearm ranges, paintball courses, zipline courses, and similar activities and facilities. This definition includes non-building amusement structures that do not exceed 44 feet in height.
- b. Parking:
  - i. Recreation and amusement areas without seating capacity: One space for each five customers, computed on maximum capacity.
  - ii. Places of public assembly: One space for each five seats in the principal assembly room or area.
- c. Loading: As provided for in Section 5.3 of this ordinance.
- d. Additional Standards: Amusements shall operate in compliance with TCA 68-121-101, et seq,

where applicable, and/or with other accepted industry standards.

#### 3.4.7.2 Outdoor Entertainment (Over 44 Feet)

- a. Definition: An outdoor area generally operated for profit with facilities and equipment for amusement, entertainment, or recreational purposes, including, but not limited to, amusement rides, theme parks, go-kart tracks, waterparks, train or tramway rides, mini-golf, film or live entertainment venues such theaters/amphitheaters, professional sports stadiums, outdoor firearm ranges, paintball courses, zipline courses, and similar activities and facilities. This definition includes non-building amusement structures that exceed 44 feet in height.
- b. Parking:
  - i. Recreation and amusement areas without seating capacity: One space for each five customers, computed on maximum capacity.
  - ii. Places of public assembly: One space for each five seats in the principal assembly room or area.
- c. Loading: As provided for in Section 5.3 of this ordinance.
- d. Additional Standards:
  - i. Amusements shall operate in compliance with TCA 68-121-101, et seq, where applicable, and/or with other accepted industry standards.
  - ii. A height limit of 44 feet shall not be exceeded unless multiple structures of a similar nature are present and so long as no one structure creates the effect of there being only one dominant non-building structure, such as a spire.
  - iii. Building and non-building structure elevations shall be included with a site plan submittal.



- iv. A means of emergency access, approved by the Fire Chief or designee, shall be available to the highest part of any non-building structure.

### 3.4.7.3 Places of Amusement - Indoor

- a. Definition: An indoor area or structure generally operated for profit with facilities and equipment for amusement, entertainment, or recreational purposes, including, but not limited to, amusement rides, waterparks, theaters for film and live performances, climbing walls, and other active indoor games or competitions, such as laser tag and escape games, firearm shooting ranges, and similar activities.
- b. Parking:
  - i. Recreation and amusement areas without seating capacity: One space for each five customers, computed on a maximum capacity
  - ii. Recreation and amusement areas with seating capacity: One space for each five seats based on the maximum seating capacity
- c. Loading: Provide adequate area for delivery vehicles and the unloading of multiple person vehicles such as transit vans and buses.
- d. Additional Standards: Amusements shall operate in compliance with TCA 68-121-101, et seq, where applicable, and/or with other accepted industry standards.

### 3.4.7.4 Tennis Clubs, Country Clubs, and Other Similar Uses

- a. Definition: 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 a business.
- b. Parking: One space for each three hundred square feet of floor space, and if applicable, one

space for each five seats in the principal assembly room or area, and one space for each five customers of any recreation or amusement area without seating capacity.

- c. Loading: As provided for in [Section 5.3](#) of this ordinance
- d. Additional LDR, MDR, AND HDR Standards:
  - i. Must be part of a Planned Unit Development
  - ii. The facility must be located adjacent to a designated collector or arterial street, have planted buffer strips along property lines, and any outside lighting of courts, parking lots, or other facilities shall be designed and constructed in such a manner as to not cause inconvenience to other uses in the immediate area.

### 3.4.7.5 Special Assembly Venue

- a. Definition: A location where events are held, including but not limited to weddings, parties, meetings, family reunions, and corporate events. The event locations can include, but not be limited to tents, gazebos, barns, open areas, and residential structures. (Exception: Events for which the owner or operator of the venue receives no fee or other remuneration in connection with the event and no fees are charged to attendees are exempt from this definition.)
- b. Parking: One space for every four persons, calculated at the maximum capacity
- c. Loading: As provided for in [Section 5.3](#) of this ordinance
- d. Additional Standards:
  - i. All noise after 10 p.m. and before 8 a.m. must be contained entirely on the property. The use of buffers is acceptable to meet this standard.

- ii. Noise between 8 a.m. and 10 p.m must conform to the City of Sevierville Ordinance.

### 3.4.8 Retail and Personal Services Uses

#### 3.4.8.1 Automobile and Mobile/Manufactured Home Sales

- a. Definition: A building for the conduct of sales or lease and repair of new or used automobiles, trucks, vans, trailers, recreational vehicles, motorcycles, boats, and similar vehicles, and mobile homes which may also include an outdoor display area of items available for sale or lease.
- b. Parking: One space per 400 square feet of floor space of office. If auto repair is also performed on site, then one space for each employee working in auto repair, plus one space for each 250 square feet used for repair work is also required.
- c. Loading: As provided for in [Section 5.3](#) of this ordinance.
- d. Additional Standards:
  - i. Each such business shall possess and maintain a dealer license from the Tennessee Motor Vehicle Commission and/or any other license required by any State agency.
  - ii. These businesses may include an area used only for accessory storage of inventory having a properly compacted base and surface other than asphalt or concrete, when such is found to be acceptable to the City Engineer and Director of Development.
    - a. The setback for an accessory storage yard or storage building shall be no less than that required for an accessory use elsewhere in this Ordinance and no storage yard or storage building shall intrude into any landscape buffer required in this Section or elsewhere in this Ordinance.

nance. If not specifically addressed elsewhere in this Ordinance, no accessory storage yard or storage building shall be closer than 5' from a side or rear property line nor closer than 7' from any street right-of-way, including lots which may have more than one lot line which abuts a public street.

- b. Where a lot upon which an accessory storage yard or storage building is located abuts a residential zoning district, an opaque fence or evergreen buffer at least 6' in height shall be installed in a location and manner which obstructs the view of the storage yard or storage building from the residential district. Where dismantled vehicles, boats, mobile homes, or other equipment under repair or stored for use in future repairs are visible from an adjoining street, an opaque fence or evergreen buffer at least 6' in height shall be installed in location and manner which obstructs the view from the adjoining street; except that, a storage yard or building located in an IN district which also abuts property in an IN District on all sides shall not be required to install such buffer.

#### 3.4.8.2 Day Care (Definition and Standards below apply only to TC District)

- a. Definition: A facility licensed by the State providing care for the five or more children, or adults in a protective setting for less than 24-hours a day.
- b. Parking: Adequate parking must be demonstrated by the applicant.
- c. Loading: None
- d. Additional Standards:
  - i. Hours of Operation in a Residential District. When the site is located within a Residential District, Day Care Facilities

shall operate only Monday through Friday. No outdoor play is allowed before 7:00 a. m. or after 8:00 p.m.

- ii. Pick-Up and Drop-Off. A plan and schedule for the pick-up and drop off of children or clients shall be provided prior to approval. The plan shall demonstrate that adequate parking and loading are provided to minimize congestion, and it shall demonstrate that the plan for pick-up and drop-off of children or clients does not require passing through traffic.
- iii. Outdoor Play Areas. Outdoor play areas shall not be located along major arteries or adjacent to industrial uses.
- iv. Screening of Outdoor Play Areas. Outdoor play areas shall have a screening feature around the perimeter adjacent to the public right-of-way, outside of the minimum front and side setbacks. Screening shall add to the visual diversity of the use and need not be an opaque barrier.
- v. State and Other Licensing. All Day Care Facilities shall be State licensed and operated according to State and all other applicable regulations.

#### 3.4.8.3 Day Care Center

- a. Definition: A place operated by a person, society, agency, corporation, institution or other group that receives pay for the care of eight or more children under 17 years of age for less than 24 hours per day, without transfer of custody. The term "Day Care Center" also includes child development centers, nursery schools, day nurseries, play schools, and kindergartens, as well as agencies providing before and after school care, regardless of name, purpose, or auspices. (Excluding schools graded 1-12 and kindergartens operated by a governmental unit or by religious organizations.)
- b. Parking: One space for each faculty member

c. Loading: None

d. Additional Standards: In the HRO District, day care centers may only be located on a collector or arterial street.

#### 3.4.8.4 Farmer's Market

a. Definition: A retail market featuring foods sold directly by farmers to consumers.

b. Parking: Adequate parking must be demonstrated by the applicant.

c. Loading: None

d. Additional Standards:

i. Farmers Markets must be operated by one or more certified producers, a non-profit organization, or a local government agency.

ii. At least 70 percent of vendors must be farmers, ranchers, and other businesses who sell food, plants, flowers, and added-value products such as jams and jellies.

iii. A management plan shall be prepared and provided to the Director of Development. The management plan shall include the following:

iv. Identification of a market manager or managers, who shall be present during all hours of operation.

v. A set of operating rules addressing the governance structure of the market, the method of assigning booths and registering vendors, hours of operation, maintenance, security, refuse collection, and parking.

vi. Market activities shall be conducted between the hours of 7 a.m. and 7 p.m. Set-up of market operations shall begin no earlier than 6 a.m., and take-down

shall end no later than 8 p.m.

- vii. Adequate composting, recycling, and trash containers shall be provided during hours of operation, and shall be removed from site for appropriate disposal. The site shall be cleaned at the end of each day of operations, including the removal of all stalls and debris.

#### 3.4.8.5 Financial Services

- a. Definition: An establishment authorized by the government to accept deposits, pay interest, clear checks, make loans, act as an intermediary in financial transactions, and provide other financial services to its customers.
- b. Parking: Adequate parking must be demonstrated by the applicant.
- c. Loading: None
- d. Additional Standards:
  - i. Stacking length - 40 feet per window
  - ii. Stacking length – 80 feet per ATM kiosk

#### 3.4.8.6 Flea Market

- a. Definition: A place of business which provides space either inside or outside an enclosed building to two or more persons for the purpose of making retail sales of tangible personal property on a short term basis.
- b. Parking: One space for each two hundred square feet of gross floor space
- c. Loading: One space of at least 12'X25' for each 3,000 square feet of floor area or part thereof
- d. Additional Standards: Temporary structures associated with flea market must be shown on a flea market site plan approved by the Planning Commission.

#### 3.4.8.7 Funeral Home

- a. Definition: An establishment primarily engaged in the care, preparation, or disposition of human remains and conducting memorial services, but which does not include a crematory.
- b. Parking: One space for each four seats in the chapel
- c. Loading: As provided for in Section 5.3 of this Ordinance
- d. Additional Standards: None

#### 3.4.8.8 Gasoline Station

- a. Definition: An establishment primarily selling retail automotive fuels and/or electric recharging stations, but which also may include the retail sale of food and sundry items and/or restaurants with drive-through windows for the convenience of their customers.
- b. Parking: One space per fuel pump, plus one space per 250 square feet of retail sales area. If a restaurant with seating is also a part of the establishment, then restaurant parking requirements set out in this Ordinance shall apply unless the operator can demonstrate need for fewer spaces.

- c. Loading: As provided for in Section 5.3 of this Ordinance
- d. Additional Standards: All structures shall be placed not less than twenty feet from all property lines.

#### 3.4.8.9 Pawn Shop

- a. Definition: An establishment that engages, in whole or in part, in the business of loaning money on the security of pledges of personal property, or on deposits of personal property, or in the purchase or sale of personal property. This definition shall not be construed to include establishments such as antique stores and consignment stores for clothing and household goods.

- b. Parking: One space per 250 square feet of floor area
- c. Loading: As provided for in Section 5.3 of this Ordinance.
- d. Additional Standards: None

#### 3.4.8.10 Personal Services

- a. Definition: Provision of regularly needed services of a personal nature, including, but not limited to barber shops and beauty salons, day spas, fitness studios, seamstresses, tailors, shoe repair shops, and travel agencies, mainly intended for the consumer.
- b. Parking:
  - i. One space per 250 square feet of floor space
  - ii. HRO District: One for each 250 square feet of floor space and one space for each employee, except that no nonresidential use shall have less than four (4) spaces. Existing garages and carports may be counted toward meeting the minimum parking standard. However, the loss of parking spaces through the future conversion of any such structure to a use other than parking, shall require the provision of spaces to replace those lost. Where a lot on which a structure 1,500 square feet or greater in size is converted or constructed on a lot adjoining a street on which on-street parking is prohibited, one (1) additional off-street parking space above the minimum number normally required shall be provided. At least one (1) space shall be provided for use by handicapped persons. Such space shall be conveniently located to an entrance accessible to handicapped persons.
- c. Loading: As provided for in Section 5.3 of this Ordinance
- d. Additional Standards: In the HRO District, per-

sonal service uses consisting of greater than 1,000 square feet of gross commercial floor area must be located on an arterial or collector street. Personal services consisting of 1,000 square feet or less of gross commercial floor area shall conduct business at a scale and in a manner compatible with the characteristic of the HRO District, and which generally see clients by appointment only during the hours of 8:00 a.m. and 5:00 p.m., Monday through Friday.

#### 3.4.8.11 Psychic and Palm Reading Activities

- a. Definition: The offering of insight and opinions usually in exchange for compensation regarding a person's future and/or relationships with persons living or dead, often by means such as astrology, card or tea reading, palmistry, and/or clairvoyance.
- b. Parking: One space per 250 square feet of retail sales area or customer service area
- c. Loading: As provided for in Section 5.3 of this Ordinance
- d. Additional Standards: None

#### 3.4.8.12 Restaurant With Drive-Through or Drive-In

- a. Definition: A restaurant which may provide on-site consumption of food and beverages inside of a building, and/or through a drive-through service window, and/or in an outside parking area where wait staff serves customers in their vehicles.
- b. Parking: One space for each four employees, plus one space for each for each four customers computed on a maximum service capacity of indoor/outdoor seating, exclusive of those drive-in spaces to which wait staff service is provided.
- c. Loading: Provide adequate area for delivery vehicles and the unloading of multiple person vehicles such as transit vans and buses.
- d. Additional Standards:



- i. Stacking length: 80 feet to the menu board; 160 feet to the first window
- ii. If a restaurant cannot meet this standards, then they shall submit for a use by staff review.

distilling, blending, bottling, storage, aging, shipping, receiving, and office functions.

- ii. This use may also contain a bar, and or restaurant.

#### 3.4.8.13 Restaurant Without Drive-Through or Drive-in

- a. Definition: An establishment for the sale and consumption of food and beverages on the premises.
- b. Parking: One space for each four employees, plus one space for each for each four customers computed on a maximum service capacity.
- c. Loading: As provided for in [Section 5.3](#) of this Ordinance
- d. Additional Standards: None

#### 3.4.8.14 Retail Distillery

- a. Definition: A facility where intoxicating liquors or intoxicating drinks are manufactured, having no more than seven thousand five hundred (7,500) gallons of alcohol product on site at any one time, of which no more than four hundred-eighty (480) gallons may be unpackaged, which conducts retail sales of intoxicating liquors or intoxicating drinks on premises; and which is located and is operated in accordance with applicable provisions of this and other ordinances of the City, including, but not limited to, the building code and fire code. (See also Small Distillery and Large Distillery.)
- b. Parking: One space per 250 square feet of sales area or customer service area
- c. Loading: As provided for in [Section 5.3](#) of this ordinance
- d. Additional Standards:
  - i. Activities may include associated crushing, fermenting and refermenting,

#### 3.4.8.15 Retail Stores

- a. Definition: The retail sale or rental of merchandise not specifically listed under another use classification. This classification includes, but is not limited to, department stores, clothing stores, furniture stores, pet supply stores, hardware stores, toys, hobby materials, handcrafted items, jewelry, cameras, pharmacies, durable medical goods, electronic equipment, sporting goods, antiques, art galleries, art supplies and services, office supplies, bicycles, video rental, and new automotive parts. Retail sales may be combined with other services such as office machine, computer, electronics, and similar small-item repairs.
- b. Parking: One space per 250 square feet of sales area or customer service area
- c. Loading: As provided for in [Section 5.3](#) of this Ordinance
- d. Additional Standards: None

#### 3.4.8.16 Retail Winery

- a. Definition: Any satellite facility as defined by T.C.A. Section 57-3-207(r) and operating under the requirements of said section.
- b. Parking: One space per 250 square feet of sales area or customer service area
- c. Loading: As provided for in [Section 5.3](#) of this ordinance
- d. Additional Standards: None

#### 3.4.8.17 Sexually Oriented Business

- a. Definition: An adult arcade, adult book store,

adult novelty store, adult video store, adult cabaret, adult motel, adult motion picture theater, escort agency, nude model studio or sexual encounter center, or adult business. Any business activity or activities following in the aforementioned-categories, as hereinafter defined, shall be considered a sexually oriented business. The following words and phrases shall have the meanings as described to them as follows:

- i. **Adult Arcade.** An establishment that offers either singularly or in combination any of the goods or services, for purchase, consumption or viewing, as described in the definitions for adult bookstore, adult novelty store, adult video store, adult cabaret, adult motel, adult motion picture theater, adult mini motion picture theater, escort agency, nude model studio, sexual encounter center, or adult business.
- ii. **Adult Bookstore.** An establishment having as a substantial or significant portion of its stock in trade, books, magazines, and other periodicals and goods and items held for sale which are distinguished or characterized by their emphasis on matters depicting, describing, or relating to specified sexual activities or specified anatomical areas, or an establishment with a segment or sections devoted to the sale or display of such material.
- iii. **Adult Business.** Any of the following businesses: adult bookstore, adult motion picture theater, adult mini motion picture theater, and adult cabaret.
- iv. **Adult Cabaret.** A cabaret which features topless dancers, go-go dancers, exotic dancers, strippers, male or female impersonators, or similar entertainers.
- v. **Adult Mini Motion Picture Theater.** An enclosed building with a capacity for less than fifty (50) persons, used for presenting material distinguished or characterized by an emphasis on matter depicting, describing or relating to specified sexual activities or specified anatomical areas, for observation by patrons therein.
- vi. **Adult Motel.** An establishment which offers for rental or purchase rooms or private areas and offers in connection with the rental or acquisition of such room or private area any of the materials or items set forth in the definitions of an adult arcade, adult bookstore, adult novelty store, adult video store, adult cabaret, adult motion picture theater, adult mini motion picture theater, escort agency, nude model studio, sexual encounter center, and adult business.
- vii. **Adult Motion Picture Theater.** An enclosed building with a capacity of fifty (50) or more persons used for presenting material having as a dominant theme or presenting materials distinguished or characterized by an emphasis on matter depicting, describing or relating to specified sexual activities or specified anatomical areas for observation by patrons therein.
- viii. **Adult Novelty Store.** An establishment having and offering for business, having and offering for sale or viewing, video tapes for sale or rental containing material distinguished or characterized by an emphasis on matter depicting, describing, or relating to specified sexual activities or specified anatomical areas for viewing by the purchaser or renter; and establishment offering for sale or available for acquisition instruments and items to bring about sexual arousal, insertion into body cavities, apparatuses designed to enhance sexual arousal and gratification and materials, whether photographic or otherwise, which is distinguished and characterized by an emphasis on mat-

ter depicting, describing or relating to specific sexual activities or specified anatomical areas.

- ix. **Adult Video Store.** An establishment having and offering for business, having and offering for sale or viewing, video tapes, digital video disc, virtual reality photographic films, prints, movies, and other means of transmitting subject matter, for sale or rental, containing material distinguished or characterized by an emphasis on matter depicting, describing, or relating to specified sexual activities or specified anatomical areas for viewing by the purchaser or renter.
- x. **Escort Agency.** A person, firm, corporation, establishment, or business, arranging, through any means or manner, the introduction to one another, or the being together of two or more persons for the purpose of, or ultimate result being, those two or more persons engaging in any activity involving one or both or more of the persons viewing and/or touching the human breast, genitals or buttocks.
- xi. **Nude Model Studio.** A place of business or establishment which makes available for viewing, filming, photographing, or videoing, undraped and exposed human breasts, genitals and buttocks.
- xii. **Sexual Encounter Center.** A place of business or establishment, which provides for, or allows for, the assemblage of more than one person for the purpose of arranging for or engaging in any form of sexual activity between two persons which shall mean the viewing of, or touching, or stimulating of the human breasts and genitals.

- b. **Parking:** One space for each two hundred square feet of gross floor space
- c. **Loading:** As provided for in [Section 5.3](#) of this

Ordinance

d. **Additional Standards:**

- i. **Sexually oriented business and commercial activities,** as defined in subsection a above, may only be placed within the AC (C-4) District, subject to the following conditions:
  - a. The property line of these uses shall be a minimum of 1,000 feet from any school, church, public assembly facility, and/or residential zoning district.
  - b. The maximum signage allowed for these uses shall be 20 square feet with no graphics or flashing lights.

#### 3.4.8.18 Shopping Center

- a. **Definition:** A group of commercial establishments, planned, developed, owned or managed as a unit, with off-street parking provided on the property; however, this shall not apply to a group of commercial establishments containing no more than four (4) separate commercial establishments in one (1) structure containing a total of not more than 15,000 square feet of floor area.
- b. **Parking:** One space per 250 square feet of sales area or customer service area
- c. **Loading:** As provided for in [Section 5.3](#) of this Ordinance
- d. **Additional Standards:** Shopping Centers shall conform to all requirements of the Planned Unit Development regulations.

#### 3.4.8.19 Small Distillery

- a. **Definition:** A facility where intoxicating liquors or intoxicating drinks are manufactured, having no more than seven thousand five hundred (7,500) gallons of alcohol product on site at any

one time, which conducts retail sales of intoxicating liquors or intoxicating drinks on the premises; and, which is located and is operated in accordance with applicable provisions of this and other ordinances of the City, including, but not limited to, the building code and fire code. (See also, Retail Distillery and Large Distillery)

- b. Parking: One space per 250 square feet of retail sales area or customer service area
- c. Loading: As provided for in [Section 5.3](#) of this Ordinance
- d. Additional Standards: In the AC (C-4) and TCL (C-5) Districts: There shall not be any principal or accessory building associated with a small distillery that is located closer than fifty (50) feet from a front, side, or rear property line; and, no building on site containing alcoholic substances shall be closer than fifty (50) feet from any other building on site containing alcoholic substances, unless other ordinances of the City require a greater setback or separation, including, but not limited to, the building code and fire code. Any other buildings on site which contain no alcoholic substances shall be separated by not less than twenty (20) feet from any other building on site.

#### 3.4.8.20 Studios for Work and/or Teaching

- a. Definition: Work space for an artist or artisan, including individuals practicing one of the fine arts or performing arts, or an applied art or craft. This use may include incidental display and retail sales of items produced on the premises and instructional space for small groups of students.
- b. Parking:
  - i. One space per 400 square feet of floor area, unless owner or can demonstrate the discipline being taught and highest student load does not warrant this amount of parking.

- ii. HRO District: One for each 400 square feet of floor space, except that no nonresidential use shall have less than four (4) spaces. Existing garages and carports may be counted toward meeting the minimum parking standard. However, the loss of parking spaces through the future conversion of any such structure to a use other than parking, shall require the provision of spaces to replace those lost. Where a lot on which a structure 1,500 square feet or greater in size is converted or constructed on a lot adjoining a street on which on-street parking is prohibited, one (1) additional off-street parking space above the minimum number normally required shall be provided. At least one (1) space shall be provided for use by handicapped persons. Such space shall be conveniently located to an entrance accessible to handicapped persons.

- c. Loading: As provided for in [Section 5.3](#) of this Ordinance
- d. Additional Standards: None

#### 3.4.8.21 Tattoo Business

- a. Definition: Any room or space within a permanent structure where designs, letters, figures, symbols, cosmetics, or any other marks are placed under the skin of a person with ink or color by the aid of needles or instruments.
- b. Parking: One space per 250 square feet of retail sales or customer service area
- c. Loading: As provided for in [Section 5.3](#) of this Ordinance
- d. Additional Standards:
  - i. Tattoo Businesses may only be placed within the AC (C-4) District, subject to the following conditions:

- a. The property line of these uses shall be a minimum of 1,000 feet from any school, church, public assembly facility, and/or residential zoning district.
  - b. The maximum signage allowed for these uses shall be 20 square feet with no graphics or flashing light.
- ii. A tattoo business and all tattoo artists working at such business shall be registered with the State and have and maintain any permits or licenses required by the State or the County Health Department and operate in accordance with applicable provisions of Title 62, Chapter 38, Part 2, TCA, and this Ordinance. Should such business also provide body piercing services as defined in 62-38-301, TCA then such services shall operate in accordance with applicable provisions of Title 62, Chapter 38, Part 3, TCA, and this Ordinance.

#### 3.4.8.22 Urgent Care

- a. Definition: A facility that provides for examination and treatment of generally ill or afflicted human patients in an extended hours setting where the treating medical professionals do not have an assigned patient load and do not serve as the primary care physicians. This does not include doctors who primarily serve as specialists.
- b. Parking: One space per 250 square feet of patient service area, including examination rooms
- c. Loading: As provided for in [Section 5.3](#) of this ordinance
- d. Additional Standards: None

#### 3.4.9 Support Services

##### 3.4.9.1 Automobile Body Repair Garage and Similar Operations

- a. Definition: General repair, rebuilding, or reconditioning of engines, motor vehicles, and/or trailers, including body work, frame work, welding, and painting.
- b. Parking: Automobile repair garages: One space for each regular employee plus one space for each 250 square feet used for repair work.
- c. Loading: As provided for in [Section 5.3](#) of this ordinance
- d. Additional Standards:
  - i. Unless all equipment, dismantled vehicles, and repair work is stored or is performed indoors, an opaque fence at least six feet in height shall be provided around any area used for outside storage or repair of vehicles that is visible from a public street. If an adequate physical or vegetative buffer does not exist where this use is adjacent to a residential use, then an appropriate buffer shall be provided.
  - ii. Any storage, use, or disposal of flammable substances, including a facility such as a paint booth, shall be in compliance with the City's Fire Code, Building Code, and any other applicable City, State, or Federal regulations.

- 3.4.9.2 Communication Antennas and Towers: Under Tennessee Code Annotated 13-24-302, and 13-24-303, local governments shall not exclude telephone and telegraphic services and such other structures as central office exchanges, microwave towers, etc.; however, the exclusion from regulation does not preclude the exercise of reasonable police powers including, but not limited to, permit requirements as an exercise of the police powers. The following requirements shall apply to antennas and telecommunication towers, as indicated, including but not limited to dish antennas, amateur radio towers, and commercial telephone/telegraph towers, except for the TC District within which certain of these items are governed by the provisions



of Section 3.4.10.3 of this ordinance. All plans for placement, construction, screening must be approved by the Building Official prior to the issuance of a building permit.

- a. Definition: None
- b. Parking: None
- c. Loading: None
- d. Additional Standards:
  - i. Dish Antennas: All Zones. The following conditions apply to dish antenna placements in all zones.
    - a. No text, pictures, logos, or advertising shall be displayed on any surface of the dish antenna.
    - b. Installation of the required screening shall be done concurrently with the construction of the base mount for any dish antenna.
    - c. Where screening is required, the dish antenna shall be screened from view from the public rights-of-way and from adjacent property by any combination or single treatment of vegetative or structural barriers. The screening shall provide 80 percent opacity at a height of seven (7) feet within two (2) years of its installation. Defective or dead screening shall be replaced to maintain the screening of the dish antenna while the dish antenna remains in its permitted location.
    - d. The dish antenna or any required screening shall not penetrate any recorded easement.
  - ii. Dish Antennas: Residential Districts. The following conditions apply to dish

antenna placements in residential and zoning districts

- a. Only one dish antenna shall be permitted per lot, parcel, or tract.
  - b. No freestanding dish antenna shall exceed 11 feet in height, as measured at its highest point above the surrounding grade.
  - c. No dish with a dish size greater than 24 inches shall be placed on any roof or attached to any principal or accessory structure. Dish antennas with a dish size of 24 inches or less may be placed on a roof or wall of a principal or accessory structure provided it does not project above the roof line, and it does not violate any required setback.
  - d. Freestanding dish antennas shall be set back from the side and/or rear property lines a minimum of 10 feet.
  - e. Screening shall be required for all dish antennas with a size greater than 24 inches.
- iii. Dish Antennas: Commercial Districts. The following conditions apply to dish antenna placements in commercial zoning districts.
    - a. Only one dish antenna shall be permitted per business.
    - b. A ground-mounted dish antenna shall not exceed 11 feet in height, as measured at its highest point above the surrounding grade. A roof-mounted dish antenna shall not exceed 11 feet above the attachment of the base mount to the roof.

- c. The maximum building height of the zoning district shall apply.
  - d. Dish antennas may be permitted to be located in the rear yard or on the roof. A dish antenna with a dish size of 24 inches or less may be permitted to be attached to a wall provided it does not project above the roof line, and it does not violate any required setback.
  - e. Rear yard placements of the dish antennas may not be located in any other required buffer zone or screening required for other purposes.
  - f. Screening shall be required for all rear yard placements of dish antennas.
- iv. Amateur Radio Towers and other antenna placements: The following conditions apply to amateur radio towers and other antenna placements, excluding telecommunication towers in all zoning districts.
- a. All amateur radio towers and antennas shall be setback a minimum of ten (10) feet from all rear and side property lines, plus an additional one third (1/3) of a foot for each one (1) foot of tower/ antenna height over 35 feet tall. Setbacks shall be measured from the farthest most protrusion of the tower and its appurtenances.
  - b. All guy wires shall be set back from the side and/or rear property lines a minimum of ten (10) feet.
  - c. A certified survey shall be submitted which shall verify tower and antenna heights, and setbacks for the tower, its appurtenances, and the guy wires.
- d. No tower, antenna, or guy wires shall be located within a front yard or on any recorded easement.
- e. No tower shall be placed on a roof.
- f. A maximum of one tower shall be permitted per lot, parcel, or tract.
- g. A tower shall be fenced, walled, or protected in some manner so as to prevent uncontrolled access by children from the street or from adjacent properties. Said wall, or protection shall be maintained in good condition.
- h. All towers shall be removed when no longer in service.
- v. Telecommunication Towers: The following conditions apply to all other telecommunication towers and related equipment placements in all zoning districts.
- a. Telecommunication towers shall meet the minimum setback requirements for the principal structures in the zoning district in which they are located, plus where the tower is on a lot, parcel, or tract which abuts a zone other than M-1 or C-4 districts, an additional one third (1/3) of a foot for each one (1) foot of tower height over 35 feet tall. Setbacks shall be measured from the farthest most protrusion of the tower and its appurtenances.
  - b. Guy wires for telecommunication towers shall be set back

from the side and/or rear property lines a minimum of ten (10) feet. No guy wires shall be located in required front yards.

- c. A certified survey shall be submitted which shall verify tower and antenna heights, and setbacks for the tower, and its appurtenances, and the guy wires.
- d. A telecommunication tower and related equipment shall be the principal use and structures on all lots, parcels, or tracts zoned residential or commercial. No other use or structure shall be permitted on the same lot, parcel, or tract.
- e. All telecommunication towers and related equipment shall be removed when the facility is no longer in service.
- f. A site plan shall be approved by the Planning Commission.

#### 3.4.9.3 Public or Quasi-Public Utilities and Related Facilities

- a. Definition: Facilities which provide service to the public of water, sewer, gas, electricity, telephone, fiber-optic communication, and cable television. The foregoing shall be deemed to include facilities and appurtenances to the above uses, but shall not include public utility generating plants or offices.
- b. Parking: None
- c. Loading: As provided for in [Section 5.3](#) of this Ordinance
- d. Additional Standards: None

#### 3.4.9.4 Terminal

- a. Definition: A building or area used by a motor

freight company or similar business for the purpose of the transfer and dispatching of goods by truck, and where short-term storage of such vehicles/and goods may occur.

- b. Parking: One space for each three employees, computed on the largest number of persons employed at any period, during day or night
- c. Loading: Sufficient space to accommodate the maximum number of buses or trucks that will be stored and loading and unloading at the terminal at any one time.
- d. Additional Standards: None

#### 3.4.9.5 Warehouse

- a. Definition: A building used only for the storage of materials, equipment, or products: for distribution to off-site wholesalers or retailers; for use in a manufacturing process on the same site or another site; for use by a service business on the same site, such as a building, HVAC, landscape, electrical, and similar contractor of items used in the daily conduct of such business; or, that part of a retail building used for storage of inventory sold on site which is significantly larger in size than the retail portion of such a building, and which is not accessible to its retail customers.
- b. Parking:
  - i. Warehouse for off-site distribution, warehouse associated with a manufacturing process, and warehouse associated with service business: One space for each three employees on the largest shift.
  - ii. Retail business which includes warehouse within its building: One space per 250 square feet of retail area or customer service area and one space for each three employees on the largest shift.

