TOWN OF UNICOI

ZONING ORDINANCE

PREFACE

This zoning ordinance 2026 - 349, Version 2026, hereby supersedes and replaces any and all previous zoning ordinances, specifically Ordinance 95-20, and all later amendments. Once passed, pursuant to Tennessee Code Annotated, and pursuant to Section 102 of the zoning ordinance and as referenced by the signatures herein, will become the zoning ordinance in which the Town will operate under as specified by the Municipal Code. Any violations of the zoning ordinance prior to the passage of this version shall be under the previous version. Any and all violations after the adoption of this Ordinance shall be commenced under this version. Any amendments to the zoning ordinance passed after the adoption of this version shall be an amendment to this version and not under Ordinance 95-20.

Amended Through April 6th, 2026.

TABLE OF CONTENTS

AUTHORITY 1

ARTICLE I. SHORT TITLE AND REPEAL 1

ARTICLE II. PURPOSE 1

ARTICLE III. DEFINITIONS 2

ARTICLE IV. GENERAL PROVISIONS 18

401. Continuance of Nonconforming Uses 18
402. Off-Street Automobile Parking 18
403. Off-Street Loading and Unloading Space 20
404. Vision Clearance 21
405. Ingress and Egress 21
406. Flood Protection 21
407. Planned Unit Development 21
408. Special Carport Construction 27
409. Signs 27
410. Site Plan Review 34
411. Group Housing Projects 37
412. Adult Oriented Establishments 38
413. Storage of Mobile Units 39
414. Temporary Use Regulation 39
415. Firearm Retail Establishment 40
416. Campground Regulations 40
417 Mobile Food Units 41

ARTICLE V. APPLICATION OF REGULATIONS 44

501. Use 44
502. Street Frontage 44
503. Corner Lots 44
504. One Principal Building or Structure on a Lot 44
505. Reduction of Lot Size 44
506. Yard and Other Spaces 44
507. Conformity to Subdivision Regulations 44
508. Height and Density 44
509. Annexation 44

ARTICLE VI. ESTABLISHMENT OF DISTRICTS 45

ARTICLE VII. PROVISION GOVERNING USE DISTRICTS 46

701. A-1 General Agricultural District 46
702. R-1 Low Density Residential 48

703. R-1A Low Density Residential 48
704. R-2 Medium Density District 49
705. R-3 High Density District 49
707. B-1 Neighborhood Business District 50
708. B-2 Central Business District 50
709. B-3 Intermediate Business 51
710. B-4 Arterial Business District 52
711. M-1 Restricted Manufacturing and Warehouse District 53
712. M-2 Heavy Industrial District 53
713 PBD Planned Business District 54
714 Retail Liquor Store Overlay 56

ARTICLE VIII AREA YARD AND HEIGHT REQUIREMENTS 57

ARTICLE IX. EXCEPTIONS AND MODIFICATIONS 58
901. Lot of Record 58
902. Adjoining and Vacant Lots of Record 58
903. Front Yards 58
904. Exception on Height Limits 58

ARTICLE X. ENFORCEMENT 59
1001. Enforcing Officer 59
1002. Building Permit Required 59
1003. Issuance of Building Permit 59
1004. Certificate of Occupancy 59
1005. Penalties 59
1006. Remedies 60

ARTICLE XI. BOARD OF ZONING APPEALS 61
1101. Creation and Appointment 61
1102. Procedure 61
1103. Appeals: How Taken 61
1104. Powers 61
1105. Action of the Board of Zoning Appeals 62

ARTICLE XII. AMENDMENT 63
1201. Procedure 63
1202. Approval by Planning Commissions 63
1203. Introduction of Amendment 63

ARTICLE XIII. LEGAL STATUS PROVISIONS 64
1301. Conflict with Other Ordinances 64
1302. Validity 64
1303. Effective Date 64

ARTICLE XIV TELECOMMUNICATIONS FACILITIES 65
1401. Purpose.....65
1402. Applicability and Exemptions.....65
1403. Locating Towers 65
1404. General Requirements.....66
1405. Application Requirements 72
1406. Administratively Approved Uses.....73
1407. Special Exception Permit.....74
1408. Removal of Abandoned Antennas and Towers 75
1409. Nonconforming Uses 75
1410. Public Notice.....75
1411. Private Review and Associated Fees 75
1412. Automatic Approval.....76
1413. Bond.....76
1414. Permits 76
1415. Renewal.....76

APPENDIX. A. Floodplain Zoning Ordinance 77
B. Mobile Home Park Regulations 98
C. Billboards 108

ZONING ORDINANCE

OF

THE TOWN OF UNICOI, TENNESSEE

AUTHORITY

An ordinance, in pursuance of the authority granted by Sections 13-7-201 through 13-7-210 and Section 13-2-401, Tennessee Code Annotated, for the purpose of promoting the public health, safety, morals, convenience, order, prosperity and general welfare; to provide for the establishment of districts within the corporate limits; to regulate, within such districts, the location, height, bulk, number of stories and size of buildings and structures the percentage of lot occupancy, the required open spaces, the density of population and the uses of land, buildings and structures; to provide methods of administration of this ordinance and to prescribe penalties for the violation thereof.

BE IT ORDAINED by the Board of Mayor and Aldermen of the Town of Unicoi.

ARTICLE I. SHORT TITLE AND REPEAL

101. **Short Title**. This ordinance shall be known as the Zoning Ordinance of the Town of Unicoi, Tennessee," and the map herein referred to, which is identified by the title "Zoning Map of the Town of Unicoi, Tennessee,' and all explanatory matter thereon are hereby adopted and made a part of this ordinance.

102. **Repeal**. All zoning regulations in effect prior to adoption of ordinance No. ____ of the Town of Unicoi as amended, are hereby repealed. The adoption of this ordinance, however, shall not affect nor prevent any pending or future prosecution of an action to abate any existing violation of said existing regulations, as amended, if the violation is also a violation of this ordinance.

ARTICLE II. PURPOSE

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

ARTICLE III. DEFINITIONS

Unless otherwise stated the following words shall, for the purpose of this ordinance, have the meaning indicated herein. Words used in the present tense include the future. The singular number includes the plural and the plural the singular. The word "shall" is mandatory, not directory. The word "used:" or "occupied" as applied to any land or building shall be construed to include the word "intended", arranged, or designed to be used or occupied.

301. **Access**: The right to cross between public and private property, thereby permitting pedestrians and vehicles to enter and leave property.

302. **Accessory Building, Height of**: The vertical distance measured from the average ground elevation to the highest point of the roof.

303. **Accessory Use or Building**: A use or building customarily incidental and subordinate to the principal use or building and located on the same lot with such principal use or building.

304. **Activity**: The performance of a function or operation which constitutes the use of land.

305. **Adult Day Care Center**: A place operated by a person, society, agency, corporation, institution, or other group that receives payment for the care of persons over 18 years of age for less than twenty-four (24) hours per day in an approved community-based facility. The adult day care center shall provide a structured program of personalized care for adults who are not capable of full independent living as a result of physical disability, developmental disabilities, emotional impairment, or frailty resulting from advanced age.

306. **Adult Oriented Establishments**: Sexually explicit establishments which cater to an exclusively or predominantly adult clientele and including but not limited to: adult book stores, adult theaters, adult motion picture theaters, cabarets and other enterprises which regularly feature materials, acts, or displays involving complete nudity or exposure of the "Specified Anatomical Areas: hereinbelow defined and/or sexual enticement or excitement.

306.1. **Adult Book Store**: An establishment having as more than fifty (50%) percent of the face value of its stock in trade, books, magazines, motion pictures, periodicals and other materials which are distinguished or characterized by depicting, describing or relating to "specified anatomical areas: (as defined below).

306.2. **Adult Cabaret**: Any restaurant, bar, dance hall, nightclub or other such place which features dancers, strippers, male or female impersonators or similar entertainers for the entertainment of a predominantly adult clientele.

306.3. **Adult Motion Picture Theater**: Any public place, whether open or enclosed, used for presenting material distinguished or characterized by an emphasis on matter

depicting, describing, **or** relating to "specified sexual activities: or "specified anatomical areas", (as defined below), for observation by patrons therein.

306.4. **Adult Theater**: Adult Theater means a theater, concert hall, auditorium or similar establishment which, for any form of consideration, regularly features live performances which are characterized by the exposure of "specified anatomical areas" or by "specified sexual activities."

306.5. **Sexual Encounter Establishment**: Sexual encounter establishment means an establishment, other than a hotel, motel or similar establishment offering public accommodations, which, for any form of consideration, provides a place where two or more persons may congregate, associate or consort in connection with "specified sexual activities" or the exposure of "specified anatomical areas." This definition does not include an establishment where a medical practitioner, psychologist, psychiatrist or similar professional person licensed by the state engages in sexual therapy.

307. **Arterial Street**: A street that provides for traffic movement between areas and across portions of the city and secondarily for direct access to abutting land, as shown in the Zoning Map of the Town of Unicoi.

308. **Agricultural Use**: This includes all forms of agriculture, growing of crops in the open, dairying, grazing, the raising and maintaining of poultry and other livestock, horticulture, viticulture, floriculture, forests, and woods, provided, however, all health codes for Unicoi County Tennessee are complied with.

309. **Agricultural Accessory Use**: Those structures or equipment which are normally required in the operation of agricultural uses.

310. **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 purposes.

311. **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.

312. **Area, Building**: The total areas taken on a horizontal plane at the main grade level of the principal building and all accessory buildings exclusive of uncovered porches, terraces, and steps.

313. **Base Flood**: The baseline flood event used in a community's floodplain management program. For the purposes of this code, the definition shall read 100-year flood.

314. **Base Flood Elevation**: Elevation determinations along a floodplain that mark the extent of flooding by the base flood. These data are most frequently taken from flood insurance rate maps (FIRM).

315. **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.

316. **Bed and Breakfast Home**: A residential unit in which no more than seven (7) guest rooms are available for overnight accommodation and breakfast for the registered guests is provided. The owner shall have primary residence on the premises and the use shall be subordinate and incidental to the main residential use of the building.

317. **Billboard or Outdoor Advertising Sign**: Billboards and outdoor advertising signs are prohibited by the Sign Ordinance of the Town of Unicoi.

318. **Boarding or Rooming House**: A building containing a single dwelling unit and not more than five guest rooms where lodging is provided with or without meals for compensation. Meals are to be provided for registered overnight guests only.

319. **Buffer Strip**: Plantings acceptable to the building inspector which has such growth characteristics as will provide an obscuring screen not less than six feet in height.

320. **Building**: Any structure having a roof supported by columns or by walls and intended for the shelter, housing, or enclosure of any individual, animal, process, equipment, goods, or materials of any kind or nature.

320.1. **Principal Building**: A building in which is conducted the main or principal use of the lot on which said building is located.

320.2. **Accessory Building or Use**: A building or use customarily incidental and subordinate to the principal building or use and located on the same lot with such building or use.

321. **Building Area of a Lot**: That portion of a lot bounded by the required rear yard, side yards, and the building setback line.

322. **Building Height**: The vertical distance measured from the finished grade at the building line to the highest point of the roof.

323. **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 herein.

324. **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 as shown on the current, adopted Major Thoroughfare Plan Map, 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 or concentric with the street right-of-way. No structure shall be placed in front of this building setback line.

325. **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.

326. **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. Within this area no structure shall be placed.

327. **Business Sign**: A sign which directs attention to a business or profession conducted on the premises. A "For Sale" sign or a "To Let" sign for the property on which it is displayed shall be deemed a business sign.

328. **Camp, Organized**: As defined in Tennessee Code Annotated § 68-110-101: any area, place, parcel, or tract of land on which facilities are established or maintained to provide an outdoor group-living experience where one (1) or more permanent or semi-permanent structures are established or maintained as living or sleeping quarters, and operated for educational, social, recreational, religious instruction or activity, physical education or health, or vacation purposes either gratuitously or for compensation; "Organized camp" is not intended to include a hunting, fishing or other camp privately owned and used exclusively for the personal pleasure of the owner and the owner's guests; "Organized camp" is not intended to include a camp site on property owned by a church and used exclusively for the personal pleasure of the members of the church and such member's guests, if:

(i) No permanent or semi-permanent structures or buildings are established or maintained on the camp site as living or sleeping quarters, restrooms, or for a cafeteria or kitchen, to provide an outdoor group-living experience for children or adults; and

(ii) The camp site is used for occasional weekend or overnight camping experiences for such persons; and

(iii) The camp site contains no electrical, sewage or water hookups or pads to accommodate travel trailers, truck coaches or campers, tent campers and other similar camping vehicles.

329. **Camper**: Any individual who occupies a campsite or otherwise assumes charge of, or is placed in charge of, a campsite.

330. **Campground**: A plot of ground upon which two (2) or more campsites are located, established, or maintained for temporary occupancy by camping units as temporary living quarters for recreation, education or vacation purposes. Campgrounds may be publicly or privately owned and operated.

330.1. **Campground, Commercial**: A campground that provides monetary gain for the property owner through the short-term or long-term lease of campsites to campers for a fee.

330.2. **Campground, Long-Term**: A public or private campground wherein campers and/or their camping units remain on the premises for greater than or equal to eight (8) nights.

330.3. **Campground, Mixed-Use**: A campground containing campsites suited for more than one type of camping unit.

330.4. **Campground, Short-Term**: A public or private campground wherein campers and/or their camping units remain on premises for not more than seven (7) nights.

330.5. **Campground, Tent**: A lot in single ownership that has been developed or is intended to be developed for one or more campsites designed for occupancy by tents, hammocks or other structures that can be dismantled and transported without wheels.

330.6. **Campground, Recreational Vehicle**: A lot in single ownership that has been developed or is intended to be developed for one or more campsites designed for occupancy by recreational vehicles or other motorized, towable, or similar camping units.

331. **Camping**: The act of using a camping unit to reside temporarily outside of one's permanent residence.

332. **Camping Unit**: Any tent, trailer, cabin, lean-to, RV, camper, or similar structure established or maintained and operated in a campground as temporary living quarters for recreation, education, or vacation purposes. A camping unit must be used as originally designed. A camping unit may not be used as utility building or a dwelling.

333. **Campsite**: Any plot of ground within a campground intended for the exclusive occupancy by a camping unit under the control of a camper.

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

335. **Center Line of the Street**: That line surveyed and monumented by the governing body shall be the center line of the street; or if such center line has not been surveyed, it shall be that line running midway between the outside curbs or ditches of such street.

336. **Church**: A building wherein persons regularly assemble for religious worship and 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 purposes. Includes synagogue, temple, mosque, or other such place for worship and religious activities.

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

338. **Collector Street**: A street providing for traffic movement within the town as shown on the Zoning Map of the Town of Unicoi.

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

340. **Country Inn**: A country inn is a professionally licensed business that provides lodging to registered guests and serves breakfast to registered guests and at least one other meal to registered guests and/or the public.

341. **Coverage**: The lot area covered by all buildings located therein, including the area covered by all overhanging roofs.

342. **Data Mining Center**: A facility used for the operation, housing, and maintenance of computer systems and associated infrastructure primarily for the purpose of processing, verifying, storing, or analyzing large volumes of digital data. This includes, but is not limited to:

- **Cryptocurrency Mining Operations**, such as Bitcoin mining, where computer systems perform complex calculations to validate transactions and generate digital currencies;
- **General Data Processing Facilities**, such as those used for artificial intelligence (AI), scientific computing, cloud computing, machine learning, and other large-scale computational or analytical tasks.

A Data Mining Center may include specialized hardware such as graphics processing units (GPUs), application-specific integrated circuits (ASICs), cooling and ventilation systems, backup power generation, and internet connectivity infrastructure.

343. **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).

344. **Development**: A man made change to improved or unimproved real estate, including, but not limited to, buildings or other structures, mining, dredging, filling, grading, paving, excavation, or drilling operations.

345. **District**: Any section or sections of the area lying within the Town of Unicoi, Tennessee, for which the regulations governing the use, density, bulk, height, and coverage of buildings and other structures are in force.

346. **Dwelling, Single Family**: A building designed, constructed, and used for one (1) dwelling unit, which is entirely surrounded by open space or yards on the same lot, with the exclusion of mobile homes and trailers, except as otherwise provided in this chapter. (Ord. 04-115)

347. **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.

348. **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 unit on the same floor.

349. **Family**: One or more persons occupying a single dwelling unit, provided that unless all members are related by blood or marriage, no such family shall contain over five (5) persons, but further provided that domestic servants employed on the premises without being counted as a family or families.

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

351. **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.

352. **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.

353. **Gasoline Service Station**: Buildings and premises where gasoline, oil, grease, batteries, tires, and automobile accessories may be supplied and dispensed at retail.

However, uses permissible at a gasoline service station do not include major mechanical and body work, straightening of body parts, painting, welding, storage of automobiles not in operating conditions, or other work involving noise, glare, fumes, smoke, or other characteristics to an extent greater than normally found in service station. A gasoline service station is not a repair garage nor a body shop. A gasoline service station is not a truck stop and no over the road trucks shall be allowed to stop and stand at a gasoline station overnight or for any other period in which the operator of the truck takes mandatory down time or sleeps to enable the driver to return to service. (Ord. 10-191)

354. **Governmental Uses**: This use is defined as a building, structure or land owned, operated, or occupied by an agency, individual and/or any level of government to provide a governmental service to the public. This shall include in the discretion of the Board of Mayor and Aldermen uses the BMA enters into by way of lease, assignment and/or partnerships or any other form of association to further the interests of the Town of Unicoi.

Questions concerning identification of a Governmental Use: In the event the Town Recorder deems a proposed use, not including any use based upon the Board of Mayor and Aldermen entering into a lease, assignment, partnership or other form of association to further the interests of the Town of Unicoi, questionable as to whether the same constitutes a Governmental Use, the Town Recorder will submit the proposed use to the Board of Zoning Appeals. Based on the facts of the proposed use before them, the Board will determine whether or not the proposed use is permitted within the Planned Business District.
(Added 6-18-2012)

355. **Grade, Finished**: The completed surfaces of lawns, walks, and roads brought to grades as shown on official plans or designs relating thereto.

356. **Group Home**: A residential facility which offers a home like environment for mentally retarded, mentally handicapped, or physically handicapped residents, on either a permanent or temporary basis.

357. **Home Occupations**: An occupation conducted in a dwelling unit, provided that:

(a) Only one person other than members of the family residing on the premises shall be engaged in such occupation.

(b) The use of the dwelling unit for the home occupation shall be clearly incidental and subordinate to its use for residential purposes by its occupants, and not more than twenty-five (25) percent of the floor area of the dwelling unit shall be used in the conduct of the home occupation.

(c) There shall be no change in the outside appearance of the building or premises, or other visible evidence of the conduct of such home occupation

other than one sign, not exceeding two square feet in area, non-illuminated and mounted flat against the wall of the principal building.

(d) Home occupations within accessory structures may be permitted upon appeal and approval of the Board of Zoning Appeals.

(e) No traffic shall be generated by such home occupation in greater volumes than would normally be expected in a residential neighborhood, and any need for parking generated by the conduct of such home occupation shall be met off the street and other than in a required front yard.

(f) No equipment or process shall be used in such home occupation which creates noise, vibration, glare, fumes, odors, or electrical interference detectable to the normal senses off the lot.

358. **Hospital**: See Medical Facilities.

359. **Hunting Preserves**: Areas reserved for public or private hunting of wildlife, fishing, and accessory structures in support of those activities.

360. **Junk Yards**: Any open or uncovered land on which dilapidated automobiles, machines or machine parts, scrap metal, rags, plastics, boxes, barrels, old papers or tires, and the like are assembled for purposes of trade or disposal.

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

362. **Liquor Store**: The building or part of a building where a licensee conducts any of the business authorized by the local liquor store privilege license and state liquor license held by such licensee.

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

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

362.2**.** **Lot Line, front**: That property line running with the street right-of-way which gives access to the lot.

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

364. **Lot Width**: The width of a lot at the required building setback line measured at right angles to its depth.

365. **Lowest Floor**: The lowest floor of the lowest enclosed area (including basement). This does not include the floor of an unenclosed garage used solely for parking vehicles.

366. **Manufactured Home per T.C.A. §68-126-202**: Manufactured home means a structure constructed to National Manufactured Home Construction and Safety Standards, identifiable by a red and silver seal, transportable in one (1) or more sections, which, in the traveling mode, is eight (8) body feet or more in width, or forty (40) body feet or more in length, or, when erected on site, is three hundred twenty (320) or more square feet, and which is built on a permanent chassis and designed to be used as a dwelling with or without a permanent foundation when connected to the required utilities, and includes the plumbing, heating, air conditioning, and electrical systems contained in the structure; except that "manufactured home" includes any structure that meets all the requirements of this subdivision (except the size requirements) and with respect to which the manufacturer voluntarily files a certification required by the secretary and complies with the standards established under this title.

365.1. **Manufactured Home Park**: Any single plot or tract of land containing, or designed for and intended to contain, two (2) or more manufactured homes for permanent residence, where manufactured home spaces are leased or rented to the homeowner by the landowner.

365.2. **Manufactured Home Subdivision**: A subdivision of land designed for occupancy by manufactured homes exclusively and where the individual lots are sold to the occupants.

367. **Medical Facilities**:

366.1. **Convalescent, Rest or Nursing Home**: A health facility where persons are housed and furnished with meals and continuing nursing care for compensation.

366.2. **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.

366.3. **Hospital**: An institution provided health services primarily for human in-patient medical care for sick or injured and including related facilities such as service, and staff offices which are an integral part of the facility. These facilities do possess the power and means of keeping patients overnight.

366.4. **Public Health Center**: A facility utilized by a health unit for the provision of public health services.

366.5. **Substance Abuse treatment facility**: A facility providing medically supervised out-patient treatment and counseling for addicts of heroin and other opiates, however, that patients are not kept overnight. (added 4-21-03)

368. **Mini Warehouse**: A building or group of buildings in a controlled access compound that contains varying sizes of individual, compartmentalized, and controlled access stalls or lockers for the storage of customer's goods or wares.

369. **Mobile Food Unit**: A food service establishment designed to be readily moveable. Food service establishments may be allowed by special events permits and not regulated as mobile food units.

370. **Mobile Home per T.C.A §68-126-202**: Mobile home means a structure manufactured before June 15, 1976, that is not constructed in accordance with the National Manufactured Home Construction and Safety Standards Act of 1974, compiled in 42 U.S.C. § 5401 et seq. It is a structure that is transportable in one (1) or more sections that in the traveling mode is eight (8) body-feet or more in width and forty (40) body-feet or more in length, or, when erected on site, is three hundred twenty (320) or more square feet and that is built on a chassis and designed to be used as a dwelling with or without a permanent foundation when connected to the required utilities and includes any plumbing, heating, air conditioning and electrical systems contained in the structure. A recreational vehicle is not to be considered a mobile home.

369.1. **Mobile Home Park**: A parcel or tract of land under single ownership which has one or more mobile homes constructed prior to 1976 on the lot and might be in significant disrepair.

369.2. **Mobile Home Junk Yard**: Junk Yards as defined in this section shall not include Recycling Centers. A premise used for the outside storage of two or more single-wide or double-wide manufactured homes on a lot over ninety (90) days that do not have properly installed septic systems, water systems and electricity that meet minimum state standards. These operations of single-wide and double-wide manufactured home storage and wrecking facilities must meet the requirements of yards as defined in this section.

371. **Mobile Unit**: A structure which has all of the following characteristics: Designed to be transported after fabrication on its own wheels, or on flatbed or other trailer or detachable wheels. Arriving at the site where it is to function as an office, commercial establishment, assembly hall, storage, governmental or other similar purpose and ready for use except for minor and incidental unpacking and assembly operations, location on foundation supports, connections to utilities and the like.

372. **Mobile Food Unit**: A food service establishment designed to be readily movable. Food service establishments may be allowed by special event permits and not regulated as mobile food units.

