

**ZONING RESOLUTION**

**FOR**

***SEVIER COUNTY,  
TENNESSEE***

Effective September 1, 2006

## TABLE OF CONTENTS

<b><u>ARTICLE I - INTRODUCTION</u></b>	<b>1</b>
101. Title	1
102. Purpose	1
103. Authority	1
103.1. Effect	1
103.2. Jurisdiction	1
<b><u>ARTICLE II - DEFINITIONS</u></b>	<b>2</b>
201. Definitions	2
<b><u>ARTICLE III - GENERAL PROVISIONS</u></b>	<b>6</b>
301. Continuance of Nonconforming Uses and Structures	6
302. Flood Protection	6
303. Site Plan Requirements for Commercial, Industrial, Multi-Family, Public, and Semi-Public Uses	6
303.1. Guidelines for Submission	7
303.2. Site Plan Design Standards	7
303.3. Site Plan Standards for Single-Family and Two-Family Residences	8
304. Storm Water Runoff Design Standards	8
305. Off-Street Vehicle Parking	8
305.1. Parking Space Requirements	8
305.2. Parking Lot Design	9
306. Driveways	10
307. Vision Clearance for Traffic	10
308. Signs	10
309. Manufactured Residential Home Park Standards	11
310. Planned Unit Development (PUD) Regulations	12
310.1. Applicability of PUD Regulations	12
310.2. General Requirements	12
310.3. Guidelines for Submission	13
311. Standards for Junkyards, Salvage Yards, and Dumps	14
312. Development Standards for Telecommunications Towers	14
312.1. Purpose	14
312.2. Development of Towers	15
<b><u>ARTICLE IV - APPLICATION OF REGULATIONS</u></b>	<b>17</b>
401. Zoning Affects Every Building and Use	17
402. Customary Home Occupations	17
403. Lots of Record	17
404. Conformity to Beer Resolution	17
405. Conflict with Other Regulations	17

<b><u>ARTICLE V - ZONING DISTRICTS</u></b>		<b>18</b>
501.	Classification of Districts	18
502.	A-1 Agricultural District	18
	502.1. Intent and Purpose	18
	502.2. Uses Permitted	18
	502.3. Uses Prohibited	19
503.	R-1 Rural Residential District	19
	503.1. Intent and Purpose	19
	503.2. Uses Permitted	19
	503.3. Uses Prohibited	19
504.	R-2 High Density Residential District	19
	504.1. Intent and Purpose	19
	504.2. Uses Permitted	19
	504.3. Uses Prohibited	20
505.	C-1 Rural Commercial District	20
	505.1. Intent and Purpose	20
	505.2. Uses Permitted	20
	505.3. Uses Prohibited	20
506.	C-2 General Commercial District	20
	506.1. Intent and Purpose	20
	506.2. Uses Permitted	20
	506.3. Uses Prohibited	21
507.	I-1 Industrial District	21
	507.1. Intent and Purpose	21
	507.2. Uses Permitted	21
	507.3. Uses Prohibited	21
	507.4. Industrial Performance Standards	22
<b><u>ARTICLE VI - AREA, YARD, AND HEIGHT REQUIREMENTS</u></b>		<b>23</b>
601.	Minimum Building Setback Lines	23
602.	Lot Area Requirements	23
	602.1. Lot Area Requirements, by Zoning District	23
	602.2. Lot Area Requirements, by Utility Availability for C-1 and C-2 Districts	24
603.	Lot Frontage Requirements	24
604.	Height Restrictions	24
	604.1. Exceptions to Height Restrictions	24
	604.2. Building Height Restrictions, by Zoning District	24
<b><u>ARTICLE VII - ADMINISTRATION AND ENFORCEMENT</u></b>		<b>25</b>
701.	Zoning Compliance/Building Permits	25
702.	Enforcement Officer	25
703.	Permit Denial	25
704.	Stop Work Orders	25
705.	Time Limits	25
706.	Penalties	25

**ARTICLE VIII - BOARD OF ZONING APPEALS** **26**

801. Creation 26

802. Appeals 26

803. Powers of the Board 26

804. Special Exception and Variance Hearing 26

**ARTICLE IX - AMENDMENTS AND INTERPRETATION** **27**

901. Amendments 27

902. Interpretation 27

903. Severability 27

904. Effective Date 27

## ARTICLE I - INTRODUCTION

- 101. Title**
- 102. Purpose**
- 103. Authority**

**101. Title.** This resolution shall be known as the Zoning Resolution of Sevier County, Tennessee and the zoning map shall be referred to as the Zoning Map of Sevier County, Tennessee.

**102. Purpose.** The purposes of this Resolution are consistent with authority in state statutes, to promote the health, safety, convenience, order, prosperity, and welfare, of both the present and future residents of Sevier County. To attain this purpose, the code contains regulations conducive to the following; a less congested and more efficient transportation system, safety from fire, adequate light and air for buildings, structures, and their inhabitants. Furthermore, the purposes of this Resolution are to further and implement any plans adopted by Sevier County, and to be consistent with any growth plan adopted under provisions of Public Chapter 1101 of 1998, under provisions of Tennessee Code Annotated Section 6-58-101, et, seq.

**103. Authority.** The authority to adopt and to amend this resolution and the zoning map is provided by Tennessee Code Annotated Sections 13-7-101 through 13-7-117.

**103.1. Effect.**

Except as hereinafter it is unlawful to erect, construct, reconstruct, alter, maintain, or use any building or structure or to use any land in violation of any regulation in any provision of any ordinance or any amendment thereof enacted or adopted by any county legislative body under the authority of this part unless conforming with all applicable provisions of this resolution.

