

ORDINANCE NO. 042523B

AN ORDINANCE PURSUANT TO THE AUTHORITY GRANTED IN SECTIONS 13-7-201 THROUGH 13-7-212 OF THE TENNESSEE CODE ANNOTATED, TO ESTABLISH THE "ZONING ORDINANCE OF THE TOWN OF TELlico PLAINS, TENNESSEE" AND ACCOMPANYING ZONING MAP AS BEING AN ORDINANCE ADOPTED FOR THE PURPOSE OF PROMOTING THE PUBLIC HEALTH, SAFETY, MORALS, CONVENIENCE, ORDER, PROSPERITY AND GENERAL WELFARE; TO PROVIDE FOR THE ESTABLISHMENT OF 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; PROVIDING FOR AMENDMENTS AND VARIANCES; TO PROVIDE METHODS OF ADMINISTRATION OF THIS ORDINANCE; AND TO PRESCRIBE PENALTIES FOR THE VIOLATION THEREOF

WHEREAS, The Tellico Plains Regional Planning Commission in accordance with Section 13-7-202 of the Tennessee Code Annotated, has recommended the following zoning ordinance as the "Zoning Ordinance for the Town of Tellico Plains,"

And

WHEREAS, the Board of Mayor and Alderman, in accordance with Section 13-7-201 of the Tennessee Code Annotated, held a public hearing on giving fifteen (15) days' notice thereof in the, BUZZ, being a newspaper of general circulation in the Town of Tellico Plains,

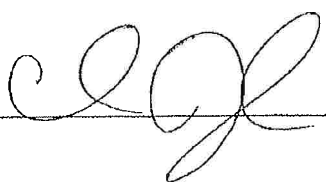
**NOW, THEREFOR BE IT ORDAINED BY THE BOARD OF
MAYOR AND ALDERMAN FOR THE TOWN OF TELlico PLAINS,
TENNESSEE, THAT:**

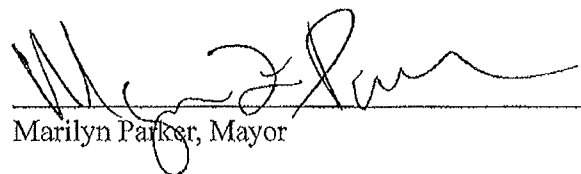
SECTION 1. the attached Zoning Ordinance for the Town of Tellico Plains, and Tellico Plains Zoning Map are hereby adopted as follows:

Adopted First Reading: 040423

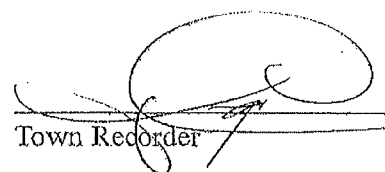
Adopted Second Reading: 042523

Public Hearing Held: 042523

Certified for Approval by Planning Commission: 


Marilyn Parker, Mayor

ATTEST:


Town Recorder

ZONING ORDINANCE

OF

TELLICO PLAINS, TN

Adopted March 2023

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

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Tellico Plains Zoning Ordinance

The following ordinances are included in this update from the 2023 printing of the Tellico Plains Zoning Ordinance:

Ordinance _____

Updated _____

ARTICLE 1 ENACTMENT

SECTION

- 1.010 Authority
- 1.020 Title
- 1.030 Purpose
- 1.040 Enactment
- 1.050 Repeal

1.010 AUTHORITY: An ordinance, in pursuance of the authority granted by Sections 13-7-201 through 13-7-210 and 13-7-401, Tennessee Code, to regulate, in the portions of Tellico Plains, Tennessee, the location, height, bulk, number of stories and size of buildings and other structures, the percentage of the lot which may be occupied, the sizes of yards, courts and other open spaces, the density and distribution of population, and the uses of buildings, structures and land for trade, industry, residence, recreation, agricultural, forestry, soil and water conservation, public activities and other purposes including areas subject to flooding; to provide for the orderly and reasonable uses of solar energy in the interest of public health, safety and general welfare; to provide methods of administration of this ordinance, and to prescribe penalties for the violation thereof.

1.020 TITLE: This ordinance shall be known as the Zoning Ordinance of Tellico Plains, Tennessee. The zoning map shall be referred to as the official Zoning Map of Tellico Plains, Tennessee, and all explanatory matter thereon is hereby adopted and made a part of this ordinance.

1.030 PURPOSE: The purpose of this ordinance is to promote the public health, safety, morals, convenience, order, prosperity and general welfare by:

- A. Enhancing the character and stability of residential, business, commercial, and industrial areas, and promoting the orderly and beneficial development of such areas;
- B. Preventing overcrowding of land;
- C. Conserving the value of land and buildings;
- D. Minimizing traffic hazards and congestions;
- E. Preventing undue concentration of population;
- F. Providing for adequate light, air, privacy, and sanitation;
- G. Reducing hazards from fire, flood, and other dangers
- H. Assisting in the economic provision, utilization, and expansion of all services provided by the public, including but not limited to roads, water and sewer service, recreation, schools, and emergency services;
- I. Encouraging the most appropriate uses of land;
- J. Enhancing the natural, man-made and historical amenities of Tellico Plains, Tennessee.

1.040 ENACTMENT: Except as hereinafter provided, no building shall be erected or structurally altered, nor shall any building or premises be utilized for any purpose, other than those permitted in the zoning district in which the building or premises is located. No land or lot area shall be so reduced or diminished that the yards or open spaces shall be smaller than prescribed herein, nor shall the lot area per family be reduced in any manner, except in conformity with the area regulations hereby established for the district in which such building is located. No yard or other open space provided about any building for the purpose of complying with these regulations shall be considered as providing a yard or other open space for any other building.

ARTICLE 2 DEFINITIONS

SECTION

2.010 Definitions

2.010 DEFINITIONS: For the purpose of this ordinance and in order to carry out the provisions and intentions as set forth herein, certain words, terms, and phrases are to be used and interpreted as follows:

- A. The word "person" includes a firm, association, organization, partnership, trust, company, or corporation as well as an individual.
- B. The present tense includes the future tense, the singular number includes the plural, and the plural number includes the singular.
- C. The word "shall" is mandatory.
- D. The word "may" is permissive.
- E. The words "used" or "occupied" includes the words "intended", "designed", or "arranged to be used" or "occupied".
- F. The word "lot" includes the words "plot" or "parcel."

The following words, terms, and phrases are hereby defined as follows and shall be interpreted as such throughout this Zoning Ordinance. Terms not herein defined shall have their standard dictionary definition or such as the context may imply.

- 1. **Abutting:** - Having a common border with or being separated from such a common border by a right-of-way or easement.
- 2. **Access:** The right to cross between public and private property, thereby permitting pedestrians and vehicles to enter and leave property.
- 3. **Accessory Building or Structure:** A subordinate building, the use of which is incidental to that of a principal building and located on the same lot therewith.
- 4. **Accessory Use:** A use customarily incidental, appropriate, and subordinate to the principal use of land or buildings and located upon the same lot therewith.
- 5. **Advertising:** Includes any writing, printing, painting, display, emblem, drawing, sign, or other device designs used or intended for advertising, whether placed on the ground, rocks, trees, tree stumps, or other natural structures or on buildings, structures, milestones, signboards, wallboard, roof board, frames, supports, fences or other man-made structure, and any such advertising is a structure within

the meaning of the word "structure" as utilized in this ordinance.

6. **Advertising Sign or Structure:** See SIGN.
7. **Agricultural Use:** Includes customary general farming uses and any accessory structures incidental thereto. Agricultural uses include gardening, the growing of crops in the open, dairying, grazing of cattle and horses, and the raising and maintaining of poultry and other livestock, horticulture, viticulture, floriculture, forests, and woods. Commercial animal farms shall not be deemed an agricultural use, nor shall commercial feed lots, the feeding or disposal of community or collected garbage to animals, the raising of fur-bearing animals, fish or minnow hatcheries, riding academies, livery or boarding stables or the raising, keeping or feeding of swine of any kind be so considered.
8. **Agricultural Accessory Use:** Those structures or equipment which are normally required in the operation of agricultural uses.
9. **Alley:** A minor right-of-way, dedicated to public use, which affords a secondary means of vehicular access to the back or side of properties otherwise abutting a street, and which may be used for public utility and public service purposes.
10. **Alteration:** As applied to a building or structure, means a change or rearrangement in the structural parts, or an enlargement, whether by extending a side or by increasing its height or structural changes, other than repairs, that would affect safety. The term "alter" in its various modes and tenses and its practical forms, refers to the making of an alteration.
11. **Area, Building:** The total areas taken on a horizontal plane at the main grade level of the principal building and all necessary buildings exclusive of uncovered porches, terraces, and steps.
12. **Attached:** An enclosure having continuing walls, roof and floor.
13. **Automobile Wrecking:** The dismantling, storage, sale or dumping of used motor vehicles, trailers, or parts thereof. Any lot or place of business which is exposed to weather and upon which more than five (5) motor vehicles of any kind, incapable of being operated, and which it would not be economically feasible to make operative are placed, located, found.
14. **Average ground elevation:** The elevation of the mean finished grade at the front of a structure.

15. **Basement:** A story partly or wholly underground. For purposes of height measurement, a basement shall be counted as a story when more than one-half (1/2) of its height is above the average ground elevation or when subdivided and used for commercial activities.
16. **Bed and Breakfast Establishment:** A transient lodging establishment, generally a single-family dwelling, primarily engaged in providing overnight or otherwise temporary lodging for the general public and may provide meals for compensation.
17. **Board of Mayor and Aldermen:** The legislative body of the Town of Tellico Plains, Tennessee.
18. **Board of Zoning Appeals:** The Tellico Plains, Tennessee Board of Zoning Appeals.
19. **Boarding House:** A building and accessories thereto principally used, designed, or adapted to provide living accommodations for not more than six (6) occupants and having common cooking and dining facilities.
20. **Buffer Strip:** A strip of land, fence, or border of trees, etc., between one use and another, which may or may not have trees and shrubs planted for screening purposes, designed to set one area apart from another. An appropriate buffer may vary depending on uses, districts, size, etc.
21. **Building:** Any structure which a) Is permanently affixed to the land; b) Has a roof supported by columns or walls; c) Is intended for the shelter or enclosure of goods or persons; d) is bounded by either open area or the lot lines of a zone lot. A building shall not include such structures as signs, billboards, fences, radio or TV towers, or structures not normally accessible for human use, such as gas storage tanks, smoke stacks, grain elevators, exposed industrial equipment (i.e., oil or chemical processing apparatus) or similar structures.
22. **Building Area of a lot:** That portion of a lot bounded by the required rear yard, side yards, and the building setback line.
23. **Building, Principal:** (See Principal Building.)
24. **Building Setback Line:** A line delineating the minimum allowable distance between the property line and a building on a lot, within which no building or other structure shall be placed, except as, otherwise, provided.

25. **Building Setback Line, Front:** A line delineating the minimum allowable distance between the street right-of-way or if an official future street right-of-way has been established, from that future street right-of-way line, and the front of a building on a lot. The front building setback line extends the full width of the lot and is parallel to the street right-of-way.
26. **Building Setback Line, Rear:** A line delineating the minimum allowable distance between the rear property line and a building on a lot (other than for permitted accessory structures). The rear setback line extends the full width of the lot.
27. **Building Setback Line, Side:** A line delineating the minimum distance between the side property line and a building on a lot. The side setback line extends from the front building setback line to the rear building setback line.
28. **Bulk:** Describes the size of buildings or other structures and their relationship to each other and to open areas and lot lines.
29. **Camping Ground:** A parcel of land used or intended to be used, let, or rented for occupancy by campers or for occupancy by camping trailers, tents, or movable or temporary dwellings, rooms, or sleeping quarters of any kind.
30. **Cargo Container:** A standardized, reusable vessel that is or appears to be: (1) originally, specifically, or formerly designed for or used in the packing, shipping, movement or transportation of freight, articles, goods, or commodities; (2) designed for or capable of being mounted or moved on a rail car; or (3) designed for or capable of being mounted on a chassis or bogie for movement by truck trailer or loaded on a ship.
31. **Child Care:** The provision of supervision and protection of the basic needs of at least 5 children who are not related to the primary care givers for at least 3 hours per day but less than 24 hours per day. As used in this ordinance, the term is not intended to include baby-sitting services of a casual, nonrecurring nature or in a child's own home. Likewise, the term is not intended to include cooperative reciprocatively child care by a group of parents, in their domiciles or the keeping of four (4) or less pre-teenage children, which is an activity regulated as a minor home occupation by this ordinance and requires no licensing by the State of Tennessee.
32. **Clinic:** See MEDICAL FACILITY.

33. **Commercial Use:** A land use classification that permits facilities for the buying and selling of commodities and services; a business use or activity at a scale greater than an incidental home occupation involving retail or wholesale marketing of goods and services for the public.
34. **Common Open Space:** A parcel or parcels of land and/or an area of water within the site designated, designed and intended for use or enjoyment of the occupants of said development. "Common Open Space" may contain such complementary structures and improvements as necessary and appropriate for the benefit and enjoyment of the occupants of such development.
35. **Conditional Use (Special Exception):** A conditional use is a use that would not be appropriate generally or without restriction throughout the zoning districts but which, if controlled as to number, area, location, or relation to the neighborhood, would promote the public health, safety, welfare, morals, order, comfort, convenience, appearance, prosperity, or general welfare. Such uses may be permitted in such zoning district as conditional uses, when specific provisions for such use are made in this ordinance. For the purposes of administration of this ordinance, conditional uses shall be construed as synonymous with special exceptions, as controlled by Section 13-7-206, Tennessee Code Annotated.
36. **Condominium:** A form of ownership which provides single ownership in a multi-unit structure or structures with common elements.
37. **Convalescent, Rest, or Nursing Home:** A health/ medical facility where persons are housed and furnished with meals and continuing nursing care for compensation or fee.
38. **Country Club:** A chartered, nonprofit membership club, with facilities catering primarily to its membership or social amenities: golf, riding, clubhouse, pool, dining facilities, lounge.
39. **Coverage:** The percentage of a lot which is covered by all buildings located therein, including the area covered by all overhanging roofs.
40. **Day Care Center:** A facility that provides care for 13 or more children and/or adults. Children aged 13 or older who are related to the primary care giver are not included in the total provided that the facility is the occupied resident of the primary care giver. Those receiving care and who are not depends of occupants may not reside

on site.

41. **Demolition:** The razing or destruction, whether entirely or in significant part, of the exterior of a building, structure, or site. Demolition includes the removal of a building or structure from its site, or the removal, stripping, concealing, or destruction of the façade or any significant exterior architectural features which are integral to the historic character of the resource, for whatever purpose, including new construction or reconstruction.
42. **Density:** The ratio of the number of dwelling units located on a lot to the horizontal area of the lot, expressed in units per acre.
43. **Dental Clinic or Medical Clinic:** A facility for the examination and treatment of ill and afflicted human out-patients, provided, however, that patients are not kept overnight except under emergency conditions.
44. **Dwelling:** A building or part thereof used as a habitation under one of the following categories:
45. **Dwelling, Attached:** A one-family dwelling unit, with a private entrance, which is part of a structure of three or more dwelling units that are attached horizontally in a linear arrangement and having a totally exposed front and rear wall to be used for access, light, and ventilation. (Same as a townhouse.)
46. **Dwelling, Detached:** A building located upon one lot containing not more than two dwelling units, separated from structures on the same or adjacent lots. May be further defined as one-family detached or two-family detached.
47. **Dwelling, Multi-Family:** A building and accessories thereto principally used, designed, or adapted for use as occupancy by three (3) or more households each of which have separate living quarters.
48. **Flood:** (See Ordinance No. 11-05-09 for all definitions pertaining to floods and floodplain provisions.)
49. **Frontage:** All the property on one side of a street between two intersecting streets (crossing or terminating) measured along the line of the street, or if the street is dead ended, then all the property abutting on one side between an intersecting street and the dead end of the street.
50. **Gasoline Service Station:** Any area of land, including structures thereon, that is utilized for the retail sale of gasoline, oil, or

automobile accessories, and incidental services including facilities for lubricating, hand car washing and cleaning, or otherwise servicing automobiles, but not including painting or major repair.

51. **Grade, Finished:** The completed surfaces of lawns, walks, and roads brought to grades as shown on official plans or designs relating thereto.
52. **Group Home:** A nonprofit or for-profit boarding home for the sheltered care of persons with special needs, which, in addition to providing food and shelter, may also provide some combination of personal care, social or counseling services, limited medical services and transportation.
53. **Height of Building or Structures:** The vertical distance from the average ground elevation or finished grade at the building line, whichever is the highest, to the highest point of the building or structure.
54. **Historic Structure:** Any structure that is: A) Listed individually in the National Register of Historic Places (a listing maintained by the U.S. Department of Interior) or preliminary determined by the Secretary of the Interior as meeting the requirements for individual listing on the National Register; B) Certified or preliminarily determined by the Secretary of the Interior as contributing to the historical significance of a registered historic district or a district preliminarily determined by the Secretary to qualify as a registered historic district; C) Individually listed on the Tennessee inventory of historic places and determined as eligible by states with historic preservation programs which have been approved by the Secretary of the Interior; or D) Individually listed on a local inventory of historic places and determined as eligible by communities with historic preservation programs that have been certified either an approved state program as determined by the Secretary of the Interior, or directly by the Secretary of the Interior.
55. **Home Occupation:** See Article 4.070.
56. **Hospital:** See Medical Facilities.
57. **Industry, Heavy:** A use engaged in the basic processing and manufacturing of materials or products predominately from extracted or raw materials, or a use engaged in storage of or manufacturing processes using flammable or volatile materials, or processes that potentially involve hazardous or commonly recognized offensive conditions.