373. **Modular Home**: A home constructed in a factory, like a manufactured home, but which is not built on a permanent chassis, and which requires placement on a permanent

foundation. It is constructed to the Tennessee Modular Building Code and is identified by a green seal.

374. **Nonconforming 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.

375. **Noncomplying**:

(a) Any lot of record which does not contain sufficient lot area to conform to the area requirements for the zoning district in which the lot is located.

(b) Any lawful building or other structure which does not comply with any one (1) or more of the applicable regulations, or

(c) Any lawful use other than a nonconforming use, which does not comply with any part or any one (1) or more of the applicable regulations pertaining to location along district boundary or accessory off-street parking and loading either on the effective date of this ordinance or as a result of any subsequent amendment thereto.

376. **Planned Unit Development**: A planned residential, commercial, or industrial development, professionally designed as a unit, and approved by the Unicoi Planning Commission, on a site not less than two (2) acres and located in those areas zoned for its use.

377. **Principal Use**: The primary purpose or function that a lot serves or is intended to serve.

378. **Principle residential structures**: the primary building on a lot that is used for residential purposes only. This includes single and multifamily dwellings.

379. **Professional Office**: The office of a physician, dentist, attorney, architect, engineer, planner, accountant, or similar professions.

380. **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.

381. **Public Wastewater System**: A municipal, community, or utility district sewerage treatment and disposal system of a type approved by the State Department of Health and Environment and the Public Service Commission.

382. **Public Water**: A municipal, community or utility district water treatment and distribution system of a type approved by the State Department of Health and Environment and the Public Service Commission.

383. **Recreational Vehicle**: A portable unit, constructed as a vehicle, permitted and licensed as such, to be conveyed upon the public streets or highways, either by its own motive power or by being mounted on and drawn by another vehicle. Recreational Vehicles include motor homes, travel trailers, camping trailers, and truck campers, and are constructed to include a roof, floor, all side walls, and in such a manner to permit temporary dwelling for one (1) or more persons, designed to be used as temporary living quarters for short-term occupancy, frequent and/or extensive travel, and recreational, camping, and vacation use.

384. **Recreational Vehicle Park**: Any lot or parcel of land upon which two or more recreational vehicle sites are located, established, or maintained for occupancy for a fee and designed as temporary living quarters for recreation or vacation purposes. The occupants of such parks may not stay for longer than thirty (30) consecutive days.

385. **Repair Garage**: A building where motor vehicles are repaired, rebuilt, reconstructed, painted, or stored, for compensation.

386. **Required Yard**: That portion of a lot that is required by the specific district regulation to be open from the ground to the sky, and which may contain only explicitly listed obstructions.

387. **Residence, Temporary**: A place where a person(s) or family will habitat for a brief period of time not to exceed more than six months. This does not include vacation rentals or recreational camping, and only applies to emergencies and exceptional situations, such as staying in an RV while a house is being built.

388. **Residence, Transient**: A building or dwelling that contains separate accommodations for guests, which includes lodging and commodes but may or may not include meals, for compensation, and which guests are registered to stay for thirty days or less. Transient residences include vacation rentals, recreational stays in campgrounds, hotels/motels, Airbnb, and other bed and breakfast homes/inns. A boarding house is not considered a transient residence since lodging can be accommodated for more thirty days.

389. **Restaurant**: A structure in which the principal use is the preparation and sale of food and beverages.

390. **Right-of-Way**: The minimum right-of-way of all local streets.

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

392. **Shopping Center**: A group of commercial establishments, planned, developed, owned or managed as a unit, with off street parking provided on the property; however, this

shall not apply to a group of commercial establishments containing no more than four (4) separate commercial establishments in one (1) structure containing a total of not more than 7,500 square feet of floor area.

393. **Short-Term Rental**: Any form of paying a fee for the transient occupancy of a dwelling or lodging, located within any structure or any portion of a structure, including, but not limited to, single-family residences, condominiums, duplexes, townhomes, multiple family dwellings, or campsites. Lodging accommodations shall not exceed thirty days.

393.1 **Hotel**: any building or establishment kept, used, or maintained as, or advertised as, or offered to the public to be, a place where sleeping accommodations are furnished for pay to transients or travelers, whether or not meals are served to transients or travelers. Stays are not to exceed thirty (30) days.

393.2 **Extended Stay Hotel:** any building or establishment kept, used, or maintained as, or advertised as, or offered to the public to be, a place where sleeping accommodations are furnished for pay to transients or travelers, whether or not meals are served to transients or travelers. Stays are longer than thirty (30) days.

394. **Sign**: As defined by the Unicoi Sign Ordinance.

395. **Special Exception**: A special exception is a use that would not be appropriate generally or without restriction throughout the zoning division or district 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 division or district as special exceptions if specific provision for such special exceptions is made in this zoning code and only after approval has been granted by the Board of Zoning Appeals.

396. **Specified Anatomical Areas**: Specified anatomical areas shall mean any of the following:

395.1. less than completely and opaquely covered human genitals, pubic region, buttocks, anus, or female breasts below a point immediately above the top of the areolae; or

395.2. human male genitals in a discernibly turgid state, even if completely and opaquely covered.

397. **Specified Sexual Activities**: Specified sexual activities. Specified sexual activities as used in this code shall include but not be limited to the following:

397.1. human genitals in a state of sexual stimulation or arousal;

397.2. acts of human masturbation, sexual intercourse or sodomy;

397.3. fondling or other erotic touching of human genitals, pubic regions, buttocks or female breasts;

397.4. flagellation or torture in the context of a sexual relationship;

397.5. masochism, erotic or sexually oriented torture, beating or the infliction of pain;

397.6. erotic touching, fondling or other such contact with an animal by a human being; or

397.7. human excretion, urination, menstruation, vaginal or anal irrigation as part of or in connection with any of the activities set forth in "1" through "6" above.

398. **Storage units**: Standalone units or accessory buildings intended for storage purposes only and not for residential use.

399. **Story**: That portion of a building included between the upper surface of any floor and the upper surface of the floor next above; or any portion of a building used for human occupancy between the topmost floor and the roof. A basement not used for human occupancy other than for a janitor or domestic employee shall not be counted as story.

400. **Street**: A public right-of-way set aside for public travel which (a) has been accepted for maintenance by the Town of Unicoi;(b) has been established as a public street prior to the date of adoption of this ordinance; or (c) has been dedicated to the Town of Unicoi for public travel by the recording of a street plat or a plat of a subdivision which has been approved by the planning commission.

3001. **Structure**: Anything constructed or erected, the use of which requires location on the ground, or attachment to something having location on the ground.

3002. **Temporary Sign**: Temporary signs shall include any sign, banner, pennant, valance, or advertising display constructed of wood, metal, cloth, canvas, light fabric, cardboard, wallboard, or the light material, with or with frames, where either by reason of construction or purpose of sign is intended to be displayed for a short period of time only.

3003. **Terminal**: (1) A place where transfer between modes of transportation takes place; (2) a terminating point where goods are transferred from a truck to a storage area or to other trucks or picked up by other forms of transportation.

3004. **Tiny House**: Any house or livable unit that is less than 501 square feet.

3005. **Topography**: The configuration of a surface area showing relative elevations.

3006. **Total Floor Area**: The area of all floors of a building including finished attic, finished basement and covered porches.

3007. **Townhouse**: A townhouse is a single-family dwelling unit attached by fire resistant common walls to other similar type units, each unit having an open space for light, air, and access in the front and rear.

3008. **Toxic Materials**: Materials (gaseous, liquid, solid, particulate) which are capable of causing injury to living organisms even when present in relatively small amounts.

3009. **Travel Trailer**: Any vehicle used, or so constructed as to permit its being used as conveyance upon the public streets or highways and duly licensable as such, and constructed in such a manner as will permit occupancy thereof as a dwelling or sleeping place for one (1) or more persons, and designed for short-term occupancy, for frequent and/or extensive travel, and for recreational and vacation use, including camper trucks and self-propelled campers, etc.

3010. **Travel Trailer Park**: Any plat of land upon which two or more travel trailers are located and used as temporary living or sleeping quarters. Travel trailer parks must meet all related state and local regulations.

3011. **Truck Stop:** An establishment engaged primarily in the fueling, servicing, repair, or parking of tractor trucks or similar heavy commercial vehicles, including the sale of accessories and equipment for such vehicles. A truck stop may also include overnight accommodations, showers, or restaurant facilities primarily for the use of truck crews. Over the road trucks shall be allowed to stop and stand overnight for any other period in which the operator of the truck takes mandatory down time or sleeps to enable the driver to return to service. A truck stop is not a gasoline service station. (Ord. 10-191)

3012. **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.

3013. **Variance**: A variance is a relaxation of the terms of the Zoning Code where such variance will not be contrary to the public interest and where, owing to conditions peculiar to the property and not the result of the actions of the applicant, a literal enforcement of the Code would result in unnecessary and undue hardship. As used in this Code, a variance is authorized only for height, area, and size of structure or size of yards and open spaces; establishment or expansion of a use otherwise prohibited shall not be allowed by variance, nor shall a variance be granted because of the presence of nonconformities in the zoning district or uses in an adjoining zoning district.

3014. **Yard**: An open space on the same lot with a principal building, open unoccupied, and unobstructed by buildings from the ground to the sky except as otherwise provided in this ordinance.

3014.1. Front Yard: The yard extending across the entire width of the lot between the front lot line and the nearest part of the principal building, including covered porches.

3014.2. Rear yard: The yard extending across the entire width of the lot between the rear lot line and the nearest part of the principal building including covered porches.

3014.3. Side yard: A yard extending along the side lot line from the front yard to the rear yard and lying between the side lot line and the nearest part of the principal building, including covered porches.

3015. Zoning Map: A map, or series of maps and special overlays (the official copy being maintained at the Town of Unicoi City Hall) showing a district and special districts that are established under the provisions of, and are thereby, a part of this Ordinance.

3015.1. Rezone (rezoning): The process of changing a current zoning classification into another zoning classification that is compatible with surrounding property use.

3015.2. Spot Zoning: Rezoning of a lot or parcel of land to benefit an owner for a use incompatible with surrounding uses and not for the purpose or effect of furthering the comprehensive zoning plan.

ARTICLE IV. GENERAL PROVISIONS

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

401.1 No building or land containing a nonconforming use shall hereafter be extended unless such extensions shall conform with the provisions of this ordinance for the district in which it is located; provided however, that a nonconforming use may be extended throughout those parts of a building which were manifestly arranged or designed for such use prior to the time of enactment of this ordinance; provided also, that single family residential dwellings erected or placed within the Planned Business District prior to the passage of Ordinance #2016-248 may be extended and allowed placement of customary accessory structures so long as they meet the building setback requirements of the Planned Business District and conform to the standards of the adopted Building Code.

401.2. Any nonconforming building which has been damaged by fire or other causes, may be reconstructed, and used as before unless the Building Inspector determined that the building is damaged to the extent of more than seventy-five percent of its appraised value for tax purposes in which case any repair or reconstruction shall be in conformity with the provisions of this ordinance.

401.3. When a nonconforming use of any building or land has ceased for a period of six (6) months, it shall not be re-established or changed to any use not in conformity with the provisions of this ordinance. When the use ends for the following causes, it may remain legal-nonconforming:

A. Any action was placed on the property by a court until the time the settlement, order, decree, or judgement has been rendered.

B. An application was pulled or permitted for the renovation, construction, reconstruction, or refurbishment prior to the thirty months of cessation.

401.4. All nonconforming outdoor advertising signs, junk yards, commercial animal yards, and lumber yards not on the same lot with a plant or factory shall be required to conform to the provisions of this ordinance upon official notification by the Building Inspector.

402. **Off-Street Automobile Parking**. Off-street automobile parking space shall be provided on every lot on which any of the following uses are hereafter established except for nonresidential uses in the B-2 (Central Business) District. The number of automobile parking spaces provided shall be at least as great as the number specified below for various uses. Each space shall have at least two hundred square feet in area

and shall have vehicular access to a public street. Turning space shall be provided so that no vehicle will be required to back into the street.

402.1. Automobile repair garages: One space for each regular employee plus one space for each 250 square feet of floor space used for repair work.

402.2. Churches: One space for each four (4) seats.

402.3 Clubs and lodges: One space for each three hundred (300) square feet of floor space over one thousand square feet.

402.4. Dwellings:

402.4.1. Single and duplex: One space for each unit.

402.4.2. Multi-family: One space and one-half space each unit.

402.5. Funeral parlors: One space for each four (4) seats in the chapel.

402.6. Gasoline service stations and similar establishments: Four (4) spaces for each bay or similar facility plus one space for each employee.

402.7. Hospitals and nursing homes: One space for each two staff or visiting doctors plus one space for each two employees and one space for each four beds, computed on the largest number of employees on duty at any period of time.

402.8. Hotel: One space for each four (4) employees plus one space for each two (2) guest rooms.

402.9. Hunting Preserves: One space for each employee plus one space for every two (2) hunting participants. If an accessory club house exists, an additional one space for each three hundred (300) square feet of gross floor space.

402.10. Industry: One space for each three (3) employees computed on the largest number of people employed at any period during day or night.

402.11. Mobile Food Units: Eight (8) spaces devoted to the use of the mobile food unit and in addition any required spaces for other permitted uses on the same property.

402.12. Motels: One space for each four (4) employees plus one space for each accommodation.

402.13. Offices:

402.13.1. Medical: One space for each three hundred (300) square feet of floor space.

402.13.2. Other professional; One space for each four hundred (400) square feet of floor space.

402.13.3. General: One space for each four hundred (400) square feet of floor space.

402.14. Places of public assembly: One space for each five (5) seats in the principal assembly room or area.

402.15. Recreation and amusement areas without seating capacity: One space for each five (5) customers computed on maximum service capacity.

402.16. Restaurants: One space for each four (4) employees, plus one space for each one hundred (100) square feet of floor space devoted to patron use.

402.17. Retail business and similar uses: One space for each two hundred (200) square feet of gross floor space.

402.18. Schools: One space for each faculty member, plus one space for each four (4) pupils except in elementary and junior high schools.

402.19. Wholesale business: One space for each three (3) employees based on maximum seasonal employment.

402.20. If off-street parking space required above cannot be reasonably provided on the same lot on which the principle use is conducted, the Board of Zoning Appeals may permit such space to be provided on other off-street property provided such space lies within four hundred (400) feet of the main entrance to such principal use. Such vehicle standing space shall be deemed to be required open space associated with the permitted use and shall not thereafter be reduced or encroached upon in any manner.

402.21. Extension of parking space into a residential district. Required parking space may extend up to 120 feet into a residential zoning district, provided that: (1) the parking space adjoins a commercial or industrial district; (2) has its only exit to or from upon the same street as the property in the commercial or industrial district from which it provides the required parking space; and (3) is separated from abutting properties in the residential district by a plant or fence buffer strip as determined by the Building Inspector.

402.22. Mobile Food Units: Eight (8) spaces devoted to the use of the mobile food unit and in addition to any required spaces for other permitted uses on the same property.

403. **Off-Street Loading and Unloading Space**. On every lot on which a business, trade, or industry use is hereafter established, space with access to a public street or alley shall

be provided as indicated below for the loading and unloading of vehicles off the public street or alley.

403.1. Retail business: One space of at least 12 x 25 feet for each 3,000 square feet of floor area or part thereof.

403.2. Wholesale and industrial: One space of at least 12 x 50 feet for each 10,000 square feet of floor area or part thereof.

403.3. Bus and truck terminals: Sufficient space to accommodate the maximum number of buses or trucks that will be stored and loading and unloading at the terminal at any one time.

404. **Vision Clearance**. In all districts except the B-2 Central Business District, there shall be no plants or structures placed in or on any yard portion of a lot that would obstruct the vision of auto or pedestrian traffic using the intersecting public streets.

405. **Ingress and Egress.** A plan for adequate and safe ingress and egress for all land uses shall be required.

406. **Flood Protection**. Any structure proposed to be located within fifty (50) feet of any main drainage channel or stream (hereafter referred to as a stream) within the Town of Unicoi, Tennessee must be approved by the Town of Unicoi Planning Commission and be in conformity with the Flood Disaster Protection Act of 1973 as amended. The planning commission shall determine, on the basis of the watershed and the probable runoff, the openings needed for the stream and how close a structure may be built to the stream in order to assure adequate space for flow of flood water. However, in no case shall a building or structure be permitted within fifteen (15) feet of the top of the bank of any stream.

407. **Planned Unit Development**.

407.1. Purpose: The purpose of the Planned Unit Development (sometimes hereinafter referred to as PUD) is to provide the opportunities to create more desirable environments through the application of flexible and diversified land development standards under a comprehensive plan and program professionally prepared. The Planned Unit Development is intended to be used to encourage the application of new techniques and technology to community development which will result in superior living or development arrangements with lasting values. It is further intended to achieve economies in land development maintenance, street systems, and utility networks while providing building groupings for privacy, usable attractive open spaces, safe circulations, and the general well-being of the inhabitants.

407.2. Location: A PUD may be located within any residential, commercial, or industrial district provided that the density and use requirements of the district in which

such a PUD is to be located are adhered to and provided that the PUD plan has been reviewed and recommended for approval by the Town of Unicoi Planning Commission.

407.3. Permitted uses in PUD's: Any use permitted in that district in which the PUD is to be located.

407.4. Height and Area Regulations: No building shall exceed three stories or thirty-five feet in height except that a conditional permit may be granted by the board of zoning appeals for the construction of structures exceeding their limits provided the following conditions are met:

407.4.1. There is at least a six-inch water line serving the site.

407.4.2. Fire hydrants are installed so that all buildings can be reached with a 250 feet hose.

407.4.3. There is an internal fire protection system in each structure over three stories or thirty-five feet, which will meet all applicable ordinances as established in the adopted building codes for the Town of Unicoi.

407.4.4. The structure shall be built of fire-resistant material.

407.4.5. The stairwell doors shall be of fireproof construction and open directly out of the main hallway.

407.4.6. Exit lights shall be placed at all doors leading out of the buildings and at stairwells. All doors that are used as means of egress from a building shall swing outward and shall be equipped with panic bars.

407.4.7. The total number of dwelling units may not exceed the density allowed in that district.

407.4.8. For every one foot of additional height over 35 feet, the structure shall be set back one additional foot from all property and/or building lines, as specified elsewhere in these regulations.

407.5. The minimum development site for PUD's shall be at least two (2) acres.

407.6. No free-standing building shall be closer than twenty (20) feet to any other free-standing building and no closer than twenty-five (25) feet to the exterior property line.

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

407.7.1. Residential

407.7.1.1. There shall be at least two spaces per dwelling unit for townhouses, duplexes, and single-family dwellings.

407.7.1.2. There shall be at least one and one-half (1-1/2) spaces per dwelling unit for apartment houses.

407.7.1.3. There shall be at least one space for each four seats in the main auditorium of churches and other public buildings.

407.7.1.4. Parking spaces for parks, playgrounds, and community buildings in the development may be required according to the design of the Planned Unit Development.

407.7.2. Commercial and Industrial.

407.7.2.1. One parking space for each three hundred square feet of floor space.

407.8 General provisions:

407.8.1. Relationship to the Subdivision Regulations; The arrangement of public and common ways for pedestrian and vehicular circulation in relation to other existing or planned streets in the area and to the Major Thoroughfare Plan, Town of Unicoi, Tennessee together with provisions for street improvements shall generally comply with standards set forth in the subdivision regulations. However, the uniqueness of each proposal for a planned unit development may require that specifications for the width and surfacing of streets, public ways, public utility rights-of-way, curbs and other standards may be subject to modification from the specifications established in the subdivision regulations.

Upon application by the landowner and good cause shown, the planning commission may permit changes or alterations of such standards which are consistent with the spirit and intent of this section. Modifications may be incorporated only with the approval of the planning commission as a part of its review of the development and granted as a variance in the preliminary approval of the subdivision plat which is concurrent with the final approval by the planning commission of the development plan.

407.8.2. Combination of Separate Types of Planned Unit Development. The Town of Unicoi Planning Commission may consider separate types of planning unit development (such as residential and commercial planned unit development-general) within a consolidated development plan as a single administrative procedure provided the total tract is under single ownership of a landowner, as defined by this article and the land area is sufficient to comply with the separate requirements combined.

407.8.3. Development Standards and Site Improvements:

407.8.3.1. Minimum elevations: All lots shall have a building area above the 100-year flood stage as delineated on the maps and profiles drawn by the Department of Housing and Urban Development.

407.8.3.2. Streets may not be at an elevation less than one (1) foot below the flood level given above.

407.8.4. Site Improvements:

407.8.4.1. All dedicated public streets shall be constructed so as to conform with the intent of the Town of Unicoi Subdivision Regulations.

407.8.4.2. There shall be constructed sidewalks, or an equivalent paved internal pedestrian circulation system, located at the end of every property, and adjacent to the right-of-way, unless otherwise approved by the planning commission. The minimum width of such sidewalks shall be four (4) feet and must meet all other requirements standards of compliance with the Americans with Disabilities Act (ADA).

407.8.4.3. Storm drainage structures shall be constructed in accordance with plans and specifications approved by the planning commission.

407.8.4.4. Any planned unit development to be constructed within the Town of Unicoi shall be served by a sanitary sewer or be approved by the appropriate local or state health department.

407.8.4.5. For the prevention of noise, improvement of visual character and a generally more pleasing environment, adequate landscaping and screening shall be required by the planning commission and shown on the planned unit development plan.

407.8.4.6. Each PUD shall be limited to one major business sign and any number of small accessory business signs. All small accessory signs shall be a face sign attached to a building and shall not project above the building.

407.8.5. Building Construction: No multi-family structure in a PUD shall have more than four (4) continuous apartment units that are not separated by fire resistant construction.

407.8.6. Density: Areas designated for the site of schools, churches and other public buildings cannot be used when computing allowed densities. However, the open space around these sites can be so computed.

407.8.7. Open Space Requirements:

407.8.7.1. Residential: On site usable for recreation and open space shall be provided. Such areas shall be set aside for open space or recreation purposes only. It is intended to serve the residents of the PUD and should therefore be easily accessible to them. If the PUD is to be individually owned units, then this space shall be maintained in common ownership, established in the appropriate legal manner.

407.8.7.2. Commercial and industrial:

407.8.7.2.1. Commercial and industrial Planned Unit Developments shall meet all open space requirements as established by this ordinance.

407.8.7.2.2. All open space shall be landscaped, and all such landscaping shall be shown in the planned unit development plan.

407.8.7.3. Said open space shall be established in the appropriate legal manner and maintained in one of the following methods:

407.8.7.3.1. By the developer or management authority of the PUD.

407.8.7.3.2. By Homeowner's Association established by deed restrictions.

407.8.7.3.3. By the public if dedication of such open space is approved by the planning commission.

407.8.8. Staging:

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

407.8.8.2. The planning commission may require that development be made in stages if public facilities are not adequate to service the entire development initially.

407.8.9. Changes and Modifications:

407.8.9.1. Major changes: Major changes in the planned unit development after it has been adopted shall be considered the same as a

new petition and shall be made in accordance with the procedures specified in Section 407.9.

407.8.9.2. Minor changes: Minor changes in the planned unit development plan may be approved by the planning commission provided that such changes:

407.8.9.2.1. Do not increase the densities:

407.8.9.2.2. Do not change the outside (exterior) boundaries:

407.8.9.2.3. Do not change any use:

407.8.9.2.4. Do not materially change the location or amount of land devoted to specific land uses:

407.8.9.2.5. Do not significantly change the exterior appearance from those shown on any plans which may be submitted or presented by the developers.

407.8.9.3. Minor changes may include, but are not limited to, minor shifting of the location of buildings, proposed streets, public or private ways, utility easements, parks or other public open spaces, or other features of the plan.