**103.2. Jurisdiction.**

This resolution shall be effective throughout the entire area of Sevier County, Tennessee excepting all incorporated areas, the Gatlinburg Planning Region, and the Great Smoky Mountains National Park.

## ARTICLE II - DEFINITIONS

### 201. Definitions

**201. Definitions.** Unless otherwise stated, the following words shall, for the purpose of this ordinance, have the meaning herein indicated. Words used in the present tense include the future tense. The singular number includes the plural and the plural the singular. The word “shall” is mandatory, not directory. The words “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.

*Accessory Use.* The term applies to a building, structure or use that is:

- a. subordinate to and serves a principal building or principal use;
- b. subordinate in area, extent, or purpose to the principal building or principal users or occupants of the principal building principal use; and
- c. located on the same lot as the principal building or principal use.

*Adult Oriented Business.* An adult oriented business is one in which at least twenty-five (25) percent of the floor stock merchandise, whether printed, video, or sexual devices, are oriented toward the adult population. Said merchandise generally depicts male or female genitalia and/or breasts and/or sexual acts.

*Buffer.* An area of land undeveloped except for landscaping, fences, etc. used to protect a use situated on one (1) lot from the deleterious effects of the use on the adjacent lot.

*Building.* A structure built for the support, shelter, or enclosure of persons, animals, chattels, or property of any kind.

*Building Height.* The vertical distance measured from the base of a building to the highest point of the roof.

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

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

*Building Setback Line, Rear.* A line indicating the minimum allowable distance between the rear property line and a building on a lot. The rear setback line extends the full width of the lot.

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

Condominium. The ownership of single units in a multiple unit structure or structures with common elements.

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

Day Care Center. An establishment which receives for care and supervision six (6) or more children or adults for less than twenty-four (24) hours per day unattended by parent or legal guardian, and shall include day nurseries, child or senior adult day care services, connected to the required utilities.

Dwelling Unit. One or more rooms designed as a unit for occupancy as living quarters for sleeping and cooking purposes.

- a. Dwelling, Multi-Family. A building designed, constructed or reconstructed and used for more than two dwelling units, with each dwelling unit having a common structural wall with any other dwelling on the same floor.
- b. Dwelling, Single Family. A building designed, constructed or reconstructed and used for one dwelling unit.
- c. Dwelling, Two Family or Duplex. A building designed, constructed, or reconstructed and used for two dwelling units that are connected by a common structural wall.

Flea Market. An occasional or periodic market held in an open area or structure where goods are offered for sale to the general public by individual sellers from open or semi-open facilities or temporary structures.

Flood. A temporary condition of partial or complete inundation of dry land areas from the overflow of water from streams or rapid accumulation or runoff or surface water from any source.

Floor Area. The total area of all floors of a building, including a finished attic and finished basement.

Junkyard. In concert with *Tennessee Code Annotated* Section 54-20-103: an establishment or place of business which is maintained, operated, or used for storing, keeping, buying, or selling junk, or for the maintenance or operation of an automobile graveyard. Includes scrap metal processors, used auto parts yards,

yards providing temporary storage of automobile bodies or parts awaiting disposal as a normal part of the business operation.

Landscaping. The planting and maintenance of trees, shrubs, and other ground cover or materials, provided that terraces, fountains, retaining walls, street furniture, sculptures, or other objects, and similar accessory features may be considered as landscaping if integrally designed.

Local Collector. A street that collects traffic from local streets and whose adjacent land use is primarily residential in nature.

Local Street. A street designed to provide vehicular access to abutting property and to discourage through traffic.

Lot. A parcel of land which fronts on and has access to either a public street, private street, or private easement; and which is occupied or intended to be occupied by a building or buildings with customary accessories and open spaces.

Lot of Record. A lot existing prior to this resolution, the boundaries of which are filed as legal record.

Major Collector. A street that collects traffic from local collectors and connects with arterial roads.

Manufactured Residential Dwelling. A factory-built, single-family structure that is manufactured under the authority of 42 U.S.C. Sec. 5401 (*The National Manufactured Home Construction and Safety Standards Act*) and is used as a place of human habitation, defined by *Tennessee Code Annotated* Section 68-126-202 as a structure built on a permanent chassis with or without a foundation, connected to the required utilities, and including the plumbing, heating, air conditioning, and electrical systems contained therein.

Medical Office. The office of a doctor, physician, dentist, or other similar profession.

Motor Vehicle. Any self-propelled vehicle designed primarily for transportation of persons or goods along public roads or other public ways.

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

Place of Worship. A building used for public worship by a congregation, excluding buildings used exclusively for residential, educational, or recreational uses not normally associated with worship. Such buildings include churches, chapels, cathedrals, temples, and similar places.

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

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

Public Use. A use designed to service members of the community, such as schools, libraries, post offices, community centers, governmental offices, and facilities for emergency services.

Personal Service. An establishment or place of business primarily engaged in the provision of frequent or recurrent needed services of a personal nature, such as beauty and barber shops, shoe repair shops, and tailor shops.

Professional Services. An office providing the services of an attorney, architect, engineer, accountant, or other similar profession.

Retail Trade and Service. An establishment engaged in selling goods and/or offering services to the general public for personal, small business, or household use or consumption.

Rural Business. A rural business shall be a small office or small-scale retail sales or service type business. Such businesses shall be primarily directed toward providing local or neighborhood services to rural-residential areas. Rural businesses are intended to be of smaller size, intensity and scale than commercial uses, which would be more commonly found in commercial zoning districts. Rural businesses shall be similar to home occupations except that the activity can occur in an accessory structure detached from the principal residence.

Sign. Any device that is located with the intent to be visible to persons not located on the lot, and is designed to attract the attention of such persons or to communicate information to them.

