



ORDINANCE # 2015 - 239

AN ORDINANCE TO AMEND THE MUNICIPAL ZONING ORDINANCE OF THE TOWN OF UNICOI, TENNESSEE FOR THE PURPOSE OF DEFINING AND GOVERNING FIREARMS RETAIL ESTABLISHMENTS.

Whereas, Sections 13-7-201 – 13-7-212 of the Tennessee Code Annotated provides the Town of Unicoi, Tennessee with the powers and authority to enact local municipal zoning codes; and

Whereas, said sections provide a process for the amendment of local municipal zoning codes; and

Whereas, firearms retail establishments are not defined nor specifically regulated under the current Unicoi Municipal Zoning Ordinance; and

Whereas, the Town of Unicoi Municipal Planning Commission met on May 11th, 2015 for the purpose of considering this ordinance amendment and recommended approval of the ordinance to the Board of Mayor and Aldermen; and

Whereas, the Town of Unicoi, Tennessee Board of Mayor and Aldermen recognizes it to be in the best interest and for the best general welfare of the citizens of the Town of Unicoi, Tennessee to amend the Unicoi Municipal Zoning Ordinance to define and govern firearms retail establishments;

Now Therefore be it Ordained, by the Board of Mayor and Aldermen of the Town of Unicoi, Tennessee that the Town of Unicoi Municipal Zoning Ordinance is hereby amended.

1. Article III., Definitions, is amended to add the following definitions and is renumbered accordingly:

Church: A building wherein persons regularly assemble for religious worship and which is maintained and controlled by a religious body organized to sustain public worship, together with all accessory buildings and uses customarily associated with such primary purpose. Includes synagogue, temple, mosque, or other such place for worship and religious activities.

Firearm: A gun, pistol, or any weapon capable of firing a projectile and using an explosive charge as a propellant.

Firearms Retail Establishment: An establishment having at least five (5) percent of its gross floor area used for the sale of firearms. If an establishment is a firearms retail establishment as defined here, it shall not be deemed to constitute any other permitted use.

Library: A room or building for exhibiting, or an institution in charge of, a collection of books; artistic, historical, or scientific objects.

School: An institution for the teaching of children or adults including primary and secondary schools, colleges, professional schools, dance schools, business schools, trade schools, art schools, and similar facilities.

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

2. Article IV, General Provisions, is amended to add Section 415, Firearms Retail Establishment, as follows:

415. **Firearms Retail Establishment:** A firearms retail establishment may be allowed to open and operate upon special exception by the Unicoi Board of Zoning Appeals provided:

415.1 The following minimum conditions must be complied with for a site to be approved for a firearms retail establishment:

415.1.1. The site shall not be less than five hundred (500) feet from any church, school, library, or day care center. Measurement shall be made from the nearest recorded property line of the lot on which the firearms retail establishment is to be situated to the nearest property line or boundary of the above mentioned uses.

415.1.2. The applicant shall provide a Federal Firearms License.

3. Article VII, Provisions Governing Use Districts, is amended to allow firearms retail establishments by special exception in the B-2, B-3, B-4, M-1, M-2, and PBD Districts. Firearms retail establishments are to be listed as permitted special exceptions upon Board of Zoning Appeals review in sections 707, 709, and 712 to explicitly allow firearms retail establishments in the B-2, B-4, and PBD Districts. Firearms retail establishments are allowed by special exception by incorporation under the pyramid zoning scheme in the B-3, M-1, and M-2 Districts.

4. Article XI., Board of Zoning Appeals, Section 1104.2 is amended to read as follows:

1104.2. Special Exceptions. To hear and decide special exceptions to this ordinance as set forth herein.

Be it Further Ordained, that this ordinance shall be effective from and after its passage, the public welfare requiring it.

Approved by the Planning Commission on May 11th, 2015.

Voting by the Board, as follows, on May 18th, 2015:

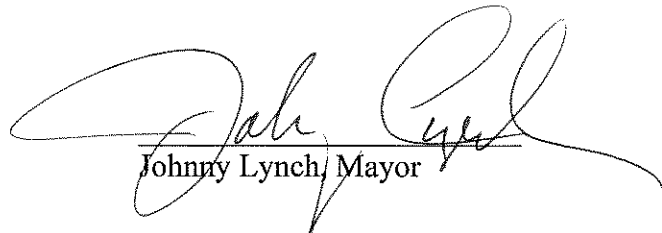
First Reading:

	<u>Aye</u>	<u>No</u>
Alderman Jeff Linville	X	___
Alderman Kathryn Bullen	X	___
Alderman Phillip Hensley	X	___
Vice-Mayor Doug Hopson	X	___
Mayor Johnny Lynch	X	___

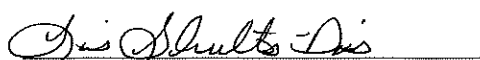
Voting by the Board, as follows, on June 15th, 2015:

Second Reading and Final Reading:

	<u>Aye</u>	<u>No</u>
Alderman Jeff Linville	X	___
Alderman Kathryn Bullen	X	___
Alderman Phillip Hensley	X	___
Vice-Mayor Doug Hopson	X	___
Mayor Johnny Lynch	X	___


Johnny Lynch, Mayor


Larry Rea, City Recorder


Lois Shults-Davis, Town Attorney