407.9. Application Procedure for Planned Unit Development: To obtain a Special Conditions permit to develop a planned unit development, the developer shall submit a preliminary planned unit development plan to the Town of Unicoi Planning Commission for its review and approval. The preliminary PUD plan shall be drawn at a minimum scale of one-inch equals one hundred feet and shall:

407.9.1. Define the location, size, accessibility, and existing zoning of the proposed site.

407.9.2. Indicate the surrounding type of development and land use.

407.9.3. Set forth the type of development proposed, the density of the proposed development and the location of all structures, parking areas, and open space.

407.9.4. Show a plan for streets, thoroughfares, public utilities, schools, and other public or community uses.

407.9.5. In addition to the above, the planning commission may require such other additional information as may be determined necessary to adequately review the proposed development.

407.9.6. No building permits shall be issued until after approval of both the final PUD plan and a preliminary subdivision plat for any portion of the property contained within the area encompassed by the final PUD plan which is to be subdivided. The building inspector shall revoke any permit issued in reliance upon said plan as finally approved at such time as it becomes obvious that such plan is not being complied with.

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

407.9.8. Any special conditions permit shall expire twelve (12) months from and after its issuance if the development as planned has not been adhered to or is not being adhered to; provided however, that for good cause shown said special conditions permit may be extended for additional periods not to exceed one (1) year.

408. Special Carport Construction. In housing constructed prior to 1950 where no provision was made for the off-street parking of automobiles, carports may be constructed in rear and side yards provided the intent and purpose of this ordinance are met as closely as possible and where in the opinion of the building inspector no objectionable condition to the community will result with construction of the carport.

409. Signs. The purpose and intent of this Section is to provide a comprehensive system of sign regulations which will promote the best development of the Town of Unicoi through the establishment of regulations which regulate the type, placement, and size of signs and other graphic devices within the town; protect and enhance the scenic beauty of the natural environment in the town; emphasize the assets of community appearance and high environmental quality in promoting economic development; promote the public health, safety, and welfare by prohibiting improperly designed or located signs which could distract, confuse, mislead, or obstruct vision; ensure safe construction and maintenance of signs; protect and enhance public and private property; ensure equity in the distribution of the privilege of using the public visual environment to communicate private information; and improve the appearance of the town's business areas, especially along major thoroughfares. No signs or banners of any type except town directional, informational or activity signs or banners may be placed on road rights-of-way within fifteen (15) feet of the four (4) Town of Unicoi signs located (1) at Tinker Road, (2) at I-26 exit 32, (3) at the intersection of Unicoi Road and Unicoi Drive and (4) at Town Hall.

Definitions

Abandoned Sign: A sign or portion thereof that no longer identifies or advertises an ongoing business, product, location, service, idea, or activity or a sign not maintained so that all of the information on the sign is legible. Whether a sign has been abandoned

or not shall be determined by the demonstrated intent of the owner of the sign and shall be governed by applicable Tennessee law and local regulations on abandoned structures.

Freestanding Sign: Any sign supported by structures or supports that are placed on or anchored in the ground and that are independent from any building or other structure.

Internally Illuminated Sign: A sign that is lighted by a source concealed behind a translucent sign panel.

Off-Premises Sign: Any sign visible from a public right-of-way identifying or advertising a business, person, activity, goods, products, or services not located on the premises where the sign is located or maintained.

Portable Sign: Any sign not permanently attached to the ground or some type of permanent structure; or a sign designed to be transported by wheels.

Sign Area: The area of a sign shall be measured from the outside edges of the sign or the sign frame, whichever is greater. If the sign consists of more than one (1) section or module, each section and module will be added together in the computation of the sign area. In all cases, the maximum square footage as permitted in these regulations shall be the sum total of all signage displayed on the supporting structure.

Temporary Commercial Flags and Inflatables:

> Commercial Flags: means any flag which displays a commercial name, message, logo, or symbol. For this ordinance, the Feather Flag style flag is considered a commercial flag.
>
> Commercial Inflatables: means any Inflatable which displays a commercial name, message, logo, symbol, or meant to draw attention to a business. This includes, but not limited to, inflatable air dancers, dancing, and wavy arm blowups, etc. This does not include any inflatables intended to be used for recreational purposes such as slides, bounce houses, etc.

Temporary Sign: Any sign, except for a window sign, that is used for a period as specified and is not permanently mounted.

Temporary Off-Premises Real Estate Yard Sign: Any yard sign visible from a public right-of-way advertising the sale, rental or lease of the premises or part of the premises, not located on the premises where the sign is located.

409.1. No freestanding or portable advertising sign shall be erected, replaced, reconstructed, expanded, or relocated without first securing a building permit from the Municipal Building Inspector. No permit shall be required for customary maintenance or a change of copy on a sign, the customary use of which involves frequent and

periodic changes of copy, e.g., reader boards with changeable letters, and service station price signs. Other signs do not require a permit but shall conform to applicable regulations of this Section.

409.2. The Town of Unicoi Building Inspector is hereby authorized and empowered to revoke any permit upon failure of the holder to comply with any provision of this Section or with the terms of the permit at the time of its issuance.

409.3. At any time deemed necessary, the Town of Unicoi Building Inspector, or designee, may inspect each sign regulated by this Section to ensure that such sign conforms to this Section and to all other applicable regulations of the town.

409.4. The following signs shall be permitted in all zoning districts; however, no such sign shall obstruct vision to vehicular traffic.

409.4.1. Political Campaign Signs. Each sign not to exceed thirty-two (32) square feet in all zoning districts, may be erected on private property within five feet of the public right-of-way, no more than sixty (60) days prior to the election. All campaign signs shall be removed by the property owner within seven (7) days after the results of an election are certified.

409.4.2. Event Signs.

409.4.2.1. Temporary special event signs or banner signs not exceeding sixteen (16) square feet which announce a special event sponsored by a civic, philanthropic, educational, or religious organization may be erected on private property no more than fourteen (14) days prior to the event. All special event signs shall be removed by the property owner within four (4) days of the conclusion of an event.

409.4.2.2. Temporary banner signs announcing the grand opening of a new business, or the closing of an existing business, but in no event shall such signs remain more than *thirty (30) days*. These signs shall be limited to thirty-two (32) square feet in size.

409.4.3. Construction Site Signs. One sign noting construction information and trades shall be permitted for each site, only after a permit for the construction has been pulled and construction is set to begin. The maximum size shall be thirty-two (32) square feet. The sign shall be removed upon completion of the construction project, and prior to the issuance of a Certificate of Occupancy.

409.4.4. Parking Areas. Signs internal to parking areas which direct vehicular or pedestrian traffic and bear no advertising. They shall be no larger than three (3) square feet each. These signs can indicate “Entrance,” “Exit,”

"Handicapped Parking," fire lanes, loading zones, and other information to enable the safe and orderly flow of traffic.

409.4.5. Real Estate Sale/Lease Signs. Signs up to a total area of nine (9) square feet in residential zones or up to a total area of thirty-two (32) square feet in commercial and manufacturing zones, advertising the sale, rental, or lease of the premises or part of the premises on which the signs are displayed are permitted. Such signs shall be removed within fourteen (14) days of the sale, rental, or lease.

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

409.4.7. Other Permitted Signs. Yard signs, including religious or political statements, quilt trail signs, notices of lost pets, are permitted in all zoning districts and shall not exceed 18"X24" in total sign area.

409.5. The following signs shall be prohibited in all zoning districts:

409.5.1. If the Building Inspector or Code Enforcement Officer shall find that any sign is unsafe or insecure, or is a hazard to the public, or has been constructed or erected or is being maintained in violation of the provisions of this Section, the Code Enforcer shall give written notice to the owner of the sign and/or of the property and/or the architect, builder, contractor, or agent requiring that the sign be made safe and secure or to be removed. If the sign is not removed or altered so as to render it safe and secure, the Building Inspector/Code Enforcer shall proceed with action for its removal as provided by law. The Code Enforcer may cause any sign which is an immediate danger to persons or property to be removed immediately and without notice.

409.5.2. If the Building Inspector or Code Enforcement Officer shall find that any sign is abandoned, the Code Enforcer shall give the owner written notice of that determination. Upon receipt of the written notice, the owner shall have thirty (30) days to remove the sign or to demonstrate that the sign has not been abandoned. Acts to maintain the sign or an explanation that the sign and/or property use are planned to resume may constitute a sufficient demonstration. If the owner takes no action or if the Code Enforcer finds that the demonstration is insufficient after thirty (30) days, the owner shall be cited to court and required to pay a fine of up to fifty dollars ($50.00) a day until the sign is removed.

409.5.3. Any sign located within or upon the public right-of-way or closer than 5 feet to any ingress or egress.

409.5.4. Any sign located on a tree, telephone pole, power pole, or street light pole, except special event banners in the B-2 and B-3 District.

409.5.5. No sign shall advertise a product, service, or other business not situated on the same premises.

409.5.6. Any sign which contains flashing or intermittent red, blue, green, or amber illumination.

409.5.7. Illuminated signs within one hundred (100) feet of a residential district, unless the illumination is designed so as not to shine, reflect, or direct light onto the residential district.

409.5.8. Any sign which constitutes a traffic hazard. No sign or revolving beam or beacon of light shall be erected at any location where by reason of the position, shape, color, type, or illumination or reflectance it may interfere with, obstruct the view of, or be confused with any authorized traffic sign, signal, or device. Any such sign shall be removed immediately at the direction of the Building Inspector.

409.5.9. Temporary Commercial Flags and Inflatables.

409.5.10. No signs/banners, temporary or otherwise, that contain explicit or vulgar images or language.

409.6. Off-Premise Signs

409.6.1. No freestanding off-premise signs shall be permitted.

409.6.2. Temporary off-premise real estate yard signs are permitted, not to exceed 18” X 24” in total sign area.

409.6.3. Other temporary directional signs are permitted, not to exceed 18” X 24” in total sign area, no more than sixty (60) days.

409.7. For permitted uses, the following regulations shall apply for Agriculture and Residential Zoning Districts; however, no such sign shall obstruct vision to vehicular traffic.

409.7.1. For Subdivisions, Group Housing Projects, Planned Unit Developments, Apartments, and Condominiums: two (2) permanent identification/entrance signs (one (1) on each side of entrance area), not to exceed twenty (20) square feet each in area nor twelve (12) feet in height, is permitted. Any such sign shall be placed in such a manner as to not obstruct vision of the traveling public. Individual buildings within a Group Housing

Project, Planned Unit Development, Apartment or Condominium complex may have one (1) identification sign not exceeding nine (9) square feet in area.

409.7.2. While under development, a Subdivision, Group Housing Project, Planned Unit Development, Apartment or Condominium complex may have one (1) temporary sign, not exceeding 20 square feet in area nor twelve (12) feet in height. Such a sign is permitted in addition to any permanent identification sign but shall be removed after two (2) years or when ninety (90) percent of the project is sold, whichever occurs first.

409.7.3. No such sign shall be permitted which does not meet the required ten (10) foot setback from any property line or public right-of-way, whichever is greater.

409.7.4. Signage for businesses within the Agriculture Zoning District (A-1) shall meet the provisions of section numbers 8, 9, or 10.

409.8. For permitted uses, the following regulations shall apply for B-1 Zoning Districts; however, no such sign shall obstruct vision to vehicular traffic.

409.8.1. One (1) freestanding sign for each street frontage granting access to the premises. The maximum height of each such freestanding sign shall be fifteen (15) feet. The maximum area of each such sign shall be thirty-two (32) square feet. No such sign shall be permitted which does not meet the required ten (10) foot setback from any property line or public right-of-way, whichever is greater.

409.8.2. One (1) temporary portable sign provided it has no flashing lights and is located at least 10 feet off the public right-of-way and does not obstruct vision to vehicular traffic, but in no event shall such sign remain more than thirty (30) days.

409.8.3. No sign shall have or consist of any rotating, revolving, blinking, or otherwise moving part. No sign shall be animated.

409.8.4. Temporary commercial flags/inflatables are allowed for a period of ninety (90) days, so long as they remain in good condition.

409.9. For permitted uses, the following regulations shall apply for B-2, B-3 and Manufacturing Zoning Districts:

409.9.1. One (1) freestanding sign for each street frontage granting access to the premises shall be permitted. The maximum height of each such freestanding sign shall be twenty-five (25) feet. The maximum area of each such sign shall be thirty-two (32) square feet. No such sign shall be permitted which does not

meet the required ten (10) foot setback from any property line or public right-of-way, whichever is greater.

409.9.2. No sign shall have or consist of any rotating, revolving, blinking, or otherwise moving part. No sign shall be animated.

409.9.3. One (1) temporary portable sign provided it has no flashing lights and is located at least 10 feet off the public right-of-way and does not obstruct vision to vehicular traffic, but in no event shall such sign remain more than thirty (30) days.

409.9.4. No sign shall advertise a product, service, or other business not situated on the same premises.

409.10. For permitted uses, the following regulations shall apply for the B-4 and PBD Zoning Districts:

409.10.1. One (1) freestanding sign for each street frontage granting access to the premises shall be permitted. No such sign shall be permitted which does not meet the required ten (10) foot setback from any property line or public right-of-way, whichever is greater.

409.10.2. No sign shall have or consist of any rotating, revolving, blinking, or otherwise moving part. No sign shall be animated.

409.10.3. The maximum height of each freestanding sign shall be determined by its setback distance from the adjoining qualifying street according to the following table:

Setback Distance	Maximum Height
10 ft. to 25 ft.	20 ft. plus setback (in ft.)
25 ft. or greater	45 ft.

409.10.4. The maximum area of each freestanding sign shall be determined by its setback distance from the adjoining qualifying street according to the following table:

Setback Distance	Maximum Area
10 ft. to 45 ft.	2 ft. x (setback - 10 ft.) + 100 sq. ft.
45 ft. or greater	250 sq. ft.

409.10.5. One (1) temporary portable sign provided it has no flashing lights and is located at least 10 feet off the public right-of-way and does not obstruct

vision to vehicular traffic, but in no event shall such sign remain more than thirty (30) days.

409.10.6. No sign shall advertise a product, service, or other business not situated on the same premises.

409.11. Any proposed freestanding sign not addressed by the preceding provisions of this article shall conform to the requirements of Number 8(a).

409.12. Special signs may be permitted on review by the planning commission, provided however that no permit may be issued except with the written approval of the planning commission and subject to such conditions as the planning commission may require to preserve and protect the character of the district in which the proposed sign is to be located.

409.13. When an appellant, owner, or authorized representative is unable to meet the provisions of this Section, an appeal may be made to the Board of Zoning Appeals. In granting a variance, the Board may attach thereto such conditions regarding the location, size, character, and other features of the proposed sign provided that such relief may be granted without substantial detriment to the public good and without substantially impairing the intent and purpose of this Section. Prior to any variance being granted, the Board shall be shown evidence that special circumstances are attached to the property, e.g. topography, narrowness, shallowness, or other physical constraints, which do not generally apply to other property in the neighboring area.

410. Site Plan Review

A site plan shall be submitted to the planning commission prior to the issuance of a building permit in the following Zoning Districts: B-1, B-2, B-3, B-4, M-1, M-2, and PBD Districts, or any duplex, two-family, and multi-family developments. In addition, a site plan shall be submitted to the Planning Commission prior to the issuance of a building permit for non-residential, non-agricultural uses permitted in the A-1 District.

A site plan shall contain and be subject to the following general provisions:

410.1. General Provisions

410.1.1. All site plans shall be prepared and certified by a licensed engineer, landscape architect, architect, and/or surveyor as may be appropriate, and in accordance with state law regarding the practice of these professions. Drawings shall be at a scale of not less than 1" = 20' for small tracts and 1" = 50' for large tracts.

410.1.2. All site plans shall show:

410.1.2.1. Topography of existing and finished grades.

410.1.2.2. Location of all land subject to flooding; including a flood zone certification stating zone, community number, panel number and date.

410.1.2.3. Dimensions and calls of all property lines.

410.1.2.4. North point, scale, acreage of site, and location map.

410.1.2.5. Location of all existing and proposed structures (including signs), street rights-of-way, sidewalks, easements, and covenants.

410.1.2.6. Dimensions of all existing and proposed structures, including height.

410.1.2.7. Plans for vehicular and pedestrian circulation, utilities, solid waste disposal, landscaping and open space, buffer strips, signs, off-street parking, traffic patterns, and storm water drainage.

410.2. Open Space and Landscaping Plan

To obtain sufficient space between uses and buildings for adequate light, air, privacy, and amenities, the following requirements for open space and landscaping are established:

410.2.1. Landscaping shall mean the planting of grass, trees, shrubs, or other comparable surface cover or decorative plazas and/or pools. Where existing landscape features exist at the site, all or part of such features may be used to meet the requirements of this section upon the approval of the planning commission.

410.2.2. All developments shall meet the minimum yard requirements as per the appropriate zone.

410.2.3. The setback space between a public street and parking areas shall be landscaped with berms and/or appropriate landscaping plants which shall be maintained in a healthy, growing condition through a permanent maintenance program.

410.3 Buffer Strip

A buffer strip shall be required on any site plan adjacent to residential properties. A buffer strip shall be composed of plant material to provide an obscuring screen consisting of shrubs spaced not more than five feet apart that will grow to at least five feet in width and six feet in height after one full growing season. Buffer strips shall be a minimum of ten feet in width and shall

be landscaped with trees, shrubs, grass and in a manner as specified by the Planning Commission. Other material or method of screening than that outlined above may be approved by the planning commission. The type of buffer shall take into consideration all existing and proposed utilities (power, phone, cable, water, sewer, subsurface sewage disposal systems - septic systems, etc....) Any part of the property not used for building or other structures, parking, or access ways shall be landscaped with grass, trees, and shrubs.

410.4. Off-Street Parking and Access

The off-street parking; off-street loading and unloading; vision clearance; design, construction and maintenance of off-street parking and unloading; access control; points of ingress/egress, and driveways shall be developed in accordance with the provisions of Article IV, Sections 402, 403, 404, and 405.

410.5. Road Specification

Any new roads to be developed must meet the required improvements of the Subdivision Regulations. At a minimum, a cross profile of all proposed roads shall be included with the site plan submission.

410.6. Waste Disposal

All waste disposal facilities are to be located to the rear of the development and shall be 100% screened by wood, vinyl, or solid brick walls, in such a way that they are not visible from any public street or adjoining properties. Any other type of alternative screening shall be approved by the Planning Commission.

410.7. Mechanical Equipment

All ground mounted mechanical equipment shall be screened from view from an arterial street by the use of walls, fences, or landscaping. All roof mounted mechanical equipment shall be properly screened to minimize visual impact, where such screening will be effective. Where screening will not be effective, the color of the equipment shall be the same as the building.

410.8. Service, Loading, and Equipment Storage Areas

Service areas, including storage, special equipment, maintenance,
and loading areas, shall be 100% screened by wood, vinyl, or solid brick walls, in such a way that they are not visible from an arterial street. Any other type of alternative screening shall be approved by the Planning Commission.

410.9. Outdoor Storage and Sales of Merchandise

410.9.1. Outdoor storage shall only be permitted as an accessory use and

shall be located behind the front building line and outside any required setback from an arterial street.

410.9.2. Outdoor sales of merchandise shall be permitted as an accessory use and shall be located outside the required front yard setback.
and any required setback from an arterial street.

410.10. Utility Lines

All new utility lines and service lines shall be placed underground, including, but not limited to, electric, telephone, and cable. Electric power lines in excess of 100 amp, 3 phase, 2500 KVA may be placed aboveground.

410.11. Lighting

Direct light and glare from lights can be both a hazard and a nuisance to drivers and neighboring residential development. Exterior lighting shall not emit any light above the roof line, nor project onto adjacent properties or streets. Searchlights, laser source lights, or any similar high intensity light for advertising purposes shall be prohibited.

410.12. Wireless Transmission Facilities

All Wireless Transmission Facilities shall be governed by the provisions of the Wireless Transmission Facilities Regulations of the Town of Unicoi Zoning Ordinance.

410.13. Stormwater Drainage

A certified plan for stormwater drainage shall be included with the site plan, which identifies all easements, drainage structures, including sizes/capacities, and other pertinent information concerning the assumptions upon which the plan is based. The estimated stormwater runoff based on a 10, 25, 50, and 100-year storm shall be calculated for pre-development and post-development. The amount of runoff shall not be increased and shall be accommodated on site. A Notice of Intent and Notice of Coverage may be required to be submitted and approved by the Tennessee Department of Environment and Conservation (TDEC) prior to planning commission approval and issuance of a building permit.

410.14. Expiration of Approved Site Plans

Approval of a site plan shall expire six (6) months after the date of its approval unless a building permit has been issued and substantial progress has been made toward completion of the project.

411. Group Housing Projects. A group housing project is defined as any group of two or more buildings to be constructed on one parcel of land not subdivided into the customary streets and lots and which will not be so subdivided or where the existing or contemplated street and lot lay outs make it impracticable to apply the requirements of the ordinance to the individual building units in such projects. Group housing projects may be allowed upon review and approval by the Town of Unicoi Planning Commission provided that the following conditions are met:

411.1. A site plan showing the location of proposed buildings, roads, drives, parking, utilities, drainage, and other information necessary for review must be presented to the planning commission.

411.2. In no case shall the planning commission approve a use prohibited, or a smaller lot area per family than the minimum required or a greater height, or a larger lot coverage than permitted in the district where the project is located.

411.3. A one-acre minimum lot size is required where two or more structures are to be constructed on a single lot.

412. Adult Oriented Establishments: Because adult oriented establishments have a deteriorating effect on property values, create higher crime rates in the area, create traffic congestion and depress nearby residential neighborhoods and retail districts, these activities will only be permitted when minimum conditions are met.

412.1 The following minimum conditions must be complied with for a site to be approved for adult entertainment activities:

412.1.1. The site shall be not less than one thousand feet from any residentially zoned property at the time of approval for an adult entertainment activity.

412.1.2. The site shall be not less than one thousand feet from the site of any public amusement or entertainment activity, including, but not limited to, the following: arcades, motion picture theaters, bowling alleys, marinas, golf courses, playgrounds, ice skating or roller-skating rinks or arenas, zoos, community centers and similar amusements offered to the general public. "Amusement or entertainment activities" in this section shall not include adult oriented establishments and shall not reduce the distance requirements otherwise dictated by this section.

412.1.3. The site shall be not less than one thousand feet from any area devoted to public recreation activity.

412.1.4. The site shall be not less than one thousand feet from any school. library, day care center, park, church, mortuary, or hospital.

412.1.5. The site shall be not less than one-half mile from any other adult entertainment business site.

412.1.6. Measurement shall be made from the nearest recorded property line of the lot on which the adult oriented establishment is situated to the nearest property line or boundary of the above-mentioned uses, measuring a straight line on the Town of Unicoi Zoning Map.

412.1.7. Maps showing existing land use and zoning within one-half mile of the proposed site should be submitted with an application for Use on Review approval along with site plans, surveys or other such special information as might reasonably be required by the Planning Commission for use in making a thorough evaluation of the proposal.

413. **Storage of Mobile Units**. Storage of a recreation vehicle or other self-contained camping unit on private property where the property and camping unit are owned by the same person(s) or legal representative is allowed provided that the mobile unit *shall not* be hooked up to utilities or utilized. In the event that a stored mobile unit needs to be used, the owner must first apply for a temporary use permit. They are not permitted to be stored in the front yard.