Single-wide Mobile Home. A mobile home mounted on a single chassis and designed for transportation after fabrication on streets or highways on its own wheels.

## ARTICLE III – GENERAL PROVISIONS

- 301. **Continuance of Nonconforming Uses and Structures**
- 302. **Flood Protection**
- 303. **Site Plan Requirements for Commercial, Industrial, Multi-Family, Public, and Semi-Public Uses**
- 304. **Storm Water Runoff Design Standards**
- 305. **Off-Street Vehicle Parking**
- 306. **Driveways**
- 307. **Vision Clearance for Traffic**
- 308. **Signs**
- 309. **Manufactured Residential Park Standards**
- 310. **Planned Unit Development (PUD) Regulations**
- 311. **Standards for Junkyards, Salvage Yards, and Dumps**
- 312. **Development Standards for Telecommunications Towers**

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

1. Any nonconforming commercial, industrial, or other business establishment may continue to operate provided no change in the use of the land is undertaken. Such establishments shall be allowed to expand, construct additional facilities, or reconstruct facilities on the property owned by the establishment provided that there is a reasonable amount of space to avoid nuisances to adjacent property owners and no change in the use of the land is undertaken. However, the expansion of said establishments through the acquisition of additional land is prohibited.
2. No commercial or industrial nonconforming use may be reestablished once it has been discontinued for more than thirty (30) months as per *Tennessee Code Annotated* Section 13-7-208.

**302. Flood Protection.** All development in designated flood hazard areas shall be constructed so that the finished floor elevation is at least one (1) foot above the one hundred (100) year flood elevation as denoted by the Flood Insurance Rate Map Panels 470236 0001-0225 (effective June 15, 1984). In no instance shall a building or structure be located within ten (10) feet of an established floodway. On any stream without an established floodway, no building or structure shall be permitted within ten (10) feet of the top of the bank of the stream.

**303. Site Plan Requirements for Commercial, Industrial, Multi-Family, Public, and Semi-Public Uses.** A site plan must be submitted to the planning commission for any

commercial, industrial, multi-family, public, or semi-public construction proposed in Sevier County.

### **303.1. Guidelines for Submission.**

1. *Submission Deadline.* The site plan shall be submitted to the planning commission of jurisdiction at least fifteen (15) days prior to the meeting at which it is to be reviewed.
2. *Preparation.* All site plans shall be professionally prepared and certified by a licensed surveyor, engineer, architect, and/or landscape architect.
3. *Expiration.* Approval of a site plan will expire within six (6) months after the date of its approval, unless a building permit has been issued within that period for the proposed development.

### **303.2. Site Plan Design Standards.**

1. *Boundaries.* Accurately plot locations and dimensions of all property lines, building setbacks, rights-of-way, and easements on or bounding the site.
2. *Location.* Display location map of the site along with a north arrow.
3. *Scale.* The site plan shall be drawn at an appropriate scale not less than one inch equals thirty feet (1" = 30') unless the site contains ten (10) acres or more, then the site plan may be drawn at a scale of not less than one inch equals sixty feet (1" = 60').
4. *Site.* Depict accurate location and dimensions of all existing and proposed structures, signs, driveways, parking areas, loading areas, landscaping, buffering, utility connections, drainage ways, drainage structures, and other relevant natural or manmade elements that may affect site design or layout.
5. *Topography.* Provide a topographic map at contour intervals of no less than two (2) feet.
6. *Drainage.* Incorporate a drainage plan with calculations of discharge and plans for discharge and detention in conformance with the Stormwater Ordinance of Sevier County, Tennessee. This drainage plan should conform to Section 304 of this zoning resolution.
7. *Erosion Control.* Incorporate an erosion control plan compliant with the Stormwater Ordinance of Sevier County, Tennessee.
8. *Area Subject to Flood.* The limits of the 100-year floodplain shall be shown in accordance with the provisions of Section 302.

9. *Ingress and Egress.* Detail location and dimensions of all entrances and exits onto any public or private thoroughfare, in conformity with all applicable provisions of this zoning resolution.
10. *Landscaping.* Include a landscaping plan if the site requires buffering from adjacent uses. The landscaping plan shall include minimum standards, width, number of trees, shrubs, and grass as a function of parking and building areas.

**303.3. Site Plan Standards for Single-Family and Two-Family Residences.**

A sketch plan shall be submitted to the zoning compliance officer for construction of single-family or two-family residences. This sketch plan shall note the dimensions of the structure in relation to property lines, easements, and setbacks.

**304. Storm Water Runoff Design Standards.** Stormwater runoff design plans shall conform with the Stormwater Ordinance of Sevier County, Tennessee.

**305. Off-Street Vehicle Parking.** Off-street automobile parking is required for all uses in all zoning districts.

**305.1. Parking Space Requirements.**

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

1. *Automotive Services.* One (1) space per three hundred (300) square feet of floor space.
2. *Assembly Halls.* One (1) space per twenty-five (25) square feet in the main assembly room.
3. *Churches.* One (1) space per four (4) seats.
4. *Clubs and Lodges.* One (1) space per three hundred (300) square feet of floor space.
5. *Dwelling, Multi-family.* Minimum 1.5 spaces per dwelling unit.
6. *Dwelling, Single Family and Duplexes.* Two (2) spaces per dwelling unit.
7. *Eating and Drinking Establishments.* One (1) space per four (4) seats plus one (1) space per maximum number of possible employees.