58. **Industry, Light:** A use engaged in the manufacture, predominately from previously prepared materials, of finished products or parts, including processing, fabrication, assembly, treatment, packaging, incidental storage, sales, and distribution of such products, but excluding basic industrial processing.
59. **Junk Yard/ Salvage Yard:** A lot, land or structure, or part thereof, used primarily for the collecting, storing, and selling of waste paper, rags, scrap metal, or discarded material; or for the collecting, dismantling, storing and salvaging of machinery or vehicles not in running conditions for the sale of parts thereof.
60. **Landscaping:** The planting and maintenance of trees, shrubs, lawns, and other ground cover, or materials.
61. **Loading Space:** An area ten (10) feet by forty (40) feet with a fourteen (14) foot height clearance providing for the standing, loading, or unloading of a truck or other vehicle.
62. **Lot:** A piece, plot, or parcel of land in one ownership, which may include one or more lots of records, occupied or to be occupied by one or more principal building and accessory buildings, including the open spaces required under this ordinance.
63. **Lot, Area:** The total surface land area included within lot lines.
64. **Lot, Depth:** The average distance from the street line of the lot to its rear line, measured in the general direction of the sidelines of the lot.
65. **Lot, Frontage:** That dimension of a lot or portion of a lot abutting on a street, excluding the side dimension of a corner lot.
66. **Lot of Record:** A lot which is part of a subdivision recorded in the office of the county Register of Deeds, or a lot described by metes and bounds, the description of which has been recorded in the office of the county register of deeds prior to the effective date of this ordinance.
67. **Lot Width:** The width of a lot at the building setback line measured at right angles to its depth.
68. **Mobile Home:** A detached residential dwelling unit built on a single chassis and designated for transportation after fabrication on streets or highways on its own wheels or on a flatbed or other trailers, and arriving at the site where it is to be occupied as a dwelling complete

and ready for occupancy except for minor and incidental unpacking and assembly operations, location on jacks or other temporary or permanent foundations, connections to utilities, and the like, and which meets all standards of the Southern Standard Building Code.

69. **Medical Facilities:**

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

70. **Mini-Storage Facilities:** A building or group of buildings consisting of individual, self-contained units leased to individuals, organizations, or businesses for self-storage of personal property, with no commercial transactions other than the rental of the storage units.

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

72. **Mobile Home Space:** A plot of ground within a mobile home park which is designed for and designated as the location for one mobile home and its customary accessory uses.

73. **Non-Conforming Use:** A building, structure, or use of land existing at the time of enactment of this ordinance which does not conform to the regulations of the district in which it is located.

74. **Noxious Matter:** Material in gaseous, liquid or solid form which can cause injury to living organisms, chemical reactions, or detrimental effects upon the social, economic or psychological well-being of individuals.

75. **Overlay Zoning District:** A zoning district that covers a defined area that is in addition to the base zoning district. An overlay zoning district adds additional requirements such as historical design

requirements for buildings or requirements for sidewalks, etc.

- 76. **Parking Lot:** An off-street facility including parking spaces with adequate provisions for drives and aisles for maneuvering and obtaining access, and for entrance and exit.
- 77. **Parking Space:** An off-street space available for parking spaces with adequate provisions for drives and aisles for maneuvering and obtaining access, and for entrance and exit.
- 78. **Planning Commission:** The Tellico Plains Municipal/Regional Planning Commission.
- 79. **Principal Building:** A building which contains the principal use or activity of the zone lot on which the building is situated. In any residential district, any dwelling shall be deemed the principal building on the lot on which the same is situated.
- 80. **Principal Use:** The specific primary purpose for which land or a building is used.
- 81. **Professional Office:** The office of a physician, dentist, attorney, architect, engineer, planner, accountant, or similar professions.
- 82. **Public Uses:** Public parks, schools, and administrative, cultural, and service buildings, not including public land or buildings devoted solely to storage and maintenance of equipment and materials.
- 83. **Residential Use:** A land use classification that permits dwellings and their accessory uses that are used primarily for residence.
- 84. **Residential Yard or Garage Sale:** A sale, which occurs no more than three (3) days in a ninety (90) day period, and no more than four (4) times a year. Items of sale are household or personal items, which are generated from a residence. These sales shall be conducted on a parcel of land in which a residential dwelling unit exists. Yard or garage sales in conjunction with churches and non-profit organizations are exempt from this definition.
- 85. **Rooming House:** A building and accessories thereto principally used, designed, have adapted to provide living accommodations for not more than six (6) occupants and without owner-provider cooking and dining facilities.

86. **Sanitary Landfill:** An area or site utilized by a public or private entity for disposal of solid waste or refuse in a manner which meets the regulations imposed upon the operation and maintenance of sanitary landfill sites by the Tennessee Department of Environment and Conservation (TDEC).
87. **Setback Line:** A line which establishes the minimum distance the principal building must be setback from the street line right of way or other property line.
88. **Shopping Center:** A group of compatible commercial establishment, planned, developed, and managed as a single unit, with an automobile storage area provided on the property; the center must also be related in location, size, and type of businesses to its' trade area.
89. **Sign.** Any object, device, display, or structure, or part thereof, situated outdoors, which is used to advertise, identify, display, direct or attract attention to an object, person, institution, organization, business, product, service, event, or location by any means, including words, letters, figures, design, symbols, fixtures, colors, illumination, or projected images.
90. **Special Exception:** A use which is specifically permitted if the owner can demonstrate to the satisfaction of the Board of Zoning Appeals that it will meet certain standards, enumerated safeguards, or qualifying conditions.
91. **Story:** That portion of a building included between the upper surface of any floor and the upper surface of the floor next above; or any portion of a building between the topmost floor and the roof which is used for human occupancy in which the floor area with eight (8) feet or more of head clearance equals less than fifty (50) percent of the floor area of the story next below. Provided it is not used as a dwelling unit, a top floor in which the floor area with eight (8) feet or more of head clearance equals less than fifty (50) percent of floor area of the story next below shall be a "half-story". A basement shall be considered as a story, if more than one-half (1/2) of its height is above the average ground level from which the "height of a building" is measured or if it is used for commercial purposes.
92. **Street:** A public road, highway, or thoroughfare which constitutes, or is designed to constitute, the main access to more than one lot and which has been legally dedicated and accepted for public use.
93. **Temporary Use:** Any activity or use on a lot or parcel that is intended to exist on a temporary basis and not become permanent.
94. **Toxic Materials:** Materials (gaseous, liquid, solid, particulate, etc.)

which can cause injury to living organisms even when present in relatively small amounts.

95. **Travel Trailer:** A vehicular, portable structure designed as a temporary dwelling for travel, recreation, and vacation uses.
96. **Travel Trailer Park:** A plot of land designed and equipped to accommodate travel trailers for short periods of time.
97. **Use:** The purpose for which land or a building or other structure is designed, arranged or intended, or for which it is or may be occupied or maintained.
98. **Variance:** A grant of relief from the requirements of this ordinance which permits construction in a manner otherwise prohibited by this ordinance where specific enforcement would result in unnecessary hardship.
99. **Yard:** An open space on the same lot with a building or building group lying between the front, rear, or side wall of a building and the nearest lot line, unoccupied except for projections and the specific minor uses or structures allowed in such open space under the provisions of this ordinance.
100. **Yard, Front:** The yard extending across the entire width of the lot between the nearest part of the principal building, including porches, and the front lot line.
101. **Yard, Rear:** The yard extending across the entire width of the lot between the nearest part of the principal building, including porches, and the rear lot line.
102. **Yard, Side:** The required space unoccupied, except as herein provided, measured between the side lot line and the nearest point of the principal building and between the front yard and the rear yard.
103. **Zoning Map:** A map or series of maps and special overlays showing districts and special districts that are established under the provisions of an, hereby, being a part of this ordinance.

ARTICLE 3
GENERAL PROVISIONS

SECTION

- 3.010 Scope
- 3.020 Only One (1) Principal Building on Any Residential Lot
- 3.030 Lot Must Access a Public Road
- 3.040 Reduction in Lot Area Prohibited
- 3.050 Rear Yard Abutting a Public Road
- 3.060 Corner Lots
- 3.070 Future Road Lines
- 3.080 Obstruction to Vision at Street Intersection Prohibited
- 3.090 Access Control
- 3.100 Accessory Use Regulations
- 3.110 Buffer Strips
- 3.120 Design Guidelines for Fences, Walls and Hedges

3.010 SCOPE: For the purpose of the zoning ordinance, the following general provisions which shall apply, except as specifically noted, to the whole Town.

3.020 ONLY ONE (1) PRINCIPAL BUILDING ON ANY RESIDENTIAL LOT: Only One Principal Building on Any Lot. Only one principal building and its customary accessory buildings may be erected on any lot. This provision does not prohibit group housing developments as permitted elsewhere in this ordinance. In the case of a shopping center or other commercial use, more than one building shall be permitted on a single lot, providing the requirements for minimum lot size, off-street parking, and fire-resistant wall(s) are met.

3.030 LOT MUST ACCESS A PUBLIC ROAD: No building shall be erected on a lot which does not abut on at least one publicly approved street for a distance of at least fifty (50) feet.

3.040 REDUCTION IN LOT AREA PROHIBITED: No lot, even though it may consist of one or more adjacent lots of record, shall be reduced in area so that yards, lot area per family, lot width, building area, or other requirements of the Zoning Ordinance are not maintained. This section shall not apply when a portion of a lot is acquired for a public purpose. No part of any yard or other open space or automobile storage area or loading or unloading space provided about any building for the purpose of complying with these regulations shall be considered as providing such space similarly required for any other structure.

3.050 REAR YARD ABUTTING A PUBLIC ROAD: The rear setback on through lots with rear yards abutting a public street shall adhere to the same setback used for the front yard. Setbacks shall be determined by the underlying zone of the lot.

3.060 CORNER LOTS: In all districts, corner lots shall be considered to have two (2) front yards, one (1) side yard, and one (1) rear yard. For determining setbacks, the rear yard shall

be the yard on the opposite side of the structure that has been used for property addressing. The front yard of a corner lot shall not be determined by the direction of a house.

3.070 FUTURE ROAD LINE: For the purpose of providing adequate space for the future widening of roads, required setbacks, or front yards, shall be determined by the right-of-way as shown on the latest official Tellico Plains Major Thoroughfare Plan.

3.080 OBSTRUCTION TO VISION AT STREET INTERSECTION PROHIBITED: In all districts, on a corner lot within the area formed by the center lines of intersecting roads and a line joining points on such center lines at a distance of (30) thirty feet from the intersection, there shall be no obstruction to vision between a height of three and one-half (3 ½) feet and a height of ten (10) feet above the average grade of each road at the center line thereof. This section shall not be deemed to prohibit any necessary retaining wall.

3.090 ACCESS CONTROL: In order to promote the safety of the motorist and pedestrian and to minimize traffic congestion and conflict by reducing the points of contact, the following regulations shall apply:

- A.
- B. A point of access for vehicles onto a street shall not exceed thirty (30) feet in width. In nonresidential districts, vehicular service uses may be permitted points of access exceeding thirty (30) feet but not exceeding forty (40) feet in width providing that they do not exceed fifty (50) percent of their respective road frontage. All points of access shall be constructed as to provide for proper drainage.
- C. There shall be no more than two (2) points of access to any one public street for each four hundred (400) feet of lot frontage, or fraction thereof, provided, however, that lots less than one hundred (100) feet in width shall have no more than one point of access to any one public street.
- D. No point of access shall be allowed within twenty (20) feet of the right-of-way line of a public intersection.
- E. No curbs, or shoulders on city streets or rights-of-way shall be cut or altered without approval of the Town, or if a state highway, a permit must be obtained from the Tennessee Department of Transportation.
- F. Where two (2) driveways are provided for one (1) lot frontage, the clear distance between the driveways shall not be less than twenty-five (25) feet.
- G. Cases requiring variances relative to the above provisions due to topographic limitations shall be heard and acted upon by the Board of Zoning Appeals, provided, further, that no curb cuts for off-street automobile storage or parking space shall be permitted where the arrangement would require that vehicles back directly into a public street.

3.100 ACCESSORY USE REGULATIONS: The use of land, buildings, and other structures permitted in each of the districts established by this ordinance are designated by listing the principal uses. Agricultural accessory buildings which are intended for boarding or raising of livestock shall not be located within 200 feet of any adjacent residential or commercial building. In addition to such principal uses, accessory structures which are

customarily incidental to the permitted principal uses are also permitted in each district. Single wide trailers, recreational vehicles, recreational vehicles, cargo containers, portable storage on demand containers, and other structures similar in construction and intent shall not be permitted as accessory structures. Each accessory use shall be customarily incidental and subordinate to the principal use established on the same lot, thereby contributing to the comfort and convenience of user of such principal use.

- 3.110 BUFFER STRIPS:** Where a use is established in areas zoned commercial or industrial which abuts at any point upon property zoned residential or agricultural, the developer of said use shall provide a landscaped buffer strip at the point of abutment. Buffers are required between industrial and commercial districts. (See definitions section.) The buffer strip shall be no less than fifteen (15) feet in width. Such buffer strip shall be composed of one (1) row of evergreen trees, spaced not more than twenty (20) feet apart and not less than two (2) rows of shrubs, spaced not more than five (5) feet apart. One row of the shrubs shall grow to a height of eight (8) feet or more after one (1) full growing season and all shrubs shall eventually grow to not less than four (4) feet.

ARTICLE 4
SUPPLEMENTARY PROVISIONS APPLYING TO SPECIFIC DISTRICTS

SECTION

- 4.010 Off-Street Parking Requirements
- 4.020 Off-Street Loading and Unloading Requirements
- 4.030 Temporary Use Regulations
- 4.040 Customary Incidental Home Occupations
- 4.050 Gasoline Service Station Restrictions
- 4.060 Swimming Pool Restrictions
- 4.070 Development Standards for Group Housing Projects
- 4.080 Standards for Signs and Other Advertising Structures
- 4.090 Development Standards for Automobile Wrecking, Junk, and Salvage Yards
- 4.100 Development Standards for Cemeteries
- 4.110 Minimum Design Standards for Transmission & Communication Towers/Stations
- 4.120 Standards for Cluster Residential Development
- 4.130 Telecommunications Towers

4.010. OFF-STREET PARKING REQUIREMENTS: Off-street automobile storage or standing space shall be provided on each lot upon which any of the following uses are hereafter established. One (1) vehicle space shall be one hundred sixty-two (162) square feet in size (9 feet x 18 feet) and such space shall be provided with vehicular access to a street or alley. Handicapped parking spaces shall be a minimum of twelve (12) feet, six inches wide and located as near as possible to building entrances or centrally located in parking lots between buildings. A minimum of one (1) space for the handicapped shall be provided and in addition at least one space per fifty (50) spaces shall be provided for the handicapped. The number of parking spaces provided shall meet the minimum requirements for the specific uses as set forth below:

- A. **Single Detached Dwelling and Duplex:** Not less than two (2) spaces for each dwelling unit.
- B. **Apartment, Townhouse, and Condominium:** Not less than two (2) spaces per dwelling unit.
- C. **Boarding Houses and Rooming Houses:** Not less than one (1) space for each (1) room to be rented.
- D. **Other Dwelling Units:** Not less than two (2) spaces per dwelling unit.
- E. **Hotels, Motels and Other Tourist Accommodations:** Not less than one space for each room to be rented plus one (1) additional space for each two (2) employees.
- F. **Any Auditorium, Church, Stadium, or Other Place of Public Assembly:** Not less than one (1) space for each four (4) seats provided in such places of assembly. For places of public assembly where seating is not a measure of capacity, such as clubhouses, funeral parlors, etc., at least one (1) space for each two hundred (200) square feet of floor space devoted to that use shall be provided.