414. **Temporary Use Regulation:** In order to utilize a mobile home, recreational vehicle, or travel trailer, where the use is not allowed by right, or to utilize a mobile unit which is being stored on a property, one must first apply to obtain a temporary use permit provided they comply with the following:

414.1 A notarized application from the applicant shall be presented to the Unicoi Board of Zoning Appeals requesting a temporary use permit based upon one of the following:

a) Construction or rebuilding of the primary residence.
   a. Where the permit is being requested during a period of new construction, the applicant shall provide the Board of Zoning Appeals with an approximate start date and completion date for construction of the primary residence. If the complete date is changed, the applicant must request an extension as soon as possible. Extensions may be granted but are not to exceed a total of one consecutive years.

b) Required care of a member of the immediate family (parent, grandparent, child, or sibling) because of a physical or mental illness or chronic debilitating health condition.

c) Camping on improved property. This is not to include more than one established campsite, organized camp, commercial campground, or an individual mobile unit being stored on a lot where the owner of the property is the same as the mobile unit and the mobile unit is not connected to utilities or being utilized. Camping on Improved Properties shall include property owners and their non-paying guests (no more than six) to utilize a mobile unit or campsite on the property which has connections to a permanent water supply and wastewater treatment system, not to exceed fourteen (14) consecutive days, and no more than thirty (30) days during any six (6) month period. The Town of Unicoi reserves the right to review and restrict this camping use if nuisance complaints are appropriately filed with The Town by neighboring property owners.

414.2 The lot must have existing utility infrastructure in working order at the time of the request.

414.3 The residence for temporary use shall not be larger than the primary residence on the property, and shall be constructed or modified in harmony with the character of the surrounding area, and

414.4 The residence for temporary use shall meet all set-back requirements of the Town of Unicoi unless a variance is granted by the Board of Zoning Appeals from said set-back requirements, and

414.5 The applicant acknowledges in the notarized application that use of the secondary residence shall cease following the termination of the temporary use permit, or termination of the reason for the application, whichever occurs first. If the secondary residence for temporary use is a mobile home, the mobile home shall be removed from the premises following the termination of the temporary use permit, or termination of the reason for the application, whichever occurs first, and

414.6 The request is heard and approved by the Board of Zoning Appeals.

414.7 A temporary use permit shall be valid for six (6) months and shall be considered void at the end of the said six months unless another application for temporary use permit was filed and approved by the Board of Zoning Appeals prior to the expiration of the first permit.

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 compiled with for s 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, playground, or day care center. Measurement shall be made from the nearest recorded property lot line of the lot on which 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.

416 **Campground Regulations:** Any person wishing to establish a campground, travel trailer or Recreational Vehicle Park, or other outdoor recreation which will include overnight accommodation for paying guests, must first seek site plan approval from the Planning Commission. A permit from the State Health Department must be included in the submission, along with a site plan which includes all provisions in Section 410. The application and site plan must also indicate the following:

416.1 Narrative. A narrative detailing the type of proposed camping, including if short-term rentals and long-term stays will be allowed.

416.2 Location. Campgrounds are permitted in the Planned Business District by right. At no time shall a campground be located in the B-2 Central Business District. Other locations may be deemed suitable and granted a special exception by the Board of Zoning Appeals.

416.3 Site suitability. The site must be a minimum of one acre of land and suitable to accommodate all safety regulations, including setbacks. If the area is partially in a flood zone, a safety refuge area must be located on site in case of flash flood.

416.4 Aisles. All campsite spaces must be located fifteen (15) feet or more apart in clearly marked spaces.

416.5 Waste management. Adequate trash receptacles shall be placed throughout the site. If animals are permissible, waste disposal stations shall be provided.

416.6 Lighting. All public areas and sleeping structures shall be lit for safety.

416.7 Fire Safety. Smoke Detectors, fire alarms, and portable fire extinguishers shall be provided per the State Fire Marshall and Health Department. Exit and Evacuation plans shall be clearly marked in all permanent and semi-permanent structures.

416.8 Swimming areas. Per 1200-01-05, “Natural swimming areas shall have no drop-offs, potholes, rock outcroppings, stumps, other obstacles, heavy vegetative growth, or pollution. Depths and boundaries shall be

conspicuously marked and lifesaving equipment, as required for public swimming pools, shall be available."

416.9 Restroom Facilities. Restrooms, including water closets, urinals, lavatories, and showers, must be provided per the number of camping spaces on site that do not have connections to sewage tanks, such as primitive camps and recreational vehicle lots. Otherwise, the following table applies:

1-15 spaces or sites	2 water closets	2 lavatories	2 showers
16-30 spaces or sites	3 water closets	5 lavatories	2 showers
31-45 spaces or sites	4 water closets	7 lavatories	2 showers
46-60 spaces or sites	5 water closets	8 lavatories	4 showers
61-80 spaces or sites	7 water closets	10 lavatories	4 showers
81-100 spaces or sites	9 water closets	10 lavatories	5 showers

417 **Mobile Food Units**: A permit to locate and operate a mobile food unit may be issued upon approval by the City Recorder provided:

417.1. Issued permits are valid for one (1) year from its issuing date.

417.2. An application fee based upon tiered pricing, found on file at town hall, must be paid before issuance of permits.

417.3. A Unicoi County, or other applicable, business license and proof of liability insurance coverage, the figure of which is deemed satisfactory by the City Recorder.

417.4. Verification of compliance with all appliable State health laws and regulations.

417.5. Each mobile food unit operator shall always maintain the area around the vending unit in a neat and clean manner and shall provide a litter receptacle for public use at the unit.

417.6. Mobile food units shall only operate where allowed to by approval of the property owner and City Recorder; no mobile food unit shall utilize a public road right-of-way in any way other than for ingress and egress, nor any residential areas or zones.

417.7. The City Recorder reserves the right to deny any application for a Mobile Food Unit permit which the Board feels will negatively impact surrounding properties and character of the Town of Unicoi.

ARTICLE V. APPLICATION OF REGULATIONS

501. Use. Except as herein provided, no building or land shall hereafter be used and no building or part thereof shall be erected, moved, or altered unless for a use expressly permitted by and in conformity with the regulations herein specified for the district in which it is located.

502. Street Frontage. No dwelling shall be erected on a lot which does not abut on at least one street for at least forty (40) feet except that condominiums and townhouses may be excluded from this provision with the approval of the Board of Zoning Appeals.

503. Corner Lots. The minimum width of a side yard along an intersecting street shall be 50 percent greater than the minimum side yard requirements of the district in which the lot is located.

504. One Principal Building or Structure on a Lot. Only one building or structure and its customary accessory buildings may hereafter be erected on any lot; except that condominiums and townhouses may be excluded from this provision with the approval of the Board of Zoning Appeals.

505. Reduction of Lot Size. No lot shall be reduced in area so that yards, lot area per family, lot width, building area or other provisions of this ordinance shall not be maintained.

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

507. Conformity to Subdivision Regulations. No building permit shall be issued for or no building shall be erected on any lot within the municipality, unless the street giving access to the lot upon which said building is proposed to be placed shall have been accepted or opened as a public street prior to that time or unless such street corresponds in its location and lines with a street shown on a subdivision plat approved by the Town of Unicoi Planning Commission and such approval entered in writing on the plat by the secretary of the commission, unless given special permission by the Planning Commission.

508. Height and Density. No building or structure shall hereafter be erected or altered so as to exceed the height limit, to accommodate or house a greater number of families, to have narrower or smaller front yards or side yards that are required or specified in the regulations herein for the district in which it is located.

509. Annexation. All territory which may hereafter be annexed to the Town of Unicoi, Tennessee shall be considered to be in the A-1 General Agricultural District until otherwise classified.

510. Square Footage Minimum. It shall be unlawful to construct any dwelling unit that is under 750 sq. ft. in living area.

ARTICLE VI. ESTABLISHMENT OF DISTRICTS

For the purpose of this ordinance the Town of Unicoi, Tennessee is hereby divided into classes of districts as follows:

Agriculture	- A-1 District - General Agriculture
Residence	- R-1 District - Low Density
Residence	- R-1A District- Low Density
Residence	- R-2 District - Medium Density.
Residence	- R-3 District - High Density
Business	- B-1 District - Neighborhood Business
Business	- B-2 District - Central Business
Business	- B-3 District - Intermediate Business
Business	- B-4 District - Arterial Business
Business	- PBD District - Planned Business
Industrial	- M-1 District - Light Manufacturing
Industrial	- M-2 District - Heavy Industrial
Business	- RLS Overlay – Retail Liquor Store Overlay

The boundaries of these districts are hereby established as shown on the map entitled "Zoning Map of the Town of Unicoi, Tennessee," dated, and all amendments thereof, which is a part of this ordinance, and which is on file in the office of the town recorder. Unless otherwise specifically indicated on the map, the boundaries of districts are lot lines or the center lines of streets or alleys or such lines extended, the corporate limits lines or a line midway between the main track of a railroad or the center lines of streams or other water bodies. Questions concerning the exact locations of district boundaries shall be determined by the Board of Zoning Appeals.

ARTICLE VII. PROVISIONS GOVERNING USE DISTRICTS

701. **A-1 General Agricultural District**. It is the intent of this district to provide space for agriculture and agriculturally oriented uses and structures which provide an important part in the economy of an expanding population. It is the intent here to protect the physical and economic wellbeing of agriculture operations and to prevent the encroachment of urban and other incompatible land uses on farmlands. This district is intended to provide locations for urbanization which are compatible with agriculture uses and it is not intended that this district provide a location for a lower standard of residential, commercial, or industrial development than is authorized in other districts.

In order to achieve the intent of the A-1 General Agriculture District, the following uses are permitted:

701.1. Farming uses, their accessory structures, and farming related uses including roadside stands for the sale of farm products provided they meet the setback requirements of this district.

701.2. Feed mills, Farm supply stores, greenhouses, and commercial nurseries.

701.3. Single family dwellings, except single-wide trailers and mobile homes.

701.4. Churches, cemeteries, and their customary incidental accessory buildings provided the customary structure is located to the side, or to the rear of the church or in the rear of the cemetery and no closer than 12 feet to any lot line.

701.5. Schools both public and private.

701.6. Golf course, parks, and playgrounds.

701.7. Farm wineries provided they are in conformity with and meet the provisions as outlined in Section 57-3-207 and 57-3-208 Tennessee Code Annotated

701.8. Public utilities, provided that plans are submitted through and approved by the planning commission.

701.9. Customary incidental, home occupations conducted within the principal building provided there is no external evidence of such occupation except announcement or professional sign attached to the principal building not more than two square feet in area that only one person not a resident of the premises is employed, and that no more than 25 percent of the total floor area of any dwelling unit is in such use.

701.10. Customary Accessory Buildings and uses for residential uses provided the structure is located in the rear or side yard and not closer than six (6) feet to any lot line.

701.11. Uses Permitted Upon Review

701.11.1. Hunting Preserves. Minimum standards for operation of a hunting reserve include:

701.11.1.1. Permit from the Tennessee Wildlife Resources Agency to operate a private wildlife reserve.

701.11.1.2. Minimum property size being one (1) continuous lot, no less than twenty (20) acres, as recorded with the Unicoi County Register of Deeds.

701.11.1.3. No hunting fields located within one thousand (1,000) feet of any school, church, day care facility, park, playground, or agricultural building used to house livestock.

701.11.1.4. Signs posted along the lot line boundaries, at a minimum of one hundred (100) foot intervals, identifying it as a wildlife preserve. Such signs shall be a minimum of 8 ½ inches by 11 inches with "Wildlife Preserve" printed in at least 1-inch-tall letters on a contrasting background. The signs must be clearly visible throughout the year and maintained on a regular basis.

701.11.1.5. Safety zones of one hundred and fifty (150) feet within all lot lines where discharge of firearms is not allowed.

701.11.1.5.1 Fencing inward boundaries of the safety zone pursuant to Tennessee Wildlife Resources Agency Rules regarding facilities and posting warning signs for hunters every two hundred and fifty (250) feet.

701.11.1.6 A plan to minimize any noise through buffering, acoustic engineering, or topography.

701.11.1.7. Firearms shall be used for hunting only and limited to shotguns with a maximum size of 12-gauge. No rifles, handguns, muzzleloaders, primitive hunting devices utilizing a projectile, archery equipment, or single fire shotgun shells are permitted.

701.11.1.8 An accessory club house, limited to uses incidental to shooting preserve operations may be permitted but:

701.11.1.8.1 No overnight stays, alcohol, no commercial kennels, or dog field training allowed.

701.11.1.9 Hours of operation limited from one (1) hour after sunrise to one (1) hour prior to sunset.

701.12. A special exception may be granted by the Board of Zoning Appeals for any public, semi-public, and emergency facilities located on an arterial road that meets the intent of the zoning district and is compatible with the surrounding land use. The Board of Zoning Appeals shall consider the impact on the surrounding properties including visual obtrusiveness, proposed ingress and egress, noise, lighting, drainage, and any other conditions that they conclude are necessary to minimize adverse impact.

702. **R-1 (Low Density) Residential**. It is the intent of this district to establish low density residential areas along with open areas which appear likely to develop in a similar manner. The requirements for the district are designed to protect essential characteristics of the district to promote and encourage an environment for family life and to prohibit all business activities. In order to achieve the intent of the R-1 (Low Density) Residential District as shown on the Zoning Map of the Town of Unicoi, Tennessee, the following uses are permitted.

702.1. Single family residences, except single-wide trailers and mobile homes.

702.2. Customary general farming

702.3. Customary home occupations provided that there is no external evidence of the occupation except an announcement sign not more than two (2) square feet in area and placed squarely against the building, that only one person, not a resident of the dwelling is employed and not more than 25 percent of the total floor area of the dwelling is used.

702.4. Public owned buildings and uses, schools offering general education and churches provided that:

702.4.1. The location of these uses shall first be reviewed by the Unicoi Planning commission:

702.4.2. The buildings are placed not less than fifty (50) feet from the side and rear property lines.

702.4.3. There are planted buffer strips alongside and rear property lines.

702.5. Customary accessory buildings and uses provided that they are located in rear or side yards and not closer than six (6) feet to any property line.

703. **R-1A Low Density Residential**. It is the intent of this district to establish low density residential areas along with open space which appears likely to develop in a similar

manner. The requirements for the district are designed to protect essential characteristics of the district to promote and encourage an environment for single family and two-family development and to prohibit all business activities. In order to achieve the intent of the R-1A (low Density) residential District as shown on the Zoning Map of the Town of Unicoi, Tennessee the following uses are permitted:

703.1. Any uses permitted in the R-1 (Low Density) Residential District

703.2. Two family dwellings.

704. **R-2 Medium Density Residential**. It is the intent of this district to provide areas for single and multi-family dwellings to encourage development and continue use and other uses which would interfere with the development of continuation of single or multi-family dwellings. In order to achieve the intent of the R-2 Medium Density Residential District as shown on the Zoning Map of the Town of Unicoi Tennessee, the following uses are permitted:

704.1. Any use permitted in the R-1A Residential District:

704.2. Multi-family dwellings.

704.3. Boarding and rooming houses

705. **R-3 High Density Residential.** It is the intent of this district to establish high density residential areas which will provide for single and multi-family units and maintain open areas. In order to achieve the intent of the R-3 (High Density) Residential District, as shown on the Zoning Map of the Town of Unicoi, Tennessee the following uses are permitted:

705.1. Any use permitted in the R-2 (Medium Density) Residential Area;

705.2. Day care centers upon approval of a site plan by the building inspector and the issuance of a letter of approval by the Department of Human Services.

705.3. Mobile homes built prior to 1976 are only allowed in Mobile Home Parks upon review of the Unicoi Planning Commission.

705.4. Medical clinics and hospitals, funeral homes, fraternal organizations, and clubs not operated for profit nursing homes, offices for doctors, lawyers, dentists, architects, real estate agencies, insurance agencies and similar uses provided that:

705.4.1. They shall be located on arterial or collector streets.

705.4.2. The buildings shall be placed not less than fifty (50) feet from all property lines.

705.4.3. There is a planted buffer strip erected on side and rear property lines.

705.5. Existing buildings may be utilized provided that the provisions of this ordinance are met as closely as possible and that:

705.5.1. No parking shall be allowed in front yards:

705.5.2. A site plan is reviewed and approved by the planning commission.

706. **B-1 Neighborhood Business District**. It is the intent of this district to establish business areas to serve the surrounding residential districts. The district regulations are intended to discourage strip business development and encourage grouping of uses in which parking and traffic congestion is reduced to a minimum. In order to achieve the intent of the B-1 (Neighborhood Business) District as shown on the zoning map of the Town of Unicoi, Tennessee, the following uses are permitted:

706.1. Any use permitted in the R-3 Residential District except mobile homes.

706.2. Shopping centers provided that they shall conform to all requirements of the shopping center regulations of the Town of Unicoi, Tennessee

706.3. Grocery stores, drug stores, hardware stores, shoe repair shops, barber and beauty shops, laundromats and laundry pickup stations, restaurants and similar uses;

706.4. Business signs provided that all signs, except one detached sign allowable in the shopping center ordinance, shall be erected flat against front or side of a building or within eighteen (18) inches thereof. All signs shall not project above buildings nor have flashing intermittent or moving illumination.

706.5. Gasoline service stations provide that all structures including underground storage tanks, shall be placed not less than twenty (20) feet from all property lines. Points of ingress and egress shall be not less than fifteen (15) feet from intersection of street lines.

707. **B-2 Central Business District**. It is the intent of this district to establish an area for concentrated general business development that the general public requires. The requirements are designed to protect the essential characteristics of the district by promotion of business and public uses which serve the general public and to discourage industrial, and wholesale development which do not lend themselves to pedestrian traffic. In order to achieve the intent o the B-2 (Central Business) District as shown on the Zoning Map of the Town of Unicoi, Tennessee the following uses are permitted.

707.1. Multi-family dwellings;

707.2. Stores and shops conducting retail business;

707.3. Food specialty shops which sell food products and services not intended to be consumed on the premises such as:

707.3.1. Bakeries;

707.3.2. Dairy Products;

707.3.3. Butcher shops provided:

A. Meat products must be field dressed before being delivered to premises.

B. Meat must be delivered in a closed container.

C. Unsightly waste or undesirable smells are not allowed.

D. The business must comply with local, state and federal regulations regarding safe water and environmental standards as a result of processing.

(Ord. 04-124)

707.4. Personal business, and professional services;

707.5. Public buildings and uses upon review of the Unicoi Planning Commission;

707.6. Semi-public uses upon approval of a site plan by the planning commission;

707.7. Business signs parking lots and garages and advertising signs;

707.8. Lodges and clubs; hotels and motels, restaurants and similar services.

707.9. Firearms Retail Establishments permitted by special exception.

707.10. Mobile Food Units permitted by special exception

708. **<u>B-3 Intermediate Business District</u>**. It is the intent of this district to establish an area adjacent to the B-2 (Central Business) District which will support those uses and to encourage commercial development to concentrate to the mutual advantage of consumers as well as to provide for adequate space and sufficient depth from the street for the transaction of the district thereby strengthening the economic base and protecting public convenience. In order to achieve the intent of the B-3 (Intermediate Business) District as shown on the Zoning Map of the Town of Unicoi, Tennessee, the following uses are permitted:

708.1. Any use permitted in the R-3 Residential District except mobile homes.

708.2. Any use permitted in the B-2 district.

708.3. Wholesale business, warehouses, storage yards and buildings and similar uses.

708.4. Auto and mobile home sales provided that:

709.4.1. The location of all parking spaces and/or display spaces in an auto sales facility shall be at least five (5) feet from all property lines;

709.4.2. The location of all parking spaces in a mobile home sales facility shall be at least twenty (20) feet from any front property line and ten (10) feet from all side yard property lines.

708.5. Auto repair garages and similar operations

708.6. Hospitals

708.7. Gasoline service stations provided that all structures including underground storage tanks shall be placed not less than twenty (20) feet from all property lines. Points of ingress and egress shall be not less than fifteen (15) feet from intersections of street lines.

708.8. Firearms Retail Establishments permitted by special exception.

708.9. Liquor Store

709.9.1. The establishment of a liquor store within this district shall meet the minimum requirements of the Town of Unicoi and the State of Tennessee.

709. **B-4 Arterial Business District**. It is the intent of this district to establish business areas that encourage the groupings of compatible business activities in which parking and traffic congestion can be reduced to a minimum. In order to achieve the intent of the B-4 (Arterial Business) District, as shown on the Zoning Map of the Town of Unicoi Tennessee, the following uses are permitted:

709.1. Any business uses permitted in the B-1 District

709.2. Hotels and motels

709.3. Firearms Retail Establishments permitted by special exception.

709.4. Mobile Food Units permitted by special exception.

709.5. Liquor Store

709.5.1. The establishment of a liquor store within this district shall meet the minimum requirements of the Town of Unicoi and the State of Tennessee.

710. <u>M-1 Light Manufacturing</u>

710.1. Any use permitted in a Business District.

710.2. Bakers, bottling works; cabinet making; carpenter shop; clothing manufacture; dairy, electrical welding; fruit making and packing, ice plant, laundry, machine shop, milk distribution stations optical goods, paper boxes and pencil manufactures, printing; publication or engraving concern; tinsmith shop; trucking terminal and warehouses.

710.3. Other uses of the same general character as those listed above are deemed appropriate by the Unicoi Planning Commission.

710.3.1. No yard will be required for that part of the lot which fronts on a railroad siding.

710.3.2. On lots that abut a residential district the Unicoi Planning Commission may require all buildings and improvements to be properly screened and shall be located so as to comply with the side yard requirements of the adjacent residential district.

710.3.3. Any structure or equipment essential to the operation shall be set back so as not to visually or physically obstruct a public way.

710.4. Substance Abuse Treatment Facility.

710.4.1. May not be located within 2,000 feet of any school, day-care, park, or church.

710.4.2. On lots that abut a residential district the Unicoi Planning Commission may require all buildings and improvements to be properly screened and shall be located so as to comply with the side yard requirements of the adjacent residential district. (added 4-21-03)

710.5. Firearms Retail Establishments permitted by special exception.

710.6. Data Mining Centers

710.7 Cement/Asphalt Manufacturing or Producing Plants

711. <u>M-2 Heavy Industrial District</u>. It is the intent of this district to establish areas which, unless closely regulated, might contain uses which cause a detrimental effect upon and might be injurious to surrounding areas. This district was created therefore for heavy

type industries and uses and to discourage noise, odor, dust, and other objectionable conditions.

711.1. Any use permitted in a business district.

711.2. Terminals

711.3. Wholesale business

711.4. Warehouses

711.5. Storage yards and buildings and similar uses.

711.6. Any industry which does not cause injurious or obnoxious noise, fire hazards or other objectionable conditions as determined by the building inspector.

711.7. Adult Oriented Establishments are subject to meeting all requirements of the ordinance.

711.7.1. May not be located within 5,000 feet of any school, day-care, park, or church.

711.8. Substance Abuse Treatment Facility.

711.8.1. May not be located within 5,000 feet of any school, day-care, park, or church.

711.8.2. On lots that abut a residential district the Unicoi Planning Commission may require all buildings and improvements be properly screened and shall be located so as to comply with the side yard requirements of the adjacent residential district.

711.9. Firearms Retail Establishments permitted by special exception.

712. Planned Business District (Ord. 99-50)

712.1 Principal Uses. Principal uses permitted in the Planned Business District are as follows:

712.1.1. Uses that provide the traveling public with convenient services, typical of major highway interchanges, including gasoline service stations, restaurants, motels and hotels, gift shops and other similar shops.

712.1.2. Governmental uses;

712.1.3. Public and private utilities to serve residents of the area;

712.1.4. Retail and shopping centers and shopping malls;

712.1.5. Overnight camping cabins and trailer facilities;

712.1.6. Firearms Retail Establishments permitted by special exception.

712.1.7. Mobile Food Units permitted by special exception.

712.1.8. Liquor Store.

712.1.8.1. The establishment of a liquor store within this district shall meet the minimum requirements of the Town of Unicoi and the State of Tennessee.

712.2. Accessory uses. Accessory uses which are supportive of the principal uses permitted in the Planned Business District as follows: swimming pools, tennis courts, offices, and parking facilities, provided that their placement is approved by the Planning Commission to ensure no obstruction or safety hazard.