8. Gas Stations and Automobile Service Stations. One (1) space per one thousand (1,000) square feet of land area involved.
9. Hotels, Motels, and Bed and Breakfast Inns. One (1) space per room, plus one (1) space per three (3) employees.
10. Industrial. One (1) space per one (1) employee during peak work time.
11. Manufactured Home Sales Establishments. Two (2) spaces per one thousand (1,000) square feet.
12. Medical Offices. Five (5) spaces per one (1) doctor.
13. Mini-Warehouses. One (1) space per twenty-five (25) storage units, plus one (1) space per employee; or four (4) spaces; whichever is greater.
14. Motor Vehicle Sales. One (1) space per two thousand (2,000) square feet of interior or exterior sales, display, or storage area up to a total of twenty (20) spaces.
15. Movie Theaters. One (1) space per three (3) seats plus one (1) space per employee during peak work shift.
16. Professional Offices. One (1) space per three hundred (300) square feet of floor space.
17. Recreational Establishments. One (1) space per four (4) customers, based on maximum service capacity plus one (1) space per employee.
18. Retail Sales. One (1) space per three hundred (300) square feet of floor space.
19. Schools, Elementary and Junior High. One (1) space per employee plus ten (10) additional spaces for visitors.
20. Schools, High. One (1) space per employee plus ten (10) additional spaces for visitors and five (5) spaces per classroom.
21. Warehouses. One (1) space per one thousand (1,000) square feet of usable floor space.
22. Wholesale Sales. One (1) space per employee during peak work shift plus one (1) space per four hundred (400) square feet of floor space.

**305.2. Parking Lot Design.**

The following design requirements shall apply to all parking facilities except those associated with single-family dwellings and duplexes.

1. Stall dimensions shall be nine (9) feet wide by eighteen (18) feet deep.
2. Lot aisles shall be twenty (20) feet wide for one-way traffic and twenty-four (24) feet wide for two-way traffic.
3. All parking areas shall be designed so that no vehicle is required to back onto a public street or alley to obtain egress.
4. All parking lots shall include handicap parking spaces in accordance to the Americans with Disabilities Act.
5. No plants or structures shall be placed that will obstruct the vision of vehicular or pedestrian traffic.

**306. Driveways.** The following regulations shall apply to all driveways:

1. All driveways shall be positioned as close to at right angles with roads as possible.
2. All driveways shall be positioned so that the following sight distance minimums can be met in either direction, dependent upon the speed limit of the fronting road.

<b>Frontage Road Speed Limit (mph)</b>	<b>Minimum Driveway Sight Distance (ft)</b>
25 or lower	50
30, 35	75
40, 45	100
50+	150

3. All driveways shall be positioned no closer than twenty-five (25) feet from any intersection of roads or another driveway.

**307. Vision Clearance for Traffic.** No use shall be established nor structure constructed nor planting established or maintained that will obstruct the vision of vehicular or pedestrian traffic entering onto or using any adjacent public or private street.

**308. Signs.** It is the intent of this resolution to allow reasonable number and area of signs identifying properties, uses of properties, and events or businesses within the community. All new signs erected, constructed, or placed upon any property or building within Sevier County, Tennessee shall conform to the following general provisions:

1. Any lot or parcel shall be permitted one (1) property identification sign to be not greater than ten (10) square feet in area with a height not greater than four (4) feet from the finished grade of the ground. Any such sign not part of a site plan shall not require a permit.
2. For business use conducted in a residential structure or on a residential lot, one (1) business identification sign shall be permitted per structure or lot to be no greater than twenty-five (25) square feet in area with a height no greater than six (6) feet from the finished grade of the ground. Where such a lot fronts upon more than one road, an additional business identification sign may be permitted.
3. For commercial and agricultural districts the following shall apply:
  - a. No part of the sign shall be placed within five (5) feet of the right-of-way of any public or private street.
  - b. Such signs shall not exceed thirty (30) feet in height or three hundred (300) square feet in area.
  - c. No flashing or intermittent signs shall be allowed within three hundred (300) feet of any residential zoning district.
  - d. Auction signs shall be permitted in all districts, not to exceed two hundred (200) square feet, and shall be removed within seven (7) days.

**309. Manufactured Residential Home Park Standards.**

1. Mobile home standards shall apply to any residential development consisting of more than two (2) single-wide mobile homes. A mobile home park is defined as more than two (2) units on one lot, tract, or parcel, more than two (2) units on individual contiguous lots, tracts, parcels.
2. Mobile home parks shall have an evergreen buffer composed of vegetation five (5) feet in width and at least eight (8) feet tall. The buffer shall be required on any perimeter of the park.
3. Internal roads shall be built, at minimum, to the standards of Type II private easements as provided in the Subdivision Regulations for Sevier County, Tennessee.
4. All mobile home parks shall be provided with sanitary sewer.
5. Adequate water service shall be provided to facilitate a six-inch water line throughout the park. ¾-inch water lines must be provided to each individual home site as well. A fire hydrant with adequate volume and pressure shall be located within five hundred (500) feet of each residence.

6. Any site plan for a proposed mobile home park shall meet all applicable requirements of Section 310. The planning commission may deny the site plan due to poor site design for traffic patterns, poor visibility at mobile home park entrance, poor drainage plans, lack of parking, etc.
7. The developer shall prohibit trash, garbage, and waste buildup. A solid waste dumpster pad shall be included in the site design of a mobile home park. No used appliances or inoperable vehicles are allowed in park. Dumpster stations or other appropriate containers will be provided and collected for disposal at a sanitary landfill.

**310. Planned Unit Development (PUD) Regulations.** The purpose of the planned unit development regulations is to provide for diversification in the relationship of uses and structures to their sites and also provide flexibility, which will create a more desirable living environment. A PUD shall mean an integrated, professionally prepared design for development of residential, commercial, or industrial uses.