- G. **Manufacturing, Industrial or Wholesaling Use:** Not less than one (1) space for each two (2) employees anticipated during maximum production, with a minimum of five (5) spaces provided for any establishment. For establishments maintaining space for the sale of products at retail, there shall be provided one (1) parking space for each five hundred (500) square feet of floor area devoted to retail sales.
- H. **Office and Professional Buildings:** Not less than one (1) parking space for each two hundred-fifty (250) square feet of office space, or fraction thereof.
- I. **Retail Sales and Service Establishments:** Not less than one (1) parking space for each two hundred (200) square feet, or fraction thereof, of floor space.
- J. **Medical or Dental Clinic:** Not less than four (4) spaces per doctor, plus one (1) additional space for each employee.
- K. **Service Stations:** Not less than five (5) spaces for each grease rack or service bay, or one (1) space for each fifteen hundred (1,500) square feet of lot area or fraction thereof, whichever is greater.
- L. **Restaurants:** Not less than one (1) space per one hundred fifty (150) square feet of floor area, plus one (1) space for each two (2) employees. For drive-in restaurants, one (1) space per one hundred (100) square feet of floor area, plus one (1) space for each two (2) employees.
- M. **Shopping Centers:** Five and one-half (5 1/2) parking spaces for each one thousand (1,000) square feet of gross floor area.
- N. **Other Structures or Uses Customarily Requiring Automobile Storage Areas:** For buildings and uses not listed, the off-street parking requirements shall be determined by the Board of Zoning Appeals.

4.020. CERTIFICATION OF MINIMUM PARKING REQUIREMENT: Each application for a building permit shall include information as to the location and dimensions of off-street parking spaces and the means of ingress and egress to such space. This information shall be in sufficient detail to enable the Planning Commission to determine whether or not the requirements of this section are met.

4.030. COMBINATION OF REQUIRED PARKING SPACES: The required parking space for any number of separate uses may be combined in one lot, but the required space assigned to one use may not be assigned to another use, except that the parking spaces required for churches, theaters, or assembly halls whose peak attendance will be at night or on Sundays may be assigned to a use which will be closed at night or on Sundays.

4.040. REQUIREMENTS FOR DESIGN OF PARKING LOTS

- A. Except for parcels of land devoted to one and two-family residential uses, all areas devoted to off-street parking shall be so designed and be of such size that no vehicle is required to back into a public street to obtain egress.
- B. Each parking space shall be no less than one hundred sixty-two (162) square feet in area.
- C. Entrances and exits for all off-street parking lots shall comply with the requirements of Article 3.090 of this ordinance.

- D. The parking lot shall be designed in such a manner as to provide adequate drainage and to eliminate the possibility of stagnant pools of water.
- E. A parking lot for commercial or industrial uses containing ten (10) or more spaces shall be paved with an all-weather wearing surface or dustless material.
- F. Site development requirements pertaining to the handicapped shall be constructed according to the current Illustrated Handbook of the Handicapped Section of the North Carolina State Building Code.

4.050. OFF-STREET LOADING AND UNLOADING REQUIREMENTS: Every building or structure hereafter constructed and used for industry, business, or trade involving the receiving or distribution of vehicles, materials, or merchandise shall provide space for the loading and unloading of vehicles off the street or public alley. Such space shall have access to a public or private alley, or if there is no alley, to a public street. The Board of Zoning Appeals may reduce or increase this requirement in the interest of safety where unusual or special conditions are due consideration. The minimum required spaces for this provision shall be based on the total usable floor area of each principal building according to the following table:

<u>Total Sq. Ft. of Usable Floor Area for Principal Building</u>	<u>Required Spaces</u>
0 to 4,999	One (1) space
5,000 to 9,999	Two (2) spaces
10,000 to 14,999	Three (3) spaces
15,000 to 19,999	Four (4) spaces
20,000 or over	Four (4) spaces, plus one (1) space for each additional 20,000 square feet

4.060. TEMPORARY USE REGULATIONS: The following regulations are necessary to govern the operation of certain necessary or seasonal uses nonpermanent in nature. Application for a Temporary Use Permit shall be made to the Planning Commission through the Building Official. Said application shall contain a description of the property to be utilized and a sketch plan, a description of the proposed use, and enough information to determine yard requirements, setbacks, sanitary facilities, and parking space for the proposed temporary use. The following uses are deemed to be temporary uses and shall be subject to the specific regulations and time limits which follow and to the regulations of any district in which such use is located. Additional restrictions regarding the operation of the following uses may be imposed through the Town code, as applicable.

- A. Carnivals or Circuses:** May obtain a Temporary Use Permit in the Commercial or Flood Districts; however, such permit shall be issued for a period of no longer than fifteen (15) consecutive days. Such use shall be permitted on lots where adequate off-street parking can be provided. Permits may only be available during specially designated civic events or festivals as determined by the Board of Mayor and Aldermen.

B. Limited Duration Merchandise Sales/Special Events: Permits shall be issued only in conjunction with and/or during designated civic events or festivals as determined by the Board of Mayor and Aldermen.

C. Seasonal Sale of Farm Produce: In any district designated by the Town, a Temporary Use Permit may be issued for the sale of farm produce or other foodstuffs. Structures utilized for such sales shall be removed when not in use. The permit shall be issued for a 5-month period. All structures must be placed away from the public right of way.

D. General Application Process Applicable to Temporary Structures:

1. The initial application for a Temporary Structure Permit shall be submitted to the Building Official on the form provided for that purpose, and the proper nonrefundable fee remitted to the Town for the processing of said application.
2. Upon submittal of the application, the Building Official or designee may administratively approve the initial application or may refer the initial application to the Planning Commission for consideration and approval.
3. Applicants shall apply for extensions of permits by submitting the request on the form provided by the Town for that purpose, and by remitting the appropriate fee for said permit. Extensions of permits are specific to the type of the temporary structure being considered.
4. The Building Official or their designee may administratively approve the extension request or may place the extension request on the agenda for consideration by the Planning Commission at the next regularly scheduled meeting following submission of the completed application.
5. During consideration, the Planning Commission may vote to approve, disapprove, defer, or approve the application with conditions.
6. Upon approval of any extension, the applicant must post with the Town a security fee. The Town shall hold the security to ensure the reimbursement of the Town's expenses should the applicant fail to remove the temporary structure in a timely manner.
7. Failure to remove the approved temporary structures in accordance with the provisions of the Zoning Ordinance shall also result in a \$50 per day fine and misdemeanor charges, as allowed by the Municipal Zoning Ordinance.

E. Town Approval of Temporary Structures: It shall be unlawful to commence construction or development of any use of a temporary nature unless a permit has been obtained from the Town of Tellico Plains. The Tennessee Code Annotated Section 68-126-311 explicitly prohibits the modification of ready-removable structures for residential use (e.g.; pre-made sheds, mini-barns, storage units converted to small dwelling units). Therefore, ready removable structures may not, under any circumstance, be considered eligible for placement

in any zone for habitation purposes, whether temporary or permanent.

F. Regulations Pertaining to Certain Temporary Structures:

1. **Temporary Construction Office and Equipment Buildings:** In any district approved by the Town of Tellico Plains, a Temporary Office Permit may be issued for contractor's temporary office and equipment sheds incidental to a construction project. Such permit is valid for a term not to exceed one year from date of issuance. However, upon application and approval by the Planning Commission, the permit may be renewed up to three additional times for a period of six months per renewal. Such temporary structure shall be removed immediately upon expiration of the permit.
2. **Temporary Real Estate Sales Office:** In any district approved by the Town of Tellico Plains, a Temporary Use Permit may be issued for a temporary real estate sales office in any new subdivision which has been approved by the Planning Commission under the Tellico Plains Subdivision Regulations. Such office shall contain no living accommodations. The permit will be valid for one (1) year, but may be granted a maximum of two extensions, which will be valid for six months per extension. Such office shall be removed upon expiration of the permit, whichever occurs sooner.
3. **Temporary Manufacture of Road Materials:** In any district approved by the Town of Tellico Plains, a Temporary Manufacturing Permit may be issued upon approval by the Tellico Plains Board of Zoning Appeals to operate manufacturing plants which are necessary to produce the materials required for the construction of approved public roads where the Board finds that such a use is not potentially noxious, dangerous, or offensive. In the exercise of its approval, the Board of Zoning Appeals may impose such conditions upon the proposed plants as it may deem advisable in the furtherance of the general purposes of this ordinance. Such a permit may be initially issued for a nine (9) month period. A permit may be renewed for up to six (6) months at a time, the total time for all permits not exceeding a total of twenty-four (24) months.
4. **Temporary Dwelling Units in Cases of Medical Hardship:** In any residential district, a Temporary Dwelling Unit Permit may be issued to place a mobile home temporarily (single-wide mobile homes excluded) on a lot which already contains a residential structure, provided that the purpose of such temporary placement shall be to make it possible for a resident of either structure to provide assistance to a person who requires daily assistance due to a physical or mental disability, and provided further that such a temporary structure does not represent a hazard to the safety, health, or welfare of the community. An applicant for a Temporary Dwelling Unit as provided under this Subsection must produce a written statement from a physician certifying that the specific disability requires assistance from someone in close proximity, as

evidence of such disability, and a written statement from the Bedford County Health Department and/or the appropriate Utilities System approving the water supply and the sewage disposal system of the proposed temporary structure. Such permit may be initially issued for twelve (12) months. A permit may be renewed for (12) months at a time, subject to producing a new statement from a physician certifying that the assistance is still required due to the disabling condition. The temporary permit shall be revoked, and the structure removed immediately upon expiration of the permit or upon a change in the condition under which such permit was issued. The temporary structure must not violate the underlying zoning of the property. The person requiring assistance due to the disabling condition may be a resident of either the temporary or permanent structure. The temporary residence shall be treated as an accessory building.

4.070. CUSTOMARY INCIDENTAL HOME OCCUPATIONS: A home occupation is a gainful occupation or profession conducted entirely within the principal dwelling unit by members of the household residing on the premises. Employment of persons not living on the premises shall be limited to one (1) individual. The use of the dwelling unit for the home occupation shall be clearly incidental and subordinate to its use for residential purposes by its occupants, with no more than twenty-five (25) percent of the floor area of the dwelling unit being used to conduct the home occupation. No accessory building shall be used for a home occupation nor constructed for the home occupation. A home occupation is a limited activity conducted on premises that in no way alters the residential character of the structure. Home occupations shall include offices for accountants, architects, artists, engineers and the like, and other uses that will not require an increased amount of traffic to and from the residence. Uses such as auto repair or any similar use shall not be considered as a customary incidental home occupation.

4.080. GASOLINE SERVICE STATION RESTRICTIONS: The following regulations shall apply to all gasoline services stations:

- A. There shall be a building setback from all street right-of-way lines of not less than fifty (50) feet, except for canopies designed to cover the gasoline pump islands.
- B. Gasoline pumps and canopies shall not be located closer than twenty-five (25) feet to any right-of-way line.
- C. Sign requirements as established in these regulations shall be met.

4.090. SWIMMING POOL RESTRICTIONS: The following regulations shall apply to all swimming pools:

- A. No swimming pool or part thereof, excluding aprons, walks, shall protrude into any required front yard in the Residential Districts.
- B. The swimming pool area shall be walled or fenced to prevent uncontrolled access by children and pets from the street or adjacent properties. Said fence or wall shall not be less than four (4) feet in height and maintained in good condition.
- C. Private swimming pools are permitted in Residential and Commercial Districts provided that the pool is intended and is to be used solely for the enjoyment of

the occupants and their guests of the property on which it is located.

- D. All regulations contained in the Tennessee Code annotated must be adhered to, in addition to the local regulations listed above.

4.100. DEVELOPMENT STANDARDS FOR GROUP HOUSING PROJECTS: This procedure shall be used in the case of a group housing project of two (2) or more residential buildings to be constructed on a plot of ground not subdivided into the customary streets and lots, and which will not be so subdivided. The procedure applies to all proposals for multi-family (i.e., apartment and townhouse units) development whether such units are individually owned or held in common ownership. The reviewing agency for this plan is the Planning Commission.

1. **Procedure for Submission and Review:** A site development plan shall be permitted for review on all proposals subject to this provision. The approval of said plan along with any accompanying conditions associated with a specific development is precedent to any approval under this section.
2. **Required Development Standards:** The following shall apply to all developments subject to these provisions:
 - A. **Location:** The site shall comprise a single lot or tract of land, except where divided by public streets. The site shall abut a public street.
 - B. **Density and Dimension:** The average number of dwelling units per acre of buildable land, not including streets, shall not exceed that permitted within the applicable district. All yard requirements as established for the districts in which such use is permitted are applicable, except where buildings may be joined by common walls.
 - C. **Design:** The maximum grade on any internal drive shall be seven (7) percent unless an alteration is specifically approved by the Planning Commission. Where feasible, all drive intersections shall be at right angles. Minimum distance between buildings shall be thirty (30) feet at any point.
 - D. **Public Street Access:** The minimum distance between access points along public street frontage, center line to center line, shall be two hundred (200) feet. The minimum distance between the center line of an access point and the nearest curb line or street line of a public street intersection shall be one hundred (100) feet.
 - E. **Required Improvements:**
 1. **Internal Drives:** Specifications for drives in group housing developments shall conform to roadway specifications as specified by the Tellico Plains Subdivision Regulations to which reference is hereby made and incorporated herein by reference.
 2. **Utilities:** The development shall be served with public utility systems

adequate to assure fire protection and remove liquid waste via a central sewage collection and treatment facility if available.

3. Storage of Solid Waste: Any central refuse disposal area shall be maintained in such manner as to meet county health requirements and shall be screened from view.
4. Service Building: Service buildings housing laundry, sanitation, or other facilities for use by occupants shall be permanent structures complying with all applicable codes.

4.110. SIGNS AND BILLBOARDS

- A. Authority, title, purpose, and jurisdiction. In accordance with Article II. of the Charter of the Town of Tellico Plains, Tennessee, the following chapter is hereby adopted.
- B. Title. This chapter shall be known as the “Sign Ordinance of Tellico Plains, Tennessee.”
- C. Purpose. The purpose of this chapter is to establish reasonable and impartial regulations for the location of signs within the corporate limits of Tellico Plains, Tennessee. These regulations have been established in order to preserve the character of the town and to encourage a visual brand. These regulations are intended to assist in the economic development of the town without lessening the visual attractiveness of what makes Tellico Plains a unique and beautiful community.
- D. Jurisdiction. This chapter shall apply to all areas within the corporate limits of the Town of Tellico Plains, Tennessee.
- E. Definitions. For the purpose of this sign ordinance, words used in the present tense include the future tense; words in the singular number include the plural number, and words in the plural number include the singular number; the word “person” includes a firm, partnership, or corporation as well as an individual; words in the masculine gender include the feminine and neuter; the word “shall” is mandatory and not directory; the word “may” is permissive; and the word “used” or “occupied” as applied to any land or building shall be construed to include the words “intended, arranged, or designed to be used or occupied”.

Any word or term not defined within this chapter or other adopted town ordinances shall be construed to be used in this ordinance as defined by the latest edition of Webster’s Unabridged Dictionary and the latest edition of *The New Illustrated Book of Development Definitions*. Any word or term not defined in the town’s ordinance, the latest edition of Webster’s Unabridged Dictionary, or the latest edition of *The New Illustrated Book of Development Definitions*, shall have the meaning customarily assigned to them.

1. Animated or moving sign: Any sign or part of a sign that changes physical position or light intensity by any movement or rotation or that gives the visual impression of such movement or rotation.

2. Awning, canopy, or marquee sign: A sign that is mounted on, painted on, or attached to an awning, canopy, or marquee.
3. Billboard: A sign that directs attention to a business, commodity, service, or entertainment conducted, sold, or offered at a location other than the premises of which the sign is located. It is intended for periodic message rotation and is often sold or leased as advertising space.
4. Campaign sign: See “political sign”.
5. Changeable electronic message/changeable copy sign: Any 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. Such sign shall only be permitted on pole and ground signs.
6. Digital sign: A sign that is digital in nature and uses exclusively liquid-crystal display (LCD), light-emitting diode (LED), or similar electronic technology for providing content to the sign or billboard. Such sign creates the appearance of movement.
7. Directional sign: A government owned or managed sign that is located on public street rights-of-ways as approved by the Board of Mayor and Aldermen, which provides directions to a definable area, business area, community, or destination.
8. Ground sign: A sign erected on a free-standing frame or post(s) and which is placed on or at ground level and not attached to any building.
9. Mural: A work of art that is historic, community, or site based affixed to or painted on a building wall.
10. Nonconforming sign: Any sign that does not conform to the provisions of this chapter.
11. Off-premise sign: A sign that draws attention to or communicates information about a business, service, commodity, accommodation, attraction, or other activity that is conducted, sold, or offered at a location other than the private property premises on which the sign is located.
12. One-Time Event sign: A temporary sign which notifies or advertises an event, such as an election, property sale, merchandise sale, revival, grand opening, yard sale, or other similar short-term, temporary events.
13. On-premise sign: A sign that draws attention to or communicates information about a business, service, commodity, accommodation, or other activity that is conducted, sold, or offered on the premises on which such sign is located.