712.3. Prohibited Uses. Uses prohibited in the Planned Business District are as follows:

712.3.1. Retail and service uses, except for those described in subsection 712.1, and 712.2 of this section.

712.3.2. Offices, warehousing industry.

712.4. Dimensional requirements. The minimum and maximum dimensional requirements for the Planned Business District are as follows:

712.4.1. Minimum requirements:

Lot area, 25,000 square feet;

Lot frontage, 100 feet;

Front yard, 30 feet;

Each side yard, 20 feet;

Rear yard, 30 feet;

Maximum height 70 feet;

712.4.2. Maximum permitted:

Lot coverage shall be 35 percent

713. **RLS (Retail Liquor Store) Overlay District**:

713.1. It is the intent of this district to allow retail liquor stores to be located in areas that provide the best opportunity for the stores to be successful with the least negative impact on the Unicoi Community. The underlying zone will normally be a commercial zone allowing retail business. The overlay district will be dived into areas labeled RLS Overlay Sub-District 1, Overlay Sub-District 2, and Overlay Sub-District 3 for the purpose of establishing separation in the liquor store locations in Town. Only one (1) liquor store is allowed to be located in an RLS Overlay Sub-District area. These locations are as follows: Overlay Sub-District 1 area currently zoned B-4 on both sides of Tinker Rd., adjacent to I-26: Overlay Sub-District 2 area currently zoned PBD and property currently zoned B-3 and B-4 and bordered on three sides by PBD at Exit 32 on I-26; Overlay Sub-district 3 contiguous area currently zoned B-3 at the northern boundary of the Town on the West side of Unicoi Dr.. Setbacks shall be the same as the underlying zone. A site plan including all aspects of a normal business site layout that includes location of structures, utilities, lighting, parking, ingress and egress, landscaped areas, etc. must be submitted in addition to any site plan submitted to the planning commission as part of any application for a Certificate of Compliance needed to obtain a license from the Alcoholic Beverage Commission. However, one site plan may be submitted as long as all the information needed for the Certificate of Compliance as well as the normal planning Commission review has been included in the one schematic plan provided. In addition, a buffering plan must be submitted to the Planning Commission showing locations of trees, shrubs, and plants that are located on the store property with the intent of reducing any negative impact.

ARTICLE VIII

Zone	Lot Area Sq Ft.	Lot Width	Front Yard	Side Yard	Rear Yard	Lot Coverage	Maximum Height
A-1							
Single Family	15,000	80'	30'	15'	30'	30%	35'
Non-residential	21,780	150'	50'	50'	30'	30%	35'
R-1							
Single Family	15,000	80'	30'	15'	30'	30%	35'
Non-residential	20,000	80'	30'	50'	50'	30%	35'
R-1A							
Single Family	12,000	70'	30'	10'	25'	30%	35'
Duplex	15,000	80'	30'	10'	25'	30%	35'
Non-residential	15,000	80'	30'	50'	50'	30%	35'
R-2							
Single family	10,000	70'	30'	10'	25'	30%	35'
Multi family	12,000 +3,000 per additional family	70'	30'	8' per story	25'	35%	35'
Non-Residential	15,000	80'	30'	50'	50'	30%	35'
R-3							
Single family	8,000	40'**	30'	8' per story	25'	30%	35'
Multi family	8,000 +2,500 per additional family	40'**	30'	8' per story	25'	35%	35'
Non-Residential	15,000	80'	30'	50'	50'	30%	35'
B-1			30'	10'	25'		35'
B-2							70'
B-3			30'	10'	25'		70'
B-4			30'	10'	25'		70'
M-1			30'	20'	25'		70'

M-2			30'	20'	25'		70'
PBD	25,000	100'	30'	20'	30'	35%	70'

Submittals – Site Plan Approval by Planning Commission

ARTICLE IX. EXCEPTIONS AND MODIFICATIONS

901. **Lot of Record**. Where the owner of a lot consisting of one or more adjacent lots of official record at the time does not own sufficient land to enable him to conform to the yard or other requirements of this ordinance, an application may be submitted to the board of zoning appeals for a variance from the terms of this ordinance, in accordance with Article XI. Such a 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 is possible in the opinion of the board of zoning appeals.

902. **Adjoining and Vacant Lots of Record.** A plat of land consisting of one or more adjacent lots with continuous frontage in single ownership which individually are less than lot widths required by this ordinance, such groups of lots shall be considered as a single lot or several lots of minimum permitted size and the lot or lots in one ownership shall be subject to the requirements of this ordinance.

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

904. **Exception of Height Limits**. The height limitations of this ordinance shall not apply to church spires, belfries, cupolas, and homes not intended for human occupancy, monuments, water towers, observation towers, transmission towers, windmills, chimneys, smokestacks, derricks, conveyors, flag poles, radio towers, masts and aerials.

ARTICLE X. ENFORCEMENT

1001. Enforcing Officer. The provisions of this ordinance shall be administered and enforced by the Municipal Building Inspector. This official shall have the right to enter upon any premises necessary to carry out his duties in the enforcement of this ordinance.

1002. Building Permit Required. It shall be unlawful to commence the excavation for or the construction of any building including accessory buildings, or to commence the moving or alteration of any building, including accessory buildings until the building inspector has issued for such work a building permit including a statement that the plans, specifications and intended use of such building in all respects conform with the provisions of this ordinance. Pursuant to TCA 62-6-111, any work performed in excess of $25,000 shall require a contractor to be licensed. Application for a building permit shall be made to the building inspector. Excavating in the public right of way requires a permit that shall be provided by Town Hall prior to work. This does not include the mere maintenance and debris removal from ditching.

1003. Issuance of Building Permit. In applying to the building inspector for a building permit the applicant shall submit a dimensioned sketch or scale which shall indicate the shape, size, height, and location of all buildings to be erected, altered, or moved, and of any building already on the lot. He shall also state the existing and intended use of all such buildings and supply such other information as may be required by the building inspector to determine whether the provisions of this ordinance are being observed. If the proposed excavation or construction as set forth in the application are in conformity with the provisions of this ordinance, the building inspector shall issue a building permit for such excavation or construction. If a building permit is refused, the building inspector shall state such refusal in writing with cause.

1004. Certificate of Occupancy. Upon the completion of the construction or alteration of a building or structure for which a building permit has been granted application shall be made to the building inspector for a certificate of occupancy. Within three days of such application, the building inspector shall make a final inspection of the property in question and shall issue a certificate of occupancy if the building or structure is found to conform to the provisions of the ordinance and the statements made in the application for the building permit.

1005. Penalties. Any person violating any provision of this ordinance shall be guilty of a misdemeanor, and upon conviction shall be fined not less than two dollars ($2.00) nor more than fifty dollars (50.00) for each offense. Each day such violation shall continue shall constitute a separate offense.

1006. Remedies. In case any building or structure is erected, constructed, reconstructed, repaired, converted or maintained, or any building, structure of land is used in violation of this ordinance, the building inspector or any other appropriate authority of any adjacent or neighboring property owner who would be damaged by such violation, in addition to other remedies may institute injunction, mandamus or other appropriate action in proceeding to prevent the occupancy or use of such building.

ARTICLE XI. BOARD OF ZONING APPEALS

1101. **Creation and Appointment**. Pursuant to the provisions of Tennessee Code Annotated 13-7-205 through 13-7-207 the Board of Zoning Appeals shall consist of five (5) members: one of which shall be the Mayor of the Town of Unicoi; one (1) shall be a member of the Board of Mayor and Aldermen, selected by the Mayor; and the remaining members shall be appointed by the Mayor. All members of the Board of Zoning Appeals shall serve without compensation or with compensation as the budget allows. The terms of the members appointed shall be for four (4) years. The terms of the Mayor and the representative from the Board of Mayor and Aldermen shall run concurrently with their terms of office. Any vacancy in an appointive membership shall be filled for the unexpired term by the Mayor, who shall also have the authority to remove any appointive member at his will and pleasure.

The Board of Zoning Appeals shall be organized and shall carry out its powers, functions, and duties in accordance with all applicable provisions of Tennessee Code Annotated, title 13, chapter 4, sections 205 through 207 and the Town of Unicoi Board of Zoning Appeals By-Laws, as adopted by this ordinance (Ordinance 02-95).

1102. **Procedure**. Meetings of the board of zoning appeals shall be held at the call of the chairman or by a majority of the membership and at such other times as the board may determine. Such chairman, or in his absence, the acting chairman, may administer oaths and compel the attendance of witnesses. All meetings of the board shall be open to the public. The board, or its designee, shall keep minutes of its proceedings, showing the vote of each member upon each question, or, if absent or failing to vote, indicating such fact; shall take all evidence necessary to justify or explain its action, and shall keep records of its examinations and of other official action, all of which shall be immediately filed in the office of the board and shall be a public record.

1103. **Appeals; How Taken**. An appeal to the board of zoning appeals may be taken by any person, firm or corporation aggrieved, or by any governmental officer, department, board of bureau affected by any decision of the building inspector based in the whole or part on provisions of this ordinance. Such an appeal shall be taken within a reasonable time, as provided by the rules of the board, by filing with the building inspector and with the board of zoning appeals a notice of appeal, specifying the grounds thereof. The building inspector shall transmit forthwith to the board all papers constituting the record upon which the action appeals was taken. The board shall fix a reasonable time for the hearing of the appeal, give public notice thereof, as well as due notice to the parties in interest, and decide the same within a reasonable time. Upon hearing, any party may appear in person or by agent or attorney.

1104. **Powers**. The board of zoning appeals shall have the following powers;

1104.1. Administrative Review. To hear and decide appeals where it is alleged by the appellant that there is error in any order requirements, permit decision, determination or refusal made by the building inspector or other administrative official in the carrying out or enforcement of any provision of this ordinance.

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

1104.3. Variance. To hear and decide applications for variance from the terms of this ordinance, but only where, by reasons of exceptional narrowness, shallowness or shape of a specific piece of property at the time of the adoption of this ordinance was a lot of record; or where by reason of exceptional topographical conditions or other extraordinary or exceptional situations or conditions of a piece of property, the strict application of the provision of this ordinance would result in exceptional practical difficulties to or exceptional and undue hardship upon the owner of such property, provided that such relief may be granted without substantial detriment to the public good and without substantially impairing the intent and purpose of this ordinance. In granting a variance the board may attach thereto such conditions regarding the location, character and other features of the proposed building, structure or use as it may deemed advisable in furtherance of the purpose of this ordinance. Before any variance is granted it shall be shown that special circumstances are attached to the property which do not generally apply to another property in the neighborhood.

1105. <u>Action of the Board of Zoning Appeals</u>. In exercising the aforementioned powers, the board of zoning appeals may, in conformity with the provisions of this ordinance, reverse or affirm, wholly or partly, or may modify the order, requirement, decision or determination appealed from, and to that end shall have all powers of the building inspector. The concurring vote of a majority of the board shall be necessary to reverse any order, requirement, decision or determination of any such administrative official, or to decide in favor of the applicant on any matter upon which it is required to pass under this ordinance or to authorize any variance from the terms of this ordinance.

ARTICLE XII. AMENDMENT

1201. **Procedure**. The board of mayor and aldermen may amend the regulations, boundaries, or any provision of this ordinance. Any member of the town board may introduce such amendment, or any official board member or any other person, may present a petition to the board of mayor and aldermen requesting an amendment or amendment to this ordinance. A notarized letter from the property owner is required if allowing an authorized agent to request an amendment on their behalf.

1202. **Approval by Planning Commissions**. No such amendment shall become effective unless the same be first submitted for approval, disapproval, or suggestions to the planning commission. Submissions to the planning commissions must be received by Town Staff no later than fifteen business days prior to the next regularly called meeting. A minimum of seven (7) days' notice of the time and date set for the hearing shall be sent to some newspaper of general circulation. The planning commission shall have ninety (90) days to hear any proposed amendments. If the planning commission disapproves after such submission, it shall require the favorable vote of a majority of the entire membership of the city board to become effective. If the planning commission neither approves nor disapproves such proposed amendment, it shall require the majority vote of the entire membership of the city legislative body to become effective.

1203. **Introduction of Amendment**. Upon the introduction of an amendment to this ordinance or upon the receipt of a petition to amend this ordinance, the board of mayor and aldermen shall publish a notice of such request for an amendment, together with the notice of time set for hearing by the board of Mayor and Aldermen on the requested change. Said notice shall be published in some newspaper of general circulation in the Town of Unicoi, Tennessee. Said hearing by the board of mayor and aldermen shall take place not sooner than fifteen (15) days after publication of such notice. The Board of Mayor and Alderman shall hear the amendment twice, only one of the hearings requiring the fifteen-day notice in the newspaper. After the second hearing and upon favorable vote of the Board of Mayor and Alderman, the amendment shall take effect no sooner than 15 days after the passage of the amendment.

ARTICLE XIII. LEGAL STATUS PROVISIONS

1301. **Conflict with Other Ordinances**. In case of conflict between this ordinance or any part thereof, and the whole or part of any existing or future ordinance of the Town of Unicoi the most restrictive shall in all cases apply.

1302. **Validity.** In any section, clause, provision, or portion of this ordinance shall be held to be invalid or unconstitutional by any court of competent jurisdiction, such holding shall not affect any other section, clause, provision, or portion of this ordinance which is not of itself invalid or unconstitutional.

1303. **Effective Date**. This ordinance shall take effect and be in force fifteen (15) days from and after its passage, the public welfare demanding it.

Certified by Planning Commission _____

Passed on First Reading _____

Passed on Second Reading _____

Passed on Third Reading _____

Approved and Signed In Open Meeting _____

Date of Public Hearing _____

_____
Mayor

Approved as to Form: _____
City Attorney

Attest: _____
City Recorder

ARTICLE XIV. TELECOMMUNICATIONS FACILITIES

1401. **Purpose**. Telecommunications towers and antennas will use the following standards to minimize adverse visual and operational effects of towers through careful design, siting, and screening; to avoid potential damage to adjacent properties from tower failure through engineering and careful siting of towers, and to maximize use of any new communication tower and/or existing structures to reduce the number of towers needed. (Ord. #99-51, Dec. 1999)

1402. **Applicability and Exemptions**.

1402.1. New Towers and Antennas. All new towers and/or antennas in the Town of Unicoi shall be subject to these regulations except non-commercial hobby type antennas/towers located on property owned, leased, or otherwise controlled by the Town or other governmental entity which are used for public purposes, and antennas less than forty-five (45) feet in height which are located on structures such as water tanks and buildings.

1402.2. Pre-existing Towers or Antennas. Pre-existing towers and pre-existing antennas shall not be required to meet the requirements of this article, other than state and federal regulations and building codes.

1402.3. Amateur Radio and Hobby Type Antenna Support Structure. Residents, where not prohibited by deed or other restrictions, may install a single antenna support structure that meets standard setback requirements and that does not exceed forty-five (45) feet in height for their hobby or other noncommercial use. "Crank up" towers may exceed this height provided they do not exceed the forty-five (45) foot height restriction in the "crank down" position where they must remain when not in use. (Ord. #99-51, Dec. 1999)

1403. **Locating Towers**.

1403.1. Monopole towers and stealth-type antenna support structures are permitted as of right, subject to applicable regulations, in the B-3, Intermediate Business, B-4, Arterial Business, Planned Business District, M-1 Manufacturing Warehouse, and M-2 High Impact Use districts, and within apartment development in R-3 High Density Residential districts.

1403.2. Monopole towers and stealth-type antenna support structures are permitted as special exceptions, upon a showing that such location and such antenna support structure is required to prevent an effective denial of coverage, and subject to applicable regulations, in the following districts; A-1 General Agricultural District, R-1 Low Density residential, R-1A, Low Density residential, R-2 Medium Density residential, and B-1 Neighborhood Business districts, and in non-apartment areas in R-2 Medium Density, and R-3 High Density Residential district;

1403.3. Towers are not permitted in the H-1, Historic Overlay District and B-2, Central Business districts.

1403.4. Lattice self-supporting and guyed towers are permitted as special exceptions in the B-3 Intermediate Business, B-4 Arterial Business, M-1 Manufacturing Warehouse, and M-2 High Impact Use districts, upon a showing that such location and such antenna support structure is required to prevent an effective denial of coverage.

1403.5. Monopoles in excess of the height requirements of Section 1405.16.3 permitted as special exceptions in A-1 General Agriculture; R-1 Low Density Residential, R-1A Low Density Residential, R-2 Medium Density Residential, R-3 High Density Residential, M-R and B-1 Neighborhood Business districts, upon showing that such location and such antenna support structure is required to prevent an effective denial of coverage.

1403.6. Monopoles and stealth-type antenna support structures are permitted as a matter of right on municipal power line utility easements, provided that the Erwin Utility System gives its consent, and the antenna support structure is incorporated into the power line support structure.

1403.7. Monopoles and stealth type antenna support structures up to one hundred sixty (160) feet in height are permitted as a matter of right on municipal property in all districts excepting the H-1 Historical Overlay District provided that the appropriate governing body approves. (Ord. #99-51, Dec. 1999, as amended by Ord. #02-87, Feb. 2002)

1404. General Requirements

1404.1. Aesthetics. Towers and antenna support structures shall meet the following requirements:

1404.1.1. Towers and antenna support structures shall maintain a galvanized steel finish and shall not be painted unless previously approved by the Town of Unicoi;

1404.1.2. Stealth type antenna support structures are to be encouraged in areas of high population density;

1404.1.3. Towers or antenna support structures of any kind, including amateur, will not be permitted to be located in the front yard of any residence or on the roof of any single family residence;

1404.1.4. At a tower site, the design of the buildings and related structures shall, to the extent possible, use materials, colors, textures, screening, and landscaping that will blend them into the natural setting and surrounding buildings.

1404.1.5. If an antenna is installed on a structure other than a tower, the antenna and supporting electrical and mechanical equipment must be identical to, or closely compatible with, the color of the supporting structure so as to make the antenna and related equipment as visually unobtrusive as possible.

1404.1.6. Flush mounted (within two feet of the surface) antenna will be utilized on monopoles where feasible;

1404.2. Buildings or Other Equipment Storage. The equipment cabinet or structure used in association with antennas shall be constructed in accordance with the following:

1404.2.1. In the R-3 High Density Residential District equipment enclosures shall not contain more than two hundred (200) square feet of gross floor area or be more than ten (10) feet in height for each carrier using the site;

1404.2.2. In A-1 General Agricultural; R-1 Low Density Residential, R-1A Low Density Residential, R-2 Medium Density Residential, B-1 Neighborhood Business, Planned Business District and B-2 Central Business Districts, the equipment enclosure shall be no larger than one hundred (100) square feet of gross floor area or be more than five (5) feet in height for each carrier using the site;

1404.2.3. In all other districts they shall be no greater than twelve (12) feet in height or two hundred (200) square feet of gross floor area for each carrier using the site;

1404.2.4. In all above cases where equipment shelters are mounted outside existing buildings, the equipment enclosures must be designed such that they blend in with the local environment and be unobtrusive in addition to those requirements set forth in 1404.7 hereof.

1404.3. Building Codes. To ensure the structural integrity of towers, the owner of a tower shall ensure that it is maintained in compliance with standards contained in applicable state or local building codes and the applicable standards for towers that are published by the Electronic Industries Association, as amended from time to time. If, upon inspection, the Town of Unicoi concludes that a tower fails to comply with such codes and standards and constitutes a danger to persons or property, then upon notice being provided to the owner of the tower the owner shall have thirty (30) days to bring such tower into compliance with such standards. Failure to bring such tower into compliance within said thirty (30) days shall constitute grounds for the removal of the tower at the owner's expense.

1404.4. Certification. Any information of an engineering nature that the applicant submits, whether civil, mechanical, or electrical, shall be certified by a licensed professional engineer under the guidelines of the State of Tennessee for such certifications.

1404.5. Compliance. A description of compliance with this ordinance and all applicable federal, state or local laws relating to such tower/antenna support structure shall be submitted with each request for a tower/antenna.

1404.6. Franchise, Permits and Licenses. Owners and/or operators of towers, antenna support structure, or antennas shall certify that all franchises, licenses, and permits required in the Town of Unicoi have been obtained and shall file a copy of all required franchises, licenses and permits with the Town in their initial application. Permits will not be granted to any applicant that does not hold a valid FCC issued license or permit or a letter of commitment to use the requested structure from an FCC permittee or licensee upon completion, at the time of application.

1404.7. Landscaping. All new tower facilities, or reconstructed tower facilities, are required to provide an evergreen screen or artificial buffer located outside the required lower fencing. This screen may consist of evergreen trees, having a minimum height of six (6) feet at planting and a minimum height of fifteen (15) feet at maturity, or a continuous hedge with three (3) feet height at planting and a six (6) foot height at maturity, or in the alternative, an artificial buffer of colored archival fencing material that blends in with the surrounding land use. The Board of Zoning Appeals may grant a variance to the landscaping requirements if they find existing vegetation adequate to provide a buffer.

1404.8. Lighting. Towers and antenna support structures shall not be artificially lit, unless required by the FAA or other applicable authority. Deflectors shall be utilized to direct light upwards and away from residential areas. Further, where lighting is required, the lights so installed shall be of the "dual lighting" variety whereby white strobe lights are permitted for daytime and red lights for nighttime. White strobe lights for night operation are not permitted in the Town of Unicoi. Any lighting required will be to the dual lighting requirements of the FAA.

1404.9 Measurement. For the purposes of measurement, tower setbacks and separation distances shall be calculated from the base of the tower.

1404.10. Principal or accessory use. Towers may be considered either principal or accessory uses, while antennas are accessory uses.

1404.11. Security.

1404.11.1. All towers shall be equipped with an appropriate anti-climbing device or the removal of climbing pegs on the first twenty (20) feet of the structure.

1404.11.2. Security fences will not be permitted in R-1 Low Density Residential and R-1A Low Density Residential Districts except as special exceptions. All cabling within twenty (20) feet of the ground shall be enclosed in conduit or other secure enclosure and all cabinetries shall be locked.

1404.11.3. Security fences are permitted in all other districts and may be required at the discretion of the Building Official except in locations on municipal property when fencing may be required at the discretion of the appropriate governing body. These fences shall be not less than six (6) feet in height and shall also be equipped with an appropriate anti-climbing device. The fences shall remain located when not in use.

1404.12. Separation. Towers shall comply with the minimum separation standards established in Table 1.

TABLE 1

Type of Use	Distance between tower and use
Single Family Dwellings	200 feet
Vacant A-1, R-1, R-1A, or R-2 zoned land which is either platted or has preliminary subdivision plat approval which is not expired	200 feet
Vacant unplatted residentially zoned lands	200 feet
Existing multi-family residential units (3 Units or more)	200 feet
Non-residentially zoned lands or non-residential uses	None, only setbacks for district apply

*The separation distances listed in Table 1 do not apply to monopoles which become part of the utility system. These poles, because of their nature, will be closer to residential structures than the above listed area.

1404.12.1. A special exception may be granted in instances when written permission has been obtained from all persons owning land within the above cited distance.

1404.13. Setbacks.

1404.13.1. Towers proposed to be located in A-1 General Agricultural, R-1 Low Density Residential, R-1A Low Density Residential, R-2 Medium Density Residential, R-3 Medium Density, Planned Business District, and B-1 Neighborhood Business Districts, must be set back a distance of one (1) foot for each two (2) feet of the height of the tower from any adjoining lot line, provided however, that all towers must also meet the separation distances listed

in Section 1404.12. Accessory buildings must satisfy the minimum zoning district setback requirements.

1404.13.2. Towers proposed to be located in all other districts shall meet the minimum setback requirements for that district, provided however, that all towers must also meet the separation distances listed in Section 1404.12.

1404.14. Signs. No commercial signs, including banners, shall be permitted on the antenna or antenna support structure. Any sign required by the FCC, FAA, OSHA or any other appropriate authority will be permitted so long as said sign is no larger than twelve (12) inches by eighteen (18) inches and is placed within eight (8) feet of the base of the tower. However, an additional sign no larger than stated above indicating the owner of the facility and a telephone number to call for more information or in an emergency shall be allowed inside the compound fence on the side where the gates are located.