**310.1. Applicability of PUD Regulations.**

A PUD may be developed in any district provided that the permitted uses and density requirements of the district allow for the development and the planning commission approves the PUD plan elements. Residential, commercial, public, semi-public, industrial uses, or combinations of these uses where district or special regulations permit, may be developed under the PUD concept. Cluster type subdivisions and condominiums, townhouses, multi-dwelling units, rental developments, self-storage facilities, manufactured home parks, multi-use parks, travel trailer parks, and multi-use or ownership developments shall be considered as PUD's for the purpose of this resolution.

**310.2. General Requirements.**

All PUD developments shall comply with the following requirements:

1. Minimum Site. No PUD shall have an area less than that required by the planning commission as adequate for the proposed project; however, the minimum site shall not be less than the minimum lot size required in the district in which the proposed project is to be located.
2. Structures and Open Space. The planning commission shall require structures and open spaces to be arranged on the site in such a way that adjacent uses will not be adversely affected.
  - a. No freestanding building shall be located closer than twenty (20) feet to any other building.
  - b. Minimum setback and lot width at setback requirements for lots may be altered upon approval of the planning commission; except that there shall be a exterior setback no smaller than twenty-five (25) feet around the perimeter of the project.

3. Open Space Requirements. Preservation, maintenance, and ownership of open space areas and facilities shall be accomplished by one or more of the following methods, and shall be established in an appropriate legal manner:
  - a. A property owners association, or
  - b. The developer or management authority of the PUD.
4. Parking and Access Control Requirements. The provisions found in Section 305 relating to vehicular access and parking shall be adhered to, except that the planning commission may alter these requirements in instances in which a superior design alternative is presented which will not be detrimental to the public interest or in conflict with the intent of this resolution.
5. Density Requirements for Residential PUD. The density and lot size requirements of the district shall apply to any planned unit development.
6. Street and Utility Construction Standards. Public and common ways for pedestrian and vehicular circulation shall be developed in relationship to other existing and planned streets and ways with the Sevier County Major Road Plan. Whether or not the subdivision of property is proposed within the PUD, all proposed streets, and right-of-way improvements shall comply with the construction standards set forth in the subdivision regulations.

### **310.3. Guidelines for Submission.**

1. Submission Deadline. The PUD plan shall be submitted at least fifteen (15) days prior to the meeting at which it is to be reviewed.
2. Preparation. All PUD plans shall be professionally prepared and certified by a licensed surveyor, engineer, architect, and/or landscape architect.
3. Scale. The PUD plan shall be drawn at a scale not less than one inch equals thirty feet (1" = 30') unless the site contains ten (10) acres or more, then the PUD plan may be drawn at a scale of not less than one inch equals sixty feet (1" = 60').
4. Expiration. Approval of a PUD plan will expire within six (6) months after the date of its approval, unless a building permit has been issued within that period for the proposed development.

**311. Standards for Junkyards, Salvage Yards, and Dumps.** Because of the nature of junked yards, lots, tracts, and the health hazard posed from vermin, junked yards must be cleaned or a permit granted as a dump, junk, or salvage yards. Approval of a site plan is required in addition to the Board of Zoning Appeals approval for a special exception of this use. The following regulations must be met as well:

1. No junkyards shall be permitted within five hundred (500) feet from a residence, school, church, park, or public gathering place. There shall be a twenty-five (25) foot buffer between a junkyard and all adjacent property.
2. All junkyards shall operate with a valid business license and are considered as a commercial use of land.
3. All motor vehicles stored or kept in junkyards shall be so kept that they will not catch and hold water in which mosquitoes may breed and so that they will not constitute a place or places in which rats, mice, or other vermin may be harbored, reared, or propagated.
4. Dumps: No person shall own or maintain a dump within Sevier County until a site plan has been submitted and approved by the planning commission, has received approval as a special exception by the Board of Zoning Appeals, and a permit has been issued by the Tennessee Department of Environment and Conservation, Division of Solid Waste. No dump shall be permitted within five hundred (500) feet of a residence, school, church, park, or public gathering place. All debris must be covered daily from public view. The dumping of chemicals or toxins is not permitted. Other standards required for junkyards shall also be required for dumps.

**312. Development Standards for Telecommunications Towers.**

**312.1. Purpose.**

The general purpose of this Section is to regulate the placement, construction, and modification of towers and telecommunications facilities in order to protect the health, safety, and welfare of the public, specifically:

1. To regulate the location of towers and telecommunication facilities in the county.
2. To protect residential areas and land uses from potential adverse impact of towers and telecommunications facilities.
3. To minimize adverse visual impact of towers and telecommunications facilities through careful design, siting, landscaping, and camouflaging techniques.

4. To promote and encourage shared use/co-location of towers and antenna support structures as a primary option rather than construction of additional single-use towers.
5. To ensure that towers and telecommunications facilities are compatible with surrounding land uses.

### **312.2. Development of Towers.**

1. Telecommunications Towers as Principal Use. Telecommunications towers are considered as a principal use of land.
2. Site Plan Requirements. A site plan is required for any proposed telecommunications tower. The site plan shall show the locations of the property lines, tower, accessory building(s) or facilities, guy wires, and supports, and must meet the requirements of Section 303.
3. Lighting. Towers shall not be lighted by artificial lighting except as required by the FAA or other applicable authority.
4. Setbacks. In addition to the minimum setbacks required in the zone in which a tower is located, a tower shall be constructed no closer than one-hundred fifty (150) feet from any existing residence or occupied structure.
5. Signs. Signs shall not be allowed on towers or antennas, except safety signs that are required by law or regulation.
6. Fencing. Telecommunications towers and antennas shall be completely surrounded by a security fence.
7. Landscaping. Tower facilities shall be landscaped by means of native evergreen plant species to sufficiently obscure said facilities from view. The landscaped area shall be no less than eight (8) feet in height and shall be natural or planted vegetation or opaque fencing. The preservation of mature trees is preferred except where such tree growth would interfere with the operation and maintenance of the facilities.
8. Co-Location. No new tower shall be built, constructed, or erected in Sevier County unless the tower is capable of supporting another person's operating telecommunications facilities comparable in weight, size, and surface area to the telecommunications facilities installed by the applicant on the tower.
9. Exemptions. Radio towers and/or antennas less than forty (40) feet in height and which are accessory to an existing residence, business, or government agency. Also exempt are antenna or similar facilities that are attached to

existing structures provided they do not extend the height of the structures by more than forty (40) feet.