14. Pole sign: A sign erected on a free-standing pole or other support so that the bottom edge of the sign face is a minimum of nine (9) feet above grade.
15. Political sign: A one-time event sign announcing or supporting political candidates, issues, or subject in connection with any national, state, or local election.
16. Projecting sign: A sign attached perpendicular to a building or the wall of a structure and both sides of which are visible.
17. Roof line: The juncture of the roof and the perimeter wall of a structure.
18. Roof sign: A sign which is mounted or painted on the roof of a building or which is wholly dependent upon a building for support and which projects above the roof line of a building.
19. Sign: Any object, device, display or structure, or part thereof, situated outdoors or indoors, which is used to advertise, identify, display, direct or attract attention to an object, person, institution, organization, business, product, service, event or location by any means, including words, letters, figures, design, symbols, logos, fixtures, colors, illumination, or projected images.
20. Sign area: The entire face of a sign including the advertising surface and any framing, trim or molding, but not including the supporting structure.
21. Temporary sign: A one-time event sign designed and intended to be displayed for a short period of time.
22. Wall sign: Any sign that is attached to, painted on, or in some other way uses a wall of a building in such a manner that the wall becomes the supporting structure for the sign. No such sign shall extend above the top edge of a building wall or project more than twelve (12) inches from the wall of the building.

F. **General provisions.** All signs erected, replaced, reconstructed, expanded, or relocated on any property within the town shall conform with the provisions of this section.

1. Plans required. The Town shall be provided with plans and specifications identifying the proposed sign location, sign type, dimensions, total square footage, and design of any sign requiring a permit under the provisions of this chapter. Plans shall be stamped and sealed by a licensed Tennessee engineer or architect when the ground or pole sign exceeds ten (10) feet in height or exceeds fifty (50) square feet. The plans shall certify that the foundation and sign design meet the minimum design wind speed of seventy miles per hour (70 mph).

2. Permit required. Unless specified elsewhere in this ordinance, with the exception of One-Time Event Signs, all signs shall obtain a sign permit from the Town of Tellico Plains.
3. Sign area – building mounted. The sign area for all wall, awning, canopy, and marquee signs shall be measured by drawing an imaginary single, regular geometric shape of a rectangle, circle, oval, or equilateral triangle around the sign. The text and other associated graphics do not have to be physically connected.
4. Sign area – ground mounted. The sign area for all ground, pole, projecting, and One-Time Event signs shall be the entire face of the sign, including the advertising surface and any framing, trim, or molding but not including the supporting structures.
5. Setbacks. All ground and pole signs shall be set back a minimum of five (5) feet from all property lines. Signs shall be placed so as not to restrict sight distance for entering, exiting, or passing vehicles.
6. Restrictions – wall mounted signs. Wall, awning, canopy, marquee, and projecting signs shall only be permitted on walls facing a public street and/or an on-site parking lot.
7. Restrictions – ground mounted signs. A total of one (1) pole or ground sign is allowed per road frontage per parcel.
8. Restrictions – over sidewalk signs. Projecting signs erected and overhanging any sidewalk shall be placed a minimum of seven (7) feet and six (6) inches above the sidewalk. Such sign may extend over the sidewalk a distance equal to two-thirds ($\frac{2}{3}$) the width of the sidewalk, but in no case exceeding ten (10) feet. All other projecting signs shall be placed a minimum of nine (9) feet above adjacent grade and may extend a maximum of ten (10) feet.
9. Lighting. Signs may be internally or externally illuminated. If externally illuminated, such lighting shall not shine or glare directly onto adjacent properties or street rights-of-ways. For the purposes of this ordinance, glare shall be defined as any brightness within the field of vision of such a character as to cause annoyance, discomfort, interference with vision, or loss in visual performance and visibility.
10. Electric service. If a sign is serviced by electric power, it shall conform to the National Electrical Code. Electrical materials and devices used on such signs shall bear the U.L. Label.
11. Abandonment. When an entity is no longer in operation, the associated sign(s) shall be removed.

12. Continuance of nonconforming signs. Existing signs which were legally in existence prior to the adoption of this chapter which do not conform to the specific provisions of this chapter are declared legal nonconforming signs. Any legal nonconforming sign shall be allowed to remain and be maintained. If, however, the sign suffers more than fifty (50) percent damage or deterioration, as based on appraisal, the sign must be brought into conformance with this chapter or removed. If the nonconforming sign is removed and replaced with a new sign, such new sign shall comply with these regulations.

G. **Prohibited signs and devices.** The following types of signs and devices are prohibited.

1. Billboards.
2. Roof signs.
3. Off-premise signs.
4. Signs which are erected or maintained where by reason of its position, wording, illumination, size, shape, or color may obstruct, impair, obscure, interfere with the view of, or be confused with any authorized traffic control sign, signal, or device.
5. Animated or moving signs.
6. Digital signs.
7. Flashing or intermittent illumination of signs.
8. Signs on public property and street rights-of-ways, except those erected and/or managed by an authorized public entity.
9. Signs that are not securely affixed to the ground or wall.
10. Signs which are not expressly permitted by this chapter or any other ordinance of the town.

H. **Road rights-of-way directional signs.** For the purposes of this ordinance, such signs are any non-regulatory sign located on street rights-of-way. All non-regulatory signs located on street rights-of-ways shall comply with the following regulations. Any sign that is not specifically permitted shall be prohibited.

1. Tourist oriented directional signs (TODS). The TODS program regulates guide signs that are placed along state highways in the right-of-way to direct tourists to local attractions, services, and businesses located off the state highway. Establishments must be tourist-oriented and unique and local in nature. No chains are permitted to participate in the program. The TODS program is managed and regulated by the Tennessee Department of Transportation.

2. Tellico Plains area directional signs (TPADS). The TPADS program regulates signs that are placed on street rights-of-ways to direct passing motorists to local destinations located off the road on which the motorist is travelling. The purpose of this program is to reduce clutter in the street rights-of-ways and to create visually consistent and attractive signage that is easy to read. The TPADS program is managed and regulated by the Town of Tellico Plains and at a minimum all signs shall comply with the following regulations:

- a. All signs shall be oval shaped. This may be accomplished with an oval shaped sign or with a rectangular sign with the corners blacked out to give the appearance of an oval shaped sign;
- b. Such sign(s) shall not exceed a three (3) foot by four (4) foot rectangle;
- c. Such sign(s) shall be mounted to a single pole or two poles and shall not exceed nine (9) feet in height. When more than one (1) sign is located at an intersection, there shall be a minimum of two (2) signs per pole(s);
- d. Such sign(s) shall be set back a minimum of twelve (12) feet from the edge of pavement (white line);
- e. Such sign(s) are permitted at the intersections of Highway 68/Mecca Pike, Cherohala Skyway/Bank Street, Cherohala Skyway/Ballplay Road, Bank Street/Mecca Pike, and Bank Street/Fairview Road. The Board of Mayor and Aldermen shall determine the exact locations for such sign(s) at these intersections; and
- f. All such signs and proposed locations are to be reviewed with recommendation by the Tellico Plains Planning Commission and approved by the Board of Mayor and Aldermen.

- I. Sign regulations. All signs shall comply with the following regulations. Any sign that is not specifically permitted shall be prohibited.

1. Residential uses: In addition to meeting the general provisions of this chapter, all signs located on land that is used for residential purposes shall conform with the following provisions.
2. Any activity lawfully conducted on the premises shall be permitted one (1) non-illuminated sign up to four (4) square feet in area. No sign permit is needed for such signs.
3. Residential neighborhoods shall be permitted one (1) ground or pole sign per neighborhood entrance. Such sign may be up to thirty-two (32) square feet in area and twelve (12) feet in height. Such sign shall be oval in shape.
4. One-time event sign.

- J. Commercial uses: In addition to meeting the general provisions of this chapter, all signs located on land that is used for commercial purposes shall conform with the following provisions. For the purposes of this chapter, an office use and a government use shall be considered a commercial use.

1. Freestanding commercial entities shall be permitted any number of wall, awning, canopy, marquee, and projecting signs. The total square footage allowed for all the signs combined on each wall shall be based on the length of the wall on which the signs are mounted. The total area of such signs shall be one (1) square foot of sign area per each linear foot of building wall on which the sign(s) is/are mounted. Such signs shall only be permitted on walls facing a public street and/or an on-site parking lot.
 2. Tenants within a multiple use building shall be permitted any number of wall, awning, canopy, marquee, and projecting signs. The total square footage allowed for all the signs combined on each wall shall be based on the length of the building wall of the tenant space. The total area of such signs shall be one (1) square foot of sign area per each linear foot of building wall of tenant space upon which the sign(s) is/are mounted. Such signs shall only be permitted on walls that have the main public entrance into the premises.
 3. Freestanding entities shall be permitted one (1) ground or pole sign per road frontage per parcel. Such sign(s) may be up to one hundred (100) square feet in area, shall not exceed fifteen (15) feet in height, and shall be oval shaped. All signs shall be set back a minimum of five (5) feet from all property lines and twenty (20) feet from all buildings. If a freestanding entity is located on the same parcel as a multiple use building, a total of one (1) ground or pole sign per road frontage is permitted on such parcel.
 4. Multiple use buildings shall be permitted one (1) ground or pole sign per road frontage per parcel. Such sign(s) may be up to one hundred (100) square feet in area, shall not exceed fifteen (15) feet in height, and shall be oval shaped. All signs shall be set back a minimum of five (5) feet from all property lines and twenty (20) feet from all buildings. If a multiple use building is located on the same parcel as a freestanding entity, a total of one (1) ground or pole sign per road frontage is permitted on such parcel.
 5. Murals, provided design plans are reviewed with recommendation by the Tellico Plains Planning Commission and approved by the Tellico Plains Board of Mayor and Aldermen.
 6. One-time event sign.
- K. Industrial Uses: In addition to meeting the general provisions of this chapter, all signs located on land that is used for industrial purposes shall conform with the following provisions.
1. Industrial entities shall be permitted one (1) ground or pole sign. Such sign may be up to seventy-five (75) square feet in area and shall not exceed fifteen (15) feet in height. All signs shall be set back a minimum of five (5) feet from all property lines and twenty (20) feet from all buildings.

2. Industrial buildings shall be permitted one (1) wall sign. The total square footage allowed shall be based on the length of the wall on which the sign is mounted. The total area of such sign shall be one (1) square foot of sign area per each linear foot of building wall on which the sign is mounted.
 3. Industrial parks shall be permitted one (1) ground or pole sign per industrial park entrance. Such sign may be up to seventy-five (75) square feet in area and shall not exceed fifteen (15) feet in height.
 4. One-time event sign.
- L. One-Time Event Signs: In addition to meeting the general provisions of this chapter, all one-time event signs shall conform with the following provisions:
1. One-time event signs are permitted on developed and vacant land.
 2. Such signs shall be a maximum of thirty-two (32) square feet and shall not exceed six (6) feet in height, shall be non-illuminated, and shall be affixed to the ground or a building.
 3. For the purposes of this ordinance, political and campaign signs shall be considered one-time event signs, however, one (1) one-time event sign per candidate, issue, or subject shall be permitted per parcel/lot (Tennessee Code Annotated 2-7-143).

Administration and enforcement.

1. Sign permit required. It shall be unlawful to commence the excavation for or the construction of any sign requiring a permit, as established in Section 14-203 until the building official has issued for such work a sign permit, including a statement that the plans, specifications, and intended use of such sign in all respects conforms with the provisions of this chapter. Application for a sign permit shall be made to the building official.
2. Enforcing officer. The provisions of this chapter shall be administered and enforced by the building official. The building official shall have the authority to enter upon any land during reasonable hours and make examinations and surveys that do not occasion damage or injury to private property.
3. Application for issuance of sign permits. For all newly constructed signs requiring a permit, a sign plan prepared in accordance with the provisions of Section 4.080. F. shall be submitted with an application for a sign permit. If the request for issuance of a sign permit is refused, the building official shall state the reason for the refusal in writing.
4. Expiration/extension of sign permit approvals. Sign permits shall be null and void after one (1) year from the date of issuance, if in the opinion of the building official substantial progress is not being made toward completion of the sign as it was approved. Upon the showing of good cause by the permit holder, the building official may grant an extension

of one and only one three (3) month period, so long as the permit holder applies for such extension at least three (3) weeks prior to the expiration date of the permit.

5. Final site inspection. In order to ensure that a sign has been constructed in accordance with the approved sign plan, the building official shall make a final inspection upon notification by the owner that construction on the sign has been completed. Within ten (10) working days of such application, the building official shall make a final inspection of the property in question, and shall issue a certification of occupancy if the sign is found to conform to the provisions of this chapter and the statements made in the application for the sign permit. If such certificate is refused, the building official shall state the reason(s) for such refusal in writing.
6. Violations. Any person whether owner, lessee, principal, agent, employee, or otherwise who violates any provisions of this chapter, permits any such violation, or fails to comply with any of the provisions or requirements hereof, including any conditions, stipulations, or safeguards attached to any permit, or other final authorization or approval hereunder, or who erects, constructs or reconstructs any sign in violation of any written statement or plan submitted and approved pursuant to this chapter shall be guilty of a misdemeanor.
7. Penalties. Any person violating any provision of this chapter shall be guilty of a misdemeanor, and upon conviction shall be subject to such penalties as may be provided for by law. Each day of such violation shall constitute a separate offense.
8. Appeals.
 - a. The applicability of this chapter or the validity of applicability of a regulation promulgated pursuant to this chapter may be determined in a hearing before the Tellico Plains Board of Mayor and Aldermen. The board shall grant a hearing to aggrieved persons upon request. The complainant shall file a written petition. The board shall hold a hearing on the appeal within sixty (60) days of receipt of petition. The complainant and all other interested parties shall be given notice of the time and place of the hearing.
 - b. After an appeal to the legislative body, the complainant may seek judicial review.

4.120. Telecommunications Towers. The requirements of this section apply to the placement of commercial transmitting and receiving antennae, including any incidental structures to the antennae. Requirements noted below are meant to prevent harmful impacts upon the community, which can occur as the result of the erection of telecommunications towers. Commercial telecommunications towers must adhere to the following standards.

1. Telecommunications Tower as a Principal Use.

For the purposes of the Tellico Plains Zoning Code, a telecommunications tower shall be considered a principal use of land. However, this definition shall not preclude the use of an existing structure or tower for the installation of a telecommunications antenna.

2. The Priority of Co-location. An Applicant proposing to construct a new telecommunications tower shall identify all other existing towers within the city as possible alternative sites for antenna installation. Where feasible, priority shall be given to the placement of an additional antenna on an existing tower, or to the installation of an antenna existing structures such as water towers or church steeples. Furthermore, approval of the construction of a new telecommunication tower generally shall be contingent on the capability of the future installations of additional antennae on such a tower. The applicant for a new tower shall provide written authorization to the planning commission indicating that the proposed tower is designed to allow the installation of additional antennae. The authorization shall be recorded at the Office of the Register of Deeds prior to the issuance of a permit for tower construction.
3. Application for the Erection of Telecommunications Tower. A request to erect a telecommunications tower within the Town of Tellico Plains shall be submitted to the building official at the Tellico Plains Town Hall. If the request consists of an additional antenna placed on an existing structure or tower, without any extension of that structure or tower, and with no construction of new buildings, then the building inspector may determine the conformance of the request with the town regulations. However, if any new tower, extension of an existing structure or tower, or any new telecommunications building is proposed for a site, then the Tellico Plains Planning Commission shall consider the request.
4. A permit for construction on a telecommunications tower shall not be issued without the approval of the Tellico Plains Planning Commission. If substantial progress on a tower project has not been made within six (6) months of the issuance of a permit, then that permit shall be void. Prior to any consideration by the planning commission regarding proposed construction on a telecommunications facility, the following must be submitted for the planning commission agenda at least ten (10) days prior to the date of the meeting at which the proposal is to be addressed.
 - a. A scaled site plan displaying the location, type, and height of the proposed tower; topographic contour lines at five (5) foot intervals; the locations and dimensions of any proposed or existing buildings on the site; locations of guy wires and their anchor points on the ground; dimensions of property boundaries, nearby rights of way and street names, easements, and significant natural features; proposed or existing access points into the site; a landscape plan, along with indications of any needed screening and fencing, utility lines or installations in the vicinity of the site; and, the locations of any structures on properties adjacent to the site, including the names of adjacent property owners.
 - b. Information collected by the applicant concerning any alternative, existing structures or towers in the Town of Tellico Plains, which might provide for the placement of a telecommunications antenna, without the construction of a new tower.

5. Setbacks for Towers and Associated Buildings.
The placement of any telecommunications tower shall be provided with a setback from each property line equivalent in linear feet to the height of the tower, plus five (5) additional feet. Any building(s) erected on the tower site shall conform with the applicable building setback requirements which apply to the zoning district in which the site is located.
6. Guy Wires and Supports.
Guy wires, and associated supports for guy wires, shall be set back a minimum of ten (10) feet from side and rear property lines, and no guy wire shall be allowed within the front building setback ordinarily required in the zoning district in which the proposed tower site is located.
7. Lighting, Noise, and Color.
Lighting for a tower shall not exceed the requirements of Federal and State regulations, with regard to the number and color of lights. Intermittent or strobe lights shall be allowed on a tower only to the extent needed to satisfy Federal or State regulations. Lighting in excess of the applicable requirements shall not be permitted.