1404.15. State or Federal Requirements all towers and antenna support structures must meet or exceed current standards and regulations of the FAA, the FCC, and any other agency of the state or federal government with the authority to regulate towers and antennas. If such standards and regulations are changed, then the owners of the towers and antennas governed by this ordinance shall bring such towers and antennas into compliance with such revised standards and regulations within six (6) months of the effective date of such standards and regulations unless a different compliance schedule is mandated by the controlling state or federal agency. Failure to bring towers and antennas into compliance with such revised standards and regulations shall constitute grounds for the removal of the tower or antenna at the owner's expense.

1404.16. New Towers. A new tower/antenna support structure will not be permitted unless the tower is designed to support a minimum of three (3) communications carriers' antennas and feedlines, except for ninety (90) foot or shorter monopoles which must be designed to support a minimum of two (2) carriers' antennas and feedlines. The applicant for the permit certifies that it will make space on the tower available to other communications carriers at a reasonable cost. Should there be a dispute over what constitutes a "reasonable cost" the matter will be resolved by binding arbitration with arbitration costs to be borne by the parties. An arbitrator will be chosen by mutual agreement of the parties, but if they are unable to agree on an arbitrator, one will be selected by the Town of Unicoi.

1404.16.1. Where a new antenna support structure/tower is permitted to be constructed in A-1 General Agricultural, R-1 Low Density Residential, R1-A Low Density Residential, R-2 Medium Density Residential, and R-3 High Density Residential Districts the owner shall be required to submit a sealed "fall zone radius" letter from the antenna support manufacturer when applying for a building permit.

1404.16.2. A permit for a proposed new tower/support structure within two thousand five hundred (2,500) feet of an existing communications tower shall not be issued unless the applicant certifies that the existing communications tower does not meet applicant's structural specifications and applicant's technical design requirements as reviewed by the Town, or that a co-location agreement could not be obtained.

1404.16.3. Permitted height of freestanding communication antennae support structures.

Districts	Height
R-1, R-1A, R-2	90 feet in these three zones (unlighted)
R-3, A-1, B-1, B-2 B-3, B-4, M-1, M-2, PBD	The Town shall not approve any wireless telecommunications support structures of two hundred (200) feet or more. All new wireless telecommunications support structures shall be constructed to support additional services as follows: 1) A Support Structure of seventy-five (75) to ninety-nine (99) feet of elevation above ground shall be designed to support a total of three (3) wireless service antennas of like design (unlighted). 2) A Support Structure of one hundred (100) to one hundred-forty-nine (149) feet of elevation above ground shall be designed to support a total of five (5) wireless service antennas of like design (unlighted). 3) A Support Structure of one hundred fifty (150) to one hundred ninety-nine (199) feet of elevation above ground shall be designed to support a total of six (6) wireless service antennas of like design (unlighted). Note: Lighted towers may be approved by a special exception or may be required by federal law.

(Ord. #99-51, Dec. 1999, as amended by Ord. #02-87, Feb. 2002. Amended by Ord. #09-175, May 2009)

1405. <u>Application Requirements</u>. The following information is required to be submitted when requesting approval for a new tower, whether by administrative approval, or by a special exception. This information may be submitted to and reviewed by a consultant employed by the town who has expertise in antenna support structure issues, with costs to be borne by the part requesting approval.

1405.1. Inventory of Existing Sites. Each applicant for an antenna and/or tower shall provide to the Town an inventory of its existing towers, antennas, or sites approved for towers or antennas, that are either within the jurisdiction of the Town of Unicoi thereof, including specific information about the location, height, and design of each tower.

1405.2. Site Plan. The following information is required to be shown on the site plan; the location, type and height of the proposed tower; on-site land uses and zoning, adjacent land uses and zoning (including information for adjacent municipalities) separation distances from uses as set forth in Section 1404.12 adjacent roadways, proposed means of access; setbacks from property lines; elevation drawings of the proposed tower and any other structures, topography; parking; drainage, legal description of the parent tract and leased parcel (if applicable), or tax map identification number, the setback distance between the proposed tower and the nearest residential unit, platted residentially zoned properties, and unplatted residentially zoned properties, the separation distance from and construction of other existing towers, owner/operator of existing tower(s), if known, method of fencing, and finished color, landscape plan showing specific landscape materials, with spacing proposals, height of vegetation at planting, and height of vegetation in three years (considered maturity).

1405.3. Documentation.

1405.3.1. A notarized statement by the applicant as to how many antennas the tower can accommodate.

1405.3.2. A description of the suitability of the use of existing towers, other structures, or alternative technology not requiring the use of towers or structures to provide the services to be provided through the use of the proposed tower.

1405.3.3. A description of the feasible locations of future towers or antennas within the Town of Unicoi and the planning region based upon existing physical, engineering, technological or geographical limitations in the event the proposed tower is erected.

1405.3.4. Evidence to demonstrate that no existing tower structure or alternative technology can accommodate the applicant’s proposed antenna. This evidence may consist of any of the following:

1405.3.4.1. A certification that there are no existing towers or structures located within the geographic area which meet their applicant's engineering requirements.

1405.3.4.2. A certification that existing towers or structures are not of sufficient height to meet the applicant's engineering requirements.

1405.3.4.3. A certification that existing towers or structures do not have sufficient structural strength to support the applicant's proposed antenna and related equipment.

1405.3.4.4. The applicants proposed antenna would cause electromagnetic interference with the antenna on the existing towers or structures, or the antenna on the existing towers or structures would cause interference with the applicants proposed antenna.

1405.3.4.5. The fees, costs, or contractual provisions required by the owner in order to share an existing tower or structure or to adapt an existing tower of structure for sharing are unreasonable. Costs exceeding new tower development are presumed to be unreasonable.

1405.3.4.6. The applicant demonstrates that there are other limiting factors that render existing towers and structures unsuitable.

1405.3.4.7. The applicant demonstrates that an alternative technology that does not require the use of towers or structures, such as a cable microcell network using multiple low powered transmitters/receivers attached to a wireline system, is unsuitable. Costs of alternative technology that exceed new tower or antenna development shall not be presumed to render the technology unsuitable.

1405.3.4.8. A certification that no other tower is located within two thousand five hundred (2,500) feet of the proposed location.

1405.3.4.9. The applicant for a tower or antenna support permit shall, upon the filing of said application, pay an initial application fee to the Town of Unicoi as set forth by the town from time to time. (Ord. #99-51, Dec. 1999)

1406. <u>Administratively Approved Uses</u>. The Building Official may approve the following request, provided the proposed antenna/tower meets all applicable criteria listed in the ordinance.

1406.1. Locating a tower or stealth-type antenna support structure outside an H-1 Historic Overlay District in B-3 Intermediate Business, B-4 Arterial Business, Planned Business District, M-1 Manufacturing Warehouse, and M-2 High Impact Use Districts.

1406.2. Locating an antenna on a non-tower structure or constructing a stealth-type antenna support structure outside an H-1 Historic Overlay District in the R-3 High Density Residential, B-2 Central Business, B-3 Intermediate Business, B-4 Arterial Business, Planned Business District, M-1 Manufacturing Warehouse, and M-2 High Impact Districts.

1406.3. Replacing Existing Towers. Towers may be reconstructed, provided they are located within fifty (50) feet of the original tower, and the original tower is removed upon completion of the replacement tower. The replacement tower may be constructed up to fifty (50) feet taller than the original tower if additional antennas are to be added. This height change may only occur one time per communication tower without a special exception approval.

1406.4. Installing a cable microcell network through the use of multiple low powered transmitters/receivers attached to existing wireline systems, such as conventional cable or telephone wires, or similar technology that does not require the use of towers. (Ord. #99-51, Dec. 1999, as amended by Ord. #02-87, Feb. 2002).

1407. Special Exception Permit

1407.1. A special exception permit is required if:

1407.1.1. A monopole or stealth-type antenna support structure is proposed to be located in A-1 General Agricultural, R-1 Low Density Residential, R-1A Low Density Residential, R-2 Medium Density Residential, Planned Business District and B-1 Neighborhood Business Districts. It must be shown that the location is required to prevent an effective denial of coverage. Section 1404.1. notwithstanding, the aesthetic design of such monopole or stealth-type antenna support structure shall be subject to the approval of the Unicoi Board of Zoning Appeals.

1407.1.2. A special exception permit is required if a tower or antenna support structure exceeds any of the

1407.1.3. A guyed or lattice tower/antenna support structure is requested to be constructed.

1407.2. In granting a special exception permit, the Board of Zoning Appeals may impose conditions to the extent they conclude such conditions are necessary to minimize adverse effects of the proposed tower on adjoining properties.

1407.3. Factors Considered in Granting Special Use Permits for Towers. The Board of Zoning Appeals shall consider the following factors in determining whether to grant a special exception: height of the proposed tower, proximity of the tower to residential structures and residential districts boundaries; nature of uses on adjacent and nearby

properties; surrounding topography, surrounding tree coverage and foliage; design of the tower, with particular reference to design characteristics that have the effect of reducing or eliminating visual obtrusiveness; proposed ingress and egress; and availability of suitable existing towers, other structures, or alternative technologies not requiring the use of towers or structures. (Ord. #99-51, Dec. 1999, as amended by Ord. #02-87, Feb. 2002)

1408. Removal of Abandoned Antennas and Towers. Any antenna or tower that is not operated for a continuous period of twelve (12) months shall be considered abandoned, and the owner of such antenna or tower shall remove the same within ninety (90) days of receipt of notice from the Town of Unicoi notifying the owner of such abandonment. Failure to remove an abandoned antenna or tower within said ninety (90) days shall be grounds to remove the tower or antenna at the owner's expense. If there are two or more users of a single tower, then this provision shall not become effective until all users abandon the tower. (Ord. #99-51, Dec. 1999)

1409. Nonconforming Uses.

1409.1. Expansion of Nonconforming Uses. Towers that are constructed, and antennas that are installed in accordance with the provision of this Article shall not be deemed to constitute the expansion of a nonconforming use or structure.

1409.2. Pre-existing Towers. Pre-existing towers shall be allowed to continue their usage as they presently exist. Routine maintenance (including replacement with a new tower of like construction and height) shall be permitted on such pre-existing towers. New construction other than routine maintenance on a pre-existing tower shall comply with the requirements of this Article.

1409.3. Rebuilding Damaged or Destroyed Nonconforming Towers or Antennas. Notwithstanding Section 1409.1. bona fide nonconforming towers or antennas that are damaged or destroyed may be rebuilt without having to first obtain administrative approval or a special exception permit and without having to meet the separation requirements. The type, height, and location of the tower on site shall be of the same type and intensity as the original facility approval. Building permits to rebuild the facility shall comply with the then applicable building codes and shall be obtained within 180 days from the date the facility is damaged or destroyed. If no permit is obtained, or if said permit expires, the tower or antenna shall be deemed abandoned as specified in Section 1408. (Ord. #99-51, Dec. 1999)

1410. Public Notice. For the purpose of this ordinance, any review of a tower/antenna request by the Board of Zoning Appeals shall require written notice to all abutting property owners at least seven (7) days prior to the meeting where the item will be discussed. (Ord. #99-51, Dec. 1999)

1411. Private Review and Associated Fees. The Town of Unicoi reserves the right to submit for private sector review any and all requests for towers and antennas. All fees associated with

private sector reviews and recommendations shall be assessed to the individual or company submitting the tower or antenna request, and the amount of any fees shall be provided to the applicant in advance of the review. (Ord. #99-51, Dec. 1999)

1412. Automatic Approval. The Building Official or his designee shall either approve or deny each application for administrative approval within sixty (60) days after receiving a completed application. If the Building Official fails to respond within the said sixty (60) days the application shall be deemed to be approved. (Ord. #99-51, Dec. 1999)

1413. Bond. A bond shall be required to ensure the removal of any tower. (Ord. #99-51, Dec. 1999)

1414. Permits. Prior to tower erection, a permit must be purchased from the Town of Unicoi. Permit fees, per tower, will be Two Thousand Dollars, ($2,000) for single-user towers, Fifteen Hundred Dollars ($1,500) for two-user towers and One Thousand Dollars ($1,000) for three or more user towers. The fee structuring is designed to encourage multiple-user towers, thereby reducing the number of towers required in the area. Permits must be signed by all users prior to tower erection. Fees are non-refundable. (Ord. #99-51, Dec. 1999)

1415. The tower permits shall be renewed annually at a cost of $500 per user. (Ord. #99-51, Dec. 1999)

APPENDIX A

UNICOI MUNICIPAL FLOODPLAIN ZONING ORDINANCE

ARTICLE I. STATUTORY AUTHORIZATION, FINDINGS OF FACT, PURPOSE AND OBJECTIVES

Section A. Statutory Authorization

The Legislature of the State of Tennessee has in Sections 13-7-201 through 13-7-210; Tennessee Code Annotated delegated the responsibility to local governmental units to adopt regulations designed to promote the public health, safety, and general welfare of its citizenry. Therefore, the Town of Unicoi, Tennessee Mayor and Aldermen, does ordain as follows:

Section B. Findings of Fact

1. The Unicoi Mayor and its Legislative Body wishes to maintain eligibility in the National Flood Insurance Program and in order to do so must meet the requirements of 60.3 of the Federal Insurance Administration Regulations found at 44 CFR Ch. 1 (10-1-04 Edition).

2. Areas of the Town of Unicoi are subject to periodic inundation which could result in loss of life and property, health and safety hazards, disruption of commerce and governmental services, extraordinary public expenditures for flood protection and relief, and impairment of the tax base, all of which adversely affect the public health, safety and general welfare.

3. These flood losses are caused by the cumulative effect of obstructions in floodplains, causing increases in flood heights and velocities; by uses in flood hazard areas which are vulnerable to floods; or construction which is inadequately elevated, flood-proofed, or otherwise unprotected from flood damages.

Section C. Statement of Purpose

It is the purpose of this Ordinance to promote the public health, safety, and general welfare, and to minimize public and private losses due to flood conditions in specific areas. This Ordinance is designed to:

1. Restrict or prohibit uses which are vulnerable to water or erosion hazards, or which result in damaging increases in erosion, flood heights, or velocities;

2. Require that uses vulnerable to floods, including community facilities, be protected against flood damage at the time of initial construction;

3. Control the alteration of natural floodplains, stream channels, and natural protective barriers which are involved in the accommodation floodwaters;

4. Control filling, grading, dredging and other development which may increase flood damage or erosion, and;

5. Prevent or regulate the construction of flood barriers which will unnaturally divert flood waters, or which may increase flood hazards to other lands.

Section D. Objectives

The objectives of this Ordinance are:

1. To protect human life, health and property;

2. To minimize expenditure of public funds for costly flood control projects;

3. To minimize the need for rescue and relief efforts associated with flooding and generally undertaken at the expense of the general public;

4. To minimize prolonged business interruptions;

5. To minimize damage to public facilities and utilities such as water and gas mains, electric, telephone and sewer lines, streets and bridges located in floodable areas;

6. To help maintain a stable tax base by providing for the sound use and development of flood prone areas in such a manner as to minimize blight in flood areas;

7. To ensure that potential homebuyers are notified that property is in a floodable area; and

8. To maintain eligibility for participation in the National Flood Insurance Program.

ARTICLE II. DEFINITIONS

Unless specifically defined below, words or phrases used in this Ordinance shall be interpreted as to give them the meaning they have in common usage and to give this Ordinance its most reasonable application given its stated purpose and objectives.

"Accessory Structure" shall represent a subordinate structure to the principal structure and, for the purpose of this section, shall conform to the following:

1. Accessory structures shall not be used for human habitation.

2. Accessory structures shall be designed to have low flood damage potential.

3. Accessory structures shall be constructed and placed on the building site so as to offer the minimum resistance to the flow of floodwater.

4. Accessory structures shall be firmly anchored to prevent flotation which may result in damage to other structures.

5. Service facilities such as electrical and heating equipment shall be elevated or floodproofed.

"Act" means the statutes authorizing the National Flood Insurance Program that are incorporated in 42 U.S.C. 4001-4128.

"Addition (to an existing building)" means any walled and roofed expansion to the perimeter of a building in which the addition is connected by a common load-bearing wall other than a firewall. Any walled and roofed addition, which is connected by a firewall or is separated by an independent perimeter load-bearing wall, shall be considered "**New Construction**".

"Appeal" means a request for a review of the local enforcement officer's interpretation of any provision of this Ordinance or a request for a variance.

"Area of Shallow Flooding" means a designated AO or AH Zone on a community's Flood Insurance Rate Map (FIRM) with one percent or greater annual chance of flooding to an average depth of one to three feet where a clearly defined channel does not exist, where the path of flooding is unpredictable and indeterminate; and where velocity flow may be evident. (Such flooding is characterized by ponding or sheet flow.)

"Area of Special Flood-related Erosion Hazard" is the land within a community which is most likely to be subject to severe flood-related erosion losses. The area may be designated as Zone E on the Flood Hazard Boundary Map (FHBM). After the detailed evaluation of the special flood-related erosion hazard area in preparation for publication of the FIRM, Zone E may be further refined.

"Area of Special Flood Hazard" is the land in the floodplain within a community subject to a one- percent or greater chance of flooding in any given year. The area may be designated as Zone A on the FHBM. After detailed ratemaking has been completed in preparation for publication of the FIRM, Zone A usually is refined into Zones A, AO, AH, A1-30, AE or A99.

"Base Flood" means the flood having a one percent chance of being equaled or exceeded in any given year.

"Basement" means that portion of a building having its floor subgrade (below ground level) on all sides.

"Breakaway Wall" means a wall that is not part of the structural support of the building and is intended through its design and construction to collapse under specific lateral loading forces, without causing damage to the elevated portion of the building or supporting foundation system.

"Building", means any structure built for support, shelter, or enclosure for any occupancy or storage (See **"Structure"**)

"Development" means any man-made change to improved or unimproved real estate, including, but not limited to, buildings or other structures, mining, dredging, filling, grading, paving, excavating, drilling operations, or permanent storage of equipment or materials.

"Elevated Building" means a non-basement building built to have the lowest floor of the lowest enclosed area elevated above the ground level by means of fill, solid foundation perimeter walls with openings sufficient to facilitate the unimpeded movement of floodwater, pilings, columns, piers, or shear walls adequately anchored so as not to impair the structural integrity of the building during a base flood event.

"Emergency Flood Insurance Program" or **"Emergency Program"** means the program as implemented on an emergency basis in accordance with section 1336 of the Act. It is intended as a program to provide a first layer amount of insurance on all insurable structures before the effective date of the initial FIRM.

"Erosion" means the process of the gradual wearing away of landmasses. This peril is not per se covered under the Program.

"Exception" means a waiver from the provisions of this Ordinance which relieves the applicant from the requirements of a rule, regulation, order or other determination made or issued pursuant to this Ordinance.

"Existing Construction" means any structure for which the "start of construction" commenced before the effective date of the first floodplain management code or ordinance adopted by the community as a basis for that community's participation in the National Flood Insurance Program (NFIP)).

"Existing Manufactured Home Park or Subdivision" means a manufactured home park or subdivision for which the construction of facilities for servicing the lots on which the manufactured homes are to be affixed (including, at a minimum, the installation of utilities, the construction of streets, final site grading or the pouring of concrete pads) is completed before the effective date of the first floodplain management code or ordinance adopted by the community as a basis for that community's participation in the National Flood Insurance Program (NFIP)).

"Existing Structures" see **"Existing Construction"**.

"Expansion to an Existing Manufactured Home Park or Subdivision" means the preparation of additional sites by the construction of facilities for servicing the lots on which the manufactured homes are to be affixed (including the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads).

"Flood" or "Flooding" means a general and temporary condition of partial or complete inundation of normally dry land areas from:

1. The overflow of inland or tidal waters;

2. The unusual and rapid accumulation or runoff of surface waters from any source.

"Flood Elevation Determination" means a determination by the Administrator of the water surface elevations of the base flood, that is, the flood level that has a one percent or greater chance of occurrence in any given year.

"Flood Elevation Study" means an examination, evaluation, and determination of flood hazards and, if appropriate, corresponding water surface elevations, or an examination, evaluation, and determination of mudslide (i.e., mudflow) or flood-related erosion hazards.

"Flood Hazard Boundary Map (FHBM)" means an official map of a community, issued by the Federal Emergency Management Agency, where the boundaries of areas of special flood hazard have been designated as Zone A.

"Flood Insurance Rate Map (FIRM)" means an official map of a community, issued by the Federal Emergency Management Agency, delineating the areas of special flood hazard or the risk premium zones applicable to the community.

"Flood Insurance Study" is the official report provided by the Federal Emergency Management Agency, evaluating flood hazards, and containing flood profiles and water surface elevation of the base flood.

"Floodplain" or **"Flood-prone Area"** means any land area susceptible to being inundated by water from any source (see definition of "**flooding**").

"Floodplain Management" means the operation of an overall program of corrective and preventive measures for reducing flood damage, including but not limited to emergency preparedness plans, flood control works and floodplain management regulations.

"Flood Protection System" means those physical structural works for which funds have been authorized, appropriated, and expended and which have been constructed specifically to modify flooding in order to reduce the extent of the area within a community subject to a "special flood hazard" and the extent of the depths of associated flooding. Such a system typically includes hurricane tidal barriers, dams, reservoirs, levees or dikes. These specialized flood modifying works are those constructed in conformance with sound engineering standards.

"Floodproofing" means any combination of structural and nonstructural additions, changes, or adjustments to structures which reduce or eliminate flood damage to real estate or improved real property, water and sanitary facilities, structures, and their contents.

"Flood-related Erosion" means the collapse or subsidence of land along the shore of a lake or other body of water as a result of undermining caused by waves or currents of water exceeding anticipated cyclical levels or suddenly caused by an unusually high water level in a natural body of water, accompanied by a severe storm, or by an unanticipated force of nature, such as a flash flood, or by some similarly unusual and unforeseeable event which results in flooding.

"Flood-related Erosion Area" or **"Flood-related Erosion Prone Area"** means a land area adjoining the shore of a lake or other body of water, which due to the composition of the shoreline or bank and high-water levels or wind-driven currents, is likely to suffer flood-related erosion damage.

"Flood-related Erosion Area Management" means the operation of an overall program of corrective and preventive measures for reducing flood-related erosion damage, including but not limited to emergency preparedness plans, flood-related erosion control works and flood plain management regulations.

"Floodway" means the channel of a river or other watercourse and the adjacent land areas that must be reserved in order to discharge the base flood without cumulatively increasing the water surface elevation more than a designated height.

"Floor" means the top surface of an enclosed area in a building (including basement), i.e., top of slab in concrete slab construction or top of wood flooring in wood frame construction. The term does not include the floor of a garage used solely for parking vehicles.

"Freeboard" means a factor of safety usually expressed in feet above a flood level for purposes of floodplain management. "Freeboard" tends to compensate for the many unknown factors that could contribute to flood heights greater than the height calculated for a selected size flood and floodway conditions, such as wave action, bridge openings and the hydrological effect of urbanization of the watershed.

"Functionally Dependent Use" means a use which cannot perform its intended purpose unless it is located or carried out in close proximity to water. The term includes only docking facilities, port facilities that are necessary for the loading and unloading of cargo or passengers,

and ship building and ship repair facilities, but does not include long-term storage or related manufacturing facilities.

"Highest Adjacent Grade" means the highest natural elevation of the ground surface, prior to construction, adjacent to the proposed walls of a structure.

"Historic Structure" means any structure that is:

1. 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;

2. 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;

3. 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

4. Individually listed on a local inventory of historic places and determined as eligible by communities with historic preservation programs that have been certified either:

    a. By an approved state program as determined by the Secretary of the Interior, or

    b. Directly by the Secretary of the Interior.

"Levee" means a man-made structure, usually an earthen embankment, designed and constructed in accordance with sound engineering practices to contain, control, or divert the flow of water so as to provide protection from temporary flooding.