10. *Tower Removal.* When the active use of telecommunications tower ceases for a period of six (6) consecutive months, the tower shall be removed at the owner's expense.

## ARTICLE IV – APPLICATION OF REGULATIONS

- 401. Zoning Affects Every Building and Use**
- 402. Customary Home Occupations**
- 403. Lots of Record**
- 404. Conformity to Beer Resolution**
- 405. Conflict with Other Regulations**

**401. Zoning Affects Every Building and Use.** After this code is adopted, all new development shall conform to the requirements in this code, including, but not limited to, erection of a new building, addition, moving, or any other alteration of an existing structure.

**402. Customary Home Occupations.** Such activities must be confined to the principal dwelling unit of the lot. Provided that at least one worker permanently resides in the dwelling, the following uses may be considered customary home occupations and are allowed in districts that permit them:

1. Professional offices.
2. Arts and crafts made by the owners of the premises.
3. Beauty/barber shops.
4. Antiques sales.
5. Educational instruction.
6. Any other uses which the *Board of Zoning Appeals* finds to be of similar character.

**403. Lots of Record.** Where lots, platted or deeded prior to the adoption of this zoning resolution, exist and do not conform to the minimum lot size requirements, construction may be approved, if no adjacent properties can be purchased to meet minimum lot size requirements. After the adoption of this resolution, no lot may be subdivided which does not meet the minimum lot size requirements.

**404. Conformity to Beer Resolution.** The Sevier County Zoning Resolution shall comply with all aspects of the existing Beer Resolution as adopted by the Sevier County Commission; including the 2000' restriction from any church, school, or public gathering place and 300' from any residential structure.

**405. Conflict with Other Regulations.** In the case of conflict between this Resolution or any part thereof, and the whole or part of any existing or future resolution of Sevier County or any other planning jurisdiction, the most restrictive shall in all cases apply.

**ARTICLE V – ZONING DISTRICTS**

- 501. Classification of Districts**
- 502. A-1 Agricultural District**
- 503. R-1 Rural Residential District**
- 504. R-2 High Density Residential District**
- 505. C-1 Rural Commercial District**
- 506. C-2 General Commercial District**
- 507. I-1 Industrial District**

**501. Classification of Districts.** For the purpose of this resolution, the following zoning districts are hereby established in the unincorporated sections of Sevier County and are shown on “The Zoning Map of Sevier County, Tennessee.” Area, yard, and height requirements for each district shall conform to Article VI of this resolution.

- A-1 Agricultural District
- R-1 Rural Residential District
- R-2 High Density Residential District
- C-1 Rural Commercial District
- C-2 General Commercial District
- I-1 Industrial District

**502. A-1 Agricultural District.**

**502.1. Intent and Purpose.**

This district is created to establish and preserve areas with agricultural and rural qualities by allowing for traditional agricultural and rural uses along with low-density residential activities. Other land uses associated with the service of local residents are allowed as well.

**502.2. Uses Permitted.**

1. Single-family homes, manufactured homes, and two-family homes.
2. Single-wide mobile homes.
3. Places of worship.
4. Family and private cemeteries.
5. Rural businesses.
6. Customary home occupations as regulated in Section 402.

**502.3. Uses Prohibited.**

Any use not listed above is prohibited in this district, unless determined by the Sevier County Board of Zoning Appeals as being similar to one listed above and conforming to the intent of this zoning district.

**503. R-1 Rural Residential District.**

**503.1. Intent and Purpose.**

This district is established for low-density residential development, while preventing non-compatible commercial, industrial, and dense residential uses. The requirements of this district are designed to encourage residential activities and preserve the residential character of the area.

**503.2. Uses Permitted.**

1. Single-family homes, manufactured homes and two-family homes.
2. Public uses.
3. Daycare centers.
4. Places of worship.
5. Family and private cemeteries.
6. Customary home occupations as regulated in Section 402.

**503.3. Uses Prohibited.**

Any use not listed above is prohibited in this district, unless determined by the Sevier County Board of Zoning Appeals as being similar to one listed above and conforming to the intent of this zoning district.

**504. R-2 High Density Residential District.**

**504.1. Intent and Purpose.**

The intent of this district is to establish areas for high-density residential and related uses, while preventing non-compatible commercial, industrial, and other uses that would interfere with the residential characteristics of the district. Because of the high density nature of the allowed uses, any R-2 district shall be served by public water and sewer systems.

**504.2. Uses Permitted.**

1. Any use permitted in the R-1 district.
2. Apartment buildings.
3. Assisted-living centers.
4. Manufactured residential home parks in accordance with Section 309.

**504.3. Uses Prohibited.**

Any use not listed above is prohibited in this district, unless determined by the Sevier County Board of Zoning Appeals as being similar to one listed above and conforming to the intent of this zoning district.