Insofar as possible, given Federal or State regulations, noise emanating from a tower, or from equipment accessory to it, shall not be audible to adjacent residents. Where such noise may emanate from a tower site, the applicant shall provide evidence for the implementation of measures to mitigate noise on surrounding properties.
8. Screening from Public View.
Any telecommunications facility approved under these regulations shall be screened along all property lines to a height of six (6) feet. The material used for screening shall be sufficient to prevent visual observation of the telecommunications site through the material.
9. Planting of New Vegetation.
Where vegetation is installed for telecommunications facility screening, the time allowed for the installation of landscaping shall not exceed thirty (30) days after the completion of tower construction and associated appurtenances. If seasonal circumstances prevent the planting of vegetation on a tower site, then the building inspector may allow an extension of the thirty (30) day time limit into the next growing season, but for no more than thirty (30) days of that season.
10. Tower Removal Upon Termination of Use.
When the active use of a telecommunications tower ceases for a period of six (6) consecutive months, then the tower shall be removed at the owners expense. It shall be the responsibility of the owner of a telecommunications tower to notify the Building Inspector when that tower has ceased operations, except for ordinary maintenance and minor repairs.

ARTICLE 5 ZONING DISTRICTS

SECTION

- 5.010 Classification of Districts
- 5.020 Zoning Map
- 5.030 Zoning District Boundaries
- 5.040 Agriculture/Forestry District
- 5.050 R-1 Low Density Residential District
- 5.060 R-2 Medium Density Residential District
- 5.070 C-1 Central Business District
- 5.080 C-2 General Commercial District
- 5.090 M-1 Industrial District
- 5.100 Floodplain District

5.010 CLASSIFICATION OF DISTRICTS: For the purpose of this ordinance, the following zoning districts are hereby established in Tellico Plains, Tennessee:

Residential Districts

- A-1** Agricultural/Forestry District
- R-1** Low Density Residential District
- R-2** Medium Density Residential District
- C-1** Central Business District
- C-2** General Business District
- M-1** Industrial District

5.020 ZONING MAP: The location and boundaries of the zoning districts established by this Ordinance are bounded and defined as shown on the map, entitled "Zoning Map of Tellico Plains, Tennessee". The zoning map and any amendment thereto shall be dated with the effective date of the ordinance that adopts same. Certified prints of the adopted zoning map and zoning map amendments shall be maintained in the office of the Zoning Administrator and shall be available for inspection by the public at all reasonable times, as long as this ordinance remains in effect.

5.030 ZONING DISTRICT BOUNDARIES: Unless otherwise indicated on the zoning map amendment, the district boundaries are lot lines, center lines of streets or alleys, or the Tellico Plains boundary lines as they exist at the time of the enactment of the zoning ordinance. Questions concerning the exact locations of district boundaries shall be determined by the Tellico Plains Board of Zoning Appeals.

5.040 A-1, Agricultural/Forestry District

- A. **District Description:** This district is designed to provide suitable areas for agricultural activities and low-density residential development where limited or partial urban services and facilities are provided. Most generally, this district will be characterized by farming activities mixed with single-family detached structures and their accessory structures.

These districts also include community facilities, some public utilities and open uses which serve specifically the residents of those districts or which are benefited by and compatible with a residential environment. It is the express purpose of this zoning ordinance to exclude from these districts all buildings or other structures and uses having commercial characteristics whether operated for profit or otherwise, except that special exceptions and home occupations specifically provided for in these regulations for these districts shall be considered as not having such characteristics if they otherwise conform to the provisions of this ordinance.

B. **Uses Permitted:** In the A-1, Agricultural-Estate Residential District, the following uses are permitted:

1. Detached single-family dwellings
2. Customary accessory buildings, including private garages and non-commercial workshops, provided they are in the rear yard and not closer than ten (10) feet to any lot line
3. Customary incidental home occupations, as regulated in Section 4.040.
4. Agricultural uses. Agricultural accessory structures shall be regulated to their location on all lots as provided in this ordinance
5. Signs, as regulated in this ordinance.
6. Residential Yard or Garage Sales

C. **Uses Permitted as Special Exceptions:** The following uses may be permitted as special exceptions in the A-1, Agricultural-Estate Residential District, after review and approval by the Board of Zoning Appeals.

1. Public uses, including but not limited to local, state, or federal uses, such as schools (public & private), public and semi-public recreational facilities, museums, office buildings, and utilities
2. Community Assembly, i.e., churches, civic, social, fraternal, and philanthropic associations
3. Golf courses, country clubs, or recreational facilities
4. Bed and Breakfast establishments
5. Day Care Homes and Group Homes
6. Cemeteries

E. **Uses Prohibited:** Mobile Homes and Mobile Home Parks; any use not specifically permitted or use not permitted upon approval as a special exception by the Board of Zoning Appeals is prohibited.

F. **Dimensional Requirements:** All uses permitted in the A-1, Agricultural-Estate Residential District, shall comply with the following requirements, except as provided in ARTICLE VI:

1. **Minimum Lot Size**

Area	3 acres
Lot Width at Building Setback Line	200 feet

2. Minimum Yard Requirements

Front Yard Setback	30 ft.
Side	20 ft.
Rear	20 ft.

3. **Maximum Lot Coverage:** On any lot, the area occupied by all structures, including accessory structures, shall not exceed twenty-five (25) percent of the total area.

4. **Height Requirements:** No principal building shall exceed thirty-five (35) feet in height or three (3) stories, except as provided in Section 6.030.

5. **Parking Space Requirements:** As regulated in this ordinance.

5.050 R-1, Low Density Residential District

A. **District Description:** These districts are designed to provide suitable areas for low density residential development where appropriate urban services and facilities are provided or where the extension of such services and facilities will be physically and economically facilitated. Most generally, these districts will be characterized by single-family detached structures and such other structures as are accessory thereto. These districts also include community facilities, public utilities and open uses which serve specifically the residents of those districts or which are benefited by and compatible with a residential environment. It is the express purpose of this zoning ordinance to exclude from these districts all buildings or other structures and uses having commercial characteristics whether operated for profit or otherwise, except that special exceptions and home occupations specifically provided for in these regulations for these districts shall be considered as not having such characteristics if they otherwise conform to the provisions of this ordinance

B. **Uses Permitted:** In the R-1, Low Density Residential District, the following uses are permitted:

1. Detached single-family dwellings.
2. Customary accessory buildings, including private garages and non-commercial workshops, provided they are in the rear yard and not closer than five (5) feet to any lot line.
3. Customary incidental home occupations, as regulated in Article
4. Signs, as regulated in Article
5. Residential Yard or Garage Sales.

C. **Uses Permitted as Special Exceptions:** The following uses may be permitted as special exceptions in the R-1, Low Density Residential District, after review and approval by the Board of Zoning Appeals.

1. Public uses, including but not limited to local, state, or federal uses, such as schools (public & private), public and semi-public recreational facilities, museums, office buildings, and utilities.
2. Community Assembly, e.g., churches, civic, social, fraternal, and philanthropic associations.
3. Golf courses, country clubs, or recreational facilities.

4. Bed and Breakfast establishments.
5. Day Care Homes and Group Homes
6. Cemeteries

D. **Uses Prohibited:** Mobile Homes and Mobile Home Parks; any use not specifically permitted or use not permitted upon approval as a special exception by the Board of Zoning Appeals is prohibited.

E. **Dimensional Requirements:** All uses permitted in the R-1, Low Density Residential District, shall comply with the following requirements, except as provided in Article VI:

1. **Minimum Lot Size**

Single Family Dwelling Unit Area	7,500 sq. ft.
Lot Width at Building Setback Line	100 feet

2. **Minimum Yard Requirements**

Front Yard Setback	30 ft.
Side	12 ft.
Rear	20 ft.

3. **Maximum Lot Coverage:** On any lot, the area occupied by all structures, including accessory structures, shall not exceed thirty (40) percent of the total area.

4. **Height Requirements:** No principal building shall exceed thirty-five (35) feet in height, except as provided in Article.

5. **Parking Space Requirements:** As regulated in Article.

5.060. R-2, Medium Density Residential District

A. **District Description:** This district is designed to provide suitable areas for medium density residential development where appropriate urban services and facilities are provided or where the extension of such services and facilities will be physically and economically facilitated. Most generally, this district will be characterized by single - family detached structures and such other structures as are accessory thereto. This district also includes community facilities, public utilities and open uses which serve specifically the residents of this district or which are benefited by and compatible with a residential environment. It is the express purpose of this zoning ordinance to exclude from this district all buildings or other structures and uses having commercial characteristics whether operated for profit or otherwise, except that special exceptions and home occupations specifically provided for in these regulations for this district shall be considered as not having such characteristics if they otherwise conform to the provisions of this ordinance.

B. **Uses Permitted:** In the R-2, Medium Density Residential District, the following uses are permitted:

1. Detached single-family dwellings and duplex dwellings.

2. Multi-family dwellings.
 3. Mobile Home Parks as regulated in this ordinance.
 4. Customary accessory buildings, including private garages and non-commercial workshops, provided they are in the rear yard and not closer than five (5) feet to any lot line.
 5. Customary incidental home occupations, as regulated in Article IV, Section 4.040.
 6. Signs, as regulated in Article IV, Section 4.080.
 7. Residential Yard or Garage Sales.
- C. Uses Permitted as Special Exceptions: The following uses may be permitted as special exceptions in the R-2, Medium Density Residential District, after review and approval by the Board of Zoning Appeals in accordance with Article VII, Section 7.070.
1. Public uses, including but not limited to local, state, or federal uses, such as schools (public & private), public and semi-public recreational facilities, museums, office buildings, and utilities.
 2. Community Assembly, i.e., churches, civic, social, fraternal, and philanthropic associations.
 3. Bed and Breakfast establishments.
 4. Day Care Homes and Group Homes.
 5. Cemeteries.
- D. Uses Prohibited: any use not specifically permitted or use not permitted upon approval as a special exception by the Board of Zoning Appeals is prohibited.
- E. Dimensional Requirements: All uses permitted in the R-2, Medium Density Residential District, shall comply with the following requirements, except as provided in Article VII:
1. Minimum Lot Size

Single Family Dwelling Unit Area	7,500 sq. ft.
Duplex Dwelling Unit	17,500 sq. ft.
Lot Width at Building Setback Line	75 feet
 2. Minimum Yard Requirements

Front Yard Setback	30 ft.
Side	12 ft.
Rear	20 ft.
 3. Maximum Lot Coverage: On any lot, the area occupied by all structures, including accessory structures, shall not exceed thirty (30) percent of the total area.
 4. Height Requirements: No principal building shall exceed thirty-five (35) feet in height, except as provided in Article VII.
 5. Parking Space Requirements: As regulated in this Ordinance

D. MHP, Mobile Home Park

A. District Description : This district is designed to provide suitable areas for the development of mobile home parks and to provide maximum flexibility in design while ensuring a minimum standard of site development for mobile home parks. These districts shall only be established where complete urban facilities, specifically public sewer, are available or where such facilities will be available prior to development. This district will also include community facilities and public utility installations which will serve the residents of the district. It is the express purpose of this ordinance to exclude from this district all buildings or other structures and uses having commercial characteristics and not planned as an integral part of a total residential development. The following regulations are intended to ensure a minimum standard of site development for mobile home parks.

B. Mobile Home Park Building Permit:

1. The application for a "mobile home park permit" shall be filed with the Building Inspector after the applicant has secured all water and sewer permits required for the project. However, construction or extension of a mobile home park may not commence within the area of jurisdiction of this ordinance until a mobile home park site permit has been issued by the Building Inspector. The mobile home park site permit may be issued only upon approval of the special exception by the Tellico Plains Board of Zoning Appeals. The Board shall act upon an application for a permit after receipt of a report from the Tellico Plains Municipal Planning Commission. The Board may attach whatever conditions it sees fit to the permit to protect the neighborhood or adjoining properties.
2. Site Plan Required: A mobile home park building permit may only be issued for construction or extension of a mobile home park upon submission and approval by both the Planning Commission and the Board of a site development plan containing the following information.
 - a. The name and address of the applicant.
 - b. The location, area, and dimensions of the proposed mobile home park site as well as a legal description.
 - c. The location, size, and number of all mobile home spaces.
 - d. The location and size of all buildings improvements, and facilities (including roads, water, sewer, refuse disposal).
 - e. The proposed use of buildings shown on the site plan.
 - f. The location and size of all points of entry and exit for motor vehicles and the internal circulation plan (roadways and pedestrian walkways).
 - g. The location and number of all off-street parking facilities.
 - h. The location of park and recreation areas.
 - i. A complete drainage plan with contour line intervals of five (5) feet.
 - j. A location map showing the park site in relation to the existing public street pattern and indication of uses of property adjacent to the site and the location of all buildings within two hundred (200) feet of the site.

- k. A time schedule for development shall be prepared which shall demonstrate the applicant's readiness and ability to provide the proposed services. Said time shall be for a period of not more than one (1) year.
- l. Such other architectural, engineering, and topographical data as may be required to permit the county health department, the Zoning Administrator, the Planning Commission, and the Board to determine if the provision of these regulations is being complied with shall be submitted with the site plan.

C. Development Standards General

1. A mobile home park shall be located only within those districts where permitted.
2. No part of the park shall be used for nonresidential purposes, except such uses as are required for the direct servicing and well-being of park residents and for the management and maintenance of the park. Nothing contained in this section shall be deemed as prohibiting the sale of a mobile home located on a mobile home stand and connected to the pertinent utilities.
3. Condition of soil, ground water level, drainage and topography shall not create hazards to the property or the health or safety of the occupants. The site shall not be exposed to objectionable smoke, dust, noise, odors or other adverse influences, and no portion subject to flooding or erosion and shall be used for any purpose which would expose persons of property to hazards.
4. Minimum Development Size: No mobile home park shall be approved which contains less than ten (10) acres in area or has less than fifteen (15) mobile home spaces.

D. Dimensional Requirements for Parks

1. Along the entire periphery of the mobile home park, yards and setbacks meeting the district regulations shall be provided.
2. Within the interior portions of the mobile home park, no yards, except as required to meet other provisions set forth in this section, are required.
3. No building or structure erected or stationed in a mobile home park shall have a height greater than two (2) stories or thirty (30) feet.
4. At no time shall the density for the park exceed the maximum permissible density for the district it is located in.

E. Spacing of Mobile Homes and Site Coverage

1. Mobile homes shall be so harbored on each space that there shall be at least a twenty-five (25) foot clearance between mobile homes; for mobile homes parked end-to-end, the end-to-end clearance may be less than twenty-five (25) feet, but not less than fifteen (15) feet. No mobile home shall be located closer than twenty (20) feet from any building within the park.
2. There shall be a minimum distance of ten (10) feet between the nearest edge of any mobile home and an abutting internal access street.

3. Each mobile home stand shall not occupy an area more than twenty-five (25) percent of the respective lot area. The total area occupied by the mobile home and its accessory structures shall not exceed fifty (50) percent of the respective lot area.

F. The Mobile Home Lot

1. General: The limits of each mobile home lot shall be marked on the ground by suitable means. Location of lot limits on the ground shall be the same as shown on accepted plans. No lot shall be smaller than five thousand (5,000) square feet.
2. Mobile Home Stands: The mobile home stands shall be improved to provide adequate support for the placement and tie-down of the mobile home. The stand shall not heave, shift or settle unevenly under the weight of the mobile home due to frost action, inadequate drainage, vibration, wind or other forces acting on the structure. In addition, such stand shall comply with the publication of FHA "Minimum Property Standards for Mobile Home Parks", May 1977.
3. Outdoor Living Area: Each mobile home lot should be provided with an outdoor living and service area. Such area should be improved as necessary to assure reasonable privacy and comfort. The minimum area should be not less than two hundred (200) square feet and shall be paved.
4. Storage: Tenant storage shall be provided for each mobile home at the rear of the mobile home space.

G. Utilities and Other Services

1. An accessible, adequate, safe and potable supply of water shall be provided in each mobile home development on trunk lines not less than six (6) inches. Where a public supply of water of satisfactory quantity, quality, and pressure is available at the site or at the boundary of the site, connection shall be made thereto, and its supply used exclusively.
2. Each mobile home site shall be provided with the connection to the sanitary sewer line or to a sewer system approved by the Tellico Plains Water and Sewer Department.
3. Solid waste collection stands shall be provided for waste containers for each mobile home. Any central waste container shall be screened from view with access appropriately provided.
4. Service buildings housing sanitation and laundry facilities shall be permanent structures complying with all applicable ordinances and statutes, regulations, buildings, electrical installations and plumbing and sanitation systems.
5. Each mobile home park shall be equipped with fire hydrants spaced no more than five hundred (500) feet apart. The water system shall be capable of providing a required fire flow of five hundred (500) gallons per minute (50 psi static, 25 psi residual.)
6. Each mobile home park shall be maintained free of litter and accumulation of any kind of debris which may provide rodent harborage or breeding places for flies, mosquitoes, or other pests.