- c. Loading: As provided for in [Section 5.3](#) of this Ordinance

d. Additional Standards:

- i. Any outdoor storage space associated with this use shall meet the requirements for a 'Storage Yard,' as set out in 3.4.10.5 of this Ordinance.
- ii. A self-storage warehouse, also referred to as a mini-warehouse, where small spaces are rented to multiple individuals having access to only their space will be reviewed as a general commercial use. Any outdoor storage space associated with a self-storage use shall meet the requirements for a 'Storage Yard,' as set out in Section 3.4.10.5 of this Ordinance.

3.4.9.6 Wireless Telecommunication Facilities (Definition and Standards below apply only to TC District)

- a. Definition: A facility used for the transmission or reception of electromagnetic or electro-optic information, which is placed on a new structure, requires accessory structures, or exceeds the height requirements of the district in which it is located. This use does not include any facility not used for communication, or radio frequency machines which have an effective radiated power of 100 watts or less.
- b. Parking: None
- c. Loading: As provided for in Section 5.3 of this Ordinance
- d. Additional Standards:
  - i. Towers: Wireless telecommunications towers and related equipment facilities shall be allowed upon approval with a conditional use permit. Subject to the provisions of subsection iii below, co-location on existing towers is subject only to an administrative review.
  - ii. Building-Mounted: Building-mounted telecommunications shall be integrated into the design of the building or be

fully screened, and in either case must receive development plan approval as a building modification. Satellite dishes not exceeding two feet in diameter shall be permitted in any zoning district. Building-mounted dishes shall require administrative review, except for residential uses. Building-mounted dishes greater than two feet in diameter are permitted only in commercial, mixed-use, and office/industrial districts and shall require a use permit.

- iii. Co-location: Wireless Telecommunication Facilities may be co-located, subject to administrative review only. Any addition to the existing height or change in appearance of the tower, as determined by the Director to facilitate co-location may require a use permit. Wireless Telecommunication Facilities to be attached to existing light, power or telephone poles shall require a use permit.
- iv. Application Requirements. An applicant for a new Wireless Telecommunication Facilities use permit shall submit the following information:
  - Use permit application, including a development plan when applicable.
  - For towers, monopoles, and similar proposals, a visual study containing, at a minimum, a vicinity map depicting where, within a one-half (1/2) mile radius, any portion of the proposed Wireless Telecommunication Facilities could be visible, and a scaled graphic simulation showing the appearance of the proposed tower and accessory structures from two separate points within the impacted vicinity, accompanied by an assessment of potential mitigation measures. Such points are to be mutually agreed upon by the Development Director, or designee, and the applicant.

- Documentation of the steps that will be taken to minimize the visual impact of the proposed Wireless Telecommunication Facilities.
  - A landscape plan drawn to scale that is consistent with the need for screening at the site. Any existing vegetation that is to be removed must be clearly indicated and provisions for mitigation included where appropriate.
  - A feasibility study for the co-location of telecommunication facilities as an alternative to new structures. The feasibility study shall include:
    - An inventory, including the location, ownership, height, and design of existing Wireless Telecommunication Facilities within one-half (1/2) mile of the proposed location of a new Wireless Telecommunication Facilities. The City may share such information with other applicants seeking permits for Wireless Telecommunication Facilities, but shall not, by sharing such information, in any way represent or warrant that such sites are available or suitable.
    - Applicant shall document efforts made to co-locate on existing towers. Each applicant shall make a good faith effort to contact the owners of existing or approved towers and shall provide a list of all owners contacted in the area, including the date, form and content of such contact. Co-location shall not be precluded simply because a fee for shared use is charged, or because of reasonable costs necessary to adapt the existing and proposed uses to a shared tower. Co-location costs exceeding new tower development are presumed to be unreasonable.
- The Development Director, or designee, may request any other information deemed necessary to fully evaluate and review the application and the potential impact of a proposed tower and/or antenna.
- v. Abandoned Tower/Antenna.
- The wireless telecommunication tower/antenna shall be removed within 90 days of discontinuance of the tower/antenna's use.
- ### 3.4.9.7 Wholesale Business
- a. Definition: An establishment which sells and distributes merchandise to retailers or to other business or wholesale firms for resale. For the purposes of this Ordinance, a wholesale business shall be not considered to be a general commercial or retail business which sells products to the general public at discounted prices.
  - b. Parking: One space for each three employees on the largest shift.
  - c. Loading: As provided for in [Section 5.3](#) of this ordinance
  - d. Additional Standards: A wholesale business may include a warehouse. Any outdoor storage space associated with this use shall meet the requirements for a 'Storage Yard', as set out in [3.4.10.5](#) of this Ordinance.
- ### 3.4.10 Accessory Uses
- #### 3.4.10.1 Caretaker Quarters
- a. Definition: Living quarters intended for occupation only by a person employed to monitor and/or care for the property and facilities upon



which such quarters are located.

- b. Parking: Two spaces. It is permissible to occupy any vacant spaces available on site, but if not generally available to the caretaker when needed, add and/or designate two spaces for this purpose.
- c. Loading: None
- d. Additional Standards:
  - i. The caretaker quarters may be a dwelling unit in part of the principal structure or in a separate structure.
  - ii. The caretaker's quarters shall be of the same or similar design of the principal structure, and whether in the principal structure or in a separate structure, shall be placed and constructed in compliance with applicable provisions of this Ordinance and the City Building Code and City Fire Code.

#### 3.4.10.2 Customary Accessory Building

- a. Definition: 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. Parking: None
- c. Loading: None
- d. Additional Standards: In LDR (R-1), MDR (R-2), HDR (R-3), and HRO Districts, accessory buildings shall not exceed one story; shall be located in the rear yard, not closer than five (5) feet from all property lines, and shall also conform with a required setback from an intersecting street; and, shall not exceed twenty (20) percent of the rear yard.

#### 3.4.10.3 Customary Home Occupation

- a. Definition: An occupation for gain or support which is customarily conducted in the home,

which is incidental to the use of the building or structure as a dwelling unit, which employs not more than two persons not residents of the premises, and not more than thirty (30) percent of the total actual ground floor area is used for home occupation purposes.

- b. Parking: Two spaces per dwelling unit
- c. Loading: None
- d. Additional Standards: Within zoning districts which permit residential use, with the exception of the TC District within which the provisions of 3.4.10.4 apply, customary home occupations are permitted, in accordance with the following conditions:
  - i. There shall be no external evidence of the occupation, except an announcement sign not more than two square feet in area.
  - ii. Only two persons not a resident of the dwelling may be employed.
  - iii. Not more than thirty percent of the total floor area of the dwelling may be used for the occupation.
  - iv. Provided all other provisions related to home occupations can be met and maintained, the care of up to seven children (excluding the occupant's children or stepchildren) shall be considered a home occupation. Should such home occupation also meet the definition of "family child care home" as set out in 71-3-501, Tennessee Code Annotated, the occupant shall comply with all licensure requirements of the Tennessee Department of Human Services and shall make available a copy of such license upon the request of the Development Director. In no way shall care of children as a home occupation, as herein described, be construed to allow the operation of a "day care center", as defined in Article III, Section 319 of this ordinance, nor the operation of a "group child care

home”, “child care center”, nor “drop-in center”, as defined in 71-3-501, Tennessee Code Annotated.

#### 3.4.10.4 Home Occupation (Definition and Standards below apply only to TC District)

a. Definition: A home occupation shall mean an accessory use consisting of a vocational activity conducted inside a dwelling unit or its accessory structures, if applicable, and used only by the individuals who reside therein and two employees, provided that the home occupation:

- i. does not result in noise or vibration, light, odor, dust, smoke, or other air pollution noticeable at or beyond the property line,
- ii. includes only the incidental sale of stocks, supplies, or products,
- iii. is clearly subordinate to the use of the lot for dwelling purposes and does not change the character of the lot,
- iv. does not include the outside storage of goods, materials, or equipment, and
- v. has signs limited to a non-illuminated identification sign two square feet or less in size.

b. Parking: None

c. Loading: None

d. Additional Standards:

- i. There shall be no public display of stock-in-trade upon the premises.
- ii. Not more than 25 percent of the floor area of a dwelling shall be used for the conduct of a home occupation. Any existing accessory building used in connection with a home occupation shall not exceed 450 square feet in area.
- iii. No traffic shall be generated by such

home occupations in greater volumes than would normally be expected in a residential neighborhood.

iv. There shall be no exterior lighting which would indicate that the dwelling and/or existing accessory building is being utilized in whole or in part for any purpose other than residential purposes.

v. No equipment or process shall be used in a home occupation which creates noise, vibration, glare, fumes, or odors detectable to the normal senses off the lot if the occupation is conducted in a single-family or two-family residence (or in any accessory structure on the same premises with a single or two-family residence), or outside of the dwelling unit if conducted in a multifamily dwelling unit building or complex. Furthermore, no equipment or process shall be used in any home occupation which creates visual or audible electrical interference in any radio or television receivers off the premises, or causes fluctuations in line voltage off the premises.

vi. One (1) wall sign no larger than 18 inches by 24 inches.

#### 3.4.10.5 Storage Yard and Storage Building

a. Definition: An area or a building that is accessory to the principal use of a site as a commercial, support service, or industrial use to store equipment, materials, or inventory associated with that business. Examples of businesses that may that have a need for a storage yard or storage building are vehicle, recreational vehicle, and boat sales and/or repair, mobile home and residential storage building sales, building materials or garden supply sales or related contracting businesses, and warehouses or self-service storage and mini-warehouse businesses.

b. Parking: As is required for the principal use

c. Loading: As provided for in [Section 5.3](#) of this Ordinance

d. Additional Standards:

- i. The setback for a storage yard or storage building shall be no less than that required for an accessory use elsewhere in this Ordinance and no storage yard or storage building shall intrude into any landscape buffer required in this Section or elsewhere in this Ordinance. If not specifically addressed elsewhere in this Ordinance, no accessory storage yard or storage building shall be closer than 5' from a side or rear property line nor closer than 7' from any street right-of way, including lots which may have more than one lot line which abuts a public street.
- ii. The area of a lot used only for accessory storage may have a properly compacted base and surface other than asphalt or concrete, when such is found to be acceptable to the City Engineer and Director of Development.
- iii. Where a lot upon which a storage yard or storage building is located abuts a residential zoning district, an opaque fence or evergreen buffer at least 6' in height shall be installed in a location and manner which obstructs the view of the storage yard or storage building from the residential district. Where dismantled vehicles, boats, mobile homes, or other equipment under repair or stored for use in future repairs are visible from an adjoining street, an opaque fence or evergreen buffer at least 6' in height shall be installed in location and manner which obstructs the view from the adjoining street; except that, a storage yard or building located in an IN district which also abuts property in an IN District on all sides shall not be required to install such buffer.
- iv. Any similar area or building operated as a business specifically for the storage of vehicles or storage of other items owned by someone other than the

business owner, such as a storage area for recreational vehicles, impounded vehicles, or self-service storage and mini-warehouses shall be considered as a principal use of a commercial nature, shall have a permanent business office on site with paved parking for customers, and shall adhere to the applicable commercial development standards provided for elsewhere in this Ordinance, and where applicable, the standards set out in d. i., ii, and iii. above; except that, the area of the site used for only storage may have a properly compacted base and surface other than asphalt or concrete, when such is found to be acceptable to the City Engineer and Director of Development.

3.4.10.6 Unattended Free-standing Use, and Similar Uses (Definition and Standards below apply only to HRO District)

- a. Definition: An unattended structure, such as a stand alone automated teller machine, ice dispensing machine, or similar structure.
- b. Parking: None
- c. Loading: None
- d. Additional Standards:
  - i. No unattended free-standing use, which is accessible to the customer or the general public after the close of business day and/or on weekends may be established in the HRO District.
  - ii. No use otherwise permitted in the HRO District may have a drive-through or a drop-off area which is accessible to customers or the general public after the close of the business day and/or on weekends.

3.4.11 Temporary and Miscellaneous Uses.

3.4.11.1 Temporary Uses and Mobile, Factory-Built, or Factory Assembled Structures

- a. Definition: None
  - b. Parking: None
  - c. Loading: None
  - d. Additional Standards:
    - i. It shall be unlawful to place any temporary structure, trailer, mobile structure (including, but not limited to, cars, vans, trucks, or buses), tents, factory-built structures or factory assembled structures designed for conveyance after fabrication, either on its own wheels, flatbed truck, or other trailers on any lot either residential, commercial or industrial, within the corporate limits of the City used for assembly, business, educational, hazardous, factory, industrial, institutional, mercantile, residential, or storage occupancies, except as noted in ii below, and as may be provided for in [Section 3.4.11.2 Construction Trailer or Sales Office](#), [Section 3.4.11.3, Special or Seasonal Events](#), and [Section 3.4.11.4 Tents for Assembly Occupancy or Retail Sales](#).
    - ii. Exceptions. Structures exempt from provisions of this section shall include:
      - a. Mobile homes located in approved mobile home parks
      - b. Prefabricated structures or modular building units, manufactured off-site and transported to the point of use and installed on a permanent concrete or masonry foundation as a finished building with permanent sewer and water connections. Such units shall be inspected at the point of manufacture and shall bear the insignia of approval of the commissioner of the Tennessee Department of Commerce and Insurance or an approved inspection agency, as specified in Tennessee Code Annotated, Title 68, Chapter 102 Part 1.
  - c. Customary accessory storage buildings placed in approved residential locations, as provided for in [Section 3.4.10.2 Customary Accessory Building](#).
  - d. Temporary structure or tent used by a person selling fresh produce grown in Sevier County; or, fresh Christmas trees, in season, and subject to spoilage.
  - e. Temporary structure or tent used by a person who sells his own property which was not acquired specifically for resale, barter, or exchange and who does not conduct such sales or act as a participant by furnishing goods in such a sale on a regular basis.
  - f. Mobile self-contained catering vehicles designed to move under their own power from site to site with stops limited to a thirty (30) minute maximum at each location.
  - g. Temporary structures associated with flea markets provided the area for these temporary uses is shown on a Flea Market Site Plan approved by the Planning Commission.
- 3.4.11.2 Construction Trailer or Sales Office
- a. Definition: A facility temporarily used as a construction or sales office.
  - b. Parking: To be determined by the Building Official
  - c. Loading: None
  - d. Additional Standards:
    - i. A construction trailer, or temporary sales office may be established on a site where a building permit has been issued and operated until the time of the Certificate of Occupancy, or

completion of the sale of the lots or residences within a subdivision, or for a duration specified as a condition of the Temporary Use Permit.

- ii. Real estate sales conducted from a temporary sales office are limited to sales of lots within the subdivision where it is located and to other subdivision projects under the same ownership.

in connection with a previously established business and located on the property with said business.

- iii. A permit must be obtained from the City for any tent four hundred (400) square feet in size or larger, approved by the Fire Marshal, and comply with the current adopted fire codes. Tents less than four hundred (400) square feet in size are exempt from requiring a permit.

- iv. The duration of any tent and the event shall not exceed ten (10) days.

- v. Not more than one permit shall be issued to any person, group, firm, business or corporation or for any particular property within any three (3) month period.

#### 3.4.11.3 Special or Seasonal Events

- a. Definition: A use established for a fixed period of time with the intent to discontinue such use upon the expiration of such time that does not involve the construction or alteration of any permanent structure.
- b. Parking: See d. below
- c. Loading: See d. below
- d. Additional Standards: Any special or seasonal activities and events shall be conducted in accordance with applicable provisions of this Ordinance and applicable provisions of the Municipal Code.

#### 3.4.11.4 Tents for Assembly Occupancy or Retail Sales

- a. Definition: A temporary structure of canvas or similar material stretched and sustained by poles.
- b. Parking: To be determined by the Building Official
- c. Loading: None
- d. Additional Standards:
  - i. A tent may be used for the purpose of a religious meeting, festival, air, circus, or carnival for a limited time not to exceed ten (10) days.
  - ii. A tent may be used for the purpose of conducting a special retail sales event



## 4.0 DEVELOPMENT STANDARDS

### 4.1 Purpose

In order to fully implement the goals of the City supplementary development standards are required to insure that new development, renovation, and reconstruction are designed, sized, and sited to achieve functionally efficient, economically productive, pedestrian friendly, and aesthetically pleasing environments. These standards are intended to contribute to the stability, vitality and long term livability of the City.

- Parking and Traffic Circulation
- Pedestrian Circulation
- Building Form and Materials
- Lighting and Illumination
- Historic Compatibility
- Fences, Walls and Screening
- Landscaping
- Stormwater Management

### 4.2 Applicability

- 4.2.1 The following development standards shall be applied by zoning district according to the development standards [Tables 4.6 - 4.13](#).

### 4.3 Relation to Overlay Districts

These standards shall also apply in all overlay districts if the standard would apply to the applicable underlying district, unless an alternative standard is set forth in the overlay district.

### 4.4 Applicability to Functional Road Classifications

- 4.4.1 Where development conditions reference functional road classifications, the functional road classifications, as determined by the City, shall be used.
- 4.4.2 Functional road classifications shall be as follows: Primary Arterial, Minor Arterial, Major Collector, Minor Collector, Local. Any road with service levels at minus D, (-D) shall be considered as a road at the next highest classification level.

### 4.5 Development Standards Table

The development standards are organized in [Table 4.1](#). The symbol "■" means that the standard is required and compliance shall be determined by the Development Department. The symbol "✘" means that the standard is not required. Standards are divided into the following major building and construction elements in Sections.



Table 4.1 Development Standards

STANDARD	DISTRICT											
	AR (A-R)	LDR (R-1)	MDR (R-2)	HDR (R-3)	TC	NC (C-2)	IC (C-3)	AG (C-4)	IN (M-1)	HRO	TCL (C-5)	VA (V-1)
■ = Required x = Not required												
4.6.2 Parking Lot and Driveway Entrances.												
4.6.2.1	Except in LDR and MDR residential districts, no driveway shall be constructed opposite the non-continuous leg of a "T" intersection for a distance equal to the width of the non-continuous leg right-of-way plus an additional twenty five (25) feet in each direction. Major developments encompassing five (5) or more uses or requiring 250 or more parking spaces may include a driveway designed to function as the fourth leg of a "T" intersection provided there are no other driveways from the development located within 200 feet of the intersection.											
	■	x	x	■	x	■	■	■	■	x	■	■
4.6.2.2	Except in residential districts, no part of any entrance may encroach on the frontage of an adjacent property except where a joint use driveway is established at the request of both owners.											
	x	x	x	x	x	■	■	■	■	x	■	■
4.6.2.3	Where a lot is used for residential purposes, then the driveway accessing it from the street or road shall have a minimum distance of five (5) feet between any edge of such a driveway and either side lot line of the lot.											
	■	■	■	■	x	■	■	x	x	■	■	■

1.0 GENERAL PROVISIONS

2.0 ZONING DISTRICTS

3.0 USES & CONDITIONS

4.0 DEVELOPMENT STANDARDS

5.0 PARKING

6.0 SIGNS

7.0 NON-CONFORMITIES

8.0 ADMINISTRATION

9.0 DEFINITIONS

APPENDIX

Table 4.1 Development Standards

STANDARD	DISTRICT											
	AR (A-R)	LDR (R-1)	MDR (R-2)	HDR (R-3)	TC	NC (C-2)	IC (C-3)	AG (C-4)	IN (M-1)	HRO	TCL (C-5)	VA (V-1)
<p>■ = Required                      x = Not required</p>												
4.6.2.4 For a lot used for non-residential purposes, any edge of any driveway providing access from the street or road shall have a minimum distance of twenty-five (25) feet between such edge and either side lot line of the lot. However, these provisions shall not apply if joint use driveways are approved to access adjoining lots or tracts, nor shall they apply to any non-residential lot that has less than one hundred (100) feet of frontage on a street or road. In the latter case, where a non-residential lot has less than one hundred (100) feet of street or road frontage, the minimum distance between the driveway edge and the side lot line shall be at least five (5) feet.	x	x	x	x	x	■	■	■	■	x	■	x
4.6.2.5 With the exception of driveway access to an agricultural use of land, paving shall be required for each driveway constructed within the City, according to the specifications stated in 4.6.2.7 - 4.6.2.10.	x	■	■	■	x	■	■	■	■	■	■	■
4.6.2.6 Paving for any residential driveway shall be mandatory up to a distance of one-hundred (100) feet from the edge of the street or road accessed by such a driveway.	x	■	■	■	x	■	■	x	x	■	■	■
4.6.2.7 All non-residential driveways, except for those serving agricultural purposes, shall be paved for the full extent of their lengths from the road or street right of way.	x	■	■	■	■	■	■	■	■	■	■	■

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<p>■ = Required                      ✕ = Not required</p>														
4.6.2.8 Paving required for the construction of driveways shall consist of one of the following: (a) at least two (2) inches of asphaltic concrete laid over six (6) inches of compacted gravel, or (b) at least four (4) inches of cement concrete with no underlying gravel base. With regard to a particular site, the City Engineer may require the installation of greater depths of paving and gravel than the minimal amounts stated, due to large traffic volumes and/or heavy vehicles.	■	■	■	■	✕	■	■	■	■	■	■	■		
4.6.2.9 Within the HRO District, it is preferred that driveways and parking areas be constructed of a pre-engineered pervious block system or a porous pavement material, except that, driveways which lie closer than five (5) feet to a side or rear lot line of an adjoining lot shall be constructed of a pre-engineered pervious block system or porous pavement system in a manner acceptable to the City Engineer. Driveways and parking lots constructed of asphalt or concrete shall be constructed in accordance with standards established by the Public Works Department.	✕	✕	✕	✕	✕	✕	✕	✕	✕	■	✕	✕		
4.6.2.10 In the event that a driveway is built on top of and/or obliterates or damages a public sidewalk, then the driveway must consist of cement concrete in the area previously occupied by the sidewalk.	■	■	■	■	✕	■	■	■	■	■	■	■		

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STANDARD		AR (A-R)	LDR (R-1)	MDR (R-2)	HDR (R-3)	TC	NC (C-2)	IC (C-3)	AC (C-4)	IN (M-1)	HRO	TCL (C-5)	VA (V-1)		
■ = Required x = Not required															
4.6.2.11	Where installation of a driveway is proposed, adequate measures for the control of stormwater onto the public right of way shall be required. Stormwater shall be directed to catch basins, ditches, swales, or other appropriate drainage areas, so that such stormwater does not flow substantially onto the public roads or streets, and does not cause erosion or sedimentation on public right of ways and drainageways. The City Engineer may determine the appropriate method of stormwater drainage control necessary to protect public property, and the health and safety of pedestrians and drivers of vehicles on public roads, streets, and ways. (Also, see Section 16-409 of the Sevierville Municipal Code.)	■	■	■	■	x	■	■	■	■	■	■	■		
4.6.2.12	Residential driveways, other than those accessing multi-family residential sites, shall not exceed a maximum slope of ten (10) percent for the initial twenty (20) feet of length extending from the edge of a street or road, and shall not exceed a maximum slope of fifteen (15) percent on the remainder of the driveway length. Where an existing lot or tract of land is too steep to reasonably satisfy the applicable requirements on the driveway slope, then the Board of Zoning Appeals may grant a variance, assuming that the variance represents the minimal departure from the requirements necessary to attain safe and feasible access into the property.	x	■	■	■	x	■	■	x	■	■	■	■		

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	AR (A-R)	LDR (R-1)	MDR (R-2)	HDR (R-3)	TC	NC (C-2)	IC (C-3)	AG (C-4)	IN (M-1)	HRO	TCL (C-5)	VA (V-1)
<p>■ = Required                      x = Not required</p>												
4.6.2.13 Driveways serving non-residential and multi-family residential sites shall not exceed a maximum slope of five (5) percent for the initial twenty (20) feet of driveway length extending from the edge of a street or road, and shall not exceed a maximum slope of ten (10) percent on the remainder of the length. Where an existing lot or tract of land is too steep to reasonably satisfy the applicable requirements on the driveway slope, then the Board of Zoning Appeals may grant a variance, assuming that the variance represents the minimal departure from the requirements necessary to attain safe and feasible access into the property.	x	■	■	■	x	■	■	■	■	■	■	■
4.6.2.14 Lots with residential uses with less than seventy-five (75) feet frontage may have one (1) driveway.	x	■	■	■	x	■	■	■	■	■	■	■
4.6.2.15 Lots with residential uses with a frontage of at least seventy-five (75) feet but less than one hundred fifty (150) feet may have two (2) driveways, subject to Planning Commission approval, if the distance between such proposed driveways amounts to no more than the width of one of the driveways where they have equal widths, or no more than the wider of the driveways where unequal widths apply; otherwise only one driveway shall be allowed.	x	■	■	■	x	■	■	x	x	■	■	■
4.6.2.16 Lots with residential uses with a frontage of at least one hundred and fifty (150) feet but less than four hundred (400) feet may have two (2) driveways.	x	■	■	■	x	■	■	x	x	■	■	■

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■ = Required ✕ = Not required												
4.6.3.6 Minimum parking aisle and width dimension shall be as follows:	✕	■	■	■	✕	■	■	■	■	■	■	■
Angle 30 Degrees: Wall - 15.5, Stall Curb 14.5, Depth to Interlock 12.5, Stall Width 9.0 Aisle Width 12.0 Angle 45 Degrees: Wall - 18.0, Stall Curb 16.5, Depth to Interlock 16.0, Stall Width 9.0 Aisle Width 13.0 Angle 60 Degrees: Wall - 19.0, Stall Curb 17.5, Depth to Interlock 18.0, Stall Width 9.0 Aisle Width 18.0 Angle 75 Degrees: Wall - 19.5, Stall Curb 17.5, Depth to Interlock 19.0, Stall Width 9.0 Aisle Width 24.0 Angle 90 Degrees: Wall - 18.0, Stall Curb 16.0, Depth to Interlock 18.0, Stall Width 9.0 Aisle Width 24.0 *Stall depths are measured perpendicular to the centerline of the parking aisle (Section 402.21.1)												
4.6.3.7 Parking aisles shall be arranged so as to channel traffic and minimize vehicular/pedestrian conflicts.	✕	■	■	■	✕	■	■	■	■	■	■	■
4.6.3.8 Signs, signals, and markings shall be in conformance with the Tennessee Manual on Uniform Traffic Control Devices. Where needed, size reduction of devices shall be approved, however, shape and color shall meet requirements of the manual.	✕	■	■	■	✕	■	■	■	■	■	■	■
4.6.3.9 All commercial, industrial, multi-family, and other non-residential uses, shall provide a landscaped edge seven (7) feet in width on private property adjacent to all streets and entrances and a five (5) foot landscape strip along other property lines, unless standards for certain uses, as may be set out in Chapter 3.0, differ from this standard. (See also, subsection 4.12, Landscape Standards)	✕	■	■	■	✕	■	■	■	■	■	■	■
4.6.3.10 Parking aisles and interior dividers shall be terminated with terminal islands not less than five (5) feet in width constructed with raised curbs and such shall be landscaped with appropriate cover. (See also, subsection 4.12, Landscape Standards)	✕	■	■	■	✕	■	■	■	■	■	■	■

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■ = Required x = Not required													
4.6.3.11	All fixed objects within parking lots (utility poles, signs, fire hydrants, etc.) shall be located within islands to which access by vehicles is physically limited. These islands shall be appropriately landscaped with grass, shrubs, or other appropriate plant material which shall not exceed 30 inches in height above the adjacent paved surface. (See also, subsection 4.12, Landscape Standards)	x	■	■	■	x	■	■	■	■	■	■	■
4.6.3.12	Five (5) percent of the interior of the parking area shall be landscaped and one (1) tree for each three hundred (300) square feet of landscaped area. (See also, subsection 4.12, Landscape Standards)	x	■	■	■	x	■	■	■	■	■	■	■
4.6.3.13	Parking lot perimeters, terminal islands, interior islands, and dividers shall be landscaped with natural plant materials which at maturity shall not exceed thirty 30 inches in height. At least one deciduous shade tree, which shall grow to a minimum of thirty (30) feet and crown spread no less than one-half of the height at maturity, shall be provided for each twenty-five (25) parking spaces within the lot. The trees shall not be less than one and one-half (1-1/2) inches of caliper measured at four (4) feet above the ground and shall be no less than eight (8) feet high at time of planting. (See also, subsection 4.12, Landscape Standards)	x	■	■	■	x	■	■	■	■	■	■	■



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STANDARD	DISTRICT											
	AR (A-R)	LDR (R-1)	MDR (R-2)	HDR (R-3)	TC	NC (C-2)	IC (C-3)	AC (C-4)	IN (M-1)	HRO	TCL (G-5)	VA (V-1)
<p>■ = Required                      × = Not required</p>												
4.6.3.14 Maintenance of all islands, parking spaces and ways, landscaping, and traffic control devices within the parking facility is the responsibility of the property owner. All elements shown on the site plan are to be maintained on a regular schedule. All structures or plant materials that are damaged must be replaced to original standards within ninety (90) days. The Building Official or his designated representative shall regularly inspect parking lots required to meet these regulations. The official shall notify the property owner and/or manager upon finding deficiencies in structural or landscaped areas. (See also, subsection 4.12, Landscape Standards)	×	■	■	■	×	■	■	■	■	■	■	■
4.6.3.15 Vehicular and pedestrian cross access shall be provided to all adjacent properties.	×	×	×	×	■	■	■	■	×	×	■	×
4.6.3.16 Parking lots shall be setback 5' from property lines.	×	×	×	×	■	×	×	×	×	×	×	×
4.6.3.17 Parking spaces shall be delineated by white pavement striping unless otherwise required by ADA. Relective striping is encouraged.	×	×	×	×	■	■	■	■	×	×	■	×
4.6.3.18 Fire lanes shall be a minimum of 14 feet in width or as specified in the applicable fire code. Rear access to buildings shall comply with the adopted fire code.	×	×	×	×	■	■	■	■	×	×	■	×

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<p>■ = Required</p> <p>✕ = Not required</p>												
4.6.3.19 Median Islands. Median islands with a minimum width of eight feet inside the curb shall be placed every other parking bay or no more than 150 feet apart and along primary internal and external access drives.	✕	✕	✕	✕	■	■	■	■	✕	✕	■	✕
4.6.3.20 Loading docks, overhead doors, and truck parking shall be positioned, or screened in such a way as to not be visible from the public street.	✕	✕	✕	✕	■	✕	✕	✕	✕	✕	✕	✕
<b>4.7 Pedestrian Circulation</b>												
4.7.1 Circulation External to a Site.												
4.7.1.1 Where a sidewalk plan exists, sidewalks shall be provided along all public streets on the entire frontage of a development site and align with existing sidewalks on adjacent properties. Minimum sidewalk width is five feet. Additional width may be required as determined by Site and Design Review.	✕	✕	✕	✕	■	■	■	■	✕	✕	■	✕
4.7.1.2 Sidewalks shall be ADA compliant. Handicapped access ramps shall be constructed at street corners.	✕	■	■	■	■	■	■	■	✕	✕	■	✕
4.7.1.3 Where a sidewalk improvement plan exists, sidewalks shall be constructed at least five feet behind the curb to allow for landscaping and street trees. For new or infill development, new sidewalks shall connect to the existing sidewalk.	✕	✕	✕	✕	■	✕	✕	✕	✕	✕	✕	✕
4.7.1.4 Sidewalks shall not be required to cross driveways as long as the driveway provides an ADA compliant connection between the sidewalk ends.	✕	✕	✕	✕	■	■	■	■	✕	✕	■	✕
4.7.1.5 Sidewalks shall be concrete, or other approved surface. Asphalt sidewalks are prohibited.	✕	✕	✕	✕	■	■	■	■	✕	✕	■	✕
4.7.1.6 Where sidewalk obstructions are unavoidable, a continuous four foot wide path around the obstruction shall be provided.	✕	✕	✕	✕	■	■	■	■	✕	✕	■	✕

