

Sevierville Zoning Ordinance



Sevierville
Zoning
Ordinance



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Prepared For
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**ZONING ORDINANCE
OF
CITY OF SEVIERVILLE, TENNESSEE**

AUTHORITY

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

ARTICLE I. SHORT TITLE

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

ARTICLE II. PURPOSE

These zoning regulations and districts as herein set forth have been made in accordance with a comprehensive plan for the purpose of promoting the health, safety, morals and the general welfare of the community. They have been designed to lessen congestion in the streets, to secure safety from fire, panic and other danger, to provide adequate light and air, to prevent the overcrowding of land, to avoid undue concentration of population, to facilitate the adequate provision of transportation, water, sewage, 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 herein indicated. 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. Arterial Street. A street that provides for traffic movement between areas and across portions of the city and secondarily for direct access to abutting land, as shown on the Zoning Map of the City of Sevierville.
302. 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.
303. Buffer strip. A plant material acceptable to the Building Inspector which has such growth characteristics as will provide an obscuring screen not less than six feet in height.
304. Building. Any structure having a roof supported by columns or by walls and intended for the shelter, housing or enclosure of persons, animals, or chattel.
- 304.1. Principal building. A building in which is conducted the main or principal use of the lot on which said building is located.
- 304.2. 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.
305. Building Height. The height of any building shall be determined according to the method employed in the latest building code adopted by the City of Sevierville, both now and in the future.
306. 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.
307. Clinic. A structure used in providing medical services for outpatients only.
308. 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.
309. Collector Street. A street providing for traffic movement within the city as shown on the Zoning Map of the City of Sevierville.
310. Condominium. A multi-unit structure offering individual ownership of said units.
311. Day Care Center. A place operated by a person, society, agency, corporation, institution, or other group that received pay for the care of eight or more children under 17 years of age for less than 24 hours per day, without transfer of custody. The term “Day Care Center” also includes child development centers, nursery schools, day nurseries, play schools, and kindergartens, as well as

agencies providing before and after school care, regardless of name, purpose, or auspices. (Excluding schools graded 1-12 and kindergartens operated by governmental units or by religious organizations.)

312. Dwelling, Single Family. A building designed, constructed and used for one dwelling unit.
313. 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.
314. 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.
315. Family. One or more persons occupying a premise and living together as a single housekeeping unit.
316. Fence or Wall Height. The height of a fence or wall shall be defined as the vertical distance from the ground to the top of the fence or wall structure, including the topmost rail, board, wire, stone, concrete edge, or other material.
317. Flea Market. A place of business which provides space either inside or outside an enclosed building to two or more persons for the purpose of making retail sales of tangible personal property on a short term basis.
318. Home Occupation. An occupation for gain or support which is customarily conducted in the home, which is incidental to the use of the building or structure as a dwelling unit, which employs not more than two persons not residents of the premises, and not more than thirty (30) percent of the total actual ground floor area is used for, home occupation purposes.
319. Lot. A parcel of land which fronts on and has access to public street and which is occupied or intended to be occupied by a building or buildings with customary accessories and open spaces.
- 319.1. Lot Line. The boundary dividing a given lot from a street, alley, or adjacent lots
- 319.2. Lot of Record. A lot, the boundaries of which are filed as legal record.
320. Mobile Home. A detached residential dwelling unit built on a chassis and designed for transportation after fabrication on streets or highways on its own wheels or on flatbed or other trailers, and arriving at the site where it is to be occupied as a dwelling complete and ready for occupancy except for minor and incidental unpacking and assembly-operations, locations of jacks or other temporary or permanent foundations, connections to utilities, and the like. A travel trailer is not to be considered as a mobile home.
321. Mobile Home Park. A parcel or tract of land under single ownership which has been planned and improved for the placement of mobile-homes for dwelling purposes.
322. Non-conforming Use. Any structure of land lawfully occupied by a use that does not conform to the regulations of the district in which it is situated.

323. Nursing Home. One licensed by the State of Tennessee.
324. Outdoor Advertising. An attached, free standing or structural poster panel, painted, or lighted sign the purpose of conveying some information, knowledge, or idea to the public.
325. Planned Unit Development. An integrated design for development of residential, commercial, or industrial uses which is professionally designed to allow flexibility and initiative in site and building design and location, in accordance with a plan approved by