- F. Streets: Entrances to mobile home parks shall have direct connections to a public street and shall be designed to allow free movement of traffic on the adjacent public

street. Safe and convenient vehicular access shall be provided from abutting public streets to each mobile home lot. Such access shall be provided by streets or driveways. All internal streets shall be private.

1. **Circulation:** The internal street systems should provide convenient circulation by means of minor streets and properly located collector streets. Dead-end streets shall be limited in length to five hundred (500) feet and their closed end shall be provided with an adequate turn-around with a minimum diameter of eighty (80) feet.
2. **Construction:** The internal streets and drives shall be paved in accordance with Town subdivision regulations.

Collector Street	
With "No Parking"	20 feet
With On Street Parking allowed	36 feet
Minor Street	
With "No Parking"	18 feet
With on street parking allowed	34 feet
One Way Minor Street	
With "No Parking"	12 feet
With on street parking allowed	28

- b. **Walks:** All mobile home developments shall be provided with safe, convenient, all- season pedestrian access of adequate width for intended use, durable and convenient to maintain. Sudden changes in alignment and gradient shall be avoided. A common walk system shall be provided and maintained between locations where pedestrian traffic is concentrated. Such common walks shall have a minimum width of three and one-half (3½) feet. All mobile home stands shall be connected to common walks, streets, driveways and parking spaces by individual walks. Such individual walks shall have a minimum width of two (2) feet.
- c. **Recreation Area:** Adequate recreation facilities for the residents of the project shall be provided in locations easily accessible to the living units and where they do not impair the view and privacy of living units. Attractive outdoor sitting areas shall be provided, appropriate in size, type and number to the needs of the residents. Well- equipped playgrounds of adequate size and number shall be provided where it is anticipated that children will occupy the premises.
- d. **Buffer and Screening:** A landscape buffer shall be provided along the perimeter of the site boundaries not less than fifteen (15) feet in width, except that a minimum buffer area from any public street shall be no less

than twenty (20) feet. Within the landscaped buffer, a continuous fence six (6) to eight (8) feet high or landscaped screen shall be provided. Such fence shall be opaque and such screening shall be a year -round evergreen four (4) feet wide, expected to achieve a height of six (6) feet within three (3) years, and at least four (4) feet high at the time of planting. No landscaped screen or fence shall be provided within fifteen (15) feet of any vehicular entrance and/or exit to the park.

- e. **Site Design:** The appearance and character of the site shall be preserved and enhanced by retaining and protecting existing trees and other site features; and additional new plant material shall be added for privacy, shade, beauty of buildings and grounds and to screen out objectionable features. The planting plan shall be submitted with the site development plan.
- f. **Off-Street Parking:** Paved off-street parking may be grouped in bays, either adjacent to streets or in the interior of blocks or on the mobile home lot. Such parking areas shall generally be in close proximity to the dwellings units they are designed to serve. At least one (1) parking space per dwelling unit shall be located so as to provide a maximum walking distance of fifty (50) feet from the nearest entrance of the dwelling unit the space is to serve.
- g. **Inspections:** The Zoning Administrator is hereby authorized and directed to make annual inspections to determine the conditions of mobile home parks, to insure the health and safety of occupants of mobile home parks and of the general public. The Zoning Administrator shall have the power to enter upon any private and public property for inspecting and investigating conditions relating to the annual inspection as it is related to the enforcement of this section.
- h. **Penalties:** Any person violating any provisions of this section shall be guilty of a misdemeanor and upon conviction shall be fined not less than five dollars (\$5.00) nor more than fifty dollars (\$50.00) for each offense. Each day that a violation is permitted to exist shall constitute a separate offense. Any extension of an existing mobile home park is considered a noncomplying use and is hereby prohibited unless said park is brought up to the standards herein stated.

- i. **Revocation of Permit:** The Board may revoke any permit to maintain and operate a park when the permittee has been found guilty by a court of competent jurisdiction of violating any provisions of this section. After such conviction, the permit may be reissued if the circumstances leading to conviction have been remedied and the park is being operated and maintained in full compliance with this section.
- j. **Prohibited Structures:** Cabanas, travel trailers, and other similarly enclosed structures are prohibited; Trailers with or without toilet facilities that cannot be connected to approved sewer systems shall not be permitted in a mobile home park; Mobile homes shall not be used for commercial, industrial or other nonresidential uses within a mobile home park, except that one (1) mobile home in the park may be used to house a rental office.

5.070 C-1, Central Business District

- A. **District Description:** This district is established to provide for a wide range of retail, office, amusement, service uses, and light industrial processes involving high performance standards. In addition, this district provides for governmental uses, community facilities and utilities necessary to serve the district or which are required for the general community welfare. The regulations are structured to permit maximum freedom of pedestrian movement. This district is designed to provide adequate space in appropriate locations for uses which serve the needs of the regular and local shopping. Relatively high-density and intensity of use as well as structuring these regulations to permit maximum pedestrian movement is intended. This district is found in the historic downtown area of Tellico Plains. The Historic District of the Town of Tellico Plains is situated within this District. Please be aware that the Historic District has additional regulations associated with development in this area. These regulations may be found in Article IV, Section 5.081 (H-1, Historic District) of the Zoning Regulations of the Town of Tellico Plains.
- B. **Uses Permitted:** In the C-1, Central Business District, the following uses are permitted:
 - 1. Essential services for utility substations, distribution and collection lines, pumping facilities, and public rights-of-way.
 - 2. Convenience commercial, including barber and beauty shops, drug and grocery stores, hardware stores and other similar uses.
 - 3. Churches
 - 4. Restaurants.
 - 5. Antique and gift shops.
 - 6. Furniture and home furnishings stores.
 - 7. Newspaper and printing shops.
 - 8. Museums, Visitor Center, and Welcome Center to promote tourism and the history of the Town of Tellico Plains.
- C. **Accessory Uses and Structures:** Signs in compliance with the regulations set forth in Article Accessory off-street parking and loading facilities as required in Article Accessory structures and uses customarily incidental to the permitted uses, provided that such accessory structures and uses are carried out on the same lot and are not otherwise prohibited.

- D. Uses Permitted as Special Exceptions: In the C-1, Central Business District, the following uses may be permitted as special exceptions after review and approval by the Board of Zoning Appeals in accordance with Article
1. Bed and Breakfast establishments.
 2. Residential dwellings in commercial buildings.
 3. Government buildings and community centers
 4. Professional/Business Offices such as lawyers, accountants, real estate, insurance, finance, etc.
 5. Community Theatre
- E. Uses Prohibited: In the C-1, Central Business Commercial District, any use not permitted by right, by accessory use, or as a special exception, as defined above is strictly prohibited.
- F. Dimensional Requirements: All uses permitted in the C-1, Central Business Commercial District, shall comply with the following requirements.
1. Minimum Lot Size: None on existing lots of record
 2. Minimum Yard Requirements for Single Family and Duplexes

Front Yard Setback.	25' unless a building or buildings on an adjacent lot or lots provide front yards less than 10 feet in depth, a front yard equal to the average of adjacent front yards shall be provided.
Side Yard Setback	None is required. However, if an open area extending along a side lot line is provided, it shall be at least ten (10) feet wide, and it shall be unobstructed.
Rear Yard Setback	None
 3. Maximum Lot Coverage: There are no restrictions on the area occupied by all buildings including accessory buildings on a lot or parcel located in the C-1 District.
 4. Height Requirements: No principal building shall exceed thirty-five (35) feet in height, except as provided in Article VI.
 5. Parking Space Requirements: As regulated in Article IV.
 6. Accessory Structures: Accessory structures shall be located at least five (5) feet from any side lot line, rear lot line, and any building on the same lot.
 7. Landscaping: For properties that abut or are adjacent to a residential district, there shall be a buffer strip screening along those affected property lines. Depending on the intensity of the commercial use, a privacy fence may be required by the Planning Commission in addition to the buffer strip, or may be substituted for the buffer strip,

depending upon the circumstances involved. All trash and refuse receptacles shall be enclosed from public view by landscaping, privacy fencing, or both, as may be required by the Planning Commission.

8. Sidewalks: The Town of Tellico Plains requires that the Central Business District be pedestrian-friendly and equipped with a common walk system. A common walk system shall be provided and maintained between locations where pedestrian traffic is concentrated. Such common walks shall have a minimum width of three and one-half (3 ½) feet. All new commercial establishments shall dedicate adequate area to accommodate a sidewalk and connect to the common walk system. Such sidewalks shall be designed with safe, convenient, handicapped-accessible, and all- season pedestrian access of adequate width for intended use, durable and convenient to maintain. Sudden changes in alignment and gradient shall be avoided.

5.080. **C-2 General Business District.** The purpose of this district is to provide for general commercial activity along major collectors and arterial highways. The regulations are designed to encourage the proper development of commercial areas in such a manner as to discourage the problems normally associated with strip commercial development; to encourage concentrations of commercial activities; and to preserve the traffic carrying capacity of the major collectors and arterials upon which such uses are located. Within the C-3, Highway Commercial District, as shown on the Zoning Map of Tellico Plains, Tennessee, the following regulations and other applicable provisions of this zoning code shall apply:

A. Uses Permitted

1. All uses permitted in the C-1 District.
2. Retail sales.
3. Hotels, motels, and other overnight lodging establishments.
4. Eating establishments.
5. General offices.
6. Automotive and marine repair services.
7. Contract construction services.
8. Personal services.
9. Business services.
10. Public schools and educational institutions and services.
11. Day care centers.
12. Recreation facilities.
13. Public utilities and associated buildings, storage areas, warehousing areas, and warehousing facilities.
14. Gasoline service stations, provided the conditions of this ordinance are met.

15. Funeral homes and mortuaries.
16. Nursing Homes and Assisted Care Living Facilities, provided such facilities shall comply with the following requirements:
 - a. All federal, state, and local regulations are met;
 - b. The facilities are connected to public water and public sewer; and
 - c. The facilities meet the minimum requirements of the NFPA Fire Code.
17. Group Care Facilities, provided such facilities shall comply with the following requirements:
 - a. All federal, state, and local regulations are met;
 - b. The facilities are connected to public water and public sewer;
 - c. The facilities meet the minimum requirements of the NFPA Fire Code; and
 - d. Security measures are put in place as part of the development. At a minimum, an eight (8) foot high privacy fence is required around the entire indoor and outdoor living premises.
18. Churches and other places of worship.
19. Cemeteries subject to this ordinance.
20. Medical facilities.
21. Cultural facilities.
22. Philanthropic institutions and clubs.
23. Self Service Storage Facilities (Mini-Warehouses).

B. Special Exceptions. No permits shall be issued except with the written approval of the Board of Zoning Appeals and subject to such conditions and safeguards as the Board may require in order to preserve and protect the character of the district.

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

- a. Travel trailer parks, provided the conditions of this ordinance are met.
- b. Any business or services which are of the same general nature of the above permitted uses.
- c. Area Regulations. Buildings shall be located so as to comply with the following requirements:
 - i. Minimum lot width at building line: fifty (50) feet.
 - ii. Minimum depth of front yard: thirty (30) feet.
 - iii. Minimum width of side yards:

- 1-story building ten (10) feet
- 2-story building twelve (12) feet
- 3-story building fifteen (15) feet

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

Section. 5.090. M-1, Industrial District

A. District Description: This district is designed for a wide range of industrial and related uses which conform to a high level of performance standards. This district is intended to provide space for the types of industrial activities which by reason of volume of raw materials or freight, scale of operation, type of structures required, or other similar characteristics, require location relatively well segregated from nonindustrial uses. New residential activities are excluded, and commercial establishments and community facilities which provide needed services for industry and are complimentary thereto are permitted. All new industrial uses shall front on arterial streets as designated on the Tellico Plains Major Thoroughfare Plan.

B. Uses Permitted: In the M-1, General Industrial District, the following uses are permitted:

1. Food and kindred products manufacturing, except meat products.
2. Textile mill products manufacturing, except dyeing and finishing of textiles manufacturing.
3. Furniture and fixtures manufacturing.
4. Printing, publishing, and allied industries.
5. Fabricated metal products manufacturing except ordnance and accessories.
6. Professional, scientific, and controlling instruments; photographic and optical goods, watches, and clocks manufacturing.
7. Miscellaneous manufacturing including jewelry, silverware, and plated ware, musical instruments and parts, toys, amusement and sporting goods manufacturing, pens, pencils, and other office materials, costume jewelry, novelties and miscellaneous notions; tobacco, manufacturing, motion picture production.
8. All types of wholesale trade.
9. Office functions only where it is directly related to the industrial establishment in which it is located.
10. Signs as regulated in this ordinance.
11. Agricultural equipment sales and repair.
12. All public utilities, including buildings, necessary structures, storage yards and other

related uses.

13. Animal health facilities including veterinary clinics.
14. Building materials storage and sales.
15. Lumber and wood products manufacturing.

C. Accessory Uses and Structures: Signs in compliance with the regulations set forth in Article Accessory structures and uses customarily incidental to the permitted uses, provided that such accessory structures and uses are carried out on the same lot and are not otherwise prohibited; Accessory off-street parking and loading facilities as required in Article IV.

D. Uses Permitted as Special Exceptions: Retail and convenience trade may be permitted as special exceptions in the M-1, Industrial District, after review and approval by the Board of Zoning Appeals, in accordance with Article VII.

E. Uses Prohibited: In the M-1, Industrial District, any use not permitted by right, by accessory use, or as a special exception as defined above is strictly prohibited.

F. Dimensional Requirements: All uses permitted in the M-1, Industrial District, shall comply with the following requirements:

1. Minimum Lot Size: Where public water and sewer service is available, there shall be required a minimum of two (2) acres. In areas where only public water is available, there shall be a minimum of five (5) acres. No industrial land uses shall be permitted in areas where a public water supply is not available, except where the Board of Zoning Appeals has determined that such use does not require a supply of potable water in its manufacturing operation. In such instances, the Board may grant approval of the use and shall not be less than five (5) acres in size.

2. Minimum Yard Requirements

Front Yard Setback	40 ft
Side Yard Setback	20 ft / 40 ft. if side yard abuts/adjoins a residential district
Rear Yard Setback	20 ft / 40 ft. if rear yard abuts/ adjoins a residential district

3. Maximum Lot Coverage: On any lot or tract containing one or more structures, the area occupied by all structures, including accessory structures shall not exceed fifty (50) percent of the total area.
4. Lot Width: No lot shall be less than one hundred fifty (150) feet wide, at the building setback line.
5. Height Requirements: No principal structure shall exceed forty (40) feet in height, except as provided in Article VII.
6. Parking Space Requirements: As regulated in this ordinance.
7. Accessory Structures: Except for signs, accessory structures shall not be erected in

any required front yard. Accessory structures shall be located at least ten (10) feet from any side lot line, from the rear lot line, and from any building on the same lot, except where the side yard abuts or is adjacent to a residential district, in which case the minimum setback for that side yard shall be twenty (20) feet.

8. Landscaping: Ten (10) percent of the lot area of a tract shall be landscaped to enhance site appearance. Included in the ten (10) percent coverage, there shall be maintained a landscaped strip at least ten (10) feet wide along street property lines, exclusive of business driveways and walkways, and along any yard which abuts a residential district.

Section 5.100. Flood Plain District.

1. The Flood Plain District is established as an overlay district of flood damage prevention regulations, the intent of which is to protect the health, safety, and welfare of the citizens by requiring that development within this district be governed by regulations found in Ordinance 11-05-09, Municipal Flood Damage Prevention Ordinance. The appearance of the Flood Plain District on the Tellico Plains Zoning Map is intended only to provide a general location of flood hazard within the community. The flood plain consists of the 100 year regulatory "Floodway" and the Special Flood Hazard Areas (SFHAs) Subject to Inundation by the 1% Annual Chance Flood [commonly known as the 100-year flood] and the Other Flood Areas (Zone X), areas of 0.2% annual chance flood [commonly known as the 500-year flood], as defined in the ordinance, and depicted on the Flood Insurance Rate Maps for Monroe County, Tennessee and Incorporated Areas.
2. The regulations of any zoning district underlying the Flood Plain District shall prevail; except that no building, development, or improvement project shall be commenced within the Flood Plain District unless a permit has been obtained from the flood plain administrator, stating such project plans meet the requirements of Ordinance 11-05-09.

ARTICLE 6

EXCEPTIONS AND MODIFICATIONS

SECTION

- 6.010 Scope
- 6.020 Nonconforming Uses
- 6.030 Exceptions to Height Limitations
- 6.040 Lots of Record
- 6.050 Exceptions to Front Setback Requirements
- 6.060 Absolute Minimum Lot Size

6.010. SCOPE: Article VI, of this ordinance, is devoted to providing for the necessary exceptions and modifications to the supplementary and specific zoning district provisions provided in this ordinance.