Table 4.1 Development Standards		DISTRICT													
STANDARD		AR (A-R)	LDR (R-1)	MDR (R-2)	HDR (R-3)	TC	NC (C-2)	IC (C-3)	AO (C-4)	IN (M-1)	HRO	TCL (G-5)	VA (V-1)		
	■ = Required ✕ = Not required														
4.7.1.7	Crosswalks shall be provided to connect external pedestrian circulation to a site and safely convey pedestrians to the site destination.	✕	✕	✕	✕	■	■	■	■	✕	✕	■	✕		
4.7.1.8	Crosswalks shall be striped in conformance with the latest edition of the Manual on uniform Traffic Control Devices.	✕	✕	✕	✕	■	■	■	■	✕	✕	■	✕		
4.7.1.9	On site plans for commercial, industrial, and multi-family uses, show location of existing sidewalks, and provide a plan for pedestrian circulation.	✕	✕	■	■	✕	■	■	■	■	■	■	■		
4.7.1.10	In the event that a driveway is built on top of/or obliterates or damages a public sidewalk, then the driveway must consist of cement concrete in the area previously occupied by the sidewalk.	■	■	■	■	✕	■	■	■	■	■	■	■		
4.7.1.11	There shall be no plants or structures placed in or on any yard or portion of a lot that would obstruct the vision of auto or pedestrian traffic using the intersecting streets.	■	■	■	■	✕	■	■	■	■	■	■	■		
4.7.1.12	Lanscaping, including berms, shall not obstruct pedestrian and/or vehicular traffic visibility at street intersections or at access points to streets.	■	■	■	■	✕	■	■	■	■	■	■	■		
4.7.1.13	Signs, signals, and markings shall be in conformance with the Tennessee Manual on Uniform Traffic Central Devices. Where needed, size reduction of devices shall be approved, however, shape and color shall meet requirements of the manual.		■	■	■	✕	■	■	■	■	■	■	■		
4.7.2	Internal Site Circulation														
4.7.2.1	Internal pedestrian circulation shall be provided to create interconnected walkways safely conveying pedestrians from adjacent streets and parking areas to the site destination.	✕	✕	✕	✕	■	■	■	■	✕	✕	■	✕		

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<p>■ = Required</p> <p>× = Not required</p>												
4.7.2.10 Signs, signals, and markings shall be in conformance with the Tennessee Manual on Uniform Traffic Central Devices. Where needed, size reduction of devices shall be approved, however, shape and color shall meet requirements of the manual.	■	■	■	■	×	■	■	■	■	■	■	■

**4.8 Site Lighting and Building Illumination**

**4.8.1 Lighting and Illumination Generally.**

4.8.1.1 Streets, driveways, parking lots, walks and service areas shall be adequately illuminated as evenly as possible, not exceeding an average of .3 foot-candles diminishing to zero at a site's boundary. Lighting intensity shall be demonstrated by means of a site lighting plan illustrating compliance.	×	×	×	×	■	×	×	×	×	×	×	×
4.8.1.2 Site lighting shall not extend beyond site boundaries. Luminaries shall be shielded, shaded, or directed to prevent light from being cast on adjacent property.	×	×	×	×	■	×	×	×	×	×	×	×
4.8.1.3 No exterior lighting fixture shall be placed or directed so as to interfere with the operation of vehicles.	×	×	×	×	■	×	×	×	×	×	×	×
4.8.1.4 No exterior light shall have any blinking, flashing, or fluttering light, or other illuminating device which has a changing light intensity or brightness of color.	×	×	×	×	■	×	×	×	×	×	×	×
4.8.1.5 Lighting fixtures shall be compatible in style with the architecture of their associated buildings.	×	×	×	×	■	×	×	×	×	×	×	×

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<p>■ = Required                      x = Not required</p> <p><b>Good Lighting:</b></p> <ul style="list-style-type: none"> <li>Directs light down and to the sides as needed for light control.</li> <li>Reduces glare, provides even illumination.</li> <li>Does not trespass onto neighboring property.</li> <li>Helps preserve the dark night sky.</li> <li>Cost efficient.</li> </ul> <p><b>Bad Lighting:</b></p> <ul style="list-style-type: none"> <li>Contributes to the skyglow with upward direction of light, reducing the enjoyment of the night sky.</li> <li>Causes glare, light trespass, and harsh illumination.</li> <li>Wastes energy.</li> </ul>												
4.8.1.6 Any outside lighting of courts, parking lots, or other facilities shall be designed and constructed in such a manner as not to cause inconvenience to other uses in the immediate area.	x	■	■	■	x	x	x	x	x	x	x	x
4.8.1.7 An exterior lighting plan shall be submitted on or with the site plan showing the location and type of all existing and proposed lighting fixtures, whether attached to a structure or freestanding. The number and intensity of exterior lights shall be restricted to a type and be of an intensity of light customarily found in residential settings. Examples of lighting not considered as residential in nature include standard wooden utility poles with mercury vapor fixtures of more than 100 watts (security lights as might be found in commercial or rural areas) and similar mercury vapor and high pressure sodium fixtures of more than 100 watts. All pole lights and lights attached to structures shall be of a design that directs light only downward to the site, or toward a structure on the site, and not toward adjoining properties, including a public street.	x	x	x	x	x	x	x	x	x	■	x	x

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STANDARD	DISTRICT											
	AR (A-R)	LDR (R-1)	MDR (R-2)	HDR (R-3)	TC	NC (C-2)	IC (C-3)	AC (C-4)	IN (M-1)	HRO	TCL (G-5)	VA (V-1)
<p>■ = Required</p> <p>✕ = Not required</p>												
4.8.2 Mounting and Luminaries												
4.8.2.1 Poles in commercial and multiple-family developments, whether mounted upon a building or independently, shall not exceed 20 feet in height.	✕	✕	✕	✕	■	✕	✕	✕	✕	✕	✕	✕
4.9 Building Form and Materials.												
4.9.1 Form.												
4.9.1.1 When adjoining a residential zone, structures shall be compatible with the character of single-family residential structures. Compatibility shall be determined by comparing the consistency of existing and proposed design elements, colors, materials, height, bulk and landscaping.	✕	✕	✕	✕	■	✕	✕	✕	✕	✕	✕	✕
<p>Diagram 4.4 (TC Only)</p>												
4.9.1.2 Building facades shall be oriented parallel to the streets they face. Main entrances shall be visible as a means of creating continuous streetscapes.	✕	✕	✕	✕	■	✕	✕	✕	✕	✕	✕	✕

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	AR (A-R)	LDR (R-1)	MDR (R-2)	HDR (R-3)	TC	NC (C-2)	IC (C-3)	AC (C-4)	IN (M-1)	HRO	TCL (C-5)	VA (V-1)
<p>■ = Required                      x = Not required</p>												
4.9.1.3 Multiple buildings on a site should be clustered to create plaza or pedestrian mall areas. Where this cannot be achieved buildings shall be connected by means of pedestrian walkways defined by separate paving textures and accented by landscape areas.	x	x	x	x	■	x	x	x	x	x	x	x
4.9.1.4 False or stage-set facades are prohibited. Materials and colors used on the street façade shall continue to the sides and rear of the building where visible from a street right-of-way or adjacent residence.	x	x	x	x	■	x	x	x	x	x	x	x
4.9.1.5 The maximum, unbroken facade plane shall be 60 feet. The facade plane shall be interrupted by projections, recesses, portals, courtyards, plazas, or other appropriate architectural design. Facade plane breaks shall have a minimum depth of six inches.	x	x	x	x	■	x	x	x	x	x	x	x
<div style="display: flex; justify-content: space-around;"> <div style="text-align: center;">  <p>Inappropriate Facade - TC Only</p> </div> <div style="text-align: center;">  <p>Appropriate Facade - TC Only</p> </div> </div>												
4.9.1.6 No flat-faced cement block or metal surfaces shall be visible, from a major collector or arterial, upon the exterior of any building as a primary surface material or mansard.	x	x	x	x	■	x	x	x	x	x	x	x

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	AR (A-R)	LDR (R-1)	MDR (R-2)	HDR (R-3)	TC	NC (C-2)	IC (C-3)	AC (C-4)	IN (M-1)	HRO	TCL (G-5)	VA (V-1)
<p>■ = Required</p> <p>✕ = Not required</p>												
 <p>(TC Only) Not Permitted</p>												
4.9.1.7	✕	✕	✕	✕	■	✕	✕	✕	✕	✕	✕	✕
4.9.1.8	✕	✕	✕	✕	✕	✕	✕	✕	✕	✕	✕	✕
4.9.1.9	✕	✕	✕	✕	■	✕	✕	✕	✕	✕	✕	✕
4.9.1.10	✕	✕	✕	✕	■	✕	✕	✕	✕	✕	✕	✕

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	AR (A-R)	LDR (R-1)	MDR (R-2)	HDR (R-3)	TC	NC (C-2)	IC (C-3)	AC (C-4)	IN (M-1)	HRO	TCL (C-5)



4.9.2 Materials.

4.9.2.1	Building materials shall suit the architectural style of a building and be consistent or complementary throughout. Exterior surface materials shall be selected from among the following: brick, cementitious stucco, stone, vertical board and batten, wood or cementations siding and approved architectural concrete masonry unit. A maximum of 50% of exterior surface may be clad with Dryvit or EFIS.	x	x	x	x	■	x	x	x	x	x	x	x
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Appropriate Use of Materials - TC Only



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STANDARD	DISTRICT											
	AR (A-R)	LDR (R-1)	MDR (R-2)	HDR (R-3)	TC	NC (C-2)	IC (C-3)	AC (C-4)	IN (M-1)	HRO	TCL (G-5)	VA (V-1)
<p>■ = Required</p> <p>✕ = Not required</p>												
4.9.2.2	✕	✕	✕	✕	■	✕	✕	✕	✕	✕	✕	✕
4.9.2.3	✕	✕	✕	✕	✕	✕	✕	✕	✕	■	✕	✕
4.9.2.4	✕	✕	✕	✕	✕	✕	✕	✕	✕	■	✕	✕
4.9.3	Design Detail.											
4.9.3.1	✕	✕	✕	✕	■	✕	✕	✕	✕	✕	✕	✕
4.9.3.2	✕	✕	✕	✕	■	✕	✕	✕	✕	✕	✕	✕

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<p>■ = Required                      × = Not required</p>														
4.10.1.6 The maximum height of fences and walls shall be four feet above grade when located in a front yard. Otherwise the maximum height of a fence is eight feet.	×	×	×	■	×	×	×	×	×	×	×	×		
4.10.1.7 In no case shall a chain link fence be installed as part of any buffer required for screening regardless of whether it is colored or includes privacy slats.	×	×	×	×	×	×	×	×	×	■	×	×		
4.10.1.8 Structures consisting of fences and walls shall be limited in height on properties used for non-residential purposes. The height of such structures placed within the required front yard or building setback shall be limited to a maximum of three and one-half (3 1/2) feet. Within the required rear and side yards or building setbacks, fences and walls shall be limited to a height of eight (8) feet.		■	■	■	×	■	■	■	■		■	■		
4.10.1.9 If a fence or wall is intended primarily for the security of a non-residential site or lot, the Code Enforcement Director may determine whether the fence or wall would provide such security, and thus allow construction to a height of twelve (12) feet.		■	■	■	×	■	■	■	■		■	■		
4.10.1.10 No fence or wall for a non-residential site or lot may be located closer than one foot from the nearest property line.		■	■	■	×	■	■	■	■		■	■		

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■ = Required x = Not required												
<b>4.10.2 Walls.</b>												
4.10.2.1 Structures consisting of fences and walls shall be limited in height on properties used for non-residential purposes. The height of such structures placed within the required front yard or building setback shall be limited to a maximum of three and one-half (3 1/2) feet. Within the required rear and side yards or building setbacks, fences and walls shall be limited to a height of eight (8) feet.		■	■	■	x	■	■	■	■	■	■	■
4.10.2.2 If a fence or wall is intended primarily for the security of a non-residential site or lot, the Code Enforcement Director may determine whether the fence or wall would provide such security, and thus allow construction to a height of twelve (12) feet.		■	■	■	x	■	■	■	■	■	■	■
4.10.2.3 No fence or wall for a non-residential site or lot may be located closer than one foot from the nearest property line.		■	■	■	x	■	■	■	■	■	■	■
<b>4.10.3 Outside Storage and Waste.</b>												
4.10.3.1 Combinations of berms, landscaping, walls and buildings, shall be used to screen outside storage areas. The use of wooden fences or chain-link fences with slats as a screening device for garbage collection areas is prohibited.	x	x	x	x	■	x	x	x	x	x	x	x
4.10.3.2 Trash containers and waste oil and grease containers must be visually screened on all sides including gates. Combinations of berms, landscaping, walls, fences and buildings shall be used to screen containers and enclosures. Screening shall be at least two (2) feet taller than the container.	x	x	x	x	■	x	x	x	x	x	x	x

Table 4.1 Development Standards												
STANDARD	DISTRICT											
	AR (A-R)	LDR (R-1)	MDR (R-2)	HDR (R-3)	TC	NC (C-2)	IC (C-3)	AG (C-4)	IN (M-1)	HRO	TGL (C-5)	VA (V-1)
<p>■ = Required</p> <p>✕ = Not required</p>												
4.10.3.3 Outside storage areas and waste containers shall be located to the side or rear of principal structures, constructed with wash down facilities and connect to public sewer or approved alternative.	✕	✕	✕	✕	■	✕	✕	✕	✕	✕	✕	✕
4.10.3.4 Outside storage areas and waste containers shall be sited to avoid conflict with vehicular and pedestrian movement.	✕	✕	✕	✕	■	✕	✕	✕	✕	✕	✕	✕
<b>4.11 Historic Compatibility (HRO only)</b>												
4.11.1.1 Exterior modification shall in no way compromise the historic character of such structure nor the HRO district as a whole.	✕	✕	✕	✕	✕	✕	✕	✕	✕	■	✕	✕
4.11.1.2 New additions in the HRO District shall be designed and constructed of materials and methods to maintain the historic scale and character.	✕	✕	✕	✕	✕	✕	✕	✕	✕	■	✕	✕
4.11.1.3 New multi-family and non-residential structures shall maintain scale and character of residential structures in the HRO district.	✕	✕	✕	✕	✕	✕	✕	✕	✕	■	✕	✕
4.11.1.4 Existing "contributing structures" to the Thomas Addition Historic District provide examples of appropriate building design.	✕	✕	✕	✕	✕	✕	✕	✕	✕	■	✕	✕
4.11.1.5 Parking shall be permitted only in rear or side yards in the HRO District.	✕	✕	✕	✕	✕	✕	✕	✕	✕	■	✕	✕
4.11.1.6 Pre-engineered pervious block system or a porous pavement material are preferred for drives and parking in the HRO District, except that, driveways which lie closer than five (5) feet to a side or rear lot line lot shall be constructed in a manner acceptable to the City Engineer.	✕	✕	✕	✕	✕	✕	✕	✕	✕	■	✕	✕

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<p>■ = Required</p> <p>✕ = Not required</p>												
4.11.1.7 In the HRO District, an exterior lighting plan shall be submitted on or with the site plan showing the location and type of all existing and proposed lighting fixtures, whether attached to a structure or freestanding.	✕	✕	✕	✕	✕	✕	✕	✕	✕	■	✕	✕
4.11.1.8 Lighting shall be restricted to a type and intensity of light typically present in residential settings. Lighting on standard wooden utility poles with mercury vapor fixtures of more than 100 watts (security lights as might be found in commercial or rural areas) and similar mercury vapor and high pressure sodium fixtures of more than 100 watts are inappropriate.	✕	✕	✕	✕	✕	✕	✕	✕	✕	■	✕	✕
4.11.1.9 All lighting shall be shielded to direct light downward or toward a site structure. No light shall be directed toward adjoining properties or public streets.	✕	✕	✕	✕	✕	✕	✕	✕	✕	■	✕	✕
4.11.1.10 In general, rolling cans shall be used for solid waste in the HRO District. Dumpster use may be considered but adequate area must be provided for service vehicles. Driveway areas for solid waste service vehicles must be constructed to the City's heavy-duty pavement standard.	✕	✕	✕	✕	✕	✕	✕	✕	✕	■	✕	✕
4.11.1.11 When non-residential uses abut, a buffer shall be installed at least 3 feet in height. Buffer details including type, container size, or caliper of landscape materials, and/or fencing materials shall be illustrated. Chain link fencing is prohibited. Landscape materials shall be installed along existing chainlink fencing to provide a visual buffer. (See also, subsection 4.12, Landscape Standards)	✕	✕	✕	✕	✕	✕	✕	✕	✕	■	✕	✕



Table 4.1 Development Standards												
STANDARD	DISTRICT											
	AR (A-R)	LDR (R-1)	MDR (R-2)	HDR (R-3)	TC	NC (G-2)	IC (C-3)	AG (G-4)	IN (M-1)	HRO	TGL (G-5)	VA (V-1)
<p>■ = Required</p> <p>✕ = Not required</p>												
4.11.1.12 When nonresidential uses abut or are adjacent to a residential use, such buffer shall be 6 feet in height but may be reduced to 3 feet if the abutting residential property owner agrees. (See also, subsection 4.12, Landscape Standards)	✕	✕	✕	✕	✕	✕	✕	✕	✕	■	✕	✕
4.11.1.13 As part of a site plan submittal, the general nature of proposed exterior modifications and an elevation rendering of any facade visible from the street shall be provided.	✕	✕	✕	✕	✕	✕	✕	✕	✕	■	✕	✕
<b>4.12 Landscape Standards*</b>												
*Definitions of Berm, Caliper, Ground Cover, Hardscape, Landscape Area, Landscape Island, Landscaping, Maintain, Maintenance, and Tree are included in Chapter 9.0)												
4.12.1 Purpose												
The purpose of these regulations is to:												
4.12.1.1 Promote reasonable preservation and replenishment in new developments, redevelopments, or expansions, of commercial, industrial, multi-family residential, and other non-residential uses in the City.		■	■	■	✕	■	■	■	■	■	■	■
4.12.1.2 Safeguard and enhance property value		■	■	■	✕	■	■	■	■	■	■	■
4.12.1.3 Provide reasonable regulations that are easily understood by all parties		■	■	■	✕	■	■	■	■	■	■	■
4.12.1.4 Provide a standard guide for plant selection, installation, and placement		■	■	■	✕	■	■	■	■	■	■	■
4.12.1.5 Promote awareness of the benefits of effective landscaping among City departments, utility providers, development organizations, individual businesses, and property owners.		■	■	■	✕	■	■	■	■	■	■	■
4.12.2 General Standards.												
4.12.2.1 Required landscaping shall not include artificial plants, trees, or other artificial vegetation.		■	■	■	✕	■	■	■	■	■	■	■

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<p>■ = Required</p> <p>✕ = Not required</p>												
4.12.2.2 Landscaping, including berms, shall not obstruct pedestrian and/or vehicular traffic visibility at street intersections or at access points to streets.		■	■	■	✕	■	■	■	■	■	■	■
4.12.2.3 All plant material shall be maintained in a healthy and growing condition.		■	■	■	✕	■	■	■	■	■	■	■
4.12.2.4 Landscaped areas shall be kept free of trash, litter, and weeds.		■	■	■	✕	■	■	■	■	■	■	■
4.12.2.5 Anyone desiring to install and maintain landscaping materials, landscape or decorative lighting, or irrigation facilities within the City right-of-way must obtain a landscaping permit from the Code Enforcement Department.		■	■	■	✕	■	■	■	■	■	■	■
4.12.3 Technical Standards												
4.12.3.1 A landscape plan shall contain a description of plant materials and methods for care and maintenance. All landscaping shall be permanently maintained.	■	■	■	■	✕	■	✕	■	■	■	■	■
4.12.3.2 Landscaping must coordinate with the landscaping of adjacent properties.	✕	✕	✕	✕	■	✕	✕	✕	✕	✕	✕	✕
4.12.3.3 Planting must be made so that at maturity service lines, traffic sight lines, and adjacent properties are not interfered with.	✕	✕	✕	✕	■	✕	✕	✕	✕	✕	✕	✕
4.12.3.4 Technical planting standards for landscape can be found in the Appendix.	✕	✕	✕	✕	■	✕	✕	✕	✕	✕	✕	✕
4.12.4 Credit for Existing Material												
4.12.4.1 Landscape areas shall incorporate existing natural vegetation to the extent feasible. If the natural vegetation is inadequate to meet the required landscaping standards, additional plant material shall be required.	✕	✕	✕	✕	■	✕	✕	✕	✕	✕	✕	✕

Table 4.1 Development Standards		DISTRICT													
STANDARD		AR (A-R)	LDR (R-1)	MDR (R-2)	HDR (R-3)	TC	NC (G-2)	IG (G-3)	AG (G-4)	IN (M-1)	HRO	TGL (G-5)	VA (V-1)		
<p>■ = Required                      x = Not required</p>															
4.12.4.2	Existing native habitat or vegetation located within planting areas that are preserved and meeting the requirements of this section may be counted toward the requirements of this Section.	x	x	x	x	■	x	x	x	x	x	x	x		
4.12.4.3	Credit may also be granted for existing plant material, fences and walls on abutting property that meet the landscape requirements.	x	x	x	x	■	x	x	x	x	x	x	x		
4.12.5 Relationship to Previously Approved Site Plans															
4.12.5.1	No site plan approved by the Planning Commission prior to the effective date of this section shall be required to conform to the landscaping requirements of this section unless the site plan is being resubmitted to the Planning Commission and there is a thirty percent (30%) or more increase in the square footage of building area or parking lot.	x	■	■	■	x	■	■	■	■	■	■	■		
4.12.6 Landscaping Along Street Right-of-Way for Commercial, Industrial, Multi-family Residential, and other Non-residential Uses.															
4.12.6.1	A landscaped edge on private property shall be provided adjacent to all streets and entrances. The landscaped edge shall be a minimum width of seven feet, exclusive of street right-of-way. Within the landscaped edge, one tree (2" caliper minimum) shall be planted per 25 linear feet of landscaped edge. The number of required trees shall be calculated solely on the linear frontage of the required landscaped edge and shall be rounded to the nearest whole number. Trees may be grouped together or evenly spaced.	x	■	■	■	x	■	■	■	■	x	■	■		

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<p>■ = Required                      x = Not required</p>												
4.12.6.2 Where parking lots and drives abut the landscaped edge, ten shrubs (2 gallon minimum) shall be planted per 40 linear feet of abutment to the landscaped edge. These shrubs are in addition to the required number of trees. The number of required shrubs shall be calculated solely on the linear frontage of parking lot/drive abutment to the required landscaped edge and shall be rounded to the nearest whole number. A berm or masonry wall may be placed within the landscaped edge in lieu of the required shrubs. The berm or masonry wall must be at least 30 inches above the top of the parking lot adjacent to the closest street.	x	■	■	■	x	■	■	■	■	x	■	■
4.12.6.3 Within the landscaped edge, one tree (3" caliper minimum) shall be planted per 30 lineal feet of landscaped edge. The number of required trees shall be calculated solely on the linear frontage of the required landscaped edge and shall be rounded to the nearest whole number. Trees may be grouped together or evenly spaced.	x	x	x	x	■	x	x	x	x	x	x	x
4.12.6.4 The Planning Commission may reduce the width of the required landscaped edge during site plan review when the reduction is required for public improvements.	x	■	■	■	x	■	■	■	■	x	■	■
4.12.7 Perimeter Landscaping for Commercial, Industrial, Multi-family Residential, and other Non-residential Uses.												
4.12.7.1 A landscaped strip of five (5) feet shall be required along property boundaries which do not abut a public street right-of-way.	x	■	■	■	x	■	■	■	■	x	■	■

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	AR (A-R)	LDR (R-1)	MDR (R-2)	HDR (R-3)	TC	NC (C-2)	IC (C-3)	AC (C-4)	IN (M-1)	HRO	TGL (G-5)	VA (V-1)
<p>■ = Required                      * = Not required</p>												
<p>4.12.7.2 Off-street parking areas shall be provided with a visual buffer from contiguous properties, including public streets where parking lots are visible from a public street. Buffers may be composed of evergreen landscape materials, a combination of evergreen and deciduous landscape materials, fencing, berms, or a combination of such materials, so that a year round screen which is at least eighty (80) percent opaque is achieved. Where a parking area abuts or is directly across the street from an existing single family, two-family, or multi-family use, such buffer shall be at least six (6) feet in height from the finished grade of the parking area; except that, such buffer may be reduced in height to a height no lower then three (3) feet upon written request of the adjoining property owner presented at the time the site plan is submitted for review by the HRO Committee. Whenever a nonresidential use is proposed which adjoins another nonresidential use, a buffer of the nature described above shall be installed and may be less than six (6) feet in height, but no less than three (3) feet in height.</p>	*	*	*	*	*	*	*	*	■	*	*	
<p>4.12.7.3 A perimeter landscaped edge shall be provided along all yards that are adjacent to all streets and entrances. The landscaped edge shall be a minimum width of 5 feet, exclusive of street right-of-way. In addition, for each non-residential parcel that is adjacent to a residential parcel the minimum width shall be a 10 feet.</p>	*	*	*	*	■	*	*	*	*	*	*	*

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	AR (A-R)	LDR (R-1)	MDR (R-2)	HDR (R-3)	TC	NC (G-2)	IC (C-3)	AG (G-4)	IN (M-1)	HRO	TGL (G-5)	VA (V-1)
<p>■ = Required                      * = Not required</p>												
4.12.7.4 Within the landscaped edge, one tree (3" caliper minimum) shall be planted per 30 lineal feet of landscaped edge. The number of required trees shall be calculated solely on the linear frontage of the required landscaped edge and shall be rounded to the nearest whole number. Trees may be grouped together or evenly spaced.	*	*	*	*	■	*	*	*	*	*	*	*
4.12.8 Interior Landscaping for Commercial, Industrial, Multi-family Residential, and other Non-residential Uses.												
4.12.8.1 Five (5) percent of the interior of the parking area shall be landscaped and one (1) tree for each three hundred (300) square feet of landscaped area.		■	■	■	*	■	■	■	■	*	■	■
4.12.8.2 All fixed objects within parking lots (utility poles, signs, fire hydrants, etc.) shall be located within islands to which access by vehicles is physically limited. These islands shall be appropriately landscaped with grass, shrubs or other appropriate plant material which shall not exceed 30 inches in height above the adjacent paved surface.		■	■	■	*	■	■	■	■	*	■	■
4.12.8.3 Parking aisles and interior dividers shall be terminated with terminal islands not less than five (5) feet in width constructed with raised curbs and they shall be landscaped with appropriate cover.		■	■	■	*	■	■	■	■	*	■	■

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	AR (A-R)	LDR (R-1)	MDR (R-2)	HDR (R-3)	TC	NC (C-2)	IC (C-3)	AC (C-4)	IN (M-1)	HRO	TCL (C-5)	VA (V-1)
<p>■ = Required                      x = Not required</p>												
4.12.8.9 Required parking lot islands shall contain a minimum of one large, shade or canopy tree per island. The end of every parking aisle shall have a landscaped island and 15 parking spaces is the maximum number that can occur before a landscaped island is proposed. (See Standard 4.1.3 for island requirement).	x	x	x	x	■	x	x	x	x	x	x	x
4.12.8.10 Landscaped areas shall be at least 75 percent covered with grass or other surface approved by the Director or their designee. Planting shall be established prior to building occupancy.	x	x	x	x	■	x	x	x	x	x	x	x
4.12.8.11 Median islands shall have one canopy tree for every 30 linear feet at a maximum of 40 feet apart.	x	x	x	x	■	x	x	x	x	x	x	x
4.12.9 Alternative: Low Impact Design												
4.12.9.1 Requirements of the parking lot landscaping may be altered if professionally designed stormwater conveyance planters are proposed at the discretion of the Site Review Committee.	x	x	x	x	■	x	x	x	x	x	x	x
4.12.9.2 Canopy trees tolerant of wet conditions shall be planted at a maximum of 40 feet on-center.	x	x	x	x	■	x	x	x	x	x	x	x
4.12.9.3 Seventy-five (75%) percent of the total planter area must be covered with appropriate vegetation consistent with modern practices of stormwater planter design.	x	x	x	x	■	x	x	x	x	x	x	x
4.12.9.4 Permanent sculptures or other public art or vertical architectural structures that are non-intrusive but interrupt the horizontal sight lines of a parking lot, may be credited for no more than 20 percent of the total landscape requirements based upon the discretion of the Site Review Committee.	x	x	x	x	■	x	x	x	x	x	x	x
4.12.9.5 Art which is viewable from public right-of-ways that meet the requirements of the public art process.	x	x	x	x	■	x	x	x	x	x	x	x

Table 4.1 Development Standards		DISTRICT													
STANDARD		AR (A-R)	LDR (R-1)	MDR (R-2)	HDR (R-3)	TC	NC (C-2)	IC (C-3)	AG (G-4)	IN (M-1)	HRO	TCL (G-5)	VA (V-1)		
	<p>■ = Required</p> <p>✕ = Not required</p>														
4.12.9.6	A fountain, pool, or waterfall that is created either on the exterior or interior of location which creates an ambiance and decor of the establishment.	✕	✕	✕	✕	■	✕	✕	✕	✕	✕	✕	✕		
4.12.9.7	Parking areas with less than 20 parking spaces must provide a minimum landscape area totaling 15 percent of the total parking area and shall be landscaped with shrubs at a minimum ratio of one per every 15 square feet of landscaped area. In addition, one (1) canopy tree shall be planted for every 5 parking spaces but with a minimum of 2 trees planted.	✕	✕	✕	✕	■	✕	✕	✕	✕	✕	✕	✕		

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STANDARD	DISTRICT											
	AR (A-R)	LDR (R-1)	MDR (R-2)	HDR (R-3)	TC	NC (C-2)	IC (C-3)	AC (C-4)	IN (M-1)	HRO	TCL (C-5)	VA (V-1)
<p>■ = Required</p> <p>✘ = Not required</p>												
4.12.10 Landscape and Open Space in Planned Unit Developments												
4.12.10.1 For the mitigation of noise and heat, improvement of visual character and a generally more pleasing environment, landscaping shall be required for each PUD. All residential PUD's shall have landscaping on the outer perimeter of the development consisting of an average of one tree (two inch caliper) per twenty-five (25) feet of frontage upon a street or road, and shrubbery amounting to five plants per twenty (20) feet of paved width for any street, road, or driveway accessing the exterior portion of the development. In addition to the foregoing, multi-family PUD's shall satisfy the regulations in Section 8.4 pertaining to parking areas. Commercial PUD's shall adhere to the landscaping requirements of this and other applicable provisions of this ordinance. The Planning Commission also may require buffering and screening with trees, where the exterior property line of any proposed PUD abuts an existing residential development or existing commercial or industrial use or zoning district.		■	■	■		■	■	■	■	■	■	■
4.12.10.2 Commercial and industrial PUD open space shall be landscaped and shown on the PUD Plan and as provided for by this and other applicable sections of this ordinance.		■	■	■		■	■	■	■	■	■	■

Table 4.1 Development Standards

STANDARD	DISTRICT											
	AR (A-R)	LDR (R-1)	MDR (R-2)	HDR (R-3)	TC	NC (C-2)	IC (C-3)	AG (G-4)	IN (M-1)	HRO	TCL (G-5)	VA (V-1)
<p>■ = Required</p> <p>✕ = Not required</p>												
<p>4.12.10.3 Residential PUDs shall have on site usable recreation area and/or open space. Such areas shall be set aside for open space or recreation purposes only. These are intended to serve the residents of the PUD, and should therefore be easily accessible to them. If the PUD contains individually owned units, then such open space shall be maintained in common ownership established in the appropriate legal manner, as provided for in 4.12.10.4.</p>	✕	✕	■	■	✕	■	■	✕	✕	✕	■	
<p>4.12.10.4 In PUDs, open space, including stormwater and transportation infrastructure, and recreational facilities, shall be established in the appropriate legal manner in one of the following methods: by the developer or management authority of the PUD; by a Homeowner's/Property Owner's Association established by deed restrictions; and/or by the public if dedication of such open space is approved by the Planning Commission.</p>		■	■	■	✕	■	■	■	■	■	■	