"Levee System" means a flood protection system, which consists of a levee, or levees, and associated structures, such as closure, and drainage devices, which are constructed and operated in accordance with sound engineering practices.

"Lowest Floor" means the lowest floor of the lowest enclosed area, including a basement. An unfinished or flood resistant enclosure used solely for parking of vehicles, building access or storage in an area other than a basement area is not considered a building's lowest floor; provided, that such enclosure is not built so as to render the structure in violation of the applicable non-elevation design requirements of this Ordinance.

"Manufactured Home" means a structure, transportable in one or more sections, which is built on a permanent chassis and designed for use with or without a permanent foundation when attached to the required utilities. The term **"Manufactured Home"** does not include a **"Recreational Vehicle"** unless such transportable structures are placed on a site for 180 consecutive days or longer.

"Manufactured Home Park or Subdivision" means a parcel (or contiguous parcels) of land divided into two or more manufactured home lots for rent or sale.

"Map" means the Flood Hazard Boundary Map (FHBM) or the Flood Insurance Rate Map (FIRM) for a community issued by the Agency.

"Mean Sea Level" means the average height of the sea for all stages of the tide. It is used as a reference for establishing various elevations within the floodplain. For the purposes of this Ordinance, the term is synonymous with National Geodetic Vertical Datum (NGVD) or other datum, to which base flood elevations shown on a community's Flood Insurance Rate Map are referenced.

"National Geodetic Vertical Datum (NGVD)" as corrected in 1929 is a vertical control used as a reference for establishing varying elevations within the floodplain.

"New Construction" means any structure for which the "start of construction" commenced after the effective date of this ordinance or the effective date of the first floodplain management ordinance and includes any subsequent improvements to such structure.

"New Manufactured Home Park or Subdivision" means a manufactured home park or subdivision for which the construction of facilities for servicing the lots on which the manufactured homes are to be affixed (including at a minimum, the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads) is completed after the effective date of this ordinance or the effective date of the first floodplain management ordinance and includes any subsequent improvements to such structure.

"North American Vertical Datum (NAVD)" as corrected in 1988 is a vertical control used as a reference for establishing varying elevations within the floodplain.

"100-year Flood" see **"Base Flood"**.

"Person" includes any individual or group of individuals, corporation, partnership, association, or any other entity, including State and local governments and agencies.

"Recreational Vehicle" means a vehicle which is:

1. Built on a single chassis;

2. 400 square feet or less when measured at the largest horizontal projection;

3. Designed to be self-propelled or permanently towable by a light duty truck; and

4. Designed primarily not for use as a permanent dwelling but as temporary living quarters for recreational, camping, travel, or seasonal use.

"Regulatory Floodway" means the channel of a river or other watercourse and the adjacent land areas that must be reserved in order to discharge the base flood without cumulatively increasing the water surface elevation more than a designated height.

"Riverine" means relating to, formed by, or resembling a river (including tributaries), stream, brook, etc.

"Special Hazard Area" means an area having special flood, mudslide (i.e., mudflow) and/or flood-related erosion hazards and are shown on an FHBM or FIRM as Zone A, AO, A1-30, AE, A99, or AH.

"Start of Construction" includes substantial improvement, and means the date the building permit was issued, provided the actual start of construction, repair, reconstruction, rehabilitation, addition, placement, or other improvement was within 180 days of the permit

date. The actual start means either the first placement of permanent construction of a structure (including a manufactured home) on a site, such as the pouring of slabs or footings, the installation of piles, the construction of columns, or any work beyond the stage of excavation; and includes the placement of a manufactured home on a foundation. (Permanent construction does not include initial land preparation, such as clearing, grading, and filling; nor does it include the installation of streets and/or walkways; nor does it include excavation for a basement, footings, piers, or foundations or the erection of temporary forms; nor does it include the installation on the property of accessory buildings, such as garages or sheds, not occupied as dwelling units or not part of the main structure. For a substantial improvement, the actual start of construction means the first alteration of any wall, ceiling, floor, or other structural part of a building, whether or not that alteration affects the external dimensions of the building.

"State Coordinating Agency" The Tennessee Department of Economic and Community Development's, Local Planning Assistance Office as designated by the Governor of the State of Tennessee at the request of the Administrator to assist in the implementation of the National Flood Insurance Program for the state.

"Structure", for purposes of this section, means a walled and roofed building that is principally above ground, a manufactured home, a gas or liquid storage tank, or other man-made facilities or infrastructures.

"Substantial Damage" means damage of any origin sustained by a structure whereby the cost of restoring the structure to its before damaged condition would equal or exceed 50 percent of the market value of the structure before the damage occurred.

"Substantial Improvement" means any repairs, reconstruction's, rehabilitation's, additions, alterations or other improvements to a structure, taking place during a 5-year period, in which the cumulative cost equals or exceeds fifty percent of the market value of the structure before the "start of construction" of the improvement. The market value of the structure should be (1) the appraised value of the structure prior to the start of the initial repair or improvement, or (2) in the case of damage, the value of the structure prior to the damage occurring. This term includes structures which have incurred "substantial damage", regardless of the actual repair work performed.

For the purpose of this definition, "Substantial Improvement" is considered to occur when the first alteration of any wall, ceiling, floor or other structural part of the building commences, whether or not that alteration affects the external dimensions of the building. The term does not, however, include either: (1) Any project for improvement of a structure to correct existing violations of state or local health, sanitary, or safety code specifications which have been pre-identified by the local code enforcement official and which are the minimum necessary to assure safe living conditions and not solely triggered by an improvement or repair project or; (2) Any alteration of a "historic structure", provided that the alteration will not preclude the structure's continued designation as a "historic structure".

"Substantially Improved Existing Manufactured Home Parks or Subdivisions" is where the repair, reconstruction, rehabilitation or improvement of the streets, utilities and pads equals or exceeds 50 percent of the value of the streets, utilities and pads before the repair, reconstruction or improvement commenced.

"Variance" is 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.

"Violation" means the failure of a structure or other development to be fully compliant with the community's floodplain management regulations. A structure or other development without the elevation certificate, other certification, or other evidence of compliance required in this Ordinance is presumed to be in violation until such time as that documentation is provided.

"Water Surface Elevation" means the height, in relation to the National Geodetic Vertical Datum (NGVD) of 1929, (or other datum, where specified) of floods of various magnitudes and frequencies in the floodplains of riverine areas.

ARTICLE III. GENERAL PROVISIONS

Section A. Application

This Ordinance shall apply to all areas within the incorporated area of Unicoi, Tennessee.

Section B. Basis for Establishing the Areas of Special Flood Hazard

The Areas of Special Flood Hazard identified on the Unicoi, Tennessee, Federal Emergency Management Agency, Flood Insurance Study (FIS) and Flood Insurance Rate Map (FIRM), Community Panel Numbers 470421C0015, 470421C0060, 470421C0067, 470421C0078, 470421C0079, 470421C0080, and 470421C0090, dated September 3, 2008, along with all supporting technical data, are adopted by reference and declared to be a part of this Ordinance.

Section C. Requirement for Development Permit

A development permit shall be required in conformity with this Ordinance prior to the commencement of any development activities.

Section D. Compliance

No land, structure or use shall hereafter be located, extended, converted, or structurally altered without full compliance with the terms of this Ordinance and other applicable regulations.

Section E. Abrogation and Greater Restrictions

This Ordinance is not intended to repeal, abrogate, or impair any existing easements, covenants, or deed restrictions. However, where this Ordinance conflicts or overlaps with another regulatory instrument, whichever imposes the more stringent restrictions shall prevail.

Section F. Interpretation

In the interpretation and application of this Ordinance, all provisions shall be: (1) considered as minimum requirements; (2) liberally construed in favor of the governing body, and (3) deemed neither to limit nor repeal any other powers granted under Tennessee statutes.

Section G. Warning and Disclaimer of Liability

The degree of flood protection required by this Ordinance is considered reasonable for regulatory purposes and is based on scientific and engineering considerations. Larger floods can and will occur on rare occasions. Flood heights may be increased by man-made or natural

causes. This Ordinance does not imply that land outside the Areas of Special Flood Hazard or uses permitted within such areas will be free from flooding or flood damages. This Ordinance shall not create liability on the part of the Town of Unicoi, Tennessee or by any officer or employee thereof for any flood damages that result from reliance on this Ordinance, or any administrative decision lawfully made hereunder.

Section H. Penalties for Violation

Violation of the provisions of this Ordinance or failure to comply with any of its requirements, including violation of conditions and safeguards established in connection with grants of variance shall constitute a misdemeanor punishable as other misdemeanors as provided by law. Each day such violation continues shall be considered a separate offense. Nothing herein contained shall prevent the Town of Unicoi, Tennessee from taking such other lawful actions to prevent or remedy any violation.

ARTICLE IV. ADMINISTRATION

Section A. Designation of Ordinance Administrator

The Building Inspector is hereby appointed as the Administrator to implement the provisions of this Ordinance.

Section B. Permit Procedures

Application for a development permit shall be made to the Administrator on forms furnished by the community prior to any development activities. The development permit may include but is not limited to the following: plans in duplicate drawn to scale and showing the nature, location, dimensions, and elevations of the area in question; existing or proposed structures, earthen fill placement, storage of materials or equipment, and drainage facilities. Specifically, the following information is required:

1. Application stage

    a. Elevation in relation to mean sea level of the proposed lowest floor, including basement, of all buildings where BFE's are available, or to the highest adjacent grade when applicable under this Ordinance.

    b. Elevation in relation to mean sea level to which any non-residential building will be flood proofed where BFE's are available, or to the highest adjacent grade when applicable under this Ordinance.

    c. Design certificate from a registered professional engineer or architect that the proposed non-residential flood-proofed building will meet the flood-proofing criteria in Article IV. Section B.

    d. Description of the extent to which any watercourse will be altered or relocated as a result of proposed development.

2. Construction Stage

Within unnumbered A zones, where flood elevation data are not available, the Administrator shall record the elevation of the lowest floor on the development permit. The elevation of the lowest floor shall be determined as the measurement of the lowest floor of the building relative to the highest adjacent grade.

For all new construction and substantial improvements, the permit holder shall provide to the Administrator an as-built certification of the regulatory floor elevation or floodproofing level upon the completion of the lowest floor or floodproofing. Within unnumbered A zones, where flood elevation data is not available, the elevation of the lowest floor shall be determined as the measurement of the lowest floor of the building relative to the highest adjacent grade.

Any lowest floor certification made relative to mean sea level shall be prepared by or under the direct supervision of, a registered land surveyor and certified by same. When floodproofing is utilized for a non-residential building, the said certification shall be prepared by or under the direct supervision of, a professional engineer or architect and certified by same.

Any work undertaken prior to submission of the certification shall be at the permit holder's risk. The Administrator shall review the above-referenced certification data. Deficiencies detected by such review shall be corrected by the permit holder immediately and prior to further work being allowed to proceed. Failure to submit the certification or failure to make said corrections required hereby, shall be cause to issue a stop-work order for the project.

Section C. Duties and Responsibilities of the Administrator

Duties of the Administrator shall include, but not be limited to:

1. Review of all development permits to assure that the permit requirements of this Ordinance have been satisfied, and that proposed building sites will be reasonably safe from flooding.

2. Advice to permittee that additional federal or state permits may be required, and if specific federal or state permit requirements are known, require that copies of such permits be provided and maintained on file with the development permit. This shall include Section 404 of the Federal Water Pollution Control Act Amendments of 1972, 33 U. S. C. 1334.

3. Notification to adjacent communities and the Tennessee Department of Economic and Community Development, Local Planning Assistance Office, prior to any alteration or relocation of a watercourse, and submission of evidence of such notification to the Federal Emergency Management Agency.

4. For any altered or relocated watercourse, submit engineering data/analysis within six (6) months to the Federal Emergency Management Agency to ensure accuracy of community flood maps through the Letter of Map Revision process. Assure that the flood carrying capacity within an altered or relocated portion of any watercourse is maintained.

5. Record the elevation, in relation to mean sea level or the highest adjacent grade, where applicable of the lowest floor including basement of all new or substantially improved buildings, in accordance with Article IV. Section B.

6. Record the actual elevation; in relation to mean sea level or the highest adjacent grade, where applicable to which the new or substantially improved buildings have been flood-proofed, in accordance with Article IV. Section B.

7. When flood proofing is utilized for a structure, the Administrator shall obtain certification of design criteria from a registered professional engineer or architect, in accordance with Article IV. Section B.

8. Where interpretation is needed as to the exact location of boundaries of the areas of special flood hazard (for example, where there appears to be a conflict between a mapped boundary and actual field conditions) the Administrator shall make the necessary interpretation. Any person contesting the location of the boundary shall be given a reasonable opportunity to appeal the interpretation as provided in this Ordinance.

9. When base flood elevation data or floodway data have not been provided by the Federal Emergency Management Agency then the Administrator shall obtain, review and reasonably utilize any base flood elevation and floodway data available from a Federal, State, or other sources, including data developed as a result of these regulations, as criteria for requiring that new construction, substantial improvements, or other development in Zone A on the Community FIRM meet the requirements of this Ordinance.

   Within unnumbered A zones, where base flood elevations have not been established and where alternative data is not available, the Administrator shall require the lowest floor of a building to be elevated or floodproofed to a level of at least three (3) feet above the highest adjacent grade (lowest floor and highest adjacent grade being defined in Article II of this Ordinance). All applicable data including elevations or flood proofing certifications shall be recorded as set forth in Article IV. Section B.

10. All records pertaining to the provisions of this Ordinance shall be maintained in the office of the Administrator and shall be open for public inspection. Permits issued under the provisions of this Ordinance shall be maintained in a separate file or marked for expedited retrieval within combined files.

ARTICLE V. PROVISIONS FOR FLOOD HAZARD REDUCTION

Section A. General Standards

In all flood prone areas, the following provisions are required:

1. New construction and substantial improvements to existing buildings shall be anchored to prevent flotation, collapse or lateral movement of the structure;

2. Manufactured homes shall be elevated and anchored to prevent flotation, collapse, or lateral movement. Methods of anchoring may include, but are not limited to, use of over-the-top or frame ties to ground anchors. This standard shall be in addition to and consistent with applicable state requirements for resisting wind forces;

3. New construction and substantial improvements to existing buildings shall be constructed with materials and utility equipment resistant to flood damage;

4. New construction or substantial improvements to existing buildings shall be constructed by methods and practices that minimize flood damage;

5. All electrical, heating, ventilation, plumbing, air conditioning equipment, and other service facilities shall be designed and/or located so as to prevent water from entering or accumulating within the components during conditions of flooding;

6. New and replacement water supply systems shall be designed to minimize or eliminate infiltration of flood waters into the system;

7. New and replacement sanitary sewage systems shall be designed to minimize or eliminate infiltration of flood waters into the systems and discharges from the systems into flood waters;

8. On-site waste disposal systems shall be located and constructed to avoid impairment to them or contamination from them during flooding;

9. Any alteration, repair, reconstruction, or improvements to a building that is in compliance with the provisions of this Ordinance, shall meet the requirements of "new construction" as contained in this Ordinance; and,

10. Any alteration, repair, reconstruction, or improvements to a building that is not in compliance with the provision of this Ordinance, shall be undertaken only if said non-conformity is not further extended or replaced.

Section B. <u>Specific Standards</u>

These provisions shall apply to ALL Areas of Special Flood Hazard as provided herein:

1. <u>Residential Construction</u>. Where base flood elevation data is available, new construction or substantial improvement of any residential building (or manufactured home) shall have the lowest floor, including basement, elevated no lower than one (1) foot above the base flood elevation. Should solid foundation perimeter walls be used to elevate a structure, openings sufficient to facilitate equalization of flood hydrostatic forces on both sides of exterior walls and to ensure unimpeded movement of floodwater shall be provided in accordance with the standards of Article V. Section B.

   Within unnumbered A zones, where base flood elevations have not been established and where alternative data is not available, the Administrator shall require the lowest floor of a building to be elevated or floodproofed to a level of at least three (3) feet above the highest adjacent grade (lowest floor and highest adjacent grade being defined in Article II of this Ordinance). All applicable data including elevations or flood proofing certifications shall be recorded as set forth in Article IV. Section B.

2. <u>Non-Residential Construction</u>. New construction or substantial improvement of any commercial, industrial, or non-residential building, when BFE data is available, shall have the lowest floor, including basement, elevated or floodproofed no lower than one (1) foot above the level of the base flood elevation.

Within unnumbered A zones, where base flood elevations have not been established and where alternative data is not available, the Administrator shall require the lowest floor of a building to be elevated or floodproofed to a level of at least three (3) feet above the highest adjacent grade (lowest floor and highest adjacent grade being defined in Article II of this Ordinance). All applicable data including elevations or flood proofing certifications shall be recorded as set forth in Article IV. Section B.

Buildings located in all A-zones may be flood-proofed, in lieu of being elevated, provided that all areas of the building below the required elevation are watertight, with walls substantially impermeable to the passage of water, and are built with structural components having the capability of resisting hydrostatic and hydrodynamic loads and the effects of buoyancy. A registered professional engineer or architect shall certify that the design and methods of construction are in accordance with accepted standards of practice for meeting the provisions above and shall provide such certification to the Administrator as set forth in Article IV. Section B.

3. Elevated Building. All new construction or substantial improvements to existing buildings that include ANY fully enclosed areas formed by foundation and other exterior walls below the base flood elevation, or required height above the highest adjacent grade, shall be designed to preclude finished living space and designed to allow for the entry and exit of flood waters to automatically equalize hydrostatic flood forces on exterior walls.

    a. Designs for complying with this requirement must either be certified by a professional engineer or architect or meet the following minimum criteria.

        1) Provide a minimum of two openings having a total net area of not less than one square inch for every square foot of enclosed area subject to flooding;

        2) The bottom of all openings shall be no higher than one foot above the finish grade; and

        3) Openings may be equipped with screens, louvers, valves or other coverings or devices provided they permit the automatic flow of floodwaters in both directions.

    b. Access to the enclosed area shall be the minimum necessary to allow for parking of vehicles (garage door) or limited storage of maintenance equipment used in connection with the premises (standard exterior door) or entry to the elevated living area (stairway or elevator); and

    c. The interior portion of such enclosed area shall not be partitioned or finished into separate rooms in such a way as to impede the movement of floodwaters and all such petitions shall comply with the provisions of Article V. Section B. of this Ordinance.

4. Standards for Manufactured Homes and Recreational Vehicles

    a. All manufactured homes placed, or substantially improved, on: (1) individual lots or parcels, (2) in expansions to existing manufactured home parks or subdivisions, or (3) in new or substantially improved manufactured home

parks or subdivisions, must meet all the requirements of new construction, including elevations and anchoring.

b. All manufactured homes placed or substantially improved in an existing manufactured home park or subdivision must be elevated so that either:

1) When base flood elevations are available the lowest floor of the manufactured home is elevated on a permanent foundation no lower than one (1) foot above the level of the base flood elevation; or,

2) Absent base flood elevations the manufactured home chassis is elevated and supported by reinforced piers (or other foundation elements) at least three (3) feet in height above the highest adjacent grade.

c. Any manufactured home, which has incurred "substantial damage" as the result of a flood or that has substantially improved, must meet the standards of Article V. Section B. 4 of this Ordinance.

d. All manufactured homes must be securely anchored to an adequately anchored foundation system to resist flotation, collapse, and lateral movement.

e. All recreational vehicles placed on identified flood hazard sites must either:

1) Be on the site for fewer than 180 consecutive days;

2) Be fully licensed and ready for highway use. (A recreational vehicle is ready for highway use if it is licensed, on its wheels or jacking system, attached to the site only by quick disconnect type utilities and security devices, and has no permanently attached structures or additions.

3) The recreational vehicle must meet all the requirements for new construction, including the anchoring and elevation requirements of this section above if on the site for longer than 180 consecutive days.

5. Standards for Subdivisions

Subdivisions and other proposed new developments, including manufactured home parks, shall be reviewed to determine whether such proposals will be reasonably safe from flooding. If a subdivision proposal or other proposed new development is in a flood-prone area, any such proposals shall be reviewed to ensure that:

a. All subdivision proposals shall be consistent with the need to minimize flood damage.

b. All subdivision proposals shall have public utilities and facilities such as sewer, gas, electrical and water systems located and constructed to minimize or eliminate flood damage.

c. All subdivision proposals shall have adequate drainage provided to reduce exposure to flood hazards.

d. Base flood elevation data shall be provided for subdivision proposals and other proposed developments (including manufactured home parks and subdivisions) that are greater than fifty lots and/or five acres in area.

Section C. Standards for Areas of Special Flood Hazard with Established Base Flood Elevations and With Floodways Designated

Located within the Areas of Special Flood Hazard established in Article III, Section B are areas designated as floodways. A floodway may be an extremely hazardous area due to the velocity of floodwaters, debris, or erosion potential. In addition, the area must remain free of encroachment in order to allow for the discharge of the base flood without increased flood heights and velocities. Therefore, the following provisions shall apply:

1. Encroachments are prohibited, including earthen fill material, new construction, substantial improvements, or other developments within the regulatory floodway. Development may be permitted however, provided it is demonstrated through hydrologic and hydraulic analyses performed in accordance with standard engineering practices that the cumulative effect of the proposed encroachments or new development, when combined with all other existing and anticipated development, shall not result in ANY increase the water surface elevation of the base flood level, velocities or floodway widths during the occurrence of a base flood discharge at any point within the community. A registered professional engineer must provide supporting technical data and certification thereof.

2. New construction or substantial improvements of buildings shall comply with all applicable flood hazard reduction provisions of Article V.

Section D. Standards for Areas of Special Flood Hazard Zones AE with Established Base Flood Elevations but Without Floodways Designated

Located within the Areas of Special Flood Hazard established in Article III. Section B, where streams exist with base flood data provided but where no floodways have been designated, (Zones AE) the following provisions apply:

1. No encroachments, including fill material, new structures or substantial improvements shall be located within areas of special flood hazard, unless certification by a registered professional engineer is provided demonstrating that the cumulative effect of the proposed development, when combined with all other existing and anticipated development, will not increase the water surface elevation of the base flood more than one (1) foot at any point within the community. The engineering certification should be supported by technical data that conforms to standard hydraulic engineering principles.

2. New construction or substantial improvements of buildings shall be elevated or flood-proofed to elevations established in accordance with Article V. Section B.

Section E. Standards for Streams without Established Base Flood Elevations or Floodways (A Zones)

Located within the Areas of Special Flood Hazard established in Article III, where streams exist, but no base flood data has been provided (A Zones), OR where a Floodway has not been delineated, the following provisions shall apply:

1. When base flood elevation data or floodway data have not been provided in accordance with Article III, then the Administrator shall obtain, review and reasonably utilize any scientific or historic base flood elevation and floodway data available from a Federal, State or other source, in order to administer the provisions of Article V. ONLY if data is not available from these sources, then the following provisions (2 & 3) shall apply:

2. No encroachments, including structures or fill material, shall be located within an area equal to the width of the stream or twenty feet, whichever is greater, measured from the top of the stream bank, unless certification by registered professional engineer is provided demonstrating that the cumulative effect of the proposed development, when combined with all other existing and anticipated development, will not increase the water surface elevation of the base flood more than one (1) foot at any point within the community. The engineering certification should be supported by technical data that conforms to standard hydraulic engineering principles.

3. In special flood hazard areas without base flood elevation data, new construction or substantial improvements of existing shall have the lowest floor of the lowest enclosed area (including basement) elevated no less than three (3) feet above the highest adjacent grade at the building site. Openings sufficient to facilitate the unimpeded movements of floodwaters shall be provided in accordance with the standards of Article V, Section B, **and "**Elevated Buildings".