6.020. NON-CONFORMING USES: The districts established in this ordinance (as set forth in district regulations in Article V, are designed to guide the future use of land in Tellico Plains, Tennessee, by encouraging the development of desirable residential, commercial, and industrial areas with appropriate groupings of compatible, and related uses and thus promote and protect the public health, safety, and general welfare. As a necessary corollary, in order to carry out such purposes, nonconforming uses which adversely affect the development of such areas must be subject to certain limitations. The provisions governing nonconforming uses set forth in this Article are therefore established to contain the existing undesirable conditions resulting from such incompatible nonconforming uses, which are detrimental to the achievement of such purposes. While such uses are generally permitted to continue, this ordinance is designed to restrict any expansion of such uses beyond the site which the use occupied upon the effective date of this ordinance. In the case of buildings or other structures not complying with the bulk regulations of this ordinance, the provisions governing noncomplying buildings or other structures set forth in this Article are established in order to permit the continued use of such buildings or other structures, but to limit the creation of additional noncompliance or increase in the degree of noncompliance. These provisions are thus designed to preserve the character of the districts established in this ordinance considering their suitability to uses, and thus to promote the public health, safety, and general welfare.

A. PROVISIONS GOVERNING NONCONFORMING USES

1. **Applicability:** The provisions of this Article are applicable to all uses which are not permitted within the districts in which they are located. Additionally, buildings and other structures located within the floodway are considered within the regulations of nonconforming uses.

2. **Construction or Use Permit Approved Prior to Ordinance Adoption:** Nothing contained herein shall require any change in the overall layout, plans, construction, site or designated use of any development, building, structure, or part thereof where official approvals and required site permits have been granted before the enactment of this ordinance, or any amendment thereto, the construction of which, conforming with such plans, shall have been started prior to the effective date of this ordinance and completion thereof carried on in a normal manner within the subsequent six (6) months period, and not discontinued until completion except for reasons beyond the builder's control. In the event that the activity or construction of such building or other structures is not substantially underway and being diligently pursued within the six (6) month period following the issuance of a site permit, then such permit shall automatically lapse, and the provisions of this ordinance shall apply.
3. **Repairs and Alterations:** Nothing in this Article shall prevent the strengthening or restoring to a safe condition of any part of any building or structure declared unsafe by proper authority.
4. **Zone Lot Containing Nonconforming Use:** A zone lot containing a nonconforming use shall not be reduced in area except to comply with this Article.
5. **Continuation of Nonconforming Use:** Any nonconforming use which existed lawfully at the time of enactment of this ordinance and which remains nonconforming under the provisions contained herein or any use which shall become nonconforming upon enactment of this ordinance, or any subsequent amendments thereto, may be allowed to continue in operation and be permitted provided that no change in use is undertaken.
6. **Change of Nonconforming Use**
 - A. **General Provisions:** For the purpose of this Article, a change in use is a change to another use either under the same activity type or any other activity type or major class of activity; however, a change in occupancy or ownership shall not, by itself, constitute a change of use. A nonconforming use may be changed to any conforming use, and the applicable bulk regulations and accessory off-street parking requirements shall apply to such change of use or to alterations made in order to accommodate such conforming use.
 - B. **Land with Incidental Improvements:** In all districts a nonconforming use of land, not involving a building or structure, or in connection with which any building or structure thereon is incidental or accessory to the principal use of the land, shall be changed only to a conforming use.
 - C. **Nonconforming to Conforming Use:** Whenever a nonconforming use is changed to a conforming use, such use shall not thereafter be changed to a nonconforming use.
 - D. **Expansion of Nonconforming Uses**

1. **General Provisions:** Any nonconforming use which shall become nonconforming upon enactment of this ordinance, or any subsequent amendments thereto, may be allowed to expand operations and construct additional facilities which involve an actual continuance and expansion of the nonconforming use provided that any such expansion shall not violate the provisions as set out below.
2. **Land with Incidental Improvements:** In all districts a nonconforming use of land, not involving a building or structure, or in connection with which any building or structure thereon is incidental or accessory to the principal use of the land, shall not be allowed to expand through the addition of buildings or other structures.
3. **Adequate Space for Expansion:** No expansion or any nonconforming use shall infringe upon or increase the extent of any infringement existing at the time of adoption of this ordinance, upon any open space required by this ordinance. All required yard setback requirements must be adhered to in any such expansion project.
4. **Expansion Limited:** Any expansion of a nonconforming use permitted under the provisions of this section shall take place only upon the zone lot(s) on which said use was operating at the time the use became nonconforming. Nothing within this provision shall be construed to permit expansion of any nonconforming use through the acquisition and development of additional land.

E. Damage or Destruction

1. **General Provisions:** Any nonconforming use which shall become nonconforming upon enactment of this ordinance, or any subsequent amendments thereto, may be permitted to reconstruct damaged or destroyed facilities which involve any actual continuance of the nonconforming use provided that any such reconstruction shall not violate the provisions set out below.
2. **Change in Use Prohibited:** No reconstruction of damaged or destroyed facilities may occur which shall act to change the nonconforming use to other than a permitted use.
3. **Infringement upon Open Space Restricted:** No reconstruction of damaged or destroyed facilities utilized by a nonconforming use shall increase the extent of any infringement upon any open space required by this ordinance.
4. **Discontinuance:** When a nonconforming use of land or the active operation of substantially all the nonconforming uses in any building or other structure or tract of land is discontinued for a period of one (1) year, then the land or building or other structure shall thereafter be used only for conforming use. Intent to resume active operations shall not affect the foregoing provision.

6.030. EXCEPTIONS TO HEIGHT LIMITATIONS: The height limitations of this ordinance shall not apply to church spires, belfries, cupolas and domes not intended for human occupancy; monuments, water towers, transmission towers, windmills, chimneys,

smokestacks, conveyors, flag poles, radio towers, masts, silos and aerals.

6.040. LOTS OF RECORD: The following provisions shall apply to all existing lots of record:

1. Where the owner of a lot consisting of one or more adjacent lots of official record at the time of the adoption of this ordinance does not own sufficient land to enable him to conform to the yard or other requirements of this ordinance, an application may be submitted to the Board of Zoning Appeals for a variance from the terms of this ordinance. Such lot may be used as a building site, provided, however, that the yard and other requirements of the district are complied with as closely as in the opinion of the Board of Zoning Appeals as possible.
2. No lot which is now or hereafter built upon shall be so reduced in area that the yards and open space will be smaller than prescribed by this ordinance, and no yard, court, or open space provided around any building for the purpose of complying with the provisions hereof, shall again be considered as a yard, court, or other open space for another building.
3. Where two (2) or more lots of record with a continuous frontage are under the same ownership, or where a substandard lot of record has continuous frontage with a larger tract under the same ownership, such lots shall be combined to form one or more building sites meeting the minimum requirements of the district in which they are located.

6.050 EXCEPTIONS TO SETBACK REQUIREMENTS: The front setback requirement of this ordinance for dwellings shall not apply to any lot where the average depth of existing setbacks on the developed lots located within one hundred (100) feet on each side of such lot is less than the minimum required front yard depth. In such cases, the front yard setback may be less than required but not less than the average of the existing depth for front yards on developed lots within one hundred (100) feet on each side of the lot. In residential districts, however, the setback shall in no case be less than fifteen (15) feet from the street right-of-way line.

6.060 ABSOLUTE MINIMUM LOT SIZE: In no case shall the zoning administrator or the Tellico Plains Board of Zoning Appeals permit a residence to be erected on a lot whose width at the building line is less than seventy-five (75) feet and/or whose total lot area is less than seventy-five hundred (7,500) square feet.

ARTICLE 7 ADMINISTRATION AND ENFORCEMENT

SECTION

- 7.010 Administration of the Ordinance
- 7.020 The Enforcement Officer
- 7.030 Zoning Compliance Permit (Building Permits)
- 7.040 Temporary Use Permits
- 7.050 Board of Zoning Appeals
- 7.060 Variances
- 7.070 Procedure for Authorizing Special Exceptions
- 7.080 Amendments to the Ordinance
- 7.090 Zoning of Annexed Property
- 7.100 Penalties
- 7.110 Remedies
- 7.120 Validity
- 7.130 Interpretation
- 7.140 Effective date

7.010 ADMINISTRATION OF THE ORDINANCE: Except as otherwise provided, no structure or land shall after the effective date of this ordinance be used and no structure or part thereof shall be erected, altered, or moved unless in conformity with the regulations herein specified for the district in which it is located. In their interpretation and application, the provisions of this ordinance shall be considered minimum requirements adopted for the promotion of public health, safety, morals, convenience, order, prosperity, and general welfare of the community. Where other ordinances, resolutions, or regulations heretofore adopted, or which may be adopted hereafter impose greater restrictions than those specified herein, compliance with such other ordinances, resolutions, or regulations is mandatory.

7.020 THE ENFORCEMENT OFFICER: The provisions of this ordinance shall be administered and enforced by the Tellico Plains building official. In performance of administering and enforcing this Ordinance, they shall:

- A. Issue all building permits and make and maintain records thereof.
- B. Issue and renew, where applicable, all Temporary Use Permits and make and maintain records thereof.
- C. Maintain and keep current zoning maps and records of amendments thereto.
- D. Receive, file and forward to the Board of Zoning Appeals all matters or other matters on which the Board of Zoning Appeals is required to act under the provisions of this ordinance.
- E. Receive, file and forward to the Planning Commission all matters on which the Planning Commission is required to act under this ordinance.

7.030 ZONING COMPLIANCE PERMIT (SITE PERMITS): It shall be unlawful to commence the excavation for or the construction of any building or other structure, including accessory structures, to commence the moving or alteration of any structure, including expansion, including accessory structures, to use a building or structure, or to commence the filling of land without a permit therefore, issued by the zoning administrator. No site permit shall be issued by the zoning administrator, except in conformity with the provisions of this ordinance, unless there is received a written order from the Board of Zoning Appeals in the form of an administrative review, special exception, or variance as provided by this ordinance.

- A. **Application for a Site Permit:** Application for a site permit shall be made in writing to the zoning administrator on forms provided for that purpose. Applications for site permits will be accepted only from persons having legal authority to act in accordance with the permit. In general, this means that the application should be made by the owners or lessees of the property, or their agents, or persons who have contracted to purchase property contingent upon their ability to acquire the necessary permits under this ordinance, or the agents of such persons. The zoning administrator may require an applicant to submit evidence of their authority to submit the application for a site permit whenever there appears to be a reasonable basis for questioning this authority. All applications shall be complete before the zoning administrator is required to consider the application. It is not necessary that the application contain construction drawings to determine compliance with all the requirements of this ordinance, so long as the plans provide sufficient information to allow the zoning administrator to evaluate the application considering the substructure requirements set forth in this ordinance.
- B. **Site Plan Requirements:** Site plans containing the information required for the use by this section must be submitted to the zoning administrator at the time of an application for a building permit. It is specifically anticipated that the approval process for one and two-family detached houses shall be administratively approved by the zoning administrator. All other uses shall only be approved in the manner below.
- C. **Site Plans Required for All Multi-family Residential, Commercial or Industrial Buildings and Activities:** This procedure is to be utilized for all buildings and activities. Unless otherwise specified, the reviewing agency shall be the Tellico Plains Planning Commission. Proposals for planned developments and mobile home parks shall follow separate provisions outlined elsewhere in this ordinance, but such proposals shall also be reviewed by the Planning Commission. If no "actual construction" has begun in the development within two (2) years from the date of approval of the site plan, said approval of the site plan shall lapse and be of no further effect. The following information shall be included in the site plan:
 - 1. General Location Sketch Map at a scale not smaller than 1"=2,000', showing:
 - a. The approximate boundaries of the site.
 - b. External (public access streets or roads in relation to the site).
 - c. Surrounding development (i.e., general residential, commercial, and industrial areas) within the general vicinity of the site.
 - d. Any public water and sewer systems in relation to site.

2. Site plan prepared by a licensed engineer or surveyor at scale no smaller than 1"=100' showing:
 - a. The actual shape, location, and dimensions of the lot.
 - b. The shape, size, and location of all buildings or other structures already on the lot.
 - c. The existing and intended use of the lot and of such structures upon it, including, for residential activities, the number of dwelling units the buildings are intended to accommodate.
 - d. Topographic features, both existing and proposed, with contours at a vertical interval no greater than five (5) feet.
 - e. Location of all driveways and entrances.
 - f. Location of all accessory off-street parking areas to include a plan showing design and layout of such parking facilities where five (5) or more accessory off-street parking spaces are to be provided. (Dimensions shall be shown.)
 - g. Location of all accessory off-street loading berths.
 - h. Location of open space.
 - i. Proposed ground coverage, floor area, and building heights.
 - j. Position of fences and walls to be utilized for screening (materials specified).
 - k. Position of screen planting (type of planting specified).
 - l. Proposed means of surface drainage, including all drainage ways and facilities.
 - m. Location of all easements and rights-of-way.
 - n. Location of areas subject to flooding.
 - o. Location and size of all utilities including all fire hydrants.
 - p. Location, type, and size of proposed signs.

D. **Issuance of Permit:** If the proposed excavation, construction, moving, or alteration asset forth in the application is in conformity with the provisions of this ordinance, the zoning administrator shall issue a building permit for such excavation or construction. If an application for a site permit is not approved, the building official shall state in writing on the application the cause for such disapproval. Issuance of a permit shall in no case be construed a waiving of any provisions of this ordinance.

E. **Construction Progress:** Any building permit issued becomes invalid if work authorized is not commenced within six (6) months of the date of issuance or if the work authorized by the permit is suspended or discontinued for a period of one (1) year.

7.040 TEMPORARY USE PERMITS: It shall be unlawful to commence construction or development of any use of a temporary nature unless a permit has been obtained from the zoning administrator, as provided for in Article IV, Section 4.030, of this ordinance. Application for a Temporary Use Permit shall be made in writing to the zoning administrator on the form provided for that purpose.

7.050 BOARD OF ZONING APPEALS: The Tellico Plains Board of Zoning Appeals (hereafter referred to as the BZA) is hereby established in accordance with 13-7-205 through 13-7-207, of the Tennessee Code. The BZA shall consist of the members of the Planning Commission. Vacancies shall be filled for an unexpired term in the same manner as the case of original appointment.

A. **Procedure:** Meetings of the BZA shall be held at the call of the chairman, and at such other times as the BZA may determine. Such chairman, or in their absence, the vice-

chairman, may administer oaths and compel the attendance of witnesses. All meetings of the BZA shall be open to the public. The BZA shall adopt rules of procedure and shall keep records of applications and action taken thereon. The records and minutes shall be filed in the Town Hall and shall be a public record.

- B. **Appeals to the BZA:** An appeal to the BZA may be taken by any person, firm, or corporation aggrieved by any governmental office, department, board, or bureau affected by any decision of the Zoning Administrator based in whole or in part upon the provisions of this ordinance. Such appeal shall be taken by filing with the BZA a notice of appeal specifying the grounds thereof. The zoning administrator shall transmit to the BZA all papers constituting the record upon which the action appeals were taken. The BZA shall fix a reasonable time for the hearing of the appeal, give public notice thereof, as well as due notice to the parties in interest, and decide the same within a reasonable time. Upon the hearing, any person or party may appear in person, by agent, or by attorney.

C. **Powers of the BZA:**

1. **Administrative Review:** To hear and decide appeals where it is alleged by the appellant that there is error in any order, requirement, permit, decision, determination or refusal made by the Zoning Administrator or other administrative official in the carrying out of enforcement of any provision of this ordinance.
2. **Special Exceptions:** To hear and decide applications for special exceptions as specified in this ordinance, hear requests for interpretation of the zoning map, and for decision on any special questions upon which the BZA is authorized to pass.
3. **Variances:** To hear and decide applications for variances from the terms of this ordinance.

D. **Rules and Regulations of the BZA:** The BZA shall adopt rules for the conduct of its meetings. Such rules shall at the minimum require that:

1. The presence of three (3) members of the BZA shall constitute a quorum and the majority vote of three (3) members of the BZA shall be necessary to deny or grant any application before the BZA.
2. No action shall be taken by the BZA on any case until after a public hearing and notice thereof. Said notice of public hearing shall be a legal notice published in a newspaper of general circulation in Tellico Plains, at least seven (7) days before the hearing of an appeal. No appeal shall be considered and heard by the BZA less than fifteen (15) days after filing such appeal. If new information is uncovered regarding an action of the BZA that could not have been reasonably presented in a public hearing before the BZA, the BZA shall establish a date for the purpose of rehearing in accordance with the appropriate procedures herein.
3. The BZA may call upon any other office or agency of the Town government for information in the performance of its duties and it shall be the duty of such other agencies to render such information to the BZA as may be reasonably required.
4. Any officer, agency, or department of the Town or other aggrieved party may appeal any decision of the BZA to a court of competent jurisdiction as provided for by State law.

5. Any decision made by the BZA on a special exception shall indicate the specific section of this ordinance under which the permit is being considered and shall state clearly the specific conditions imposed in granting such permit.
6. Appeals will be assigned for hearing in the order in which they appear on the calendar thereof, except that appeals may be advanced for hearing by order of the BZA, good, and sufficient cause being shown.
7. At the public hearing of the case before the BZA, the appellant shall appear in his own behalf or be represented by counsel or agent. The appellant's side of the case shall be heard first and those in objection shall follow. To maintain orderly procedure, each side shall proceed without interruption from the other.