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STANDARD	DISTRICT
	AR (A-R) LDR (R-1) MDR (R-2) HDR (R-3) TC NC (C-2) IC (C-3) AG (C-4) IN (M-1) HRO TCL (G-5) VA (V-1)
<p>■ = Required                      x = Not required</p>	
<p>4.12.10.5 In the VA District, a minimum of 20% of every visitor accommodation development shall be devoted to open space and planted with vegetation. Such open space may be used to also satisfy landscape requirements as set forth in this and other applicable provisions of this ordinance, and may provide areas for recreational uses utilizing landscaped surfaces (trails, playing fields, etc.). Where a recreational vehicle park or recreational vehicle parking area abuts a public street which also abuts a district zoned primarily for residential use (LDR, MDR, HDR), the landscape buffer shall be designed of plant materials, fencing, and/or berming so that a screen of at least six (6) feet in height that is at least eighty (80) percent opaque at any time during the year.</p>	<p>x x x x x x x x x x x ■</p>



Table 4.1 Development Standards

STANDARD	DISTRICT											
	AR (A-R)	LDR (R-1)	MDR (R-2)	HDR (R-3)	TC	NC (C-2)	IC (C-3)	AC (C-4)	IN (M-1)	HRO	TCL (G-5)	VA (V-1)
<p>■ = Required</p> <p>✕ = Not required</p>												
4.12.11 Tree Preservation and Replacement												
4.12.11.1 In the HRO District, no residential or nonresidential structure shall be demolished nor any site clearing or grading occur without first obtaining a demolition permit from the Code Enforcement Director and/or a land disturbance permit (clearing and/or grading permit) from the Development Department. If the demolition or land disturbance is for the purpose of preparing a site for construction of a multi-family or nonresidential use, then a plan showing the location of all trees having a caliper of two (2) inches or more at six (6) inches above existing grade shall be submitted with the application for a demolition or land disturbance permit. No trees of such description shall be removed during demolition or clearing and/or grading unless a tree replacement plan meeting the requirements of 4.12.11.2 has been submitted to the Development Department for presentation to the Planning Commission.	✕	✕	✕	✕	✕	✕	✕	✕	✕	■	✕	✕

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STANDARD	DISTRICT											
	AR (A-R)	LDR (R-1)	MDR (R-2)	HDR (R-3)	TC	NC (C-2)	LD (C-3)	AD (C-4)	IN (M-1)	HRO	TCL (G-5)	VA (V-1)
<p>■ = Required                      x = Not required</p>												
<p>4.12.11.2 In the HRO District, the HRO Committee may approve the removal of trees as part of the review of a site plan when it is determined not feasible to retain a tree and meet the requirements of this and other sections of this ordinance related to parking, access, and other required site improvements. The location of any tree proposed for removal which has a caliper of two (2) inches or more at six (6) inches above existing grade shall be shown on the site plan. Whenever a tree of a caliper of two (2) inches or more at six (6) inches above existing grade is approved for removal, one (1) tree of at least two (2) inches in caliper at six (6) inches above finished grade shall be installed on some portion of the site for each such tree being removed. The location of replacement trees shall be shown on the site plan. Where installation of replacement trees on site is not feasible due to location of sidewalks and other paved areas, overhead and underground utilities, and the like, the applicant shall be permitted to install shrubs at a ratio of at least three (3) shrubs for each tree removed. The location, type, and size of such shrubs shall be indicated on the site plan and shall be required in addition to any shrubs installed as part of the parking lot buffer required by other provisions of this ordinance.</p>	x	x	x	x	x	x	x	x	■	x	x	

Table 4.1 Development Standards												
STANDARD	DISTRICT											
	AR (A-R)	LDR (R-1)	MDR (R-2)	HDR (R-3)	TC	NC (C-2)	IC (C-3)	AC (C-4)	IN (M-1)	HRO	TCL (G-5)	VA (V-1)
<p>■ = Required</p> <p>× = Not required</p>												
4.12.12 Care During Construction												
4.12.12.1 All existing trees and shrubs to remain on the site as required landscaping shall be protected from vehicular movement and material storage over their root spaces.	×	×	×	×	■	×	×	×	×	×	×	×
4.12.12.2 Trees designated for protection must be completely enclosed by a fence. Fencing must be in place prior to any clearing or site work. Fencing must remain in place until all construction has been completed.	×	×	×	×	■	×	×	×	×	×	×	×
4.12.13 Maintenance After Construction for Projects Requiring Site Plan or PUD Plan												
4.12.13.1 All plant material which dies within one year after planting shall be replaced with plant material of the required size within thirty days of the plant material's death. This period may be extended if weather conditions inhibit installation of new plant materials.	×	×	×	×	■	×	×	×	×	×	×	×
4.12.13.2 All landscaping shall be permanently maintained.	×	■	■	■	×	■	■	■	■	■	■	×
4.12.13.3 All plant materials shall be maintained in an attractive and healthy condition by watering, mulching, fertilizing, pest management, mowing, weeding, removal of litter and dead plant material, and pruning as necessary.	×	×	×	×	■	×	×	×	×	×	×	×
4.12.13.4 Dead or diseased plant materials shall be removed. Replacement plant materials shall be provided for any required trees or shrubs that die or are removed for any reason.	×	×	×	×	■	×	×	×	×	×	×	×

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## 5.0 PARKING

### 5.1 General Requirements

- 5.1.1 Except for the TC (see Section 5.2.1 below), off-street automobile parking space shall be provided on every lot on which any of the uses in Section 3.4 are hereafter established. The number of automobile spaces provided shall be at least as great as the number specified for uses in Section 3.4, or, as may be provided for in this or other sections of this ordinance.
- 5.1.2 If the required number of off-street parking spaces, as provided for in Subsection 3.4, or in this or other sections of this ordinance, cannot be reasonably provided on the same lot on which the principal use is conducted, the Board of Zoning Appeals may permit such space to be provided on another off-street property provided such space lies within four hundred (400) feet of the main entrance to such principal use. Such vehicle standing space shall be deemed to be required open space associated with the permitted use and shall not thereafter be reduced or encroached upon in any manner.
- 5.1.3 Required parking space may extend up to 120 feet into a residential zoning district, provided that: the parking space adjoins a commercial or industrial district; has its only exit to or from the same street as the property in the commercial or industrial district from which it provides the required parking space; and, is separated from abutting properties in the residential district by plant or fence buffer strip as determined by the Building Inspector.

### 5.2 Additional Parking Conditions

- 5.2.1 TC District. No off-street parking shall be required, except that adequate parking must be demonstrated by the applicant for places of assembly, daycare centers, lodging, schools, and residences, and as may be set out in Section 3.4.
- 5.2.2 HRO District. Parking shall be permitted only in side or rear yards. The minimum number of off-street parking spaces required for the proposed use shall be as provided for in Section 3.4 of this ordinance, except that no nonresidential use shall have less than four (4) spaces. Existing garages

and carports may be counted toward meeting the minimum parking standard. However, the loss of parking spaces through the future conversion of any such structure to a use other than parking, shall require the provision of spaces to replace those lost. Where a lot on which a structure 1,500 square feet or greater in size is converted or constructed on a lot adjoining a street on which on-street parking is prohibited, one (1) additional off-street parking space above the minimum number normally required shall be provided. At least one (1) space shall be provided for use by handicapped persons. Such space shall be conveniently located to an entrance accessible to handicapped persons. Where possible, modifications required to provide a building entrance accessible to handicapped persons shall be located at the rear or side of a building and be of a design in keeping with the character of the structure.

### 5.3 Off-Street Loading and Unloading Space

- 5.3.1 On every lot on which a business, trade, or industry use is hereafter established, space with access to a public street or alley shall be provided as indicated below for the loading and unloading of vehicles off the public street or alley.
- a. Commercial Uses. Each Business shall provide adequate loading space within a building or on the premises in such a way that all storage, standing and maneuvering of trucks and other service vehicles shall be off the public right-of-way, shall not obstruct the movements of vehicular or pedestrian traffic, and not occur within the required parking area.
- 5.3.2 Industrial and Support Services. The following scale shall be used for loading spaces where required in Section 3.4.
- a. 1 space per 15,000 square feet of floor area
- b. 2 Spaces for buildings with 15,001 to 50,000 square feet of floor area
- c. 3 spaces for buildings with 50,0001 to 100,000 square feet of floor area
- d. 1 additional space for each 100,000 square feet of floor area

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## 6.0 SIGNS

### 6.1 Purpose

### 6.2 Sign Requirements

### 6.3 Sign Types

### 6.4 On-Premise, Permanent

### 6.5 On-Premise, Temporary

### 6.6 Off-Premise, Permanent

### 6.7 Off-Premise, Temporary

### 6.8 Electronic Message Boards

### 6.9 Signage for Specific Zones

### 6.10 Master Sign Plan

### 6.1 Purpose

6.1.1 **Purpose.** The purpose of this section is to establish reasonable standards for the location of signs within the City in order to:

- a. Facilitate commerce and protect property values;
- b. Reduce traffic hazards;
- c. Prevent the accumulation of visual clutter;
- d. Encourage an attractive community appearance;
- e. Generally protect the health, safety, and public welfare;
- f. Accommodate the rights of individuals to freedom of speech and promote equity among businesses and other typical sign users; and
- g. Enable the fair and consistent enforcement of sign standards.

6.1.2 **Compelling Interest.** Preventing the proliferation of signs of generally increasing size, dimensions, and visual intrusiveness (also known as “sign clutter”) that tends to result from property owners competing for the attention

of passing motorists and pedestrians, because sign clutter:

- a. Creates visual distraction and obstructs views, potentially creating safety hazards for motorists, bicyclists, and pedestrians;
- b. May involve physical obstruction of streets, sidewalks, or trails, creating public safety hazards;
- c. Degrades the aesthetic quality of the City, making the City a less attractive place for residents, business owners, visitors, and private investment; and
- d. Dilutes or obscures messages on individual signs due to the increasing competition for attention.

6.1.2.1 Maintaining and enhancing the character of the community.

6.1.2.2 Protecting the health of the City’s tree canopy, an important community asset that contributes to the character, environmental quality, and economic health of the City and the region.

6.1.2.3 Maintaining a high quality aesthetic environment to protect and enhance property values, to leverage public investments in streets, sidewalks, trails, plazas, parks, open space, civic buildings, and landscaping, and to enhance community pride.

6.1.2.4 Protecting minors from speech that is harmful to them according to state or federal law, by preventing such speech in places that are accessible to and used by minors.

6.1.3 **Findings.** The City finds that:

6.1.3.1 Content neutrality, viewpoint neutrality, and fundamental fairness in regulation and review are essential to ensuring an appropriate balance between the important, substantial, and compelling interests set out in this Chapter and the constitutionally protected right to free expression.

6.1.3.2 The regulations set out in this Chapter are unrelated to the suppression of constitutionally protected free expression, do not relate to the content of protected messages that may be displayed on signs, and do not relate to the viewpoint of individual speakers.

6.1.3.3 The incidental restriction on the freedom of speech that may result from the regulation of signs pursuant to this article is no greater than is essential to the furtherance of the important, substantial, and compelling interests that are set out in this article.

6.1.3.4 Regulation of the location, number, materials, height, sign area, form, and duration of display of temporary signs is essential to preventing sign clutter.

6.1.3.5 Temporary signs may be degraded, damaged, moved, or destroyed by wind, rain, snow, ice, and sun, and after such degradation, damage, movement, or destruction, such signs harm the safety and aesthetics of the City's streets if they are not removed.

6.1.3.6 Certain classifications of speech are not constitutionally protected due to the harm that they cause to individuals or the community.

- a. Address signs
- b. Mail box signs
- c. Signs posted on private property relating to private parking or warning the public against trespassing or danger from animals

6.2.3.2 Signs associated with public bodies, public and private universities and schools. Such signs include:

- a. Signs erected by or on behalf of or pursuant to the authorization of a governmental body, including legal notices, identification and informational signs, and traffic, directional, or regulatory signs
- b. The temporary use of displays which include, but are not limited to, promotional signs, decorations, lighted displays and/or decorations and supporting structures and similar activities, by or for governmental entities
- c. Official signs of a noncommercial nature erected by public utilities
- d. Flags, pennants, or insignia of any governmental or nonprofit organization when not displayed in connection with a commercial promotion or as an advertising device

## 6.2 Sign Requirements

6.2.1 **Permit Required.** Unless otherwise exempt, it shall be unlawful for any person to erect, locate, or otherwise establish any sign described in this section except in conformity hereto. Certain signs shall require permits and certain signs are exempt from permitting but are required to meet the conditions of this section.

6.2.2 Prior to the construction or installation of a sign regulated under this ordinance, the applicant or his designee shall make application, pay the appropriate fee, and receive a permit authorizing such work.

6.2.3 **Signs Exempt from Permitting**

6.2.3.1 Residential use signs. Signs not exceeding two (2) square feet in area that are not of a commercial nature, such as:

6.2.3.3 Signs designating historic resources

6.2.3.4 Vehicle signs painted on or attached to currently licensed motor vehicles that are not primarily used as signs, are parked in a legal space and not parked adjacent to the street, on a regular basis, and are street legal with the sign affixed.

6.2.3.5 Temporary real estate signs located on the premises which is for sale or rent no larger than 32 square feet for commercial zones, 16 square feet for residential zones 1 acre or greater, and 3 square feet for residential zones less than 1 acre.

6.2.3.6 Temporary displays, including lighting erected in connection with the observance of holidays in accordance with the adopted calen-

dar associated with the holiday

6.2.3.7 Campaign signs (See Section 6.7.1 for regulations)

6.2.3.8 Construction signs associated with land development or building construction provided such signs are no larger than 32 square feet in size, do not exceed eight feet in height, and number not more than two per project. Such signs shall be displayed no sooner than 60 days prior to the commencement of construction and shall be removed within 10 days of completing construction.

6.2.3.9 Carport, garage, and yard sale signs not exceeding four square feet in size or four feet in height located on the site of sale and placed not more than three days in advance of the sale and removed within one day of the completion of the sale.

6.2.3.10 Signage that is coordinated with the City as part of their overall wayfinding program shall not count as directional signage and may be installed as per agreement with the City.

6.2.3.11 Public art or murals not containing a commercial message and approved through the public art process.

6.2.3.12 Employment signs

## 6.2.4 Prohibited Sign Types

6.2.4.1 Signs not listed in Table 6.1, Sign Types Established, are prohibited inclusive of, but not limited to, the following:

- a. Off premises signs except as provided for, such as auction signs
- b. Signs on vehicles, except as provided in Section 6.2.3.4.
- c. Roof signs
- d. Drone signs
- e. Mobile off premises signs /billboards
- f. Digital off premises signs /billboards
- g. Distracting, interfering, or confusing signs
- h. Animated or moving signs, including sign

walkers, mechanically driven signs or signs with moving parts.

(1.) Signsthatcauseodororsoundemission.

(2.) Moving billboard signs.

(3.) Wind signs (pennants, streamers, balloons, whirligigs, adverflags or similar devices) or flutter flags, unless otherwise allowed by this chapter.

i. Portable and Temporary Digital Signs

(1.) Signsthatareclassifiedasportable signs.

(2.) Video display or digital signs used as temporary signage.

## 6.2.5 Methods of Compliance

6.2.5.1 In the determination of maximum size of signs, the Development Director may consider a ten (10) percent alteration in signs of fifty (50) square feet or less and a five (5) percent alteration in signs of fifty (50) square feet or more, provided that such alteration is necessitated by an unusual or exceptional situation.

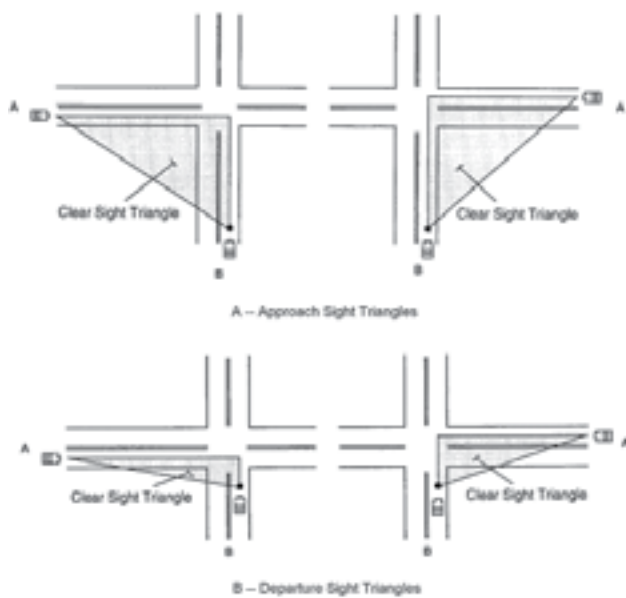
## 6.2.6 Location of Sigange

6.2.6.1 All signage shall be positioned so as to avoid or minimize sight line conflict with any other established sign.

6.2.6.2 No easement shall be permitted exclusively for the use of signage.

6.2.6.3 Signage shall not be:

- a. Located in the right-of-way or on other public property without approval of the City, nor shall any part of any sign be located no closer than 5 feet to any property line.
- b. Placed on private property without the consent of the owner or authorized agent of the owner of such property.
- c. Located in or overhanging a utility easement.
- d. Within a clear sight triangle. (See diagram below)



- e. Attached to utility poles, other utility or public infrastructure or structures, equipment, or wireless communication facilities.

**6.2.6.4 Sign separation.** Minimum separation of detached signage is 75 feet. If this condition is unable to be met, signage shall be placed as remotely as possible from other detached signage.

**6.2.6.5 Creation of a hazardous condition.** Signs may not be placed in such a way:

- a. That creates conflict with traffic control signs, signals, or various private signs resulting in vehicular or pedestrian safety hazards, including any sign placed at any location where it may, by reason of its size, shape, design, location, content, coloring, or manner of illumination, constitute a traffic hazard or a detriment to traffic safety by obstructing the vision of drivers, by obscuring or otherwise physically interfering with any official traffic control device, or that may be confused with an official traffic control device.
- b. That creates a danger to the public during periods of inclement weather or high winds due to their location or the manner in which they are placed.
- c. That creates a hazard due to collapse, fire, collision, decay, abandonment, or other

safety considerations.

- d. That obstructs firefighting or fixed police surveillance via photographic or video technology.
- e. That are improperly mounted or installed, such as signs attached to a standpipe, gutter drain, unbraced parapet wall, or fire escape, unless the safety of such sign and such mounting has been verified in writing by a structural engineer licensed to practice in the state.

**6.2.7 Content.** No sign shall be approved or disapproved based on the content or message it displays, except that the following content, without reference to the viewpoint of the speaker, shall not be displayed on signs:

- a. Text or graphics that is harmful to minors as defined by state or federal law;
- b. Text or graphics that are obscene, fighting words, defamation, incitement to imminent lawless action, or true threats, as such words and phrases are defined by controlling law;
- c. Text or graphics that present a clear and present danger due to their potential confusion with traffic control signs;
- d. Signs that provide false information related to public safety (e.g., signs that use the words "stop" or "caution" or comparable words, phrases, symbols, or characters) that are presented in a manner as to confuse or imply a safety hazard that doesn't exist; or
- e. Text or graphics that provide false or misleading information in violation of this code.

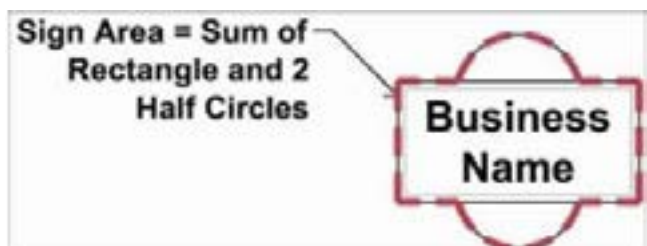
**6.2.8 Measuring Message Area**

**6.2.8.1** The sign message area shall mean the area of all lettering, wording, and accompanying designs, logos, and symbols. The area of a sign shall not include any non-commercial supporting framework or bracing which is incidental to the display, provided that it does



not contain any lettering, wording, or symbols.

- 6.2.8.2 The area of a two-dimensional sign is measured by encompassing the advertising display surface area within any combination of geometric figures (e.g., rectangles, squares, triangles, parallelograms, circles or ellipses), having no more than eight sides, that would enclose all parts of the sign.



- 6.2.8.3 Sign copy mounted, affixed, or painted on a background panel or area distinctively painted, textured, or constructed as a background for the sign copy, is measured as that area contained within the sum of the smallest geometric figure that will enclose both the sign copy and the background.



- 6.2.8.4 Sign copy mounted as individual letters or graphics against a wall, fascia, or parapet of a building, or surface of another structure, that has not been painted, textured, or otherwise altered to provide distinctive background for the sign copy, is measured as a sum of the smallest geometric figure that will enclose each word and each graphic in the total sign. Window signs printed on a transparent film and affixed to a window pane shall be considered freestanding letters or logos, provided that the portion of the transparent film around the perimeter of the sign message maintains the transparent character of the window and does not contain any items in the sign message.

- 6.2.8.5 Sign copy mounted, affixed, or painted and on an illuminated surface or illuminated element of a building or structure, is measured as the entire illuminated surface or illuminated element which contains sign copy. Such elements may include, but are not limited to: lighted canopy fascia signs; cabinet signs; or interior lighted awnings.

- 6.2.8.6 Only one (1) side shall be considered when determining the sign area, provided that the faces are equal in size, the interior angle formed by the faces is less than 45 degrees, and the two affixed faces are not more than 18 inches apart at the narrowest end.

- 6.2.8.7 Where the faces are not equal in size, but the interior angle formed by the faces is less than 45 degrees and the two affixed faces are not more than 18 inches apart, at the narrowest end the larger sign face shall be used as the basis for calculating sign area.

- 6.2.8.8 When the interior angle formed by the faces is greater than 45 degrees, or the affixed faces are greater than 18 inches apart at the narrow end, all sides of such sign shall be considered in calculating the sign area.

- 6.2.8.9 Building frontage shall be determined by the location of the primary building entrance or the side facing the highest classified roadway at the permittee's option.

- 6.2.8.10 The sign area of three dimensional (3D) free form or sculptural (non-planar) signs is calculated by using the largest planar section as seen from the public travel area.

## 6.2.9 Maintenance of Signs

- 6.2.9.1 All signs and components thereof, including supports, braces, and anchors, shall be maintained in like-new condition.

- 6.2.9.2 A sign shall be considered abandoned if use of the sign is discontinued for a period of six months.

- 6.2.9.3 If a sign advertises a business, service, commodity, accommodation, attraction, or other enterprise or activity that is no longer op-





erating or being offered or conducted, that sign shall be considered abandoned after six months and the sign and its supporting structure shall be removed.

6.2.9.4 The immediate area around a free-standing sign shall be kept clear of all debris and maintained by the landowner, or by the sign owner as agent of the landowner, in an attractive manner.

6.2.9.5 The Development Director may cause to be removed any sign on which the advertising message becomes illegible in whole or in part or has been determined to be abandoned in accordance with Section 6.2.9.2 or 6.2.9.3.

6.2.10 Sign Materials and Construction. Every sign shall be: constructed of durable materials, using non-corrosive fastenings; shall be structurally safe and erected or installed in strict accordance with the currently adopted International Building Code; and, shall be maintained in safe condition and in good repair and so that all sign information is clearly legible.

6.2.11 Landscaping. Landscaping for a detached sign, both monument and pole, shall be required. The landscape standards in Section 4.12, as they relate to materials and installation methods, shall be employed.

- a. Where it is the desire of a property owner to integrate a detached sign into the front landscape edge of a site, such shall be noted on a site landscape plan.
- b. In the instance where, over time, a landscape material grows in such a way as to interfere with the sign copy, the property owner shall, prior to removing such material, provide a revised sign landscaping plan to the Development Director for approval.

6.2.12 Permits issued under this article shall lapse if any of the following conditions are met, and a sign otherwise in compliance with this article shall be in violation upon lapse of the permit authorizing it:

- a. The sign contemplated in the permit is not constructed within six months of per-

mit issuance,

- b. The permitted sign is abandoned,
- c. The business associated with a sign allows its City business license to expire or the business license is revoked.

### 6.3 Sign Types

On-premises signage will be divided into two types, attached and detached signage. Attached signage is defined as signage attached to a structure that is more than supporting structure for the sign itself. Detached signage consists of signs that use a separate supporting structure to hold the sign and serves no other purpose for the development besides holding the sign. (See Table 6.1)

### 6.4 On-Premise, Permanent

#### 6.4.1 Attached

The primary attached signage shall be calculated from permitted wall signage. At the business's selection, signage may consist of any other types of attached signage but will be subtracted from total allowable signage to arrive at the available wall signage. Attached signage consists of the following types:

Allowable Attached Sign Area		
Zoning District	Building (or Tenant Space) Frontage	Square feet of attached signage permitted
NC (C-2), IC (C-3), AC (C-4)	Widths of less than 49'	4 square feet per lineal foot
NC (C-2), IC (C-3), AC (C-4)	50' – 100'	3 square feet per lineal foot
NC (C-2), IC (C-3), AC (C-4)	Over 100'	2 square feet per lineal foot
LDR (R-1), MDR (R-2), HDR (R-3), TC, TCL (C-5), VA (V-1), IN (M-1_)		2 square feet per lineal foot

#### 6.4.1.1 Wall

- a. Definition: A sign painted on or attached and parallel to a wall of a building in such a manner

that the wall is the supporting structure.

- b. Standard: A wall sign shall not project above the roofline of the structure, except on parapet walls. The calculation of amount of wall signage is shown in the "Allowable Attached Sign Area" chart above. The area shall be computed on one street only for double frontage conditions, but total wall sign area may be divided between the walls on each street frontage.

#### 6.4.1.2 Window

- a. Definition: A sign applied or attached to a window so as to attract the attention of persons outside the building.
- b. Standard: No more than 20% of a window pane may be used for sign message area, whether interior or exterior, including interior signs within three feet of the window. Any signage over 20% shall be counted towards maximum allowed attached sign area.
- c. No more than 50% may be covered with opaque coverings.

#### 6.4.1.3 Canopy

- a. Definition: A sign that is printed on, painted on, or otherwise attached to an awning or canopy that is attached to a building wall.
- b. Standard: No more than 40% of any awning or canopy may contain commercial messaging.

#### 6.4.1.4 Structural Canopy

- a. Definition: A sign on a covering for a fuel island upon which graphics and/or other related commercial copy is placed.
- b. Standard: No more than 20 square feet on any one side of a Structural Canopy may contain commercial messaging. Only the sides that are visible from the road frontage shall count in calculating Structural Canopy signage.

#### 6.4.1.5 Projecting

- a. Definition: A sign, other than a flat wall sign, which is attached to and projects from a building wall or other structure not specifically designed to support the sign.
- b. Standard: A projecting sign may not be larger than 20 square feet. The projecting sign may not extend beyond 1 foot behind (towards the building) the face of the curb. The sign must be at least 8 feet from the ground to the bottom

of the sign and may not be higher than 20 feet from the ground or the edge of the roof line of the building, whichever is lower. Only 1 projecting sign may be used on any face of a building.

### 6.4.2 Detached

For all commercial zones except the Town Center (TC), Historic Residential/Office (HRO), and Tourist Commercial (C-5), the classification of the road on which the property or development sits shall guide the number, size, and regulation of the signage. The Road Classification Map may be found in the Appendix of this ordinance or at [www.seviervilletn.org/gis](http://www.seviervilletn.org/gis).

Unless otherwise permitted, each development site may have one detached pole or monument sign. The maximum allowable sign area shall be determined in accordance with the "Allowable Detached Sign Area" chart below.

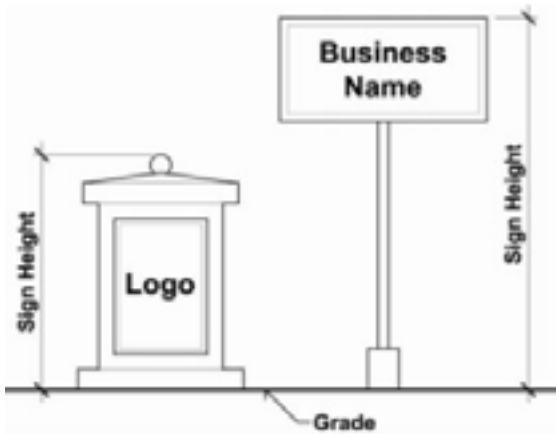
Where a particular sign type is not permitted on the specific class of road or size of development, the development may choose to follow the size requirements at the next lowest square footage to accommodate their needs.

For a development which has frontage on two arterials or one arterial and a major collector, has two entrances, and more than 1,000 feet of frontage, pole or monument signs may be used on each street.

Where the development falls below the height of the travelled roadway, the measurement of the height of a detached sign shall be measured from the center of the nearest travel lane. In all other cases, the sign shall be measured from the base ground elevation, without augmentation.

#### 6.4.2.1 Pole

- a. Definition: Any sign which is permanently affixed in or upon the ground, supported by one or more structural members, with air space of greater than 18 inches between the ground and the sign face and not attached to any building or any other structure.



- b. Standard: Developments shall be classified as Small, Medium, Large, and Extra-Large developments. The determination of size classification shall be driven by the minimum number of required parking spaces for the development, accumulated for all use types for which the sign is provided. No pole sign shall exceed 25 feet in height.
- c. See “Allowable Detached Sign Area” chart below. Up to ten (10) percent of the allowable square footage for a free standing pole sign may be composed of a fixed interval changeable message. The changeable message shall be of a single color, non-flashing with a maximum character height of 18” and maximum width of six characters per line and no more than four lines. The minimum interval for a changeable message sign to change is daily.

6.4.2.2 Monument

- a. Definition: Any sign which is neither attached to nor part of another structure and which is permanently affixed in or upon the ground or upon a horizontal base feature.
- b. Standard: Developments shall be classified as Small, Medium, Large, and Extra-Large developments. The determination of size classification shall be driven by the minimum number of required parking spaces for the development, accumulated for all use types for which the sign is provided. See “Allowable Detached Sign Area” chart below. No monument sign shall exceed 20 feet in height.
- c. The supporting structure, architectural detailing, and amenities for a monument sign shall be not less than 33% of maximum allowable sign

area.

Development Size Classification	
Classification	Minimum Number of Parking Spaces
Small	Less than 25
Medium	25-100
Large	101 - 400
Extra Large	401 or greater

Allowable Detached Sign Area					
		Small	Med	Lrg	XL
Arterial	Monument	150	180	225	300
	Pole	100	125	150	X
Major Collector	Monument	50	120	150	200
	Pole	30	75	100	X
Minor Collector	Monument	40	50	75	X
	Pole	25	25	50	X
Local	Monument	40	40	X	X
	Pole	25	25	X	X

6.4.2.3 Detached Wall

- a. Definition: A sign which is mounted on an otherwise required retaining wall.
- b. Standard: A detached wall sign may take the place of a monument or pole sign. The maximum allowable square footage shall be the same as the allowable sign area under the monument size requirements.

6.4.2.4 Public Directory

- a. Definition: A directional sign placed within a public right of way within City-designated areas having a concentration of lodging and tourist-related commercial and amusement uses, institutional uses, or historic resources for the benefit of the traveling public.
- b. Standard: Signage that is placed within the public right of way may contain advertisements for the area businesses contained within the area covered by the directory. A public directory sign may not advertise any location which is not covered by the directory, even if the corporate offices are located within the covered area. The number of directory signs are at the sole discretion of the City.

6.4.2.5 Private Directory

- a. Definition: A sign and/or directional signage which is off of the public right of way and is not visible from the travel lanes of the public roadway.
- b. Standard: Signage for the appropriate flow of travel shall be presented to the Development Director for review and approval. Small logos identifying businesses may be used in conjunction with such directional signage but may not be visible from the street or obstruct traffic at intersections or pedestrian walkways.

6.4.2.6 Directional

- a. Definition: A permanent sign, internal to a development, utilized for the purposes of indicating the direction of any object, place or area.
- b. Standard: Directional signage may not be larger than 4 square feet and shall be placed in such a manner as to avoid traffic impact or visibility.

Signage that is coordinated with the City as part of their overall wayfinding program shall not count as directional signage and may be installed as per agreement with the City.