**505. C-1 Rural Commercial District.**

**505.1. Intent and Purpose.**

This district is established to provide areas for residential uses and business activities that serve local residents of the immediate area. These business uses should not require high visibility or accessibility and are encouraged to be located along collector streets or main intersections for maximum convenience for local residents, while maintaining the rural characteristics of the areas.

**505.2. Uses Permitted.**

1. Any use permitted in the R-1 and R-2 districts.
2. Hardware stores, convenience stores, video rental stores, laundromats, personal service establishments, gasoline service stations, florists, greenhouses, antique stores, and craft shops.
3. Travel trailer parks.
4. Restaurants.
6. Self-storage facilities developed under the PUD regulations in Section 310.

**505.3. Uses Prohibited.**

Any use not listed above is prohibited in this district, unless determined by the Sevier County Board of Zoning Appeals as being similar to one listed above and conforming to the intent of this zoning district.

**506. C-2 General Commercial District.**

**506.1. Intent and Purpose.**

This district is established to create areas for compatible business activities requiring high visibility and accessibility. The requirements of this district are designed to encourage commercial establishments in high traffic areas for maximum convenience of local residents or regional travelers.

**506.2. Uses Permitted.**

1. Any use permitted in the R-1, R-2, and C-1 districts.
2. Grocery stores and drug stores.
3. General retail establishments.
4. Shopping centers and retail outlets.
5. Professional offices.
6. Automobile repair outfits.

7. Motels and hotels.
8. Appliance sales and service.
9. Automobile, mobile home, and boat sales.
10. Medical offices and clinics.
11. Warehousing and distribution centers.
12. Flea markets.
13. Commercial cemeteries.

**506.3. Uses Prohibited.**

Any use not listed above is prohibited in this district, unless determined by the Sevier County Board of Zoning Appeals as being similar to one listed above and conforming to the intent of this zoning district.

**507. I-1 Industrial District.**

**507.1. Intent and Purpose.**

This district is established to allow for industrial land uses that require intensive transportation facilities, utilities, and other infrastructure that would not be compatible with other residential and commercial uses. The requirements of this district are constructed to promote industrial activities and prevent most other uses.

**507.2. Uses Permitted.**

The following uses are permitted provided they fulfill any applicable state and federal environmental and anti-pollution standards. Said uses must also meet any additional applicable requirements of this resolution and receive endorsement from the Sevier County Industrial Board:

1. Warehousing or wholesaling of manufactured goods, except explosives, flammable gases or liquids as finished products.
2. Retail activities conducted accessory to the assembly, fabrication, and/or warehousing or commodities.
3. Professional offices.
4. Medical offices.
5. Utility substations and other above ground fixed equipment.
6. Textile production.
7. Lumber and wood product manufacturing.
8. All types of wholesale trade industry.
9. Adult oriented businesses, provided that no portion of the building is located closer than two thousand (2,000) feet to any public or private school, day care center, place of worship, or the R-1 and R-2 districts.

**507.3. Uses Prohibited.**

Any use not listed above is prohibited in this district, unless determined by the Sevier County Board of Zoning Appeals as being similar to one listed above and conforming to the intent of this zoning district.

**507.4. Industrial Performance Standards.**

Any use established in the I-1 Industrial District after the adoption of this resolution shall be so operated as to comply with the following performance standards. Likewise, any use already established as of the effective date of this resolution shall be allowed to be altered, enlarged, expanded, or modified, provided that emissions conform to these same performance standards:

1. The emission of smoke or particulate matter in such manner or quantity deemed to be detrimental to the public health, safety, comfort, or welfare is hereby declared to be a public nuisance and unlawful.
2. The emission of smoke or particulate matter, from all sources within the lot area, containing more than five (5) percent by weight or particles having a particle diameter larger than twenty (20) microns is prohibited.
3. Dust and other types of air pollution, borne by the wind from such sources as storage areas, yards, roads, driveways within the site shall be minimized by appropriate landscaping, paving, or other acceptable means.
4. The emission of odors shall not be strongly discernable at or beyond the site's property lines as to produce a public nuisance or hazard.
5. No use shall, at any time, discharge any toxic matter across the site's property lines in such concentrations as to be detrimental to or endanger the public health, safety, comfort, or welfare, or cause injury or damage to property or business.

**ARTICLE VI – AREA, YARD, AND HEIGHT REQUIREMENTS**

- 601. Minimum Building Setback Lines**
- 602. Lot Area Requirements**
- 603. Lot Frontage Requirements**
- 604. Height Restrictions**

**601. Minimum Building Setback Lines.** The minimum depth of building setback lines from the street right-of-way line shall be determined by the classification of road on which the property fronts, unless a greater distance is deemed to be necessary for the protection of the contemplated development on the property.

<b>Classification of Street</b>	<b>Minimum Building Setback</b>
New minor residential streets	20 feet*
Cul-de-sac streets	20 feet*
Marginal access streets	20 feet*
Major collector streets	40 feet
Arterial streets	50 feet
Highways	50 feet
Side and rear property lines	10 feet

\*Where applicable, the minimum building setback may be lessened by provisions contained within Article III.C.4. of the *Sevier County Subdivision Regulations*.

**602. Lot Area Requirements.**

**602.1. Lot Area Requirements, by Zoning District.**

<b>Zoning District</b>	<b>Minimum Area Requirement*</b>
Agricultural A-1	30,000 sq. ft.
Rural Residential R-1	30,000 sq. ft. OR 25,000 sq. ft. with public water
High Density Residential R-2	7,500 sq. ft.
Rural Commercial C-1	**
General Commercial C-2	**
Industrial I-1	43,560 sq. ft. (1 acre) with Health Dept. approval

\* Where more stringent standards apply from any other regulations, it shall apply.