E. **Re-hearings:** No rehearing of the decision by the BZA shall be had except on motion to reconsider the vote; or on a written request for a hearing. If the motion to reconsider receives a majority affirmative vote, the BZA may vote on the motion to grant the request for a rehearing, subject to such conditions as the BZA may, by ordinance in each case, stipulate. No request to grant a rehearing will be entertained unless new evidence is submitted which could not reasonably be presented at the previous hearing. If the request for a rehearing is granted, the case shall be put on the calendar for a rehearing. In all cases, the request for a rehearing shall be in writing, reciting the reasons for the request and shall be duly verified and accompanied by the necessary data and diagrams. The persons requesting the rehearing shall be notified to appear before the BZA on a date to be set by the BZA. No rehearing for a variance shall be granted an applicant found by a court of competent jurisdiction to be in willful violation of the express provisions of a prior variance granted under the authority of this Article.

7.060 VARIANCES: The purpose of this procedure is to modify the strict application of the specific requirements of this ordinance in the case of exceptionally irregular, narrow, shallow, or steep lots, or other exceptional physical conditions, whereby such strict application would result in practical difficulty or unnecessary hardship. The variance shall be used only where necessary to overcome some obstacle which is preventing an owner from using his property under this ordinance.

1. **Application:** After written denial of a permit, a property owner may make application for a variance, using any form which might be made available by the BZA.
2. **Hearing:** Upon receipt of an application the BZA shall hold a hearing to decide whether a variance to the ordinance provisions is, in fact, necessary to relieve unnecessary hardship. The BZA shall consider and decide all applications for variances within thirty (30) days of such hearing and in accordance with the standards provided below. A fee shall be charged to cover review and processing of each application for a variance, except that the fee shall be waived for a governmental agency.
3. **Standards for Variances:** The BZA shall not grant a variance except where special circumstances or conditions, fully described in the findings of the BZA, do not apply generally in the district. The burden of showing that the variance should be granted shall be upon the

person applying for the variance. In granting a variance, the BZA shall ascertain that the following criteria are met:

- a. The physical surroundings, shape, topographic condition of the specific property involved that would result in a particular hardship upon the owner as distinguished from a mere inconvenience, if the strict application of this ordinance were carried out must be stated.
- b. The conditions upon which the petition for a variance is based would not be applicable, generally, to other property within the same district.
- c. The granting of the variance requested will not confer on the applicant any special privilege that is denied by this ordinance to other land structures, or buildings in the same district.
- d. Financial returns only shall not be considered as a basis for granting a variance.
- e. The variance is the minimum variance that will relieve such difficulties or hardship and thereby make possible the reasonable use of the land, building, or structure.
- f. The variance will not authorize activities, otherwise, excluded from the district in which requested.
- g. That the granting of the variance will not be detrimental to the public welfare, injurious to other property or improvements in the area in which the subject property is located, or a substantial impairment to the intent and purpose of the zoning district wherein such property is located or of the general provisions of this ordinance.
- h. That the proposed variance will not impair an adequate supply of light and air to the adjacent property, or substantially increase the congestion in the public streets, or increase the danger of fire, or endanger the public safety.
- i. That the alleged difficulty or hardship has not been knowingly and intentionally created by any person having an interest in the property after the effective date of this ordinance.

4. Restrictions and Variances

1. No nonconforming use of neighboring lands, structures, or buildings in the same district, and no permitted or nonconforming use of lands, structures, or buildings in other districts shall be considered grounds for the issuance of a variance.
2. Under no circumstances shall the BZA grant a variance to allow a use not permissible
3. under the terms of this ordinance in the district involved, or any use expressly or by implication prohibited by the terms of this ordinance in said district.
4. The BZA may impose such conditions and restrictions upon the premises benefitted by a variance as may be necessary to comply with the provisions set out in 7.060, C, above, to reduce or minimize the injurious effect to such variation upon surrounding property and better carry out the general intent of this ordinance. The BZA may establish expiration dates as a condition or as a part of any variances.

7.070 PROCEDURE FOR AUTHORIZING SPECIAL EXCEPTIONS: The following procedure is established to provide procedures for review of a proposed use as a conditional use or special exception by the BZA. The procedure shall be the same whether review is required by this ordinance or whether a review is requested by the Zoning Administrator to determine whether a proposed use is potentially noxious, dangerous or offensive.

1. **Application:** An application shall be filed with the BZA for review. Said application shall show the location and intended uses of the site, the names of the property owners, existing

land uses within two hundred (200) feet, and any other material pertinent to the request which the BZA may require.

2. **Restrictions:** In the exercise of its approval, the BZA may impose such conditions upon the proposed uses of buildings or land as it may deem advisable in the furtherance of the general purposes of this ordinance.
3. **Validity of Plans:** All approved plans, conditions, restrictions, and rules made a part of the approval of the BZA shall constitute certification on the part of applicant that the proposed use shall conform to such regulations at all times.
4. **Time Limit:** All applications reviewed by the BZA shall be decided within sixty (60) days of the date of application, and the applicant shall be provided with either a written notice of approval or denial.
5. **General Requirements:** A special exception shall be granted provided the BZA finds that the activity (1) Is so designed, located, and proposed to be operated so that the public health, safety, and welfare will be protected; (2) will not adversely affect other property in the area in which it is located; (3) is within the provision of "Special Exceptions" as set forth in this ordinance; and (4) conforms to all applicable provisions of this ordinance for the district in which it is to be located and is necessary for public convenience at that location.
6. **Special Exceptions Appeals:** Any person or agency of the Town government may appeal to a court of competent jurisdiction from the BZA's decision as provided under statutes of the State of Tennessee. The judgement and findings of the BZA on all questions of fact that may be involved in any appeal, cause, hearing or proceeding under this Article shall be final, and subject to review only for illegality or want of jurisdiction.
7. **Specific Standards for Residential Activities:** A special exception shall not be granted for the residential activities specified below unless the standards established there are met as a part of the conditions for issuing such permit in the applicable zone districts.
 - A. **Special Conditions for Multi-Family Dwelling and Mobile Home Park Activities:** In addition to the standards contained elsewhere in this ordinance for these type developments, the BZA shall specifically find that there will be no adverse impact upon adjoining properties or the neighborhood in which such use is proposed. In making this finding, the BZA shall consider the effect upon traffic congestion, overcrowding of schools' availability of necessary public utilities, and character of adjoining structures, and suitability of the site for the use and such other factors as the BZA may deem necessary.
 - B. **Special Conditions for Residential Dwellings in Commercial Districts** The following conditions shall apply to commercial buildings. The minimum floor area for a residential dwelling unit in a commercial building actively being used as a business and occupied by the owner or operator of the business enterprise shall be a minimum of five hundred (500) square feet to a maximum of fifty percent (50%) of total floor area.
 1. Only one (1) dwelling unit shall be created within any one (1) building.
 2. The dwelling unit shall be designed so that the appearance of the building remains unchanged. Any new entrances shall be located on the side or in the rear of the

building.

3. Additional parking for the dwelling unit shall comply with the requirements for parking as provided in this ordinance.

C. Specific Standards for Community Facility Activities: In addition to the requirements of the applicable district and the general requirements set forth above, a special exception shall be granted for the community facility activities specified below only when the standards established are met as part of the condition for issuing the permit in the applicable zoning district.

D. Special Conditions for Administrative Services

1. There must be a demonstrated need for such activities to serve the neighborhood or the total community.
2. All lot, yard, and bulk regulations of the zone district shall apply.
3. Appropriate off-street parking requirements shall apply.
4. Fencing, screening and landscaping shall be provided as appropriate to protect surrounding properties and reduce any potential adverse impact.
5. The site and architectural plans shall be approved by the Planning Commission.

E. Day Care Centers: Day Care Home and Group Home

1. All public utilities and sanitary sewers shall be available and connected to the site unless the site is over one (1) acre in size. The fire department shall approve the facility for safety.
2. All requirements of the State of TN that pertain to the use shall be met.
3. An outdoor play area of at least two hundred (200) square feet per child in size shall be available and shall be fenced.
4. The facility shall be located to be compatible with the surrounding area and provide safety to those using the facility.
5. Fencing, screening, and landscaping shall be provided as appropriate to protect the surrounding area.

6. **Day Care Center:** No such facility shall be permitted on a lot unless such lot contains at least one (1) acre.

7. Special Conditions for All Other Personal and Group Care Activities

- A. No such facility shall be permitted on a zone lot unless it contains a minimum of one (1) acre.
- B. All bulk regulations of the district shall be met.
- C. The requirements of the accessory off-street parking regulations of this ordinance shall apply.
- D. All regulations of the State of Tennessee shall be met.
- E. All public utilities shall be available and connected to the site, and the site and architectural plans for such a facility be approved by the Planning Commission considering the above conditions as well as any other pertinent factors.
- F. Enclosed waste disposal area shall be identified on site.

- F. **Specific Standards for Agricultural and Extractive Activities:** A special exception permit shall not be granted for the agricultural and extractive activity specified below unless the standards established therein are met as a part of the conditions for issuing such permit in the applicable zone districts.

1. Special Conditions for Mining and Quarrying Activities

- a. The location of such an activity shall be in an area sparsely developed during the length of time the mining or quarrying activity is anticipated.
- b. Any permit issued hereunder shall be based on a site plan or other documents submitted with an application which shall provide for the following:
 - i. Existing contours of the site and up to one hundred (100) feet beyond the site boundary. Contour intervals shall be at two (2) foot intervals.
 - ii. Location of the area in which the proposed quarrying activity is to be conducted.
 - iii. Location of all proposed buildings, crusher and screening equipment, roadways and other facilities proposed on the site.
 - iv. Proposed method of drainage of the quarry area.
 - v. Proposed fencing of the quarry area. Fencing shall be provided around all open excavations
 - vi. Methods proposed for blasting. Open blasting commonly referred to as "pop shots" shall be prohibited.
 - vii. Methods proposed to control noise, vibration and other particulate matter.
 - viii. Finished contours of the site after the quarrying operation has been terminated. The site shall be graded and/or filled to be in substantial conformity with the topography of the surrounding lands. All fill material shall be nontoxic, nonflammable, and noncombustible solids. All areas that are backed-filled shall be left so that adequate drainage is provided.
- c. Approval for mining and quarry activity may also include accessory concrete batching plants, asphaltic cement mixing plants and/or rock crushing activities on the same zone lot or adjoining zone lots which may have directly opposing frontages on the same public street. If such accessory activities are included on the quarry site, the total site must meet all the special condition requirements for mining and quarrying activities; however, in conditions of multiple zone lots, the outer perimeter of the site shall be considered the lot line.
- d. Before issuing a permit the BZA shall require the owner of the quarry facility to execute a bond in an amount to be determined by the Planning Commission per acre of active quarry throughout a five (5) year period to restore the lands in the manner prescribed herein, including the removal of all structures and machinery.
- e. Any permit issued hereunder shall not be for a period exceeding five (5) years. After the expiration date of such special permit, the BZA may review and grant an extension of time in the manner and procedure as prescribed for an original application.
- f. The site plan is first approved by the Planning Commission taking into account the above conditions as well as any other factors related to the use and operation of such facilities.

- G. **Specific Standards for Manufacturing Activities:** A special exception permit shall not

be granted unless the standards below are met:

1. The activity takes place in completely enclosed buildings.
2. Access for heavy trucks and employees are from a major thoroughfare or industrial access road from a major thoroughfare with residential streets unaffected.
3. State permits for air pollution standards, ground water and emissions must be obtained and kept up-to-date.
4. The site plan is first approved by the Planning Commission considering factors related to the use and operation of the facility.

7.080 AMENDMENTS TO THE ORDINANCE: The regulations, restrictions, and boundaries set forth in this ordinance may from time to time be amended, supplemented, changed, or repealed by the Tellico Plains Board of Mayor and Aldermen. Any member of the Board of Mayor and Aldermen may introduce such legislation, 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. No amendment to this ordinance shall become effective unless it is first submitted to the Tellico Plains Planning Commission for review and recommendation. The Planning Commission shall have sixty (60) days within which to submit its recommendation to the Board of Mayor and Aldermen. If the Planning Commission disapproves the amendment, it shall require the favorable vote of a majority of the Board of Mayor and Aldermen to become effective. If the Planning Commission fails to submit a report within the sixty (60) day period, it shall be deemed to have approved the proposed amendment. No change or departure from the text or maps as certified by the Planning Commission shall be made, unless such change or departure be first submitted to the Planning Commission and approved by it, or, if disapproved, received the favorable vote of a majority of the entire membership of the Board of Mayor and Aldermen. Before finally adopting any such amendment, the Board of Mayor and Aldermen shall hold a public hearing thereon, at least fifteen (15) days' notice of the time and place of which shall be given by at least one (1) publication in a newspaper of general circulation in the Town; and any such amendment shall be published at least once in the official newspaper of the Town or in a newspaper of general circulation in the Town. A fee due and payable at the time of filing of petition shall be posted with requests to amend a provision or provisions of this zoning ordinance. The fee is to be used by Tellico Plains to defray costs resulting from such petition and any subsequent amendment of the zoning ordinance.

7.090. Application for Rezoning: A proposed change of zoning district boundaries shall be initiated by the filing of an application with the Tellico Plains Planning Commission. Said application shall contain:

- A. The name and address of the owner and/or owners of the subject property(ies) and the written certification of the authorized agent.
- B. A written legal description of the subject property(ies) including the Bedford
- C. County Tax Plat number and acreage.
- D. A description of the proposed zone changes, modification or repeal together with written justifications for the requested zone changes.
- E. The names and addresses of the adjacent property owners including those property
- F. owners across streets, roads, highways, and/or railways, and waterways which border the applicant's property(ies).
- G. Eight (8) copies of a map depicting the property(ies) requested for rezoning. These maps shall be at a scale of no less than 1"=100' and no larger than 1"=30' and show the

following information:

- a. Title, north arrow, graphic scale, date, civil district, and the acreage of the
 - b. property to be rezoned.
 - c. Dimensions in feet of property(ies) to be rezoned.
 - d. All roads and easements within or adjoining property(ies) to be rezoned.
 - e. Location, size, type, and current use of any building(s) on the property(ies) requested for rezoning.
- H. The applicant shall be required to pay a fee for a notification sign to be placed on property to be required fourteen (14) days prior to consideration of the Planning Commission Meeting and will remain in place until action by the Board of Mayor and Aldermen.
- I. With the application submitted to Tellico Plains Town Hall, the applicant shall provide to the Town evidence that all property owners adjoining the property to be rezoned have been notified of the request. This shall be accomplished by the applicant sending by United States Postal Service a letter with Return Receipt Requested, signature required, with the return address being Tellico Plains Town Hall. Applicant shall provide a copy of the letter and a list of recipients and their addresses to the Town with the application.
- J. All return receipts must be received seven (7) days before the day of the Planning Commission meeting during which the application is to be heard. The letter sent to adjoining property owners shall include the following information:
- K. Address of property to be rezoned.
- a. Explanation of the current zoning and the desired zoning.
 - b. Date, time and location of the Planning Commission during which the application will be heard.
 - c. The phone number of Town Hall where letter recipients may call with questions or concerns.
- L. If any of the required provisions are not completed by the date specified, the application for rezoning shall be considered incomplete and will not be placed on a Planning Commission agenda until all provisions of this Section are completed.

7.100 ZONING OF ANNEXED PROPERTY: The Planning Commission shall recommend a proposed zoning classification for all property to be annexed by the Town. No building permits shall be issued for 90 days after the effective date of any annexation unless such property has been given a zoning classification by the Tellico Plains Board of Mayor and Aldermen. If the Tellico Plains Board of Mayor and Aldermen does not assign a zoning classification, the default zone should be the lowest density residential zone.

7.110. REMEDIES: In case any building or other structure is erected or in the process of being erected, altered, repaired, converted, or maintained, or any building, structure, or land is used in violation of this ordinance, the Zoning Administrator or any other appropriate authority, or any adjacent or neighboring property owner who would be specifically damaged by such violation, may institute an injunction, mandamus, or other appropriate remedy or proceeding to prevent such unlawful erection, construction, reconstruction, alteration, repair, conversion, maintenance, or use, as well as correct such violation, or to prevent occupancy of such building, structure, or land.

7.120. VALIDITY: Should any section, clause, or provision of this ordinance be declared by

a court of competent jurisdiction to be unconstitutional or invalid, this judgement shall not affect the validity of this ordinance or any other part of this ordinance be judged invalid or unconstitutional.

7.130. INTERPRETATION: Whenever the conditions of this ordinance are less restrictive than comparable conditions imposed by any other provision of this ordinance or any other ordinance, the more restrictive provisions shall govern.

7.140. EFFECTIVE DATE: This ordinance shall take effect from and after the effective date of its passage and publication as required by law, the public welfare requiring it.