Section F. <u>Standards For Areas of Shallow Flooding (AO and AH Zones)</u>

Located within the Areas of Special Flood Hazard established in Article III, Section B, are areas designated as shallow flooding areas. These areas have special flood hazards associated with base flood depths of one to three feet (l'-3') where a clearly defined channel does not exist and where the path of flooding is unpredictable and indeterminate; therefore, the following provisions apply:

1. All new construction and substantial improvements of residential and non-residential buildings shall have the lowest floor, including basement, elevated to at least one (1') foot above the flood depth number specified on the Flood Insurance Rate Map (FIRM), in feet, above the highest adjacent grade. If no flood depth number is specified, the lowest floor, including basement, shall be elevated, at least three (3) feet above the highest adjacent grade. Openings sufficient to facilitate the unimpeded movements of floodwaters shall be provided in accordance with standards of Article V, Section B, **and "**Elevated Buildings".

2. All new construction and substantial improvements of nonresidential buildings may be flood-proofed in lieu of elevation. The structure together with attendant utility and sanitary facilities must be flood proofed and designed watertight to be completely flood-proofed to at least one (1') foot above the specified FIRM flood level, with walls substantially impermeable to the passage of water and with structural components having the capability of resisting hydrostatic and hydrodynamic loads and the effects of buoyancy. If no depth number is specified, the lowest floor, including basement, shall be flood proofed to at least three (3) feet above the highest adjacent grade. A registered professional engineer or architect shall certify that the design and methods of construction are in accordance with accepted standards of practice for meeting the provisions of this ordinance and shall

provide such certification to the Administrator as set forth above and as required in Article IV, Section B.

3. Adequate drainage paths shall be provided around slopes to guide floodwaters around and away from proposed structures.

4. The Administrator shall certify the elevation or the highest adjacent grade, where applicable, and the record shall become a permanent part of the permit file.

Section G. Standards For Areas Protected by Flood Protection System (A-99 Zones)

Located within the areas of special flood hazard established in Article III. Are areas of the 100-year floodplain protected by a flood protection system but where base flood elevations and flood hazard factors have not been determined. Within these areas (A-99 Zones) all provisions of Article IV. And Article V. Section A. shall apply.

Section H. Standards for Unmapped Streams

Located within Unicoi, Tennessee are unmapped streams where areas of special flood hazard are neither indicated nor identified. Adjacent to such streams the following provisions shall apply:

1. In areas adjacent to such unmapped streams, no encroachments including fill material or structures shall be located within an area of at least equal to twice the width of the stream, measured from the top of each stream bank, unless certification by a registered professional engineer is provided demonstrating that the cumulative effect of the proposed development, when combined with all other existing and anticipated development, will not increase the water surface elevation of the base flood more than one (1) foot at any point within the locality.

2. When new elevation data is available, new construction or substantial improvements of buildings shall be elevated or flood proofed to elevations established in accordance with Article IV.

ARTICLE VI. VARIANCE PROCEDURES

The provisions of this section shall apply exclusively to areas of Special Flood Hazard within Unicoi, Tennessee.

Section A. Board of Zoning Appeals

1. The Unicoi Board of Zoning Appeals shall hear and decide appeals and requests for variances from the requirements of this Ordinance.

2. Variances may be issued for the repair or rehabilitation of historic structures (see definition) upon a determination that the proposed repair or rehabilitation will not

preclude the structure's continued designation as a historic structure and the variance is the minimum to preserve the historic character and design of the structure.

3. In passing upon such applications, the Board of Zoning Appeals shall consider all technical evaluations, all relevant factors, all standards specified in other sections of this Ordinance, and:

   a. The danger that materials may be swept onto other property to the injury of others;

   b. The danger to life and property due to flooding or erosion;

   c. The susceptibility of the proposed facility and its contents to flood damage;

   d. The importance of the services provided by the proposed facility to the community;

   e. The necessity of the facility to a waterfront location, in the case of a functionally dependent facility;

   f. The availability of alternative locations, not subject to flooding or erosion damage, for the proposed use;

   g. The relationship of the proposed use to the comprehensive plan and floodplain management program for that area;

   h. The safety of access to the property in times of flood for ordinary and emergency vehicles;

   i. The expected heights, velocity, duration, rate of rise and sediment transport of the flood waters and the effects of wave action, if applicable, expected at the site, and;

   j. The costs of providing governmental services during and after flood conditions including maintenance and repair of public utilities and facilities such as sewer, gas, electrical, and water systems, and streets and bridges.

4. Upon consideration of the factors listed above, and the purposes of this Ordinance, the Board of Floodplain Review may attach such conditions to the granting of variances as it deems necessary to effectuate the purposes of this Ordinance.

5. Variances shall not be issued within any designated floodway if any increase in flood levels during the base flood discharge would result.

Section B. **<u>Conditions for Variances</u>**

1. Variances shall be issued upon a determination that the variance is the minimum relief necessary, considering the flood hazard; and in the instance of a historical building, a determination that the variance is the minimum relief necessary so as not to destroy the historic character and design of the building.

2. Variances shall only be issued upon a showing of good and sufficient cause, a determination that failure to grant the variance would result in exceptional hardship;

or a determination that the granting of a variance will not result in increased flood heights, additional threats to public safety, extraordinary public expense, create nuisance, cause fraud on or victimization of the public, or conflict with existing local laws or Ordinances.

3. Any applicant to whom a variance is granted shall be given written notice that the issuance of a variance to construct a structure below the base flood level will result in increased premium rates for flood insurance, and that such construction below the base flood level increases risks to life and property.

4. The Administrator shall maintain the records of all appeal actions and report any variances to the Federal Emergency Management Agency upon request.

ARTICLE VII. LEGAL STATUS PROVISIONS

Section A. Conflict with Other Ordinances

In case of conflict between this Ordinance or any part thereof, and the whole or part of any existing or future Ordinance of Unicoi, Tennessee, the most restrictive shall in all cases apply.

Section B. Validity

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

Section C. Effective Date

This Ordinance shall become effective immediately after its passage, in accordance with the Charter of Unicoi, Tennessee, and the public welfare demanding it.

Recommended by the Unicoi Municipal Planning Commission.

_____
Date

Public Hearing.

_____
Date

Approved and adopted by the Unicoi, Tennessee Mayor and Legislative Body.

_____
Date

_____
Mayor of Unicoi, Tennessee

Attest:_____
City Recorder
_____

1st Reading _____

2nd Reading _____

3rd Reading _____

APPENDIX B

MOBILE HOME PARK REGULATIONS FOR THE TOWN OF UNICOI, TENNESSEE

SECTION

1-101 Purpose
1-102 Applicability
1-103 Definitions
1-104 General standards
1-105 General density and dimension requirements for mobile home parks
1-106 Density and Dimension Requirements for Mobile Home Spaces
1-107 Sign Specifications
1-108 Road Specifications
1-109 Parking Space Specifications
1-110 Utility Specifications
1-111 Topographic and Drainage Specifications
1-112 Buffering and Open Space Specifications
1-113 Application Process for a mobile home Park
1-114 Penalties

1-101 PURPOSE

Because of their unusual characteristics, mobile home parks pose special problems in the application of land use control techniques and require special consideration as to their proper location and character in relation to adjacent uses and to the development of the community, and as to the circumstances and conditions under which they may be permitted. The standards provided in this ordinance represent an attempt to provide adequate protection for, and consideration for, both the community and the mobile home dweller.

1-102 APPLICABILITY

The provision of this ordinance shall apply to the following:

A. All new mobile home parks located within the Town of Unicoi. In any district in which mobile home parks are permitted, the following regulations shall apply:

B. Any additions made to existing mobile home parks located within the town of Unicoi which extend the number of dwelling units, or the area occupied by dwelling units beyond that originally approved by the planning commission

C. Mobile home subdivisions located within the Town of Unicoi shall comply with all applicable provisions of the Unicoi Subdivision Regulations, as amended.

1-103 DEFINITIONS

The following definition shall apply in the interpretation and application of this chapter for the purpose of this ordinance, certain words or terms used herein shall be defined as follows: words used in the present tense include the future tense; words used in the singular number include the plural; and words used in the plural include the singular. The word "shall" is always mandatory, not directory. And the word "may" is permissive.

Access Road: A road is entirely located within a mobile home park, and which is designed to provide mobile home park residents with an opportunity for vehicular movement both within the park and to the nearest public right-of-way.

Alley: A public or private right-of-way primarily designed to serve as secondary access to the side or rear of those properties whose principal frontage is on some other street.

Buffer Strip: A solid wall, fence, evergreen hedge, or similar screening device not less than seven (7) feet high.

Building Inspector: The officer, or his duly authorized representative, charged with the administration and enforcement of this ordinance.

(1) Mobile Home Mobile or Manufactured Home. A detached single family dwelling unit with all of the following characteristics:

(a) Designed for long-term occupancy and containing sleeping accommodation, a flush toilet, a tub or shower bath, and kitchen facilities, with plumbing and electrical connections provided for attachment to outside systems.

(b) Designed to be transported after fabrication on its own wheels, or on flatbed or other trailers or detachable wheels.

(c) Arriving at the site where it is to be occupied as a dwelling complete, including major appliances and furniture, and ready for occupancy except for minor and incidental unpacking and assembly operations, location on foundation supports, connection to utilities, and the like.

(2) Mobile Home Park shall mean any plat of ground under single ownership containing a minimum of two (2) acres upon which two (2) or more mobile homes are located or are intended to be located. A mobile home park, however, does not include sites where unoccupied mobile homes are on display for sale.

(3) Health officer shall mean the health officer of the Unicoi County, Tennessee, or his authorized representative.

(4) Building Inspector shall mean the building inspector of the Town of Unicoi, Tennessee, or his authorized representative.

(5) Plumbing Inspector shall mean the plumbing inspector of the Town of Unicoi, Tennessee, or his authorized representative.

(6) Electrical inspector shall mean the electrical inspector of the Town of Unicoi, Tennessee, or his authorized representative.

Mobile Home Space: The lot area allocated for an individual mobile home. This area includes the land under which the actual mobile home is located and the required front, side, and rear yards for the associated mobile home.

Mobile Home Subdivision: A subdivision designed and or intended for the sale of lots for sitting mobile homes.

1-104 Minimum Standards The following minimum standards shall apply to all mobile home parks.

(1) The site shall be located on a well-drained and flood-free site with proper drainage.

General Standards

1.104.1 Mobile homes shall not be used for commercial, industrial, or other nonresidential uses within the mobile home park, except that one (1) mobile home in the park may be used to house a management office or similar facility noted below in Subsection 1-104.2

1-104.2 Each mobile home park shall be provided with a designated management space and such service buildings as are necessary to provide facilities for mail distribution, storage space for supplies, maintenance materials and equipment. All service buildings shall be not more than four hundred (400) feet from the spaces which they solely serve and shall be of permanent construction and maintained in a clean and sanitary condition. (Amended, Ordinance 98-40, 11/16/98)

1-104.3 In each mobile home park, the duly authorized attendant or caretaker shall be charged at all times to keep the mobile home park, its facilities and equipment in a clean, orderly, safe and sanitary condition.

1-104.4 Cabanas, travel trailers and other similar enclosed structures are allowed provided they are kept in areas which are separate from mobile home spaces.

1-104.5 Each mobile home shall have a non-combustible, corrosive resistant skirt extending from the bottom of the mobile home to the mobile home space pad foundation. Said skirt shall be provided with an access way with a door measuring at least eighteen (18)

inches by twenty-four (24) inches; and further, said skirt shall be constructed so as to prohibit insect and rodent infestation. The site shall not be exposed to objectionable smoke, noise, odors, insect, rodent harborage, or other adverse influences.

1-104.6 Register - The management shall maintain a register containing the names of all park residents identified by lot number or street address. Such register shall be available to any authorized person needing this material.

1-105 Density and Dimension Requirements for Mobile Home Parks

1-105.1 Mobile home parks shall be subject to the density provisions of the zoning district in which they are located. The minimum area for a mobile home park is two (2) acres.

1-105.2 Each mobile home park shall meet the following minimum setback requirements, irrespective of the zoning district in which the park is proposed:

Front yard setback	30 feet
Side yard setback	20 feet
Rear yard setback	20 feet

In instances where a side or rear yard abuts on a public right-of-way, the minimum setback shall be thirty (30) feet.

1-105.3 No building or structure erected or stationed in a mobile home park shall have a height greater than two (2) stories or thirty-five (35) feet, whichever is less, unless such building or structure is exempted from height limitations, as provided in the Unicoi Zoning Ordinance.

1-106 Density and Dimension Requirements for Mobile Home Spaces

1-106.1 The minimum lot area per mobile home space shall be five thousand (5,000) square feet. For double wide mobile homes, the minimum lot area shall be seven thousand five hundred (7,500) square feet. This lot area, in addition to including the space on which a mobile home is located, shall also include driveways, off street parking spaces (not including those for travel trailers and similar structures), accessory building space, and required front, side and rear yards.

1-106.2 Each mobile home space shall be at least forty (40) feet wide and such space shall be clearly marked by permanent markers.

1-106.3 There shall be a front yard setback of at least ten (10) feet from all access roads within the mobile home park.

1-106.4 Mobile homes shall be placed on each space so that there shall be at least a twenty (20) foot clearance between mobile homes, provided however, with respect to

mobile homes parked end to end, clearance shall be not less than sixteen (16) feet. No mobile home shall be located closer than twenty (20) feet from any building within the mobile home park.

1-106.5 The management shall maintain a register containing the names of all park residents identified by lot number and street address. Such register shall be available to any authorized person needing this material. The numbered lot should be prominently displayed and easily read by emergency services. (Amended, Ordinance 98-40, 11/16/98)

1-107 Sign Specifications

1-107.1 Mobile home parks shall be permitted to display, on each public right-of-way frontage, one (1) free standing sign not to exceed twelve (12) feet in height and thirty (30) square feet in area to identify the name, address, and phone number of the park, provided such sign(s) are in compliance with all applicable provisions of the Town of Unicoi Sign Ordinance.

1-107.2 Each occupant of a mobile home space shall be permitted one (1) wall sign, provided such signs is flush with the mobile home, does not exceed four (4) square feet in area and meets all other applicable requirements of the Town of Unicoi Sign Ordinance.

1-108 Road Specifications

1-108.1 All roads within a mobile home park shall be private and shall not be accepted as public roads, unless such roads first meet all applicable requirements noted in the Town of Unicoi Subdivision Regulations and are formally offered to and accepted by the Town of Unicoi.

1-108.2 Each mobile home park site shall be located with at least forty (40) feet of frontage on a public right-of-way. Each mobile home space shall contain a driveway which intersects an access road. Each access road shall provide unobstructed vehicular access to a public right-of-way.

1-108.3 Sole vehicular access shall not be through an alley.

1-108.4 Private access roads and driveways in a mobile home park shall be paved to a width of not less than twenty (20) feet and shall consist of a five (5) inch compacted crushed stone base with a two (2) inch compacted asphaltic concrete plant mix surface.

1-108.5 Dead end access roads shall contain a paved cul-de-sac or other permanent turn around. Such turnaround shall be constructed of at least a five (5) inch crushed rock base and a two (2) inch compacted asphaltic concrete plant mix surface. Moreover, such permanent turnaround space shall have a minimum diameter, as measured from the widest point, of at least seventy (70) feet, unless a higher standard is required for emergency vehicle access.

1-109 Parking Space Specifications

1-109.1 There shall be at least one (1) paved, off-street parking space for each mobile home space, which shall be on the same mobile home space as the mobile home served, and may be located in the rear or side yard of the associated mobile home space.

1-109.2 Additional parking space may be required in separate areas for travel trailers, tractor trailers, boats, and other accessory vehicles. Approval for such space shall be made by the planning commission during the mobile home site plan review process.

1-109.3 Any parking spaces separate from individual mobile home spaces may be required to include spaces for the physically handicapped.

1-110 Utility Specifications

1-110.1 Sewer, water (including fire hydrants), gas, electricity, storm sewer, telephone, cable, and other utilities shall be installed at the expense of the developer or owner. Such utilities shall also be installed prior to the initiation of any road surfacing activities.

1-110.2 Utility easements no less than eight (8) feet wide shall be required along each side of all private access roads for the extension of existing or planned utilities. Vegetated drainage easements of no less than fifteen (15) feet shall be provided on each side of the top bank of a stream or other permanent water body existing on the mobile home park site. Such an area may be considered as part of the open space required Subsection 1-112.

1-110.3 Fire hydrants shall be required and shall be located no more than one thousand (1,000) feet apart and within five hundred (500) feet of any structure.

1-110.3 All access roads and walkways shall be lighted with security lights spaced no further than one hundred fifty (150) feet from each other.

1-111 Topographic and Drainage Specifications

1-111.1 The proposed park shall be located on a well-drained and flood free site as determined by the erosion control plans (drainage plans) prepared for the proposed park. In all cases water runoff and erosion and sediment control plans shall be prepared by a licensed engineer who specializes in hydrology. At a minimum, such plans shall include calculation and narrative which indicate specifically how surface water runoff and erosion and sedimentation will be controlled so that off-site properties and water systems will be unaffected by the proposed development. Drawings, including cross sections, shall be provided which graphically demonstrate existing and proposed water flows and which include the location, dimensions and materials associated with pipes, storm drains, detention and dissipation basins, swells, and other control measures and structures. The location of straw bales, rip rap, silt fences and other erosion and sediment control measures shall also be included. And, the

"drainage plan" shall include a letter which states that the hydrologist certifies that, by adhering to the design provided in the plan, post development surface water runoff will not exceed predevelopment surface water runoff for the 10 year 24 hour storm event. In cases where a mobile home park is to be completed in phases, water runoff and erosion control measures shall be established and completed for each phase prior to initiating a new phase.

1-112 Buffering and Open Space Specifications

1-112.1 There shall be buffer strips as defined in section 1-103, alongside and rear lot lines of the mobile home park. The buffer strips shall be arranged so that the park is entirely enclosed, with the exception of driveways and space required for front yards.

1-112.2 Each mobile home park shall provide a common area for playgrounds and leisure time pursuits totaling a minimum of five hundred (500) square feet for each mobile home space, exclusive of roadways, required yards for mobile home spaces and parking spaces. Buffer strips, as required in section 1-112.1 may be counted toward common area requirements.

1-112.3 Any part of the park area not used for buildings or other structures, parking, or access ways shall be landscaped with grass trees shrubs, and pedestrian walks. Moreover, such landscaping shall be maintained to an extent which meets all Town codes.

1-112.4 Walkways not less than two (2) feet wide shall be provided from mobile home spaces to service buildings.

1-113 Application Process for a Mobile Home Park

1-113.1 Preliminary General Plan Mobile Home Park Development Plat

As an initial phase of the application process for a mobile home park, the Town of Unicoi Planning Commission shall review a preliminary mobile home park development plan. The plan shall be submitted to the town planner no later than the last business day of the month preceding the meeting in which the planning commission review is requested. In addition, a copy of the plan shall be submitted to all representatives who may provide utilities to the park. The submission to utility representatives shall take place at least fifteen (15) calendar days prior to the planning commission meeting. At a minimum, the preliminary mobile home park development plan shall include the following:

1-113.1.1 General Requirements

A. A vicinity map which shows streets and other general development of the surrounding area.

B. An indication of existing land uses associated with property adjacent to the proposed park, including adjacent zoning.

C. An indication of the total acreage associated with the mobile hoe park.

D. The location of the mobile home park with labeled dimensions which show the property in relation to required setback lines. A certificate of accuracy signed by the surveyor shall also be submitted for the survey of the property boundary and any internal subdivisions. In all cases property to be subdivided shall adhere to the Town of Unicoi Subdivision Regulations.

E. The location and dimensions of all uses and improvements constructed or to be constructed within the mobile home park.

F. The location, dimensions, and areas of all proposed or existing lots or mobile home park spaces.

G. The distance between proposed mobile homes and their mobile home space boundaries.

H. An indication of the date, the approximate north point, and a graphic scale no less than one inch (1) equals one hundred (100) feet.

1.113.1.2 Name Requirements

A. The name of the proposed mobile home park.

B. The name and address, including telephone number, of the legal owner or agent of the property.

C. The name and address including telephone number of the professional person(s) responsible for the design of the proposed park.

D. The name and address, including telephone number of the certified engineers responsible for the drainage and erosion control plan.

1.113.1.3 Legal Information

A. Citation of the last instrument conveying title to the property proposed for the mobile home park.

B. Citation of any existing legal rights-of-way or easements affecting the property.

C. Location of property, in terms of tax map and parcel reference.

D. A plan for establishing easements for utilities, drainage systems, and pedestrian networks.

E. The location and dimensions of existing easements and rights-of-way.

1.113.1.4 Natural Features and Drainage Information

A. Approximate topography including, at a minimum, spot elevations.

B. A drainage plan as discussed in Subsection 1.111.1 of this ordinance.

C. If the proposed park is to involve construction activities, such as clearing, grading and excavation, which will result in the disturbance of more than five (5) acres, the Tennessee Department of Environment and Conservation requires that a notice of intent (NOI) form be completed and filed with the State. A completed copy of this form shall also be required for submission as part of the preliminary mobile home park development plan.

1.113.1.5 Infrastructure and Parking Space Information

A. The location, width, grade, and name of all existing and proposed streets within or immediately adjacent to the subject property.

B. A cross section of proposed access roads. Such cross section shall indicate the depth and materials associated with both the base and the surface layer.

C. The location and dimensions of existing and proposed points of ingress and egress both within and adjacent to the subject property.

D. The location, dimensions, and lighting systems associated with proposed off-street parking facilities. Handicapped parking spaces shall also be indicated on the plan.

E. The location, dimensions, and lighting system associated with any existing or proposed pedestrian systems related to the park.

F. The location and sizes of existing and proposed sewers, water mains, culverts, and other underground structures within the tract.

G. Preliminary proposals for connection with existing water supply and sanitary sewer systems.

H. The written comments of any applicable utility representatives responsible for reviewing the preliminary plan. These comments shall be submitted to the town planner by the developer no less than seven (7) calendar days prior to the planning commissions upcoming meeting.

1-113.1.6 Open Space and landscaping Information

A. The location, dimensions, and area of all portions of the park to be set aside for playground, open space, or similar uses.

B. A preliminary landscape plan, prepared by a landscape architect.

1-113.2 Final Mobile Home Park Development Plan

After a preliminary mobile home park development plan has been reviewed by the planning commission and obtained preliminary approval subject to certain specific revisions, a revised final mobile home development plan may be submitted for review by the planning commission. Where no subdivision of land is involved, final approval of the mobile home park will be conditioned on whether the proposed park meets all applicable provisions of this ordinance. Moreover, final approval, necessary for the issuance of a building permit, shall be withheld until the following specific requirements have been met:

A. All surface water runoff and erosion and sediment control measures have been fully installed to the specifications provided in the drainage plan;

B. Or, if certain surface water runoff control and erosion and sediment control measures are to be installed while building construction is occurring, a water runoff and erosion and sediment control bond shall be posed at the time of the application for final approval in an amount estimated by the planning commission as sufficient to secure to the Town of Unicoi the satisfactory installation and maintenance of the surface water runoff and erosion control measures.

C. A bond is posted for landscape completion, maintenance, and replacement.

APPENDIX C

BILLBOARDS

Purpose. The intent of this chapter is to promote the health, safety, and welfare of the public by preserving the area's natural beauty, protecting values, and encouraging safe traffic flow through the prohibition of billboards. (Ord. 94-5)

Definitions. The following definitions shall apply to this chapter:

(1) "Billboard." Any sign greater than thirty-two (32) square feet in area which is not located on the property it advertises or which advertises generally ubiquitous goods or services.

(2) "Sign." Any writing, pictorial representation, symbol, emblem, or object intended to advertise, announce, or direct attention. This definition includes the physical surface used to portray information but does not include legitimate art works, government flags or emblems, or governmental signs needed for the public welfare. (Ord. 94-5)

Billboards prohibited. Billboards are hereby prohibited within the corporate limits of the Town of Unicoi, Tennessee. (Ord. 94-5)