6.4.2.7 Menu Board

- a. Definition: A sign displaying food items and prices to patrons in vehicles in a drive-thru lane for food pick-up.
- b. Standard: Whenever possible, menu boards shall be oriented away from visible traffic. When not possible, menu boards shall be screened from public view by natural vegetation. If natural screening is not possible, then the square footage of the illuminated area shall count towards the overall amount of detached signage which is permitted for the development.

6.4.2.8 Entrance/Exit

- a. Definition: A small sign placed in close proximity to a point of ingress/egress to direct vehicles onto and off of a site.
- b. Standard: Where an entrance sign is determined to be necessary and appropriate to good traffic flow by the traffic engineer, an entrance/exit sign may be placed at the appropriate location on each adjacent road. The maximum square footage is found in the "Maximum Size and Number" chart below. The set back from the right-of-

way shall be 5 feet. The Development Director may approve additional signs based on needs of the traffic patterns prior to installation.

Maximum Size and Number		
Number of Businesses	Max Size	Number
1	4 sq ft	1
2	6 sq ft	1 per entrance
3 or more	8 sq ft	1 per entrance

6.4.2.9 Subdivision

- a. Definition: A permanent on-premise sign identifying a residential subdivision, apartment complex, or other residential complex that are not overnight rentals.
- b. Standard
  - (1.) Subdivision entry signs may be attached to a wall at the subdivision entrance or on a monument sign.
  - (2.) Attached Signs may not project above the top of the wall on which they are attached.
  - (3.) The maximum sign area is thirty-two (32) square feet for attached signs.
  - (4.) Only one monument sign or two attached signs may be placed at each subdivision entrance. A monument sign may have the subdivision name on both sides.
  - (5.) Monument signs may be located in the median at the street entrance if approved by the City in an approved plat, within a developer's agreement, or by separate approval of the Board of Mayor and Aldermen.

6.5 On-Premise, Temporary

6.5.1 A-Frame

- a. Definition: A sign consisting of two sign faces placed together at an angle of 90 degrees or less to form an "A" shape that tapers from a wide base to a narrow top.
- b. Standard: A-frame signs shall be no higher than three feet, no wider than three feet, and shall be placed so they do not interfere with or impede



the flow of pedestrian movement. Only one such sign is allowed per tenant space. May not be displayed during times the establishment is closed.

#### 6.5.2 Promotional Signage

- a. Definition: Promotional Sign means any type of sign used for special promotions including, but not limited to, grand openings, temporary window signs, anniversary celebrations, sales, City permitted special events and other such events

- b. Standard: Businesses that erect signs under the provisions of this Section shall not display a sign that states "Going out of Business", "Quitting Business" or similar message more than one time for ninety (90) days maximum. Promotional signs are subject to the following regulations:

- (1.) All promotional signage requires a permit. A maximum of four (4) permits are allowed for each business per calendar year. A separate permit is required for each thirty-day period promotional signage will be used. Promotional signs will be considered as a group and not as each individual sign, streamer, banner, etc.
- (2.) Promotional signage is limited to 10% of allowable attached signage.
- (3.) Promotional signage may include any legal signs allowed by this ordinance.
- (4.) Promotional signage is allowed for four, thirty (30) day periods each calendar year per legal business subject to the following:
  - (a.) A thirty (30) day period will commence on the first day promotional signage is displayed.
  - (b.) The four, thirty (30) day periods shall not occur in the same or consecutive months.
  - (c.) In the case of a special promotion for a grand opening celebration or a going out of business event, one permit may be extended to a ninety (90) day period provided the promotion commences within the first three months of the date of issuance of a certificate of occupancy and the grand opening is limited to the address noted on the certificate of occupancy.

- (5.) Any device described as promotional signage shall not exceed an overall height of twenty-five feet (25') measured from ground.

- (6.) The following setbacks apply. However, the setbacks may be increased for any promotional signage found by the City to block traffic visibility or constitute a traffic hazard.

- (a.) Fifteen feet (15') from street right-of-way.
- (b.) Forty feet (40') from property lines other than those property lines fronting the street right-of-way.

## 6.6 Off-Premise, Permanent

- 6.6.1 Community service signage for groups not charging for their services shall be permitted on private property adjacent to major streets designated on the Sevierville Zoning Map subject to the following:

- 6.6.1.1 Not more than two (2) signs for each activity group shall be permitted.

- 6.6.1.2 The signs shall not exceed eight (8) square feet, be less than six (6) feet above ground surface and shall not exceed nine (9) feet in height.

- 6.6.1.3 Plans and locations for these signs shall be approved by the Planning Commission prior to issuance of a sign permit.

#### 6.6.2 Billboard

- a. Definition: An off-premise outdoor advertising sign, or part thereof, which possesses a display area, face or panel which advertises, displays, or gives direction to any business, product, service, attraction, event, or any other purpose or interest other than the site or property where the sign is located or positioned.

- b. Standard: No (existing) billboard shall exceed forty-four (44) feet in overall height measured from the supporting structure or from the average grade of the supporting structures when two or more structures support the sign. No new billboard, digital billboard, or conversion of a billboard to a digital billboard shall be allowed or permitted.

1.0 GENERAL PROVISIONS

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6.6.3 Billboard, Digital

- a. Definition: Any type of billboard that utilizes digital message technology, capable of changing the static message or copy on the sign electronically. It is a changeable message sign which displays a series of messages at intervals through the electronic coding of lights or light emitting diodes or any other means that does not use or require mechanical rotating panels.
- b. Standard: No new billboard, digital billboard, or conversion of a billboard to a digital billboard shall be allowed or permitted.

6.7 Off-Premise, Temporary

6.7.1 Campaign: Signs in support of a candidate in the next scheduled local, state, or federal election are allowed within the City in accordance with the following conditions:

- 6.7.1.1 One (1) campaign sign per candidate may be located on private property at least 5 feet from any public street right of way.
- 6.7.1.2 Campaign signs are not permitted on public street right of way, nor on public property.
- 6.7.1.3 Campaign signs may be posted thirty (30) days prior to an election, and, shall be removed by the owner of the property no later than ten (10) days after an election.
- 6.7.1.4 No permit nor fee is required for placement of a campaign sign, unless such sign is placed on a permanent sign structure, in which case, the owner of the sign structure shall notify the Building Official and any permits or fees applied for a change in copy as would be applied for a change of copy not related to an election campaign.

6.7.2 Auction: Signs providing directions to the locations of auctions held for the sale of land and/or buildings shall be allowed within the City of Sevierville in accordance with the following conditions:

- 6.7.2.1 Multiple auction signs shall be allowed to provide directions to the site of a single auction. One sign may have a maximum area of thirty-two (32) square feet, however each additional sign shall be limited to a maximum area of

eight (8) square feet.

6.7.2.2 No sign shall be placed upon a public right of way of any kind, and no sign shall be closer than five (5) feet from any right of way.

6.7.2.3 One or more signs for a specific auction may be erected no more than twenty-one (21) days prior to the occurrence of the auction and removed within three (3) days of the auction's conclusion.

6.7.2.4 A permit from the Development Department shall be required for the display of any sign directing persons to the location of an auction.

6.7.2.5 An application for a permit must include the proposed locations of signs, in addition to other necessary information required by the Development Department. Issuance of a permit shall be dependent upon the approval of the application by the Department, and the conformance of the proposed signage with all applicable municipal requirements.

6.7.2.6 Information displayed on any auction sign shall be limited to the site address or other location indicator, acreage and/or number of buildings, name, address, and phone number(s) of the auction firm or auctioneer, and arrows or other indicators of site direction.

6.7.3 Directional signage, including commercial messaging may be erected at appropriate locations as directed by the Director of Public Works in coordination with special events, public or private construction projects, or other purposes necessary for the appropriate direction of traffic flow.

6.8 Electronic Message Boards

Electronic Message Boards on monument signs are permitted on Major and Minor Arterial Roads, on properties with Commercial zoning, under the following criteria:

6.8.1 The electrically activated changeable message section shall be located on the lower two thirds of the sign.

6.8.2 The electrically activated changeable message



section shall not exceed 50 square feet or 25% of the allowable sign area, whichever is lesser.

- 6.8.3 The informational content of the message section can be changed at intervals; however, the message shall not be flashed by varying the intensity of the illumination nor may the message scroll.
- 6.8.4 All electronic message boards shall use the State of Tennessee’s standards for digital billboard to determine illumination, rates of change, and other technical requirements of digital signage.
- 6.8.5 The area surrounding the sign base shall be landscaped with appropriate planting materials.
- 6.8.6 The sign shall not include audio, pyrotechnic, bluecasting (Bluetooth advertising) or similar components.
- 6.8.7 The owner of every Electronic Message Board shall coordinate with local authorities to display, when appropriate, emergency information important to the traveling public including but not limited to Amber Alerts, terrorist attacks or natural disasters. The emergency information shall take precedence over all other advertising for the duration of that emergency. The Emergency Manager shall determine frequency and duration of the message.

**6.9 Signage for Specific Zones**

Unless otherwise specified in this section, all signs should follow the standards set forth in Sections 6.4 - 6.8.

- 6.9.1 Residential (R-1, R-2, R-3)
  - a. Home occupation and professional announcement signs may consist of 1 sign of not more than two (2) square feet.
  - b. Non-residential uses in a residential zone (including non-conforming uses) may have a monument sign that shall not exceed twenty-five (25) square feet.
  - c. For non-residential uses, an attached sign shall follow the “Allowable Attached Sign Area” chart in Section 6.4.1.

- d. The sign, if lighted, shall have indirect lighting.

6.9.2 Town Center (TC)

- a. Monument signs may only be placed on properties with street frontage on an arterial street. Pole signs are not allowed.
- b. Projecting signage is limited to 20 square feet. All other attached signage shall be in accordance with the Allowable Attached sign area chart.
- c. Minimum separation of detached signage is 75 feet. If this condition is unable to be met, signage shall be placed as remotely as possible from other detached signage.

6.9.3 Historic Residential/Office (HRO)

- a. Due to the unique residential and historic character of the Historic Residential/Office district, additional restrictions on signage are enforced.
- b. A single monument sign no higher than 4 feet or larger than 16 square feet may be used to identify a multi-family or non-residential use. A two (2) square feet wall mounted sign may be placed on the building.
- c. If necessary, for directional purposes, as approved by the Development Director, up to two directional signs may be used to direct traffic flow and access to parking.
- d. No illumination of the signage is allowed.

6.9.4 Tourist Commercial (C-5)

In addition to the standard signage permitted for commercial structures, projects within the Tourist Commercial Zone are entitled to destination arrival signs based on the acreage of the overall unified plan of development.

Destination Arrival Signs Allowed by Acreage		
Size in acres	Major Destination Arrival Signs	Minor Destination Arrival Signs
25-35	1	0
35-60	1	1

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Destination Arrival Signs Allowed by Acreage		
Size in acres	Major Destination Arrival Signs	Minor Destination Arrival Signs
60-150	1	2
150+	2	2

- a. All Destination Arrival Signs and Internal Property signs must be monument type signs.
- b. The Supporting structure, architectural detailing and amenities for monument signs shall not be less than 33% of maximum sign area.
- c. Major Destination Arrival Signs: Shall have a height limit of 25' and a square footage limit of 500'.
- d. Minor Destination Arrival Signs: Shall have a height limit of 20' and a square footage limit of 300'.
- e. The distance between any detached sign shall be no less than 125 feet.
- f. Monument signs for all internal property shall be 200 square feet maximum and 20 feet maximum in height.

6.9.5 Visitor Accommodation (V-1)

Each visitor accommodation development may have one primary identification sign not exceeding one hundred (100) square feet, and accessory uses may be listed on such a sign. However, if the development abuts a Major Collector or higher classified road, then up to one hundred and fifty (150) square feet shall be allowed for a primary identification sign. Where restaurants, conference centers, game or exercise facilities are located in separate structures from accommodation units, then individual signs of twenty-five (25) square feet may be installed to identify those structures, unless those facilities are located on a Major Collector or higher classified road. In those cases, the sign may be a monument sign and be as large as allowed under the regulations for monument signs on that class of roadway, provided that the required distance between signs on the same property is met.

6.9.6 Interstate Impact Overlay District (II-1)

- a. The Interstate Overlay District (II0) is an overlay district the provisions of which are designed to recognize the unique circumstances created at the points at which local, state, and federal streets and highways intersect with the federal Interstate system of highways. The intent of this district is to provide for the placement of on-premises business signs, appropriate in size and scale to their setting, for the purpose of attracting high speed Interstate travelers to exit the Interstate. No portion of an Interstate monopole sign shall include a changeable sign, and further, shall be prohibited from including any parts which create or include action or motion, or contain flashing lights or bulbs or contain intermittent lighting.
- b. The bottom of sign face and any other portion of sign attached thereto, shall be at least 75 above the finished grade. The top of the sign face, and any other portion of the sign attached thereto, shall not exceed one hundred (100) feet in height above the finished grade; except that, signs installed within fifty (50) feet of the Interstate right-of-way may exceed one hundred (100) feet in height above the finished grade where the finished grade lies below the elevation of the paved portion of the Interstate right-of-way (including paved shoulder areas) in closest proximity to such sign; in no instance, however, shall the top of such sign face, and any other portion of the sign attached thereto, exceed one hundred (100) feet in height above the edge of the paved portion of the Interstate right-of-way (including any paved shoulder areas) in closest proximity to such sign.
- c. Prior to the installation of an Interstate monopole sign, the Building Official shall be supplied with all information necessary for him to make a determination as to whether or not the sign will meet the provisions of this section and other applicable provisions of this ordinance. Such information shall include a drawing indicating the measurements of all portions of the sign, height of the bottom of the sign face and the top of the sign face above the finished grade, or, for Interstate monopole signs within fifty (50) feet

of the Interstate right-of-way, the height above the edge of the paved portion of the Interstate right-of-way in closest proximity to the sign (including paved shoulder areas.) A survey prepared by a licensed surveyor shall be submitted showing the proposed location of the sign on the site. The surveyed location may be included on a site plan or PUD plan, as may be required by other sections of this ordinance, or, may be a separate survey. Within ten (10) days following installation of an Interstate monopole sign, the property owner shall submit a certified survey to the Building Official showing the precise height of the sign above the finished grade or the edge of the Interstate right-of-way in closest proximity to such sign, whichever may be applicable. No more than one (1) double-faced sign may be placed upon any monopole structure. The faces of a double-faced Interstate monopole sign shall be arranged so that such faces are separated no more than thirty (30) degrees.

- d. In the IIO zone, the addition of a monopole sign does not replace any otherwise allowable detached sign.

## 6.10 Master Sign Plan

Where a unified plan of development greater than 10 acres that is either developed from the outset or all parties agree to such following development, a master sign plan may be invoked. A master sign plan consists of an agreement of all parties, including the City, land owners and any tenants at the time of plan development which provides for deviation from the existing signage ordinance to better accomplish the signage needs of the unique development. Prior to invoking and submitting a master sign plan for approval, a consultation with the Director of Development is required.

Once a master sign plan is in force, it is binding on all parties, until or unless, all parties agree to dissolve it and return to the ordinance requirements that are in place at the time of dissolution. The plan shall call for the location, size, and design of all detached signage. In addition, any modifications to desired attached signage can be negotiated at this time.

In addition, signage for a master sign plan may be placed with the master sign designation without regard for property ownership.

All master sign plans must be approved by the Planning Commission. Modifications that are considered minor by the Development Director may be approved within the Department. Modifications that deviate greatly from the original plan must be modified by action of the Planning Commission.

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## 7.0 NON-CONFORMITIES

### 7.1 Continuance of Nonconforming Uses

Any lawful use, building or land, existing at the time of the enactment of this ordinance or whenever a district is changed by an amendment thereafter may be continued although such use does not conform with the provisions of this ordinance with the following limitations:

#### 7.1.1 Expansion and Enlargement of Nonconforming Uses

No building or land containing a nonconforming use, except commercial and industrial uses exemplified by TCA 13-7-208, shall hereafter be extended unless such extensions shall conform with the provisions of this ordinance for the district in which it is located; provided, however, that a non-conforming use may be extended throughout those parts of a building which were manifestly arranged or designed for such use prior to the time of enactment of this ordinance.

#### 7.1.2 Discontinuance or Abandonment

When a non-conforming use of any building, structure or land has ceased for a period of ninety days, it shall not be reestablished or changed to any use not in conformity with the provisions of this ordinance. The ninety (90) day period shall begin upon notice being sent, postmarked, by first-class mail, by the Building Official or his designated representative, to the address of owner of record of the subject building, structure, or land, at the time, according to the records of the Sevier County Tax Assessor's Office.

#### 7.1.3 Continuation of Nonconforming Use after Damage

A primary residential structure damaged by fire, collapse, or an act of God (except a flood) to such an extent that the cost of repair exceeds 50 percent of the assessed value of the structure at the time the damage occurred, may be repaired or reconstructed on the same foot-print so long as there is no increase in the useable floor area. If the structure to be reconstructed or repaired is proposed to be altered in any way from the original, then all such work shall be in full compliance

with the provisions of the zoning district in which it is located and the state construction code requirements for new construction

In the case of a primary residential structure located within the Flood Hazard area, such may be reconstructed under the same provision except for the requirement to comply with the requirements of the new construction requirements of the Flood Damage Prevention Ordinance, including but not limited to elevating the structure to the required height above flood level.

### 7.2 Nonconforming Signs

If there is any type of nonconforming sign on a parcel upon which an Interstate monopole sign is proposed to be located, such sign shall be brought into conformance with applicable provisions of Chapter 6.0 on or before the date on which a permit is issued for a monopole Interstate sign.

### 7.3 Nonconforming Billboards

Any existing billboard, as defined in Chapter 9.0, is a non-conforming sign. Any change to such sign is subject to the provisions of Table 6.3, Off-premises Signs, Existing Billboards, and other applicable provisions of this ordinance.

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## 8.0 ADMINISTRATION AND ENFORCEMENT

### 8.1 Administration and Enforcement by Department of Code Enforcement

- 8.1.1 **Enforcing Officer.** The provisions of this ordinance shall be administered and enforced by the Municipal Zoning Inspector. This official shall have the right to enter upon any premises necessary to carry out his duties in the enforcement of this ordinance.
- 8.1.2 **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, until the Zoning Inspector has issued for such work a building 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 Zoning Inspector.
- 8.1.3 **Application for and Issuance of a Building Permit.** In applying to the Zoning Inspector for a building permit, the applicant shall submit a dimensioned sketch or scale plan indicating the shape, size, height, and location of all buildings to be erected, altered or moved, and of any building already on the lot. He shall also state the existing and intended use of all such buildings and supply such other information as may be required by the Zoning Inspector for determining whether the provisions of this ordinance are being observed. If the proposed excavation or construction as set forth in the application are in conformity with the provisions of this ordinance, the Zoning Inspector shall issue a building permit for such excavation or construction. If a building permit is refused, the Zoning Inspector shall state such refusal in writing with cause.
- 8.1.4 **Certificate of Occupancy.** Upon the completion of an approved site plan and the construction or alteration of a building or structure for which a building permit has been granted, application shall be made to the Zoning Inspec-

tor for a certificate of occupancy. Within three days of such application, the Zoning Inspector shall make a final inspection of the property in question, and shall issue a certificate of occupancy if the building or structure is found to conform to the provisions of the ordinance and the statements made in the application for the building permit. If such a certificate is refused, the Zoning Inspector 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 of occupancy has been granted. If a certificate of occupancy is desired prior to completion of the approved site plan a site performance bond guarantee may be filed with the City for the remaining site improvements in order to obtain said certificate. (See Section 10.1.2)

- 8.1.5 **Certificate of Zoning Compliance Required.** No land within the City of Sevierville shall be used or occupied except in conformity with this Ordinance. As of the effective date of this Ordinance any construction, reconstruction or alteration of a site or structure or any change of use of land, building or structure shall require a Certificate of Zoning Compliance.

Application for Certificate of Zoning Compliance shall be made to the Department of Development. The applicant shall follow the guidelines laid out in the City's Development Plan Review Process and Applicant Guidelines. Upon determination of compliance, a certificate shall be issued in accordance with the application.

- 8.1.6 **Other General Administrative and Enforcement Duties.** In addition to general administrative and enforcement duties of the Municipal Zoning Inspector, he shall also have the following duties, as provided for in this ordinance, which include the following:

- a. **Buffers and Landscaping**
  - i. Determination of the acceptability of plant material in a buffer strip
  - ii. Determination of whether the buffer

- strip to be provided when required non-residential parking is extended into an adjoining residential district should be a fence or a plant strip.
- b. Parking Lots
- i. He or his designated representative shall regularly inspect parking lots required to meet these regulations. The official shall notify the property owner and/or manager upon finding deficiencies in structural or landscaped areas.
- c. Flood Protection
- i. Administration and enforcement of the Flood Damage Prevention ordinance, adopted in conformance with the National Flood Disaster Protection Act of 1973, and its subsequent amendments, and other applicable sections of this ordinance, as follows:
    - a. To assure that all development in designated flood hazard areas shall be constructed so that the finished floor elevation is one (1) foot above the one hundred (100 year flood elevation).
    - b. To assure that no building or structure is to be located within ten (10) feet of an established floodway, and that any stream without an established floodway, no building or structure will be located within ten (10) feet of the top of the bank of the stream.
    - c. To assure that all commercial uses, multi-family uses, mobile home parks, and industrial uses have been reviewed for approval by the Planning Commission.
    - d. To assure that whenever the Planning Commission considers construction in a designated floodway, that a detailed engineering study using the HEC-RAS computer model or subsequent FEMA-approved model, verifies that a "no impact" condition is maintained in such floodway.
  - ii. Maintain of a copy of the Flood Damage Prevention Ordinance in his office.
- d. Planned Unit Developments
- i. Revocation of any issued permit for a building or structure that does not comply with the approved PUD plan, as set out in 8.5.1.4.
- e. Nonconforming Uses of Building Structures and Land
- i. Determination of the extent of damage to nonconforming uses in regard to repair or reconstruction, as set out in [Chapter 7.0](#) of this ordinance.
  - ii. Notification of owner upon cessation of a nonconforming use that it may not be reestablished or changed to another nonconforming use after ninety (90) days from the date of the postmark on such letter, as set out in [Chapter 7.0](#) of this ordinance.
- f. Special Carport Construction
- i. Upon a finding that the intent and purpose of this ordinance will be met as closely as possible and that no objectionable condition to the community will result, he may permit the construction of a carport in the rear yard or in a side yard for housing constructed prior to 1950 where no provisions were made for off-street parking.
- g. Signs
- i. Receipt of application with plans and specifications identifying location, type, and design of any sign, collect of fees and the granting of sign permits, as provided for in [Chapter 6.0](#) and other applicable provisions of this ordinance.
  - ii. Determination of whether a temporary noncommercial sign may be located away from the site of a special event or the site of an event of infrequent occurrence.
  - iii. Determination of whether an unusual

or exceptional situation exists which warrants the alteration of maximum sign size, as provided for in Chapter 6.0 of this ordinance.

- iv. Determination of whether an usual circumstance involving topography or congestion exists to warrant the height of a free-standing pole sign, as provided for in Chapter 6.0 of this ordinance.
- h. Bond Performance Guarantee
  - i. Estimate cost of required site improvements based upon approved site and planned unit development plans, receives acceptable form of security, and releases such security upon completion of improvements, as set out in Chapter 10.1 Appendix of this ordinance, upon the recommendation of the City Administrator or planning staff.
- i. Use Upon Review
  - i. Any use listed as a Use upon Review in Chapter 3.0 shall require the submission of the appropriate application to the appropriate body, as identified in the Use standards and performance conditions, also found in Chapter 3.0.
  - ii. The application shall indicate the questions which must be answered appropriately to obtain the right to proceed with the requested use. These questions will be dependent on the use and its potential impacts and application within each zone.
  - iii. Failure to answer satisfactorily the stated questions may lead to a denial of use by right and trigger a Special Exceptions process found in 8.2.3.b.

Appeals and the terms of the members of the Board of Zoning Appeals shall be concurrent with the terms of the members of the Sevierville Planning Commission.

- 8.2.2 Procedure.
  - a. 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 absence, the acting chairman, may administer oaths and compel the attendance of witness.
  - b. 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 of other official action, all of which shall be immediately filed in the office of the Board and shall be a public record.
- 8.2.3 Powers and Duties. The Board of Zoning Appeals shall have the following powers and duties:
  - a. Administrative Review. To hear and decide appeals where it is alleged by the appellant that there is error in any order, requirement, permit decision, determination, or refusal made by the Zoning Inspector or other administrative official in the carrying out or enforcement of any provision of this Ordinance.
  - b. Special Exceptions.
    - i. Application. Any use listed as a Special Exception Chapter 3.0 shall require the submission of a written application indicating the section in the Ordinance under which the Special Exception is sought and stating the grounds on which it is requested.
    - ii. An application for a Special Exception shall be heard by the Board of Zoning Appeals. No such application shall be granted unless satisfactory provision and arrangement has been made con-

## 8.2 Board of Zoning Appeals

- 8.2.1 Creation and Appointment. A Board of Zoning Appeals is hereby established in accordance with Section 13-7-205, Tennessee Code Annotated. The Sevierville Planning Commission is hereby designated as the Board of Zoning

cerning all of the following:

- a. Ingress and egress to property and proposed structures with particular reference to vehicular and pedestrian safety and convenience, traffic flow and control, and access in case of fire or catastrophe.
  - b. Off-street parking and loading areas.
  - c. Refuse and service areas.
  - d. Utilities, with reference to locations, availability, and compatibility.
  - e. Screening and buffering with reference to type, dimensions, and character.
  - f. Required yards and other open space.
  - g. General compatibility with adjacent properties and other property in the district.
  - h. Any other provisions deemed applicable by the Board of Zoning Appeals.
- iii. Site Plan Required - All Special Exception applications are required to comply with the provisions of this Ordinance.
  - iv. Public Hearing Required - A public hearing shall be held for all proposed Special Exceptions.
  - v. If off-street parking space required in Chapter 3.0, 4.0, and 5.0 of this ordinance cannot be reasonably provided on the same lot on which the principal use is conducted, the Board of Zoning Appeals may permit such space to be provided on another off-street property provided such space lies within four hundred (400) feet of the main entrance to such principal use. Such vehicle standing space shall be deemed to be required open space associated with the permitted use and shall not thereafter be reduced or encroached upon in any manner.
  - vi. A special exception to building height requirements in the IN District may be made for permitted uses with unique manufacturing processes requiring the use of a tower or exceptional height in a limited section of the plant facility. Before the special exception can be considered by the Board of Zoning Appeals, the requester must obtain approval of the Fire Chief and Building Official for compliance with City codes.
- d. Variance. To hear and decide applications for variance from the terms of this Ordinance, but only where, by reason of exceptional narrowness, shallowness or shape of a specific piece of property at the time of the adoption of this ordinance was a lot of record; or, where by reason of exceptional 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 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.
    - i. 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.
    - ii. 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.
    - iii. As may concern the following, the Board of Zoning Appeals may consider a variance:
      - a. Lot of Record. Where the owner of a lot consisting of one or more adjacent lots of official record at the time does not own sufficient land to

enable him to conform to the yard or other requirements of this ordinance, an application may be submitted to the Board of Zoning Appeals for a variance from the terms of this ordinance, in accordance with Section 8.2 of this ordinance. Such lot may be used as a building site, provided however, that the yard and other requirements of the district are compiled with as closely as is possible in the opinion of the Board of Zoning Appeals.

b. Group Housing Projects. In the case of a group housing project or two or more buildings to be constructed on a plot of ground of at least one acre not subdivided into the customary streets and lots and which will not be so subdivided or where the existing or contemplated street and lot layout make it impracticable to apply the requirements of this ordinance to the individual building units in such housing projects, a special exception to the terms of this ordinance may be made by the Board of Zoning Appeals in a manner that will be in harmony with the character of the neighborhood, will insure substantially the same character of occupancy and an intensity of land use no higher and a standard of open space no lower than that permitted by this ordinance in the district in which the project is to be located. However, in no case shall the Board of Zoning Appeals authorize a use prohibited in the district in which the project is located or a smaller lot area per family than the minimum required in such district, or a greater height or a larger coverage than the requirements of this ordinance permit in such a district.

c. Replacement of Existing Mobile Homes. The owner of an existing mobile home may, upon approval of the Board of Zoning Appeals, imme-

diately replace same with a mobile home of greater value, if deemed necessary for reasons of health, safety, or improvement of living conditions; and provided that same is located upon the same site of the replaced mobile home. This provision applies to owner occupancy only.

d. Slope of driveways. Where an existing lot or tract of land is too steep to reasonably satisfy the applicable requirements on the driveway slope, then the Board of Zoning Appeals may grant a variance, assuming that the variance represents the minimal departure from the requirements necessary to attain safe and feasible access into the property.

e. Other determinations, as follows:

- i. Zoning district boundaries. As provided for in Section 2.3.2 of this ordinance, questions concerning the exact locations of district boundaries shall be determined by the Board of Zoning Appeals.
- ii. Revocation of participation in the Tourist Oriented Directional Signs (TODS) program. When, after proper notification of being out of compliance and revocation of the privilege of participating in the TODS program, a business may appeal the such revocation to the Board of Zoning Appeals. (See also, Chapter 10.0 Appendix, Section 10.3, regarding the TODS program)

8.2.4 Appeals Process. 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 Zoning Inspector based in the whole or part on provisions of this Ordinance.

a. Such appeal shall be taken within a reasonable time, as provided by the rules of the board, by filing with the Zoning Inspector and with the Board of Zoning Appeals a notice of appeal,



specifying the grounds thereof.

- b. The Zoning Inspector shall transmit forthwith to the board all information constituting the record upon which the action appealed was taken. The board shall fix a reasonable time for the hearing of the appeal, give public notice thereof, as well as due notice to the parties in interest, and decide the same within a reasonable time. Upon hearing, any party may appear in person or by agent or attorney.

8.2.5 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 Zoning Inspector. The 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 any matter upon which it is required to pass or to authorize any variance from the terms of this Ordinance.

### 8.3 Historic Zoning Commission (HZC)

8.3.1 Establishment There is hereby established the Historic Zoning Commission (HZC) pursuant to Sections 13-7-401 through 13-7-409 of the Tennessee Code, Annotated.

8.3.2 Powers and Duties The HZC shall have the following powers and duties:

8.3.3 Site Plan Review For structures and properties subject to Site Plan review and that are located within the Downtown Commercial Historic Overlay District (DHO), the HZC shall review and make decisions on Certificates of Appropriateness as part of the Site Plan review procedure pursuant to Section 8.5, Site Plan Review, and Section 8.4, Certificate of Appropriateness in a DHO District.

8.3.4 Certificates of Appropriateness in the DHO District To review and make decisions on applications for Certificates of Appropriateness pursuant to Section 8.4, Certificates of Appropriateness in a DHO District.

8.3.5 Powers Related to the DHO Overlay District Pursuant to the powers granted by the Tennessee Code Annotated, and consistent with the Historic District Design Guidelines, the HZC shall consider the following in determining whether to issue a Certificates of Appropriateness:

- a. Appropriateness of the exterior architectural features, including signs and other exterior fixtures, of new buildings and structures to be constructed.
- b. Appropriateness of exterior design or extension of an existing building or structure.
- c. Appropriateness of setbacks, front, side, or rear yards, off-street parking spaces, location of sidewalks along the public right-of-way that might affect the character of a building or structure. The general compatibility of exterior design, arrangement, texture, and material of the building or structure in relation to similar features of buildings in the immediate surroundings. However, the HZC shall not consider interior arrangement or design, nor shall it make any requirements except for the purpose of preventing extensions incongruous to the historic aspects of the surroundings.

8.3.6 Additional Powers The following shall also be the duty of the HZC:

- a. To regularly revise and update the historic preservation plan.
- b. To comment on projects that may have a potential adverse impact on properties that are listed in the National Register of Historic Places
- c. To nominate properties for inclusion in the Downtown Commercial Historic District.
- d. To maintain and update the Historic Resources Survey.
- e. To develop the Historic District Design Guidelines.

8.3.7 Membership As provided by state law, the HZC shall consist of no less than five (5) and no more than nine (9) members, including a representative of a local patriotic or historical organiza-



tion; an architect, if available; a person who is a member of the local planning commission at the time of such person's appointment; and the remainder shall be from the community in general. The historic zoning commission shall be appointed by the Mayor, subject to confirmation by the Board of Mayor and Aldermen. The terms of members shall be five (5) years, except that the members appointed initially shall be appointed for staggered terms so that the terms of at least one (1) member but not more than two (2) members shall expire each year. All members shall serve without compensation.

8.3.8 Bylaws The HZC shall, by a majority vote of its entire membership, adopt bylaws governing its procedures on such matters as officers, agendas, voting, order of business, and related matters as it may consider necessary or advisable, provided such bylaws are consistent with the provisions of this ordinance.

## 8.4 Certificate of Appropriateness in a DHO District

8.4.1 Purpose and Scope. The purpose of this subsection is to provide for the review by the HZC of development, construction, alteration, or demolition of structures within the DHO District pursuant to this Subsection and Subsection 2.7.3.3, Downtown Commercial Historic Overlay District (DHO).

8.4.2 Applicability.

- a. Unless otherwise exempted in Subsection 8.4.3 below, no Building Permit for construction, alteration or rehabilitation, moving, or demolition shall be issued by the Development Department within the DHO District until the project has been submitted to, and received a written Certificate of Appropriateness from, the HZC.
- b. In instances where a Certificate of Appropriateness is required for exterior work that does not require a Building Permit (e.g., replacement of windows or the installation of fences), no work shall occur until the project has been submitted to, and received a written Certificate of Appropriateness from, the HZC.

8.4.3 Exemption Building Permits for work (electrical, interior structural, etc.) on the interior of the structure shall be exempt from the provisions of this subsection provided that the work for which the Building Permit is requested will not alter the external appearance or the gross floor area of the structure.

8.4.4 Initiation An application for a Certificate of Appropriateness shall be initiated by the property owner or other person having authority to file an application on the owner's behalf.

- a. Step 1 – Application for a Certificate of Appropriateness in the DHO District An application for a Certificate of Appropriateness shall be made in accordance with application requirements established by the Development Department for properties subject to Site Plan review. The application for a Certificate of Appropriateness shall be made prior to review of the Site Plan pursuant to Section 8.5, Site Plan Review. All other applications may be made with the application for a Building Permit. A Zoning Compliance Certificate may not be issued until a Certificate of Appropriateness has either been issued or deemed not to be applicable.
- b. Step 2 – HZC Review and Decision on the Certificate of Appropriateness Upon receiving an application for a Certificate of Appropriateness, the HZC shall, within 30 days following the submission of all information deemed necessary by HZC staff, meet and consider the request and either issue a Certificate of Appropriateness; issue a Certificate of Appropriateness with conditions; or decline to issue a Certificate of Appropriateness, stating grounds for disapproval in writing. The HZC shall report its decision to the Development Department. If no action is taken by the HZC within the 30 day period, the application shall be deemed denied. The 30 day period time period may be extended with the agreement of the applicant. If the Certificate of Appropriateness is issued, then the Building Permit application or Site Plan review shall be processed in accordance with this ordinance or in the same manner as that of any other application. If the HZC disapproves the Certificate of Appropriateness, the applicant shall be notified of the disapproval in

writing by the Development Department.

- c. Step 3 – Final Building Permit Review The Development Department shall review applications for Building Permits that have received written approval from the HZC in the form of a Certificate of Appropriateness, in the same manner as applications made outside of the DHO District, and final issuance or rejection shall be based upon adopted building codes.

8.4.5 Approval Criteria The HZC shall consider the following in evaluating an application for a Certificate of Appropriateness:

- a. Whether the proposed action is in harmony with the objectives and purpose of the DHO District;
- b. Whether the result of the proposed action would be esthetically consistent and harmonious other structures within the DHO District;
- c. In the case of alterations to existing structures, whether the proposed action complies with the “Standards for Rehabilitation” and the applicable guidelines for exterior features promulgated by the Secretary of the Interior in the publication, “Standards for Rehabilitation”, (Jan. 1980 or latest revision);
- d. In the case of new construction, whether the proposed action complies with the “Standards for Rehabilitation” and the applicable guidelines for new construction promulgated by the Secretary of the Interior in the publication, “Standards for Rehabilitation”, (Jan. 1980 or latest revision);
- e. In the case of alterations of existing structures and new construction, whether the proposed action complies with the Historic District Design Guidelines;
- f. In the case of removal or demolition, whether the structure could not be rehabilitated and used in a manner conforming to the Historic District Guidelines and the City Zoning Ordinance, with reasonable efforts;
- g. In the case of removal or demolition, whether the structure is without substantial historic or architectural significance;
- h. A Certificate of Appropriateness shall be granted: In the case of alterations to existing structures if the HZC answers (a), (b), (c), and

(e) affirmatively; In the case of new construction, if the HZC answers (a), (b), (d), and (e) affirmatively; and In the case of removal or demolition, if the HZC answers (a), (b) and either (f) or (g) affirmatively. If the HZC does not answer the required questions affirmatively, then it shall either deny the Certificate of Appropriateness or grant it subject to the conditions as may be required in order to permit an affirmative answer to the required questions.

8.4.6 Appeals The HZC shall have jurisdiction relating to historic zoning matters. Anyone who may be aggrieved by the final order or judgment of the HZC may have the order or judgment reviewed by the courts by the procedures set forth in Section 27-8-101 et seq. of the Tennessee Code Annotated.

8.4.7 Injunctive Powers and Penalties Where it appears that the owner or person in charge of an improvement on a landmark site or preservation site threatens to start, or has started, work in violation of this ordinance, then the City Attorney may apply to a court of competent jurisdiction for an injunction against a violation of this ordinance and for such other civil remedies as may be appropriate.

## 8.5 Site Plan Review

8.5.1 Purpose. It is the general purpose and intent of this Section to require site plans for all new developments, or redevelopment, of commercial, industrial, public and semi-public, and multi-family residential uses to provide for a lessening of traffic congestion and for securing adequate light, air, and aesthetic conditions for residents of the City.

8.5.2 Site Plan Review Committee Established. The Site Plan Review Committee is hereby established as an advisory committee to the Development Department, the Planning Commission and Board of Mayor and Alderman. It shall consist of the Director of Development, Director of Public Works, Director of Water and Sewer, Fire Chief, and City Engineer. Any member of the Site Plan Review Committee may appoint a designee or designees. The Site Plan Review Committee will consult with other city officials

as necessary.

The Site Plan Review Committee shall evaluate all necessary submittals with respect to compliance with all applicable standards, requirements and other applicable City ordinances and State and Federal laws. The Site Plan Review Committee shall render a decision recommending approval, modification or denial of the submittal to the Department of Development. The submittal process can be found in the Development Plan Review Process and Applicant Guidelines.

- 8.5.3 **Approval Limitations.** Once a site plan has been granted final approval which involves the construction, alteration, installation or modification of any structure in any district, the building permit must be obtained within the requirements described in TCA 13-3-413 or may otherwise be required to begin the review process de novo.

Following permit issuance, work must also begin within the requirements described in TCA 13-3-413 or the permit shall be considered void.

A conceptual plan shall not be considered a preliminary development plan, or final development plan, as described in TCA 13-3-413. As such no vesting period shall apply to a conceptual plan approval.

- a. **Historic Residential Office District (HRO).** Prior to initiating any modifications to any site, including conversion of a residential structure to a nonresidential use, the demolition of a residential or nonresidential structure for the purpose of preparing a site for new construction, and/or the preparation of a vacant lot for new construction (except a site to be used for the placement of one (1) single-family residence or one (1) duplex), a site plan prepared in accordance with this and other applicable provisions of this ordinance is required. The site plan shall be reviewed by the Citizens Advisory Committee for the HRO District (HRO Committee) prior to its presentation to the Planning Commission for action. The applicant, or a representative thereof, shall be present at the HRO Committee meeting at which a site plan is reviewed by that body.

- 8.5.4 **Contents of Site Plan.** The site plan shall set forth the proposal for development of the total land tract and meet the requirements set out in Chapter 10.0, Appendix, 10.1 Site Plan Review Documentation Requirements.

## 8.6 Concept Plans

- 8.6.1 **Purpose.** It is the general purpose and intent of the Section to allow for the submittal of conceptual plans for all new developments, or redevelopment, of commercial, industrial, public and semi-public, and multi-family residential uses to allow for a mechanism to receive guidance in the assistance of completing a site plan for future formal submittal.
- 8.6.2 **Process.** Guidance for conceptual plans shall be given by Planning Commission as consistent with this ordinance and with the comprehensive planning program of the city; except that, conceptual plans for smaller projects and additions, in the opinion of the Development Director, shall be given guidance by the planning and development staff.

## 8.7 Planned Unit Development Plan

- 8.7.1 **Planned Unit Development**
- 8.7.1.1 **Purpose.** The purpose of the Planned Unit Development (PUD) is to provide opportunities to create a more desirable environment through the application of flexible and diversified land development standards under a comprehensive plan and program professionally prepared. The Planned Unit Development is intended to be used to encourage the application of new techniques and technology to community development that will result in more superior living or development arrangements than could occur under conventional lot or building dispositions. It is further intended to achieve economies in land development, maintenance, street systems, and utility networks while providing building groupings for privacy, usable attractive open spaces, safe circulation, and the general well being of the inhabitants.
- 8.7.1.2 **Location.** A PUD may be located within any zoning district, except the HRO and AR districts,

provided that such a development meets the density and use requirements of the zoning district governing that location unless otherwise noted in this section. Every PUD proposal must be approved by the Planning Commission before the beginning of construction on its site.

a. Combination of Separate Types of Planned Unit Developments. The Planning Commission may consider the consolidation of separate types of PUDs (such as residential and commercial PUDs) within a unitary development plan as a single administrative procedure, provided that all parcels are contiguous, as defined by this article, and the land area is sufficient to comply with the distinct standards governing the separate types of land uses. Any commercially zoned district intending to be wholly or partially developed as residential will be required to comply with High Density Residential PUD code for all residential components.

8.7.1.3 Permitted uses in a PUD. Any use permitted in the district in which the PUD is to be located is allowed. Cluster subdivisions, condominiums, townhouses, mobile home parks, and multi-use commercial developments shall be considered as PUDs for the purpose of this ordinance.

8.7.1.4 Application, Review, and Development Procedure for a PUD.

a. Preliminary PUD Plan. To obtain the right to develop a PUD, the developer shall submit a preliminary PUD plan to the Planning Commission for its review and approval. The preliminary PUD plan shall be drawn using a standard engineers scale and shall:

- i. Define the location, size, accessibility, and existing zoning of the proposed site.
- ii. Indicate the surrounding type of development and land uses.
- iii. Set forth the type of development proposed, the density of the proposed development, and the location of all structures, parking areas, and open spaces.
- iv. Show a plan for streets, thorough-

fares, public utilities, schools, and other public or community uses.

vi. Such other additional information as the Planning Commission may determine necessary to adequately review the proposed development.

b. Final PUD Plan. The final PUD plan shall conform to the preliminary PUD plan and shall include the following items, if applicable: such items, and in such format, as may be required according to procedures adopted and published by the Planning Commission.

i. No building permit(s) shall be issued until after approval of the final PUD plan, and where applicable, approval of a subdivision plat for any portion of the development proposed for subdivision. The Building Official may revoke any issued permit for a building or structure that does not comply with the approved plan.

ii. The vesting period for a PUD shall follow the provisions of TCA 13-3-413.

c. Staging and Development Schedule

i. The applicant may elect to develop the site in successive stages in a manner indicated in the PUD plan; however, each such stage shall be substantially complete within itself.

ii. The Planning Commission may require that development be done in stages if public facilities are not adequate to service the entire development initially.

d. Changes and Modifications to a PUD Plan.

i. Minor changes. Minor changes may include, but are not limited to, minor shifting of the locations of buildings, proposed streets, or other public or private ways, utility easements, parks or other public open spaces, or other features of the plan. Minor changes in a PUD plan may be approved by the Development Director provided that such changes:



(a.) Do not increase the building unity densities.

(b.) Do not change the outside (exterior) boundaries of the development.

(c.) Do not change any use.

(d.) Do not materially change the location or amount of land devoted to specific land uses.

(e.) Do not significantly change the exterior appearance from that shown on any plans previously submitted or presented by the developers.

ii. Major changes. Major changes proposed to the PUD plan after it has been adopted shall be considered the same as a new petition and shall be made in accordance with the procedures specified in Section 8.5.1.4.

8.7.1.5 Residential Zoning District Development and Site Improvement Standards. A Planned Unit Development within any residentially zoned district shall comply with the below standards.

a. Low Density Residential Planned Unit Development.

(1.) Minimum Site Area and Units. A Low Density Residential PUD shall have a minimum site area of three (3) developable acres and a minimum of ten (10) units. Developable acres shall exclude streets, flood ways, topographical issues, and flood zones without the ability to be filled. Calculations must be provided.

(2.) Density and Uses. The overall density of a Low Density Residential PUD shall not exceed 6.4 units per acre and shall comply with the underlying uses of the district.

(3.) Lot Size and Width. Any lot created within a Low Density Residential PUD shall be a minimum of seven thousand five hundred (7,500) square feet in size with a minimum of forty (40) feet upon a public or private right-of-way as stipulated in Subdivision Regulations.

(4.) Setbacks. Principal structures shall comply with the following setbacks:

Front – Twenty-five (25) feet from property line.

Front Porch – Twenty (20) feet from property line including all attached aspects such as steps. A front porch shall be defined as an un-airconditioned, roofed, raised above grade structure which is attached to the front of the building.

Side – Ten (10) feet from property line.

Rear – Twenty (20) feet from property line.

Exterior and Street – Twenty-five (25) feet from all exterior PUD lines and thirty (30) feet from any collector or arterial street.

(5.) Height and Parking. Height and Parking calculations shall comply with the underlying district and proposed use.

(6.) Recreation and Open Space. A minimum of five (5) percent of the developable site area shall be developed as usable recreation to serve the residents of the PUD. At least five (5) percent of the gross site area shall be left as open space. Non-developable area formerly removed to comply with site area requirements may be used to meet the open space requirement. If the PUD contains individually owned units, then such spaces shall be maintained in common ownership established in the appropriate legal manner as provided for in Section 8.7.1.5.m below.

(7.) Pedestrian Circulation. Sidewalks shall be constructed, or an equivalent paved internal pedestrian circulation system, the minimum width of which shall be five (5) feet. Requirement may be waived by Development and Public Works Directors where sidewalks cannot meet ADA standards or other grievances are present (e.g. topographical issues).

(8.) Landscaping. Development shall

comply with landscape requirements of the underlying zoning district as specified in the Development Standards Table. Additionally, all recreational areas shall be landscaped and all such landscaping shall be shown in the PUD plan.

b. Medium Density Residential Planned Unit Development.

(1.) Minimum Site Area and Units. A Medium Density Residential PUD shall have a minimum site area of two (2) developable acres and a minimum of twelve (12) units. Developable acres shall exclude streets, flood ways, topographical issues, and flood zones without the ability to be filled. Calculations must be provided.

(2.) Density and Uses. The overall density of a Medium Density Residential PUD shall not exceed 7.4 units per acre for single-family detached development, 10 units per acre for attached units, and shall comply with the underlying uses of the district.

(3.) Lot Size and Width. Any lot created within a Medium Density Residential PUD on which a detached dwelling unit is intended to be placed shall be a minimum of six thousand (6,000) square feet in size with a minimum of forty (40) feet upon a public or private right-of-way. Any lot on which a fee simple attached unit is intended to be placed shall be a minimum of three thousand five hundred (3,500) square feet in size with a minimum of forty (40) feet upon a public or private right-of-way as stipulated in Subdivision Regulations.

(4.) Setbacks. Principal structures shall comply with the following setbacks:

Front – Twenty (20) feet from property line.

Front Porch – Fifteen (15) feet from property line including all attached aspects such as steps. A front porch shall be defined as an un-airconditioned, roofed, raised above grade structure which is at-

tached to the front of the building.

Side – Seven and one-half (7.5) feet from property line.

Rear – Fifteen (15) feet from property line.

Exterior and Street – twenty-five (25) feet from all exterior PUD lines and thirty (30) feet from any collector or arterial street.

Distance Separation – Required distance separation of structures shall be determined by the Fire Marshall and/or Building Inspector based on building classification and fire code standards. The PUD applicant may submit architectural support documents which show the IBC fire ratings relative to the building separation proposed.

(5.) Height and Parking. Height and Parking calculations shall comply with the underlying district and proposed use.

(6.) Recreation and Open Space. A minimum of five (5) percent of the developable site area shall be developed as usable recreation to serve the residents of the PUD. At least five (5) percent of the gross site area shall be left as open space. Non-developable area formerly removed to comply with site area requirements may be used to meet the open space requirement. If the PUD contains individually owned units, then such spaces shall be maintained in common ownership established in the appropriate legal manner as provided for in Section 8.7.1.5.m below.

(7.) Pedestrian Circulation. Sidewalks shall be constructed, or an equivalent paved internal pedestrian circulation system, the minimum width of which shall be five (5) feet. Requirement may be waived by Development and Public Works Directors where sidewalks cannot meet ADA standards or other grievances are present (e.g. topographical issues).

(8.) Landscaping. Development shall



comply with landscape requirements of the underlying zoning district as specified in the Development Standards Table. Additionally, all recreational areas shall be landscaped and all such landscaping shall be shown in the PUD plan.

c. High Density Residential Planned Unit Development.

(1.) Minimum Site Area and Units. A High Density Residential PUD shall have a minimum site area of two (2) developable acres and a minimum of fifteen (15) units. Developable acres shall exclude streets, flood ways, topographical issues, and flood zones without the ability to be filled. Calculations must be provided.

(2.) Density and Uses. The overall density of a High Density Residential PUD shall not exceed 8.2 units per acre for single-family detached development, 23 units per acre for attached units, and shall comply with the underlying uses of the district.

(3.) Lot Size and Width. Any lot created within a High Density Residential PUD on which a detached dwelling unit is intended to be placed shall be a minimum of Five thousand (5,000) square feet in size with a minimum of forty (40) feet upon a public or private right-of-way as stipulated in Subdivision Regulations. Any lot on which a fee simple attached unit is intended to be placed shall be a minimum of three thousand (3,000) square feet in size with a minimum of forty (40) feet upon a public or private right-of-way.

(4.) Setbacks. Principal structures shall comply with the following setbacks:

Front – Fifteen (15) feet from property line.

Front Porch – Ten (10) feet from property line including all attached aspects such as steps. A front porch shall be defined

as an un-airconditioned, roofed, raised above grade structure which is attached to the front of the building.

Side – Seven and one-half (7.5) feet from property line.

Rear – Ten (10) feet from property line.

Exterior and Street – twenty-five (25) feet from all exterior PUD lines and thirty (30) feet from any collector or arterial street.

Distance Separation – Required distance separation of structures shall be determined by the Fire Marshall and/or Building Inspector based on building classification and fire code standards. The PUD applicant may submit architectural support documents which show the IBC fire ratings relative to the building separation proposed.

(5.) Height and Parking. Height and Parking calculations shall comply with the underlying district and proposed use.

(6.) Recreation and Open Space. A minimum of five (5) percent of the developable site area shall be developed as usable recreation to serve the residents of the PUD. At least five (5) percent of the gross site area shall be left as open space. Non-developable area formerly removed to comply with site area requirements may be used to meet the open space requirement. If the PUD contains individually owned units, then such spaces shall be maintained in common ownership established in the appropriate legal manner as provided for in Section 8.7.1.5.m below.

(7.) Pedestrian Circulation. Sidewalks shall be constructed, or an equivalent paved internal pedestrian circulation system, the minimum width of which shall be five (5) feet. Requirement may be waived by Development and Public Works Directors where sidewalks cannot meet ADA standards or other grievances are present (e.g. topographical issues).

(8.) Landscaping. Development shall comply with landscape requirements of the underlying zoning district as specified in the Development Standards Table. Additionally, all recreational areas shall be landscaped and all such landscaping shall be shown in the PUD plan.

8.7.1.6 Commercial Zoning District Development and Site Improvement Standards. A Planned Unit Development within any commercially zoned district shall comply with the below standards. Any area within a commercially zoned planned unit development intending to be developed as residential shall comply with the High Density Residential Planned Unit Development code for all residential components. Commercial PUD standards shall govern all shopping centers.

a. Minimum Site Area. A Commercial PUD shall have a minimum site area of one (1) developable acre. Developable acres shall exclude streets, flood ways, topographical issues, and flood zones without the ability to be filled. Calculations must be provided.

b. Density and Uses. The overall density of any residential component shall comply with the High Density Residential PUD standards. Allowable uses for all components shall comply with the underlying zoning.

c. Lot Width. Commercial PUDs shall comply with the underlying zoning district lot width with a minimum of forty (40) feet upon a public or private right-of-way as stipulated in Subdivision Regulations.

d. Setbacks. All structures shall comply with the following setbacks:

Exterior and Street – twenty-five (25) feet from all exterior PUD lines and twenty-five (25) feet from any street or road right-of-way. If abutting an existing commercial zoning district or commercial PUD, the exterior side setback may be reduced to ten (10) feet from the property line.

Interior Side and Rear – Ten (10) feet from the property line.

Distance Separation – Required distance

separation of structures shall be determined by the Fire Marshall and/or Building Inspector based on building classification and fire code standards. The PUD applicant may submit architectural support documents which show the IBC fire ratings relative to the building separation proposed.

e. Height and Parking. Height and Parking. Height and Parking calculations shall comply with the underlying district and proposed use.

f. Landscaping. Development shall comply with landscape requirements of the underlying zoning district as specified in the Development Standards Table.

8.7.1.7 Additional PUD Standards.

a. Streets and Subdivision Regulations. All streets, roads, or public ways shall be platted within a PUD and all streets (whether publicly or privately maintained) shall be constructed so as to conform with the intent of the Sevierville Subdivision Regulations.

b. Flood Protection. Every lot and every building shall comply with the minimum standards of the Municipal Flood Damage Prevention Ordinance, municipal stormwater ordinance, and other applicable standards within this zoning ordinance. All new public and private streets proposed as part of a PUD, any portion of which lies within a flood hazard area, as designated on maps identified in the City's Flood Damage Prevention Ordinance, shall be constructed so that such streets are at least one (1) foot above the 100-year flood elevation. Whenever a street that is constructed so that it is at least one (1) foot above the 100-year flood elevation intersects with a street that is at or below the 100-year flood elevation, the City Engineer shall determine the manner in which the intersection between two such streets shall be constructed.

c. Stormwater Management. Stormwater drainage structures shall be constructed in accordance with the Stormwater Management Ordinance of the City, and any appli-

cable requirements of the municipal zoning ordinance and subdivision regulations.

d. Parking. Off-street parking shall be provided on a site convenient to the building in accordance with the following requirements:

(1.) Parking spaces shall be provided in conjunction with the uses as determined by section 3.4 Additional Standards.

(2.) The parking area for each single-family, detached residential unit and duplex shall be directly connected to a street or road, involving no travel over interior or intermediate driveways in the development, unless specific approval is given by the Planning Commission upon the recommendations of the City Engineer and Development Director.

(3.) Parking areas shall be landscaped as provided for in Chapters 3.0 and 4.0 of this ordinance.

(4.) Driveway curves shall have adequate radii, conforming to widely accepted standards of traffic engineering.

e. Exterior Property Line Buffering. Buffering and screening with trees and landscaping, where the exterior property line of any proposed PUD abuts an existing residential development, shall be required. The Planning Commission also may require buffering and screening with trees, where the exterior property line of any proposed PUD abuts an existing commercial or industrial use or zoning district.

f. Water and Sewer Improvements.

(1.) In general, any PUD to be constructed within Sevierville shall be served by public water lines and sanitary sewer lines. The maintenance and repair of water and sewer lines, pumps, tanks, and other related facilities located on private property, including private property owned in common by more than one party, such as a private road, common open space, and the like, shall be the responsibility of the private property owner(s).

(2.) The master meter for such services shall be placed at the front of the property line of a PUD.

(3.) Where applicable, any condominium association agreement, homeowners' association agreement, and/or restrictive covenants shall specifically acknowledge the party(ies) responsible for the maintenance and repair of water and sewer facilities on private property.

g. Signs.

(1.) The signage placed within each PUD shall conform to Chapter 6.0 and other applicable provisions of this ordinance.

(2.) Deviations from the sign ordinance may be accepted through submission of a Master Sign Plan where the requested signage is not overly large nor distracting from roadways or the natural view of sites such as hills, ridges, waterways, or mountains. Such Master Sign Plan must be approved by the Planning Commission.

h. Fire Protection. Fire hydrants shall be located within a PUD in a manner that meets requirements of relevant portions of the NFPA 1 Uniform Fire Code, or any subsequent code in force in the city at the time a PUD plan is submitted for review.

i. Maintenance of Open Spaces and Recreational Areas. Open space, including stormwater and transportation infrastructure, and recreational facilities, shall be established in the appropriate legal manner in one of the following methods:

(1.) By the developer or management authority of the PUD

(2.) By a Homeowner's Association established by deed restrictions

(3.) By the public if dedication of such open space and/or recreational areas to the City is approved by the Planning Commission

## 8.8 Master Planned Development District

8.8.1 Purpose. The purpose of the Master Planned Development District is to provide for the development of well-planned communities through flexible and diversified land development standards. For purposes of this Ordinance a Master Planned Development District shall be a tract of land at least 25 acres in area.

8.8.2 Pre-Application Conference. Prior to submission of a petition for a Master Planned Development, the applicant shall schedule a pre-application meeting with the Development Department. The purpose of the meeting is to allow the applicant to present a general concept and to discuss characteristics of the proposed development in relation to adopted City policies and to allow the staff to inform the applicant of applicable policies, standards and procedures. The following information is required for a pre-application meeting.

(1.) A written "Letter of Intent" from the petitioner describing the intentions for developing the site.

(2.) A site location map.

(3.) A statement regarding the relationship to community plans and policies and land uses in the surrounding area.

(4.) Sketch plans describing proposed land use(s), building and/or dwelling type(s) and density, internal private circulation drives and parking areas

(5.) Conceptual landscaping plan, open space, common areas, and buffer areas between the proposed development and adjacent properties.

8.8.3 Draft Master Plan. The application for rezoning shall be accompanied by a master plan and project narrative to include the following:

(1.) A site location map showing boundaries.

(2.) A legal description of each parcel of property subject to the petition.

(3.) A current plat of survey prepared by a land surveyor registered in the State of Tennessee.

(4.) Parcel ID Numbers and Addresses

(5.) Current use of land on the site and property within six hundred feet of the subject site

(6.) All existing or previously platted streets on the site, indicating their location, width, sidewalks, curbs and gutters, culverts, center-line elevation and name.

(7.) Existing easements, including location, width and purpose.

(8.) Other rights-of-way, including railroads and utility ROW's, showing existing improvements, if any.

(9.) Existing permanent buildings and structures on the site.

(10.) Utilities on the site indicating the location, size and invert elevations of storm and combined sewers; the size and location of sanitary sewers; the size and location of water mains; the location of fire hydrants; the direction and distance to the nearest usable water mains and sewers; and the location of private utilities such as gas, electric, and telephone lines and easements.

(11.) Topographic data for the site consisting of existing contours at two-foot intervals.

(12.) Hydrologic conditions including water-courses, floodplains, wooded areas, and wetlands.

(13.) Locations of or reference to existing monuments or survey markers used in preparation of survey and the grade elevation of each monument and marker.

(14.) Existing vegetation to be preserved and the locations and nature

(15.) Other existing conditions data as may be required by the City staff, Planning Commission, or the Board of Mayor and Alderman.

8.8.4 Public Meeting. The Draft Master Plan shall be presented to the Planning Commission for comment.

8.8.5 Preliminary Plan Elements and Standards: The following elements and standards shall be required for a Master Planned Development.

(1.) A professional licensed survey of the areas to be rezoned.



(2.) A narrative describing the character, intent and desired effect of the proposed development and the manner in which the development has been planned to take advantage of district flexibility of the regulations, the superior benefits that would accrue to the future residents and users of the development, and all relief sought from the standard application of district requirements in conjunction with the project.

(3.) Written, detailed text documenting the permitted uses and development requirements that apply to the proposed development, which shall include at minimum:

- i. Underlying Zoning District
- ii. Permitted and Prohibited uses (if applicable)
- iii. Lot and floor areas
- iv. Building setback lines and building separation
- v. Structure height
- vi. Open space
- vii. Preservation of natural features and landscape
- viii. Signage
- ix. Parking
- x. Landscaping
- xi. Lighting Plan
- xii. Solid Waste Plan
- xiii. Any additional architectural or design standards

(4.) Other standards as deemed appropriate by the Staff or Planning Commission.

(5.) Proposed preliminary circulation pattern.

(6.) Proposed parks, playgrounds, trails, and open space.

(7.) Delineation of the units or phases to be constructed together with a proposed timetable.

(8.) Narrative describing the character, intent and desired effect of the development, the manner in which the development has been planned to take advantage of the flexibility of the PD regulations, the superior benefits that would accrue to the residents/user of the development, and all relief sought from the standard application of district requirements in conjunction with the project.

(9.) Proposed means of dedication of common open space areas and organizational arrangements for the ownership, maintenance and preservation of common open space.

(10.) Date of preparation of original drawing and the date of any revisions.

(11.) The name of the development, with the words "Draft Master Plan".

(12.) Gross and Net area of tract

(13.) Tract boundary lines showing dimensions, bearings, angles, and references to section, township, range lines or comers, and existing bench marks.

(14.) Total number of proposed buildings/dwelling units.

(15.) Proposed land uses and population densities.

(16.) Layout of lots, showing dimensions and numbers.

(17.) Number of off-street parking spaces proposed including the formula used to calculate the number of required parking spaces.

(18.) The proposed location and general use of common area including recreational areas, plazas, pedestrian ways and major landscape areas including buffer areas.

(19.) General landscaping information including general location and approximate size (at the time of planting) of all plant material by type (such as deciduous/coniferous trees, ornamental trees, shrub masses and ground cover including grassed areas, ivies, etc.). Landscaping within parking areas shall be included.

(20.) Quantification of site area by building coverage, parking, loading and driveways, and common retention/detention, floodplain and/or natural areas.

(21.) Parcels of land proposed to be dedicated or reserved for schools, parks, playgrounds, or other public, semi-public, or community purposes.

(22.) Existing and proposed streets and rights-of-way on and adjoining the site of the proposed subdivision showing the proposed names, roadway widths, types and widths of pavements, curbs, sidewalks, bikeways, jog-

1.0 GENERAL PROVISIONS

2.0 ZONING DISTRICTS

3.0 USES & CONDITIONS

4.0 DEVELOPMENT STANDARDS

5.0 PARKING

6.0 SIGNS

7.0 NON-CONFORMITIES

8.0 ADMINISTRATION

9.0 DEFINITIONS

APPENDIX

ging paths, and other recreational ways.

(23.) Existing and proposed easements including the location, width, and purpose of each easement.

(24.) Location and size of utilities existing and proposed and on the site, including storm and sanitary sewers; water mains; electrical, telephone, and cable television lines; street lights; fire hydrants; and such other utilities as may be appropriate.

(25.) Location of natural streams, regulated surface drains, legal ditches flood plains, pipelines, power lines, etc.

(26.) A preliminary drainage plan showing the proposed storm water drainage system to an improved outlet. The plan shall include surface drainage system, storm sewer systems, subsurface drainage systems, and storm water detention facilities. Arrows designating the general drainage of all streets and lots shall be included.

(27.) Estimated traffic count increase on adjacent streets resulting from the proposed development; A formal engineering study need not be conducted unless requested.

(28.) Photographs may be requested by the staff or specific areas or elements on or surrounding the site.

(29.) If the primary plat is to be divided into sections or phases of development, the boundaries and numbers of such sections shall be shown, and a conceptual plan for the entire subdivision shall be submitted as a "phasing schedule".

(30.) The general location, type and size of all retaining walls, fences and earth berms.

(31.) The general location, type and size of all refuse collection facilities including screening to be provided.

(32.) Typical building elevations that generally illustrate building mass, exterior construction materials and signage if applicable.

(33.) Design of all project signage, including project marketing signage, square footage of sign, height, type of sign.

(34.) Describe site lighting including the type

of lighting and minimum and maximum light values.

(35.) At the applicant's expense, additional clarification and/or further detail of the site plan as determined necessary by the City staff or the Planning Commission.

(36.) Proposed covenants, if any, to govern the use and maintenance of the development and ensure the continued observance of the provisions of the PD.

8.8.6 Additionally, for proposed developments that are of a large size and complexity where impacts to the City are not easily ascertained, the Planning Commission may require that the petitioner supplement the filing with a fiscal impact analysis and/or traffic impact analysis. The factors that are impacted will be determined at the time the Planning Commission reviews the Master Plan.

8.8.7 Actions on Preliminary Plan.

(1.) If a Preliminary Plan is approved, it shall become effective and its location shall be shown on the Zoning Map. Upon such amendment of the Zoning Map, the use and development of the site shall be regulated by the Preliminary Plan.

(2.) All conditions imposed shall run with the land and shall not lapse or be waived as a result of a subsequent change in tenancy or ownership of any or all of said areas.

(3.) Upon approval of the Preliminary Plan the developer may proceed to subdivide and develop the site in accordance with City's development process related to subdivision of land and building construction. Approval of the Preliminary Plan shall be valid for a period of three (3) years from the date of Board of Mayor and Aldermen approval. If Construction Plan approval is filed in phases, each subsequent phase shall be filed for within three (3) years of the prior phase's approval. If an application for Final Plan approval for all or a part of a geographic portion of the Preliminary Plan has not been filed within the three (3) year period, or if a developer has not requested and received approval of a one (1) year extension, then abandonment may be deemed to have occurred.



(4.) In a MPD which includes a residential component intended primarily for occupancy by permanent residents, no building designed or intended to be used, in whole or in part, for commercial purposes shall be constructed prior to the construction of less than 25% of the dwelling units proposed in the plan, or construction of 100 dwellings units/ whichever is smaller.

(5.) If construction of the MPD District is not started within two (2) years of the date of approval or if progress on the site is halted and not restarted for a period of two (2) years the Board of Aldermen may consider rezoning the site to its previous classification. The applicant, by showing good cause why he cannot adhere to the proposed timetable described in the Master Plan may seek an extension of not more than one (1) year at a time. A request for extension shall be submitted in writing to the Planning Commission.

Master Planned Development Process
1. Pre-application Conference with Planning Staff
2. Draft Master Plan Submittal
3. Public Meeting
4. Preliminary Master Plan & Rezone Submittal (District Standards)
5. Public Hearing (Planning Commission & BOMA)
6. Construction Plans
7. Plan Commission Meeting
8. Improvement Guarantees and Phasing Agreement (optional step contingent upon the Applicant's proposed development phasing)
9. Final Development Plan (includes Final Plat)

## 8.9 Short-Term Rental Units

8.9.1 **Purpose.** The city has determined that regulation of short-term rental units is necessary in order to protect the health, safety, and welfare of the public, as well as to promote the public interest by regulating the areas and methods of operation. To meet these ends, the city has determined that all persons or entities that desire to operate short-term rental units within the city must be issued all applicable permits.

8.9.2 **Location.** A short-term rental unit may be permitted in zoning districts as described on the table of Uses Permitted by District and are required to adhere to the Additional Standards section of this Zoning Ordinance.

8.9.3 **Application.** Short-term rental unit operators must obtain a Short-Term Rental Operational Permit prior to operating or advertising the use of short-term rentals.

8.9.4 **Inspection.** Before permit can be granted, a Life Safety Inspection conducted by the Fire Marshal's Office will be required.

8.9.5 **Posting Requirement.** Approved Short-Term Rental Operational Permit must be posted directly inside the main entrance. Additionally, a short-form of the operational permit shall be posted visible from the front exterior of the short-term rental unless otherwise specified by the Fire Marshall.

8.9.6 **Annual Renewal.** An annual Short-Term Rental Operational Permit is required and must be renewed each year prior to the expiration date of the previously approved permit. Before renewal permit can be granted, an annual inspection will be required.

8.9.7 **Revocation.** The Short-Term Rental Operational Permit shall be revoked if, within the annual permit term, three (3) citations and/or violations have been issued. Permit shall be revoked for a period of one (1) year from the time of revocation. A new Short-Term Operational Permit shall only be granted within the one (1) year revocation period if a new owner takes possession of the property. New owner shall have no relation nor connection to the former owner including, but not limited to, familiar and/or business relation.

## 8.10 Amendments

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

Ordinance.

8.10.2 Approval by Planning Commission. No such amendment shall become effective unless the same be first submitted to the Planning Commission for approval, disapproval, or suggestion to the Planning Commission. If the Planning Commission, within thirty (30) days, disapproves after such submission, it shall require the favorable vote of a majority of the entire membership of the Board of Mayor and Aldermen to become effective. If the Planning Commission neither approves nor disapproves such proposed amendment within forty-five (45) days after such submission, the action of such amendment by said board shall be deemed favorable.

8.10.3 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 Mayor and Aldermen shall publish a notice of such request for an amendment, together with the notice of time set for hearing by the Board of Mayor and Aldermen of the requested change. Said notice shall be published in some newspaper of general circulation in the City. Said hearing by the Board of Mayor and Aldermen shall take place not sooner than fifteen (15) days after the date of publication of such notice.

8.10.4 Notification Regarding Proposed Amendment to the Zoning Map. In addition to the publication of notice of public hearing regarding a proposed amendment to the zoning map in a newspaper of general circulation, as required by 13-7-203, Tennessee Code Annotated, and as provided for in Section 8.6.3 of this Ordinance, additional measures will be taken to notify neighboring property owners of such proposed amendment by the following means:

- a. Whenever rezoning of property is proposed by any party, the City will mail notices to property owners within two hundred (200) feet of such property no less than seven (7) days prior to the Planning Commission meeting at which it is scheduled for consideration for review and recommendation. The notice shall contain the following information: location of the

property, present zoning classification, proposed zoning classification, proposed use of the property, party requesting the rezoning, and date, time, and location of the Planning Commission meeting at which such request will be considered.

- b. Although it is the general practice of the Board of Mayor and Aldermen not to consider a request for an amendment to the zoning map which has not received a favorable recommendation from the Planning Commission, any party shall have the right to request the Board of Mayor and Aldermen consider any such proposed amendment.
- c. The Director Code Enforcement shall cause a sign to be placed upon the property proposed for rezoning no less than five (5) days prior to the second reading of such ordinance before the Board of Mayor and Aldermen. Such sign shall provide information regarding the proposed request, including the present and proposed zoning classification and the dates and location of the second and third reading of the ordinance before the Board of Mayor and Aldermen.

### 8.11 Fees

8.11.1 The Planning Commission shall have authority to set certain processing and administrative fees for services including, but not limited to, rezoning, variance, special use permits, subdivision, re-subdivision, planned unit development, and site plan review.

8.11.2 Payment. Fees shall be paid by the applicant at the time of filing application for service, in accordance with the fee schedule adopted by Resolution of the Board of Mayor and Aldermen.

### 8.12 Penalties and Remedies

8.12.1 **Penalties.** Any person violating any provision of this Ordinance shall be guilty of a civil misdemeanor, 'as set out in TCA 13-7-203(a)(1), and upon conviction shall be fined not less than two dollars (\$2.00) per day nor more than fifty dollars (\$50.00) per day for each offense. Each day

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such violation shall continue shall constitute a separate offense. In addition, the Development Director is authorized to impose double fees for permits or certificates when work has commenced, occupancy occurs, or use begins without obtaining the appropriate permits or certificates. The accumulation of penalties for violations, but not the obligation for payment for violations already committed, ceases upon remedy of the violation.

- 8.12.2 **Remedies.** In case any building or structure is erected, constructed, reconstructed, repaired, converted or maintained, or any building, structure or land is used in violation of this Ordinance, the Zoning Inspector or any other appropriate authority or any adjacent or neighboring property owner who could be damaged by such violation, in addition to other remedies, may institute a court proceeding to seek an injunction, mandamus or other appropriate action to prevent the occupancy or use of such building. The Development Director and/or their designee shall consider the violation remedied when the appropriate permits and/or certificates have been obtained and penalty fees paid OR, where applicable, the offending issue is corrected/removed or ceased operation and penalty fees paid.

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## 9.0 DEFINITIONS

### 9.1 Definitions

Unless otherwise stated, the following words shall, for the purpose of this Ordinance, have the meaning herein indicated.

### 9.2 Use of Words

- 9.2.1. Words used in the present tense include the future. The singular number includes the plural and the plural the singular. The word "shall" is mandatory, not directory. The word "used" or "occupied" as applied to any land or building shall be construed to include the word "intended," "arranged," or "designed" to be used or occupied.
- 9.2.2. Unless the context dictates otherwise, the word City or city means the City of Sevierville, Tennessee, County or county means Sevier County, Tennessee, State or state means the State of Tennessee, Federal or federal means the government of the United States of America and its agencies, TCA or Tenn. Code Ann. means Tennessee Code Annotated, the compilation of the laws of the State of Tennessee, the Director means the Director of the Department of Development of the City of Sevierville, Tennessee.

## A

**Accessory Building or Structure.** (TC Only) A roofed, subordinate building or structure located on the same lot as the principal structure, which is incidental or secondary to the principal building or structure. An accessory building includes but is not limited to garages, carports, sheds, workshops, arbors, gazebos, pergolas, and covered patios, that are detached from and accessory to the main building on the site.

**Accessory Building or Use.** 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. (See also [Building and Principal Building](#))

**Accommodation Unit.** For the purposes of regulations governing the VA District, this term shall refer a single dwelling unit (detached, or, a unit in a duplex, apartment, or condominium); a single room for temporary oc-

cupancy in a hotel, motel, or bed and breakfast inn; or, a recreational vehicle pad within a recreational vehicle park, all of which are primarily intended for overnight rental, short-term rental, or seasonal use by persons who are not residents of the City.

**Agriculture Tourism.** Recreational, entertainment, and/or educational activity occurring on land on which farm products or nursery products are raised. Examples of agriculture tourism activities include: crops offered to direct consumers for sale and/or harvesting in small quantities, such as flowers, herbs, fruit, berries, and/or vegetables and conducting classes related to the growing and use of such products; vineyards/wineries; and/or, offering a suitable rural setting for a corn maze, wedding, and/or similar periodic activities.

**Amusement, Indoor.** An indoor area or structure generally operated for profit with facilities and equipment for amusement, entertainment, or recreational purposes, including, but not limited to, amusement rides, waterparks, theaters for film and live performances, climbing walls, and other active indoor games or competitions, such as laser tag and escape games, firearm shooting ranges, and similar activities.

**Amusement, Outdoor.** An outdoor area generally operated for profit with facilities and equipment for amusement, entertainment, or recreational purposes, including, but not limited to, amusement rides, theme parks, go-kart tracks, waterparks, train or tramway rides, mini-golf, film or live entertainment venues such theaters/amphitheatres, professional sports stadiums, outdoor firearm ranges, paintball courses, zipline courses, and similar activities and facilities.

**Arterial Street:** A street that provides for traffic movement between areas and across portions of the City and secondarily for direct access to abutting land, as shown on the Zoning Map of the City of Sevierville.

**Art Gallery.** A public, quasi-public, or private building for the display or sale of works of art.

**Assisted-care Living.** A facility which provides bathing, dressing, and nonmedical living assistance services, such as meal preparation, grooming, and other activities

of daily living for persons who are elderly or have disabilities, and which can be licensed by the State as such.

**Automobile Body Repair and Similar Operations.** General repair, rebuilding, or reconditioning of engines, motor vehicles, and/or trailers, including body work, frame work, welding, and painting.

**Automobile and Mobile Home Sales.** A building for the conduct of sales or lease and repair of new or used automobiles, trucks, vans, trailers, recreational vehicles, motorcycles, boats, and similar vehicles, and mobile homes which may also include an outdoor display area of items available for sale or lease.

## B

**Bed and Breakfast, Bed and Breakfast Inn** A unique type of residential accommodation within which the owner or innkeeper resides which offers rooms to paying guests for stays of short duration and within which at least the breakfast meal is prepared by the innkeeper for guests.

**Bed and Breakfast Homestay.** A home having three or fewer guest rooms, the owner of which resides therein, where overnight lodging and breakfast is provided to tourists. For the purposes of this ordinance, a bed and breakfast homestay shall not be considered as a boarding or rooming house.

**Berm.** A mound or bank of earth covered with either grass or other plant material.

**Billboard.** See [Sign - Billboard](#)

**Billboard.** See [Sign - Billboard, Digital](#)

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

**Buffer Strip.** A plant material acceptable to the Development Director which has such growth characteristics as will provide an obscuring screen not less than six feet in height.

**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.

(See also [Accessory Building, Structure or Use, and Principal Building](#))

**Building Height.** The height of any building shall be determined according to the method employed in the latest building code adopted by the City, both now and in the future.

## C

**Cabin Rental Office.** An office which is located away from a site on which a majority of a firm's cabin and similar overnight and short-term rental accommodations are located. Such office generally sees patrons for the purpose of delivering/collecting keys to an accommodation and/or for providing information or other items to patrons for use during their stay.

**Caliper.** The diameter of the tree trunk measured at 6" above ground level for a tree trunk having a diameter of 4" or less, and, the diameter of the tree trunk measured at 12" above ground level for a tree trunk having a diameter exceeding 4".

**Carport.** A structure used for the storage of vehicles and having no enclosure other than its roof and such necessary support as will present the minimum obstruction to light, air, and view.

**Caretaker Quarters.** Living quarters intended for occupation only by a person employed to monitor and/or care for the property and facilities upon which such quarters are located.

**Changeable Sign –** See [Sign - Changeable - Manually Activated, Electrically Activated - Fixed Interval, and Active.](#)

**Collector Street.** A street providing for traffic movement within the City as shown on the Zoning Map of the City of Sevierville.

**Community and Civic Associations.** Headquarters and meeting facilities for organizations operating on a membership basis for the promotion of the interests of the members, including facilities for: business associations; civic, social, and fraternal organizations; labor unions and similar organizations; political organizations; professional membership organizations, and other membership organizations.



**Concept Plan.** An initial layout of a new business venture or idea designed to be used only as a mechanism to receive guidance in the assistance of completing of a site plan for formal submittal.

**Condominium.** A multi-unit structure offering individual ownership of said units.

**Construction Trailer or Sales Office.** A facility temporarily used as a construction or sales office.

**Customary Home Occupation.** See **Home Occupation**.

**Customary General Farming.** The use of property for the cultivation of crops and other farm products common to Sevier County.

## D

**Day Care Center. (TC Only)** A place operated by a person, society, agency, corporation, institution, or other group that received pay for the care of five or more children under 17 years of age, or adults in a protective setting for less than 24 hours per day, without transfer of custody. The term "Day Care Center" also includes child development centers, nursery schools, day nurseries, play schools, and kindergartens, as well as agencies providing before and after school care, regardless of name, purpose, or auspices. (Excluding schools graded 1-12 and kindergartens operated by governmental units or by religious organizations.)

**Day Care Center.** A place operated by a person, society, agency, corporation, institution, or other group that received pay for the care of eight or more children under 17 years of age for less than 24 hours per day, without transfer of custody. The term "Day Care Center" also includes child development centers, nursery schools, day nurseries, play schools, and kindergartens, as well as agencies providing before and after school care, regardless of name, purpose, or auspices. (Excluding schools graded 1-12 and kindergartens operated by governmental units or by religious organizations.)

**Digital Billboard.** See **Sign - Billboard, Digital**

**Doctor/Dentist Office.** A facility for the examination and treatment of ill or afflicted human outpatients, provided, however, that the patients are not kept overnight except under emergency conditions.

**Duplex.** See **Dwelling, Two Family or Duplex**.

**Dwelling, Multi Family.** A structure or structures containing more than two attached dwelling units used for residential occupancy.

**Dwelling, Single Family.** A building designed, constructed, and used for one dwelling unit.

**Dwelling, Single Family, Detached. (TC Only)** A residential building designed for occupancy by one family. For the purposes of this Ordinance, single-family dwelling does not refer to mobile, manufactured, modular, panelized or pre-cut homes.

**Dwelling, Single Family Attached. (TC Only)** Two or more dwelling units, each with primary outside access on the ground floor; and that are attached to each other by legally divided common walls which do not have openings and do not provide for internal access between the dwelling units. This term includes townhomes and duplexes.

**Dwelling, Two Family or Duplex.** A building designed, constructed or reconstructed and used for two dwelling units that are connected by a common structural wall.

## E

## F

**Family.** One or more persons occupying a premise and living together as a single housekeeping unit.

**Farmer's Market.** A retail market featuring foods sold directly by farmers to consumers.

**Fence or Wall Height.** The height of a fence or wall shall be defined as the vertical distance from the ground to the top of the fence or wall structure, including the top-most rail, board, wire, stone, concrete edge, or other material.

**Financial Services.** An establishment authorized by the government to accept deposits, pay interest, clear checks, make loans, act as an intermediary in financial transactions, and provide other financial services to its customers.

**Flea Market.** A place of business which provides space either inside or outside an enclosed building to two or more persons for the purpose of making retail sales of tangible personal property on a short term basis.

**Free-standing Pole Sign.** See [Sign - Free-standing Pole Sign](#)

**Funeral Home.** An establishment primarily engaged in the care, preparation, or disposition of human remains and conducting memorial services, but which does not include a crematory.

## G

**Gasoline Station.** An establishment primarily selling retail automotive fuels and/or electric recharging stations, but which also may include the retail sale of food and sundry items and/or restaurants with drive-through windows for the convenience of their customers.

**Government.** A building, structure, site, or any portion thereof that is used by the City, County, State, or Federal government.

**Graphic.** See [Sign - Graphic](#).

**Ground Cover.** Low plants which grow to form a continuous cover over the ground, such as vinca, English ivy, grass, or like material.

## H

**Hardscape.** Non-deleterious materials used to augment the beauty of a landscaped area. "Hardscape" may include brick, stone or rock walls, fountains, ponds, pools, planter or retaining walls, but it excludes artificial plants, trees, or other artificial vegetation.

**Home Occupation.** An occupation for gain or support which is customarily conducted in the home, which is incidental to the use of the building or structure as a dwelling unit, which employs not more than two persons not residents of the premises, and not more than thirty (30) percent of the total actual ground floor area is used for home occupation purposes. Provided all other provisions related to home occupations can be met and maintained, the care of up to seven (7) children (excluding the occupant's children or stepchildren) shall be considered a home occupation.

**Home Occupation. (TC Only)** A home occupation shall mean an accessory use consisting of a vocational activity conducted inside a dwelling unit or its accessory structures, provided that the home occupation:

- does not result in noise or vibration, light, odor, dust, smoke, or other air pollution noticeable at or beyond the property line,
- includes only the incidental sale of stocks, supplies, or products,
- is clearly subordinate to the use of the lot for dwelling purposes and does not change the character of the lot,
- does not include the outside storage of goods, materials, or equipment, and
- has signs limited to a non-illuminated identification sign two square feet or less in size.

**Hospital.** Any institution, place, building or agency represented and held out to the general public as ready, willing and able to furnish care, accommodations, facilities and equipment for the use, in connection with the services of a physician or dentist, of one (1) or more non-related persons who may be suffering from deformity, injury or disease or from any other condition for which nursing, medical or surgical services would be appropriate for care, diagnosis or treatment, and is licensed as such by the State of Tennessee.

**Hotel, Motel With Amusement.** Any building or establishment kept, used, or maintained as, or advertised as, or offered to the public to be, a place where sleeping accommodations are furnished for pay to transients or travelers, whether or not meals are served to transients or travelers, and where amusement is provided; "hotel" does not include a short-term rental unit, as defined in § 13-7-602.

**Hotel Without Amusement.** Any building or establishment kept, used, or maintained as, or advertised as, or offered to the public to be, a place where sleeping accommodations are furnished for pay to transients or travelers, whether or not meals are served to transients or travelers; "hotel" does not include a short-term rental unit, as defined in § 13-7-602.

## I

Interstate Monopole Sign. See [Sign - Interstate Monopole](#)

Intoxicating Liquors or Intoxicating Drinks. Alcohol, spirits, liquors and wines, liquid or solid, containing alcohol, spirits, liquor or wine, and produced for consumption by human beings, but not including beer as defined in Tennessee Code Annotated 57-5-101(b).

## J

## K

## L

Landscape Area. The unpaved area which contains grass, shrubs, flowers, ground cover, trees or native plant materials of any kind and which may include decorative fixtures or accouterments such as rock, pools, and planters. Does not include artificial plants, trees or vegetation.

Landscape Island. Unpaved area located within or protruding into a parking lot or the center of an entry into a development's drive or street. The area of a landscaped island is measured from back of inside curb to the back of inside curb.

Landscaping. Any living organic plant material including trees, shrubs, flowers, ground cover, vegetation, vines or grass.

**Large Distillery.** A facility where intoxicating liquors or intoxicating drinks are manufactured, having more than seven thousand five hundred (7,500) gallons of alcohol product on site at any one time, and which is located and is operated in accordance with applicable provisions of this and other ordinances of the City, including, but not limited to, the building code and fire code. (See also, Retail Distillery and Small Distillery.)

Lease of Record. A lease of real property that is more than one of lot of record or a portion of a lot of record,

which can be supported by a property description that is legally surveyed with a specified term, or renewal of terms, of not less than 20 years and together meets minimum lot size requirement and dimensional requirements for the zone and planned use.

**Library.** A public or quasi-public nonprofit facility where literary, musical, reference and similar materials are available for use on site and/or for loan to patrons, and which may include accessory uses such as a gift shop or café for support of the facility and as a convenience for patrons.

**Live/Work Unit.** A single unit consisting of both a commercial and/or office component and a residential component that is occupied by the same resident. The live/work unit shall be the primary dwelling of the occupant.

**Lot.** A parcel of land which fronts on and has access to public street and which is occupied or intended to be occupied by a building or buildings with customary accessories and open spaces. A lot may be either a lot of record or a lease of record.

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

**Lot of Record.** A lot, the boundaries of which are filed as legal record.

## M

**Maintain, Maintenance.** In reference to landscaping, includes irrigating, pruning, mulching, mowing, spraying, fertilizing, propping, bracing, treating for disease or injury, and any other similar acts which promote the life, growth, health, or beauty of the landscape vegetation.

**Medical Clinic. (Specified)** Not included in the definition of a specified medical clinic are walk-in clinics that are an accessory use to a retail establishment, clinics that serve a specified subset of the population such as low-income, employee groups, or any clinic operated within the grounds of a hospital facility.

**Pain Clinics:** For purposes of determining if a clinic, facility, or office qualifies as a 'pain management clinic' or 'clinic', it means a privately-owned clinic, facility or office in which any health care provider licensed under TCA§63-1-301 provides chronic nonmalignant pain

treatment to a majority of its patients for ninety (90) days or more in a twelve-month period, or provides the pain management services of evaluation, diagnosis, or treatment for the prevention, reduction or cessation of the symptoms of pain through pharmacological, non-pharmacological and other approaches with the exception of the treatment of malignant conditions in an oncological setting which specifically excludes hospices and hospitals.

**Addiction Rehabilitation Clinic:** Any medical practice/facility which prescribes or dispenses methadone, suboxone, or any drug for the treatment of addiction.

**Mobile Home.** A detached residential dwelling unit built on a chassis and designed for transportation after fabrication on streets or highways on its own wheels or on flatbed or other trailers, and arriving at the site where it is to be occupied as a dwelling complete and ready for occupancy except for minor and incidental unpacking and assembly-operations, locations of jacks or other temporary or permanent foundations, connections to utilities, and the like. A travel trailer is not to be considered as a mobile home.

**Mobile Home Park.** A parcel or tract of land under single ownership which has been planned and improved for the placement of mobile homes for dwelling purposes.

**Monument Sign.** See [Sign - Monument](#)

**Multi-Family.** See [Dwelling - Multi-Family](#)

**Museum.** A public or quasi-public facility in which objects of historical, scientific, artistic, or cultural interest are stored and exhibited.

## N

**Nonconforming Use.** Any structure or land lawfully occupied by a use that does not conform to the regulations of the district in which it is situated.

**Nursing Home.** A facility which provides 24-hour skilled nursing care, and other medical and related services to persons admitted because of illness, disease, and/or physical infirmity, and which can be licensed as such by the State.

## O

## P

**Parks, Public.** Land retained for public recreational use, designed to meet the needs of residents of a defined area or the city as a whole. Land may be improved with playground apparatus, tennis courts, public golf courses (with or without a clubhouse), picnic areas, shelters, riding, biking or hiking trails, skateboard areas, other game courts or pits, art, memorials, and historic structures. Public parks may include greenways and natural areas and features that are subject to minimal maintenance, open to the public, and subject to seasonal closure.

**Pawn Shop.** An establishment that engages, in whole or in part, in the business of loaning money on the security of pledges of personal property, or on deposits of personal property, or in the purchase or sale of personal property. This definition shall not be construed to include establishments such as antique stores and consignment stores for clothing and household goods.

**Personal Services.** Provision of regularly needed services of a personal nature, including, but not limited to barber shops and beauty salons, day spas, fitness studios, seamstresses, tailors, shoe repair shops, and travel agencies mainly intended for the consumer.

**Planned Unit Development.** An integrated design for development of residential, commercial, or industrial 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.

**Principal Building.** A building in which is conducted the main or principal use of the lot on which said building is located. (See also [Building and Accessory Building](#))

**Professional Office.** Places of business of individuals engaged in providing professional services, such as attorneys, architects, and similar professions which often conduct business by appointment.

**Projecting Sign.** See [Sign - Projecting](#)

**Public or Quasi-Public Utilities and Related Facilities.**



Facilities which provide service to the public of water, sewer, gas, electricity, telephone, fiber-optic communication, and cable television. The foregoing shall be deemed to include facilities and appurtenances to the above uses but shall not include public utility generating plants or offices.

## R

**Recreational Vehicle/Travel Trailer.** Any vehicle used, or so constructed as to permit its being used as conveyance upon the public streets or highways and duly licensable as such, and constructed in such a manner as will permit occupancy thereof as a dwelling or sleeping place for one (1) or more persons, and designed for short term occupancy, for frequent and/or extensive travel, and for recreational and vacation use, including camper trucks and self-propelled campers, etc.

**Recreational Vehicle Park/Travel Trailer Park.** Any plot of land upon which two or more travel trailers are located and used as temporary living or sleeping quarters. The occupants of such parks may not remain in the same trailer park more than thirty (30) days.

**Religious Assembly.** A facility principally used for people to gather together for public worship, religious training, or other religious activities.

**Restaurant with Drive-Through or Drive-In.** A restaurant which may provide on-site consumption of food and beverages inside of a building, and/or through a drive-through service window, and/or in an outside parking area where wait staff serves customers in their vehicles.

**Restaurant without Drive-Through or Drive-in.** An establishment for the sale and consumption of food and beverages on the premises.

**Retail Distillery.** A facility where intoxicating liquors or intoxicating drinks are manufactured, having no more than seven thousand five hundred (7,500) gallons of alcohol product on site at any one time, of which no more than four hundred-eighty (480) gallons may be unpackaged, which conducts retail sales of intoxicating liquors or intoxicating drinks on premises; and which is located and is operated in accordance with applicable provisions of this and other ordinances of the City, including, but not limited to, the building code and fire code. (See also Small Distillery and Large Distillery)

**Retail Stores.** The retail sale or rental of merchandise not specifically listed under another use classification. This classification includes, but is not limited to, department stores, clothing stores, furniture stores, pet supply stores, hardware stores, toys, hobby materials, hand-crafted items, jewelry, cameras, pharmacies, electronic equipment, sporting goods, antiques, art galleries, art supplies and services, office supplies, bicycles, video rental, and new automotive parts. Retail sales may be combined with other services such as office machine, computer, electronics, and similar small-item repairs.

**Retail Winery.** Retail Winery shall mean any satellite facility as defined by T.C.A. Section 57-3-207(r) and operating under the requirements of said section.

## S

**School.** Buildings and uses for educational or research activities associated with an academic institution which has a curriculum for any grades from kindergarten through high school and/or for higher education, and which may include residential facilities for faculty, staff, and students.

**Sexually Oriented Business.** An adult arcade, adult book store, adult novelty store, adult video store, adult cabaret, adult motel, adult motion picture theater, escort agency, nude model studio or sexual encounter center, or adult business. Any business activity or activities following in the afore-categories, as hereinafter defined, shall be considered a sexually oriented business. The following words and phrases shall have the meanings as described to them as follows:

**Adult Arcade.** An establishment that offers either singularly or in combination any of the goods or services, for purchase, consumption or viewing, as described in the definitions for adult bookstore, adult novelty store, adult video store, adult cabaret, adult motel, adult motion picture theater, adult mini motion picture theater, escort agency, nude model studio, sexual encounter center, or adult business.

**Adult Bookstore.** An establishment having as a substantial or significant portion of its stock in trade, books, magazines, and other periodicals and goods and items held for sale which are distinguished or characterized by their emphasis on matters depicting, describing, or relating to specified sexual activities or specified anatomical areas, or an estab-

ishment with a segment or sections devoted to the sale or display of such material.

**Adult Business.** Any of the following businesses: adult bookstore, adult motion picture theater, adult mini motion picture theater, and adult cabaret.

**Adult Cabaret.** A cabaret which features topless dancers, go-go dancers, exotic dancers, strippers, male or female impersonators, or similar entertainers.

**Adult Mini Motion Picture Theater.** An enclosed building with a capacity for less than fifty (50) persons, used for presenting material distinguished or characterized by an emphasis on matter depicting, describing or relating to specified sexual activities or specified anatomical areas, for observation by patrons therein.

**Adult Motel.** An establishment which offers for rental or purchase rooms or private areas and offers in connection with the rental or acquisition of such room or private area any of the materials or items set forth in the definitions of an adult arcade, adult bookstore, adult novelty store, adult video store, adult cabaret, adult motion picture theater, adult mini motion picture theater, escort agency, nude model studio, sexual encounter center, and adult business.

**Adult Motion Picture Theater.** An enclosed building with a capacity of fifty (50) or more persons used for presenting material having as a dominant theme or presenting materials distinguished or characterized by an emphasis on matter depicting, describing or relating to specified sexual activities or specified anatomical areas for observation by patrons therein.

**Adult Novelty Store.** An establishment having and offering for business, having and offering for sale or viewing, video tapes for sale or rental containing material distinguished or characterized by an emphasis on matter depicting, describing, or relating to specified sexual activities or specified anatomical areas for viewing by the purchaser or renter; and establishment offering for sale or available for acquisition instruments and items to bring about sexual arousal, insertion into body cavities, apparatuses designed to enhance sexual arousal and gratification and materials, whether photographic

or otherwise, which is distinguished and characterized by an emphasis on matter depicting, describing or relating to specific sexual activities or specified anatomical areas.

**Adult Video Store.** An establishment having and offering for business, having and offering for sale or viewing, video tapes, digital video disc, virtual reality photographic films, prints, movies, and other means of transmitting subject matter, for sale or rental, containing material distinguished or characterized by an emphasis on matter depicting, describing, or relating to specified sexual activities or specified anatomical areas for viewing by the purchaser or renter.

**Escort Agency.** A person, firm, corporation, establishment, or business, arranging, through any means or manner, the introduction to one another, or the being together of two or more persons for the purpose of, or ultimate result being, those two or more persons engaging in any activity involving one or both or more of the persons viewing and/or touching the human breast, genitals or buttocks.

**Nude Model Studio.** A place of business or establishment which makes available for viewing, filming, photographing, or videoing, undraped and exposed human breasts, genitals and buttocks.

**Sexual Encounter Center.** A place of business or establishment, which provides for, or allows for, the assemblage of more than one person for the purpose of arranging for or engaging in any form of sexual activity between two persons which shall mean the viewing of, or touching, or stimulating of the human breasts and genitals.

**Shopping Center.** A group of commercial establishments, planned, developed, owned or managed as a unit, with off-street parking provided on the property; however, this shall not apply to a group of commercial establishments containing no more than four (4) separate commercial establishments in one (1) structure containing a total of not more than 15,000 square feet of floor area.

**Short-Term Rental Units.** A residential dwelling unit meaning a structure or part of a structure designed and used as a home of a person, family, or household, including a single-family dwelling, such as a house or cabin or a portion of a single-family dwelling, an individual residential dwelling unit in a duplex, or an individual resi-



dential dwelling unit in a multi-family building, such as an apartment building, a condominium, cooperative, or time-share building, that is rented, wholly or partially, for a fee for a period of less than thirty (30) continuous days. The term 'short-term rental unit' does not include a hotel or motel, as defined in 68-14-302, TCA, a bed and breakfast establishment, as defined in 68-14-502, TCA, or a bed and breakfast homestay, as defined in 68-14-502, TCA.

**Sign.** Any object, device, structure, fixture, or placard using graphics, symbols, lighting, and/or written copy for the primary purpose of identifying, conveying information, attracting attention, providing directions, or advertising any establishment, business, organization, product, goods, or services.

**Billboard.** An off-premise outdoor advertising sign, or part thereof, which possesses a display area, face or panel which advertises, displays, or gives direction to any business, product, service, attraction, event, or any other purpose or interest other than the site or property where the sign is located or positioned.

**Billboard, Digital.** Any type of billboard that utilizes digital message technology, capable of changing the static message or copy on the sign electronically. It is a changeable message sign which displays a series of messages at intervals through the electronic coding of lights or light emitting diodes or any other means that does not use or require mechanical rotating panels.

**Changeable Sign.** A sign the content or design of which can be changed or altered by manual or electric, electromechanical, or electric means. Changeable signs include the following types:

- **Manually Activated Changeable Sign.** A sign on which the alphabetic, pictographic, or symbolic informational content can be changed or altered manually.
- **Electrically Activated Changeable Sign.** A sign on which alphabetic, pictographic, or symbolic informational content, whether illuminated or not, can be changed or altered by electric, electro-mechanical, or electronic means. Electrically activated signs shall include:

- **Fixed Interval Changeable Message Electronic Sign.** An electrically activated changeable sign upon which the message changes no more often than two (2) times in a twenty-four (24) hour period, and upon which, except when the message is changed, the message remains stationary.
- **Active Changeable Electronic Message Sign.** An electrically activated changeable sign upon which the message changes more than two (2) times in a twenty-four (24) hour period, and except when the message is changed the message shall remain stationary.

**Freestanding Pole Sign.** Any sign which is permanently affixed in or upon the ground, supported by one or more structural members, with air space between the ground and the sign face and not attached to any building or any other structure.

**Graphic.** Any image, display, depiction, scene, diagram, model, figure or figurines, including any projection image which is intended to attract, or promote any commercial activity and that the graphic, in itself, is not an integral and necessary part or function of the activity at the site. The materials used in constructing or creating the graphic image or model is of no consequence to the definition. Any type of graphic shall be counted in the total square footage of signage allowed in that district.

**Interstate Monopole Sign.** A type of freestanding pole sign having only one (1) structural support member, the location, size, and height of which is governed by the provisions of 713 Interstate Impact Overlay District.

**Monument Sign.** Any sign which is neither attached to nor part of another structure and which is permanently affixed in or upon the ground or upon a horizontal base feature.

**Projecting Sign.** A sign, other than a flat wall sign, which is attached to and projects from a building wall or other structure not specifically designed to support the sign.

**Statue.** A three (3) dimensional representation, including a sculpture. A statue that is related to the advertisement of any product or service or the identification of any business is a sign.

Single Family. See [Dwelling - Single Family](#)

**Small Distillery.** A facility where intoxicating liquors or intoxicating drinks are manufactured, having no more than seven thousand five hundred (7,500) gallons of alcohol product on site at any one time, which conducts retail sales of intoxicating liquors or intoxicating drinks on the premises; and, which is located and is operated in accordance with applicable provisions of this and other ordinances of the City, including, but not limited to, the building code and fire code. (See also, [Retail Distillery](#) and [Large Distillery](#))

**Special Assembly Venue.** A location where events are held, including but not limited to weddings, parties, meetings, family reunions, and corporate events. The event locations can include, but not be limited to tents, gazebos, barns, open areas, and residential structures. (Exception: Events for which the owner or operator of the venue receives no fee or other remuneration in connection with the event and no fees are charged to attendees are exempt from this definition.)

**Special or Seasonal Events.** A use established for a fixed period of time with the intent to discontinue such use upon the expiration of such time that does not involve the construction or alteration of any permanent structure.

**Storage Yards and Storage Buildings.** An area or a building that is accessory to the principal use of a site as a commercial, support service, or industrial use to store equipment, materials, or inventory associated with that business. Examples of businesses that may have a need for a storage yard or storage building are vehicle, recreational vehicle, and boat sales and/or repair, mobile home and residential storage building sales, building materials or garden supply sales or related contracting businesses, and warehouses or self-service storage and mini-warehouse businesses.

**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. A basement not used for human occupancy other than for a janitor or domestic employee shall not be counted as a story.

**Street.** A public right-of-way set aside for public travel

which, (a) has been accepted for maintenance by the City of Sevierville; (b) has been established as a public street prior to the date of adoption of this ordinance; or (c) has been dedicated to the City for public travel by the recording of a street plat or a plat of a subdivision which has been approved by the Planning Commission.

**Structure.** Anything constructed or erected, the use of which requires location on the ground, or attachment to something having location on the ground.

**Studios for Work and/or Teaching.** Work space for an artist or artisan, including individuals practicing one of the fine arts or performing arts, or an applied art or craft. This use may include incidental display and retail sales of items produced on the premises and instructional space for small groups of students.

## T

**Tennis Clubs, Country Clubs, and Other Similar Uses.** 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 a business.

**Tent/Tent-Type Structure.** A shelter of canvas or other fabric-like material stretched and sustained by poles and/or other supports, or something that resembles a tent that serves as a shelter, but not to include awnings attached to structures and covered walkways, not extending more than six (6) feet from the building and umbrellas of not more than six (6) feet in diameter.

**Terminal.** A building or area used by a motor freight company or similar business for the purpose of the transfer and dispatching of goods by truck, and where short-term storage of such vehicles/and goods may occur.

**Total Floor Area.** The area of all floors of a building including finished attic, finished basement, and covered porches.

**Townhouse.** A townhouse is a single-family dwelling unit attached by fire resistant common walls to other similar type units, each unit having an open space for light, air, and access in the front and rear.

**Tree.** Any self supporting woody plant having one or more defined stems or trunks in a diameter of two (2)

inches or more and having a defined crown which customarily attains a mature height of six (6) feet or greater.

## U

**Unattended Free-standing Use, and Similar Uses. (HRO Only)** An unattended structure, such as a stand alone automated teller machine, ice dispensing machine, or similar structure.

**Upper Floor Residential.** A building where residential occurs on the second floor or above, is at least 450 square feet, and contains a kitchen.

**Urgent Care.** A facility that provides for examination and treatment of generally ill or afflicted human patients in an extended hours setting where the treating medical professionals do not have an assigned patient load and do not serve as the primary care physicians. This does not include doctors who primarily serve as specialists.

**Utilities, Public or Quasi-Public.** See [Public or Quasi-Public Utilities](#).

## V

## W

**Winery.** Any place or premises wherein wines are manufactured from any fruit or brandies distilled as the by-product of wine or other fruit or cordials compounded, and also includes a winery for the manufacture of wine.

**Wireless Telecommunication Facilities. (TC Only)** A facility used for the transmission or reception of electromagnetic or electro-optic information, which is placed on a new structure, requires accessory structures, or exceeds the height requirements of the district in which it is located. This use does not include any facility not used for communication, or radio frequency machines which have an effective radiated power of 100 watts or less.

- **Towers:** Wireless telecommunications towers and related equipment facilities shall be allowed upon site plan approval. Co-location on existing towers is subject only to an administrative review.

- **Building-Mounted:** Building-mounted telecommunications shall be integrated into the design of the building or be fully screened, and in either case must receive development plan approval as a building modification. Satellite dishes not exceeding two feet in diameter shall be permitted in any zoning district. Building-mounted dishes shall require administrative review, except for residential uses. Building-mounted dishes greater than two feet in diameter are permitted only in commercial, mixed-use, and office/industrial districts and shall require a use permit.
- **Co-location:** Wireless Telecommunication Facilities may be co-located, subject to administrative review only. Any addition to the existing height or change in appearance of the tower, may require a site plan. Wireless Telecommunication Facilities to be attached to existing light, power or telephone poles shall require review approval by the City and affected utility.

## X

## Y

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

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

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

**Yard, Side.** A yard extending along the side lot line from the front yard to the rear yard, and lying between the side lot line and the nearest part of the principal building, including covered porches.

## Z

1.0 GENERAL PROVISIONS

2.0 ZONING DISTRICTS

3.0 USES & CONDITIONS

4.0 DEVELOPMENT STANDARDS

5.0 PARKING

6.0 SIGNS

7.0 NON-CONFORMITIES

8.0 ADMINISTRATION

9.0 DEFINITIONS

APPENDIX

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## 10.0 APPENDIX

### 10.1 Site Plan Review Documentation and Requirements

### 10.2 Concept Plan Review Documentation and Requirements

### 10.3 TODS Program

### 10.4 Functional Road Classifications

### 10.1 Site Plan Review Documentation and Requirements (See also Section 8.3)

10.1.1. Site Plan Set includes the following sheets:  
Sheets can be combined when appropriate. Plans should be clearly legible, use a variety of line types and line weights.

1. Cover Sheet
2. Survey
3. Site Plan
4. Parking Plan
5. Utility and Grading Plans
6. Landscape Plan w/Schedule
7. Architectural Building Elevations (if available)
8. Lighting Plan (if available)
9. Details

#### Submittal Minimums:

Formal Site Plan/Architectural Review:

1. PDF Digital Submittal Full Size
2. .DWG File for Emergency Vehicle Testing

#### General Format Requirements Applicable to all Sheets:

1. (Standard Size: All submittals are accepted electronically in PDF format, preferably 24 x 36, or 36x 48 if necessary.)
2. Scale: 1" = 20', 30', 40', 50', 60' and 100' may be used. Architectural building elevations may be shown in an architectural scale. Please label each plan with scale.
3. Title Block: Include name of development, type,

address or location of project and tax map and parcel numbers.

4. Page Numbers: Include page numbers like S-1, L-1, A-1 in a standardized format.
5. Property Line: Property boundaries must be clearly shown on all sheets.
6. North Arrow: north arrow must be clearly shown on all sheets.
7. Orientation: Orient plan so that north is at the top or left-hand side of sheet. Revisions: If plans are revised, please notate revision on plan.
8. Revisions: If plans are revised, please notate revision on plan.

#### Information to be shown on Site Plan Sheets

##### Sheet 1 - Cover Sheet Information

1. Development Name
  2. Vicinity Map a 1" = 1000' or 2000' showing one half mile radius
  3. Zoning District
  4. Tabular Data
  5. Index of Sheet Numbers
- A. Site Information
- i. Lot Area (Sq. Ft. or Ac)
  - ii. Buildable Area (Sq. Ft. or Ac)
  - iii. Sq. Ft. Coverage by Structure
  - iv. Acreage of Impervious Surface
- B. Building Information
- i. Gross Floor Area of Proposed Structures
  - ii. Number of Units (If Applicable)
  - iii. Building Height
  - iv. Number of Stories
- C. Parking Information
- i. Total Number of Parking Spaces
  - ii. Number of Standard Parking Spaces
  - iii. Number of Handicap Parking Spaces
  - iv. Number of Compact Parking Spaces (if available)
  - v. Loading Space

##### Sheet 2 - Survey Plan Sheet Information

1. Site Boundaries
2. Benchmarks Used



3. Dash or shade all existing improvements, lot lines, and lot numbers.

### Sheet 3 - Site Plan Sheet Information

1. Identify the land use and zone district information.
2. Show building footprints of all existing and proposed buildings and structures. Show all projecting and recessed building elements. Show all points of ingress and egress.
3. Show and dimension required setback and/or build to lines.
4. Dimension distance between structures.
5. Identify primary and side streets.
6. Locate and dimension vehicular access to site (curb cuts).
7. Show site distance triangles. (if available)
8. Show general parking arrangements
9. Locate and provide width for pedestrian sidewalks. Label all surfaces so that materials can be determined.
10. Locate and provide detailed design for proposed fences, retaining walls, and trash enclosures.
11. Show location of all freestanding light fixtures.
12. Show location of existing and proposed signs.
13. Locate all planned site amenities (seating, bicycle facilities, trash receptacles etc.)
14. Show and dimension all landscaped areas and islands.
15. Show detention and retention facilities.
16. Show major drainage affecting the site and any 100-year floodplain on or adjacent to the site.
17. Locate all existing and proposed easements.
18. Locate all existing and proposed fire hydrants.

### Sheet 4 - Parking Plan Sheet Information

1. Parking structure layout with dimensions for parking stalls and driveways.
2. Handicapped accessible spaces with sign location and accessible routes.
3. Loading areas with dimensions.
4. Bicycle enclosure/structures.
5. Traffic control signs.
6. Internal walkways though parking lot.

### Sheet 5 - Utilities and Grading Sheet Information

1. Existing and proposed structures, streets, and

alleys.

2. Existing and proposed utilities and service lines, including water, sanitary sewer, storm sewer, gas, electricity, telephone, and cable television.
3. Existing and proposed fire hydrants (indicate distance to nearest fire hydrant) and FDC.
4. All relevant dimensions related to the location of existing and proposed utilities, service lines, and easements.
5. Existing and proposed drainage channels and facilities, and area subject to a 100-year flood.
6. Existing and proposed contour lines of the subject area shown in intervals not to exceed two (2) feet. Provide finished floor elevations for ground floor of existing and proposed building.
7. Site elevations at each corner of lot, driveway and buildings
8. Finish floor elevation (FFE) of buildings
9. Site drainage patterns

### Sheet 6- Landscape Plan Sheet Information

1. Show and label zone lot boundary lines as heavy solid black line. Provide dimensions.
2. Show building footprints of all existing structures to remain and all proposed buildings and structures.
3. Illustrate parking lot layout.
4. Locate and dimension pedestrian sidewalk walkways.
5. Show landscape elements including fences, walls, and berms, and all site amenities/structures such as seating, shelters, bicycle racks, trash receptacles/enclosures, and gazebos.
6. Illustrate planted areas identifying name, size and quantity of material to be used.
7. Provide planting details, including typical methods of planting, minimum required mulch materials and depths, underlayments, etc.
8. Show location of all existing and proposed signs. Signs and the locations of signs shown on the Landscape Plan are NOT approved by the Site Plan review process.
9. Provide a landscape legend showing quantity, botanical name, common name, size, and notes.

### Sheet 7 - Architectural Elevations (if applicable)

1. Show height of the rooftop mechanical equipment and how this mechanical equipment will be



screened.

2. Show all projecting elements such as cantilevered floor area, balconies, bay windows, etc.
3. Identify all building materials.

### Sheet 8 - Lighting Plan Sheet Information (if applicable)

1. Show location of all freestanding and wall mounted exterior lighting.
2. Provide information about type (light source).
3. Show summary of photometric study including min, max, and average number of foot-candles.
4. Show details of all light fixtures, including pole heights as measured from the ground.

### Sheet 9 - Plan Details (Optional, all details may be shown on other sheets)

1. Show trash enclosure design details (elevations).
2. Provide other details as required.

10.1.2 Site Performance Bond Guarantee. A site performance bond guarantee may be filed with the City in the instance a certificate of occupancy is desired prior to completion of all site improvements per an approved site plan by the Planning Commission. Following the filing of such guarantee the Building Official shall issue a certificate of occupancy to the applicant.

a. Performance Guarantee. A guarantee will be made payable to the City of Sevierville consisting of a cash deposit or an irrevocable letter of credit from a financial institution satisfactory to the City in an amount not less than one-hundred percent (100%) of the estimated cost of the site improvements as determined by the Building Official.

b. Guarantee not a release. The filing of an acceptable guarantee by the applicant does not release the applicant from performing the required improvements and standards adopted by the City. If in the event said applicant fails to construct required improvements, then the performance guarantee may be forfeited and credited to the City to offset all construction and administration costs incurred by the City. The City may, in addi-

tion to the guarantee, take appropriate legal recourse to insure completion of the project.

- c. Release of guarantee. The City Administrator shall release the guarantee following recommendation by the Building Official or planning staff. In no case shall a guarantee be released until all improvements have been completed. The applicant shall complete all requirements within twelve (12) months following the issuance of the permit. The Planning Commission may extend above time frame for large projects or for unusual circumstance.
- d. Site Improvements. Site improvements shown on the site plan may include, but are not limited to, existing road improvements, proposed road construction, driveways, sewer and water extensions or connections, tiles, culverts, drainage ways including catch basins, landscaping, or any other improvements required by the Planning Commission before the site plan is approved.

## 10.2 Conceptual Plan Review Documentation and Requirements

### Submittal Minimums:

1. PDF Digital Submittal Full Size

### General Format Requirements Applicable to all Sheets:

1. (Standard Size: All submittals are accepted electronically in PDF format, preferably 24 x 36, or 36x 48 if necessary.)
2. Scale: 1" = 20', 30', 40', 50', 60' and 100' may be used. Architectural building elevations may be shown in an architectural scale. Please label each plan with scale.
3. Title Block: Include name of development, type, address or location of project and tax map and parcel numbers.
4. Page Numbers: Include page numbers like S-1, L-1, A-1 in a standardized format.
5. Property Line: Property boundaries must be clearly shown on all sheets.
6. North Arrow: north arrow must be clearly shown on all sheets.
7. Orientation: Orient plan so that north is at the top or left-hand side of sheet. Revisions: If plans are revised, please notate revision on plan.

### Information to be shown on Site Plan Sheets

1. Site Boundaries
2. Identify the land use and zone district information
3. Show building footprints of all existing and proposed buildings and structures
4. Identify primary and side streets
5. Locate vehicular access and circulation to site
6. Show general parking arrangements
7. Show location of nearest utilities
8. Show roadway slope standards (if applicable)

## 10.3 Tourist Oriented Directional Signs (TODS)

### Explanatory Note

The TODS program is an off-premises directional sign program available to qualifying businesses and facilities. It is managed by City in accordance with the provisions set out in this Appendix \_\_\_\_\_. The City is responsible for the installation and maintenance of these signs. Participation in the TODS program does not relieve the participant from compliance with any applicable provision of Signs, [Chapter 6.0](#) of this ordinance.

For further information or to apply for a TOD sign, contact the Code Enforcement Division of the Department of Development.

### Tourist Directional Signs

#### A. Definitions

1. Business means a public or private commercial activity providing an attraction, service, or activity to the traveling public and which meets the qualifications provided in these guidelines. The terms business, attraction, service, or activity may be used interchangeably in this document.
2. Crossroad means a public road intersecting state route.
3. Eligibility distance means the distance from the intersection of the state highway where the directional sign is located to the entrance driveway of the business.
4. City means the City of Sevierville, Tennessee.
5. MUTCD means Federal Highway Administration's Manual on Uniform Traffic Control Devices.
6. Tourist Oriented Directional Signs (TODS) means a tourist information sign located on the right-of-way of a public road providing;
  - a. the official name, or "doing business as" name, of eligible program participant; and,
  - b. directional information and distances to the business.
7. Trailblazer Sign means a sign included in the

TODS ordinance located on a non-state route that will indicate the need for a turn to direct the motorist to the attraction. The trailblazer sign shall be identical to the TODS sign located on the state route, giving the appropriate direction of turn and distance to the business.

#### B. General Provision:

1. TODS structures are not permitted on the interstate highway system.
2. The City will control the erection and maintenance of TODS panels in accordance with the MUTCD and this ordinance.
3. TODS shall be rectangular in shape and shall have a white legend and border on a blue background. Each sign shall have not more than two lines of legend, a separate directional arrow, and the distance to the facility shown beneath the arrow. The content of the legend shall be limited to the identification of the business or activity, and the directional information. Legends shall not include promotional advertising or logos.
4. There may be no more than two TODS structures in advance of a crossroad or other public road connecting with a state highway. The first structure shall contain those activities where a left turn is required to reach the facility. The second structure shall contain those activities requiring a right turn in order to reach the business.
5. No more than four activities may be installed on each sign structure. When the total number of signs for activities to the left and to the right is four or less, they may be placed on one sign structure.
6. The location of other traffic control devices shall at all times take precedence over the location of tourist oriented directional signs.
7. Sign structures should be spaced at least two hundred (200) feet apart and at least two hundred (200) feet from other traffic control devices. Adequate trailblazing within the City shall be provided where turns are necessary for a motorist to reach a business or attraction.
8. A permit must be obtained to install trailblazer signs in the City.

9. The City shall install trailblazer signs located inside the City limits.
10. Trailblazer panels, sign supports and installation shall be in accordance to the standards of the City, MUTCD, and if outside the City by the County Road Superintendent.
11. Trailblazer signs in areas annexed by City are required to conform to City trailblazer sign requirements within twelve (12) months from the effective date of annexation.

12. The business must verify the location of any underground utility lines with the local utility providers to avoid any interruption in service of the utility.

#### C. Business Eligibility, Criteria, And Restrictions

1. To be eligible for participation on TODS, a business establishment shall be located off the state route, but within five (5) miles of the state highway. The establishment shall be a permanent business or attraction, and shall meet the following standards for a business or activity:
  - a. be licensed and approved by the appropriate local agencies regulating the particular type of business or activity;
  - b. be in continuous operation at least eight hours a day, five days a week, one of which must be Saturday, during the normal tourist season;
  - c. have a telephone and restroom facilities available for public use;
  - d. provide the public activities of interest in which visitors participate for purposes of recreation, enjoyment, enrichment, or amusement; and,
  - e. provide notice of any admission costs on the outside of the main entrance to the facility.
2. Each business or attraction identified on a TODS shall provide assurance of its conformance with applicable laws concerning the provisions of public accommodations without regard to race, color, sex, culture, social origin or condition, religion, or disability.

3. If a business or attraction is in violation of any of these laws, it shall be considered ineligible for participation in this program and its signs will be removed, with no return of any fee.

#### D. Participation In The TODS Program

1. Each approved sign structure shall have a maximum of four (4) activities displayed on the panels. The business with the shortest distance to the state highway where the sign structure is installed shall have the first priority for placement on the TODS sign structure and have its name panel placed on top of the sign structure. An eligible business having the next greater distance from the intersection will have its name panel placed below the first, and so on, until the maximum of four business panels are installed on the TODS structure.
2. Once the directional sign of a business is installed on the TODS panel, the business shall remain on the structure as long as the activity is in compliance with these provisions and pays for all fees required by this program.
3. A seasonal business may participate in the TODS program and remain on the TODS structure provided it advises the city of periods not to open for business or visitors. A fee will be charged for the placement of a CLOSED placard over the directional panel of the business.

#### E. Suspension or Revocation

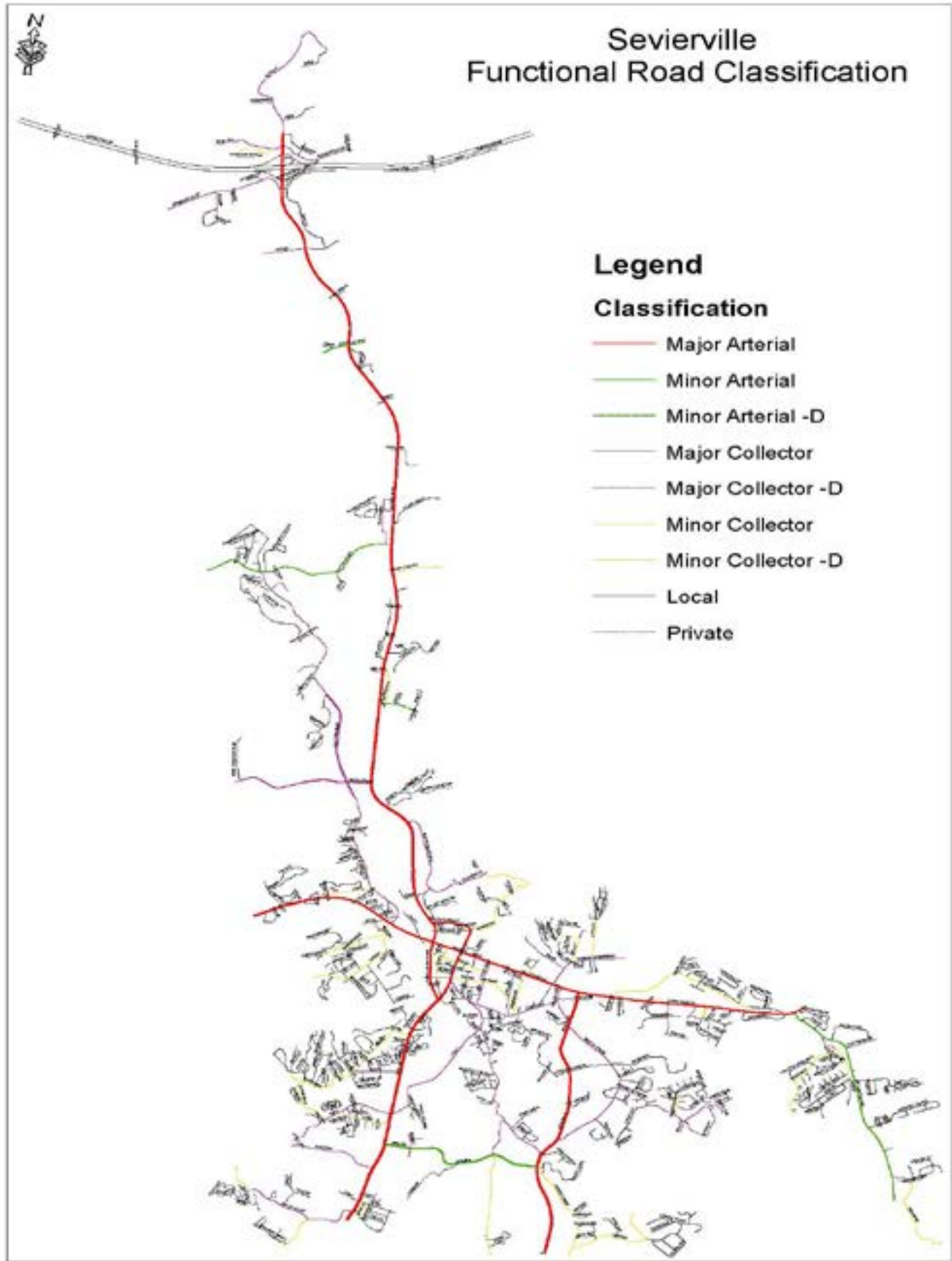
1. The City may suspend or revoke the privilege of an activity to participate in the TODS program if it finds:
  - a. The activity no longer meets the eligibility requirements set forth in this document.
  - b. The owner or responsible operator of the activity willfully makes a false, deceptive, or fraudulent statement in its application or in any other information submitted to the City.
  - c. The owner or responsible operator of the activity or agent thereof revises or modifies a TODS panel erected by the City.
  - d. The owner or responsible operator of the business or activity has engaged in a deceptive or fraudulent business practice.

2. The City reserves the right to remove immediately any TODS panel for which fees are delinquent.
  3. Prior to revoking the privileges of a business to participate in the TODS program, the City will notify the activity in writing. The business will be granted a period of fifteen (15) days to make the necessary adjustments or corrections in accordance with these regulations.
  4. Should the applicant not agree with the revocation, the decision may be appealed to the Board of Zoning Appeals. If there is no appeal within thirty (30) days after notification of the revocation, the individual TODS panel(s) shall be removed from the sign structure.
- F. Sign Composition
1. TODS and trailblazers shall be 60"x 14" and shall have a white legend and border on a blue background.
  2. Mainline sign panels shall be identical to the mainline sign, and shall be installed by the City.
  3. Trailblazer signs shall be identical to the mainline sign, and shall be installed by the City.
  4. The trailblazer sign shall show the mileage to the business and the direction of turn for the motorist to reach the business.
- G. TODS Installation and Maintenance
1. All TODS panels will be installed by the City.
  2. If a panel must be permanently removed or covered for a seasonal closing for any reason, a fee will be charged by the City to cover costs.
  3. Additional directional signs (trailblazers) required to guide the traveler to the business after leaving the state route shall also be installed by the City, or by the County Highway Department if outside City limits, concurrent with the installation of the mainline TODS panels.
  4. The participating business shall be responsible for the cost of repair and/or replacement of directional signs damaged or destroyed by acts of vandalism, natural causes, or vehicular accidents.
- H. Fees for TODS
1. Costs for providing the TODS are to be covered by the businesses participating in the program.
  2. The permit issued by the City to a business is for the term of one (1) year beginning on the date the TODS panel is installed on the TODS structure.
  3. Permits may be renewed on an annual basis.
  4. Renewal fees are due thirty (30) days prior to the expiration date of the contract.
  5. Fees are not to be pro-rated for seasonal closings, and, in the event a business closes or its signs are removed due to a breach of contract, there is no reimbursement of fees.
  6. Fees are as follows:
 

Application Fee	\$ 100.00
Initial Permit Fee (each sign)	\$ 1,000.00
Annual Permit Fee (each sign)	\$ 500.00
Sign Change-out/Replacement	\$ 1,000.00
Seasonal closure covering/uncovering	\$ 50.00
- I. Inspection And Liability
1. The Building Official may inspect a business at any time after the business has made application for participation in the TODS program to assure that the business meets eligibility requirements.
  2. The Building Official may inspect a business at any time during its permit period to assure the business is still in compliance with eligibility requirements.
  3. The City shall have no liability for business lost due to TODS panels becoming temporarily out of service. The display of the business on the sign structures is not to be considered an endorsement or recommendation by the City on behalf of the business.



### 10.4 Functional Road Classifications





## Road Classification

Road type	Definition	Characterization
<b>Major Arterial</b>	Provides the highest level of service at the greatest speed for the longest uninterrupted distance, with some degree of access control.	Heavily commercialized traffic with separation of lanes and wide shoulders
<b>Minor Arterial</b>	Provides high traffic volumes at high designed speeds with a little access control	Heavily commercialized traffic with no lane separation and many traffic control devices
<b>Major Collector</b>	Provides a less highly developed level of service at a lower speed for shorter distances by collecting traffic from local roads and connecting them with arterials.	Commercial and residential traffic with narrower shoulders, good sight distances, and some traffic control devices
<b>Collector</b>	Provides for the movement of traffic at lower speeds for shorter distances	Residential traffic moving from residential neighborhoods to commercial corridors. Traffic control devices only at the intersections with commercial intersections. Sight distances may be limited
<b>Local</b>	Consists of all roads not defined as arterials or collectors; primarily provides access to land with little or no through movement.	

Class	Speeds	Medians	Lanes	Pavement Width	Traffic Control Devices	Shoulders
Major Arterial	45+	Yes	4+		Many	Wide
Minor Arterial	45+	No	4+		Many	Wide
Major Collectors	35+	No	2-3		Some	Wide
Minor Collectors	25-45	No	2		None	Narrow
Local	20-35	No	2	24 ft	None	None

# Amendments

Ordinance	Effective Date	Subject
1. O-2018-013	8/25/2018	Mining & Extraction
2. O-2019-001	2/9/2019	PUD Building Separation Requirements
3. O-2019-002	2/9/2019	Projecting Signs, TC only
4. O-2019-006	6/8/2019	Chapter 6.0, Signs
5. O-2019-007	6/8/2019	Tourist Commercial Non-building Structures
6. O-2019-011	7/20/2019	Transient Rental Units
7. O-2019-021	12/21/2019	Uses & Performance Standards in the HRO District
8. O-2019-024	1/11/2020	Historic Zoning Commission/District Established
9. O-2019-026	1/11/2020	Uses Table - Transient Rental in TC, 5.2.1 Additional Parking Conditions
10. O-2021-011	8/21/2021	Religious Assembly & Places of Amusement
11. O-2021-012	8/21/2021	Short Term Rentals
12. O-2022-003	4/9/2022	PUD Standards
13. O-2022-007	4/23/2022	Master Planned Development
14. O-2022-019	9/24/2022	Upper Floor Housing
15. O-2023-007	4/22/2023	Hotels & Short-Term Rentals
16. O-2023-008	4/22/2023	Multifamily Parking Requirements

# Interpretation

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2.0 ZONING DISTRICTS

3.0 USES & CONDITIONS

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APPENDIX

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APPENDIX

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