\*\* All lots shall be adequately sized to accommodate necessary parking requirements, setbacks, buffering, and soil requirements for any on-site septic disposal. However, minimum lot area required within this zoning district is subject to the utility restrictions found in Section 602.2.

**602.2. Lot Area Requirements, by Utility Availability for C-1 and C-2 Districts.**

For purposes of this zoning code, a lot must be at least 7,500 square feet in area if provided with public water and sewer, or 25,000 square feet in area if served by one public utility. Lots that are without public water and public sewer service shall be a minimum of 30,000 square feet in area, except where greater area is required by the Environmental Health Department or the subdivision regulations of the proper jurisdiction.

**603. Lot Frontage Requirements.**

<b>Zoning District</b>	<b>Minimum Frontage Requirement*</b>
Agricultural A-1	50 feet
Rural Residential R-1	50 feet & lot must be at least 75 feet wide at setback line
High Density Residential R-2	50 feet & lot must be at least 75 feet wide at setback line
Rural Commercial C-1	50 feet
General Commercial C-2	50 feet
Industrial I-1	50 feet

\* Where more stringent standards apply from any other regulations, it shall apply.

**604. Height Restrictions.**

**604.1. Exceptions to Height Restrictions.** Telecommunications towers, utility facilities, and agricultural buildings shall be exempt from the standards contained in Section 604.2.

**604.2. Building Height Restrictions, by Zoning District.**

<b>Zoning District</b>	<b>Building Height Maximum (ft)</b>
Agricultural A-1	35
Rural Residential R-1	35
High Density Residential R-2	48
Rural Commercial C-1	35
General Commercial C-2	48
Industrial I-1	55

## ARTICLE VII – ADMINISTRATION AND ENFORCEMENT

- 701. **Zoning Compliance/Building Permits**
- 702. **Enforcement Officer**
- 703. **Permit Denial**
- 704. **Stop Work Orders**
- 705. **Time Limits**
- 706. **Penalties**

**701. Zoning Compliance/Building Permits.** It shall be unlawful to start construction of a principal building or accessory building unless a permit is obtained. It shall also be unlawful to construct additions to any existing commercial or industrial building unless a permit is obtained. Any residential or farm-related structure proposed to be located in an A-1 zoning district shall not require a building permit.

**702. Enforcement Officer.** A zoning official shall be appointed to issue all permits, maintain records, and forward materials to the Board of Zoning Appeals and the planning commission. The zoning official shall routinely attend meetings of these two public bodies. Current zoning maps and map amendments shall be maintained by the zoning official and he shall conduct inspections as prescribed by the ordinance.

**703. Permit Denial.** A zoning compliance building permit shall be denied when the proposed construction is a type of land use which is not allowed in that zoning district, when the setbacks cannot be met, or any other type of violation of the regulations in this zoning resolution. The applicant is required to submit relevant details of construction and certify on the permit that the details are correct.

**704. Stop Work Orders.** A stop work order may be issued on construction or land usage when the zoning official notices a zoning violation. All work must therein desist until the problem is corrected.

**705. Time Limits.** The zoning compliance/building permit is valid for six (6) months after which time it is invalid if construction on the project site is not progressing.

**706. Penalties.** Any person found violating the provisions of this resolution shall be found guilty of a misdemeanor, and upon conviction shall be fined not less than five (5) dollars per day not more than fifty (50) dollars per day.

## ARTICLE VIII – BOARD OF ZONING APPEALS

- 801. Creation**
- 802. Appeals**
- 803. Powers of the Board**
- 804. Special Exception and Variance Hearing**

**801. Creation.** The Board of Zoning Appeals shall be created and appointed in accordance with Tennessee Code Annotated, Sections 13-7-106 and 13-7-107. The Sevier County Board of Zoning Appeals shall consist of five (5) members as appointed by the Sevier County Board of Commissioners.

**802. Appeals.** Any person, adjacent property owner, or governmental unit may appeal to the Board of Zoning Appeals for special exceptions, variances, or administrative review of the actions of the zoning official.

**803. Powers of the Board.** The Board of Zoning Appeals can hear an aggrieved person who is contesting an action of the zoning official, is requesting which is of a similar character permitted for interpretation as a special exception in the zoning district, or has a variance request by reason of exceptional narrowness, shallowness, or shape of a specific piece of property at the time of the enactment of the zoning resolution or by reason of exceptional topographic conditions as per *Tennessee Code Annotated* Section 13-7-109.

**804. Special Exception and Variance Hearing.** Within thirty (30) days after a request for a hearing before the Board of Zoning Appeals, a public meeting shall be held. The Board's decision on the issue must be contained in the minutes of the meeting.

## ARTICLE IX – AMENDMENTS AND INTERPRETATION

- 901. Amendments**
- 902. Interpretation**
- 903. Severability**
- 904. Effective Date**

**901. Amendments.** This resolution may be amended by first submitting a proposed amendment to the text or map to the planning commission and then to the Sevier County Board of Commissioners. The amendment shall be effective upon the super majority (two-thirds) vote of approval by the Sevier County Board of Commissioners. A public hearing must be called at least thirty (30) days prior to the date of the hearing on any amendment by the County Commissioners, and this public hearing must be published in a local newspaper of general circulation in Sevier County.

**902. Interpretation.** Where other state or local laws are in conflict, the more stringent standards shall prevail.

**903. Severability.** Should a section, clause, or provision of this resolution be declared invalid by a court of competent jurisdiction, or unconstitutional, the judgement shall not affect the validity of this resolution as a whole or any part other than the part judged to be invalid.

**904. Effective Date.** This resolution shall take effect from and after Friday, September 1, 2006, the public welfare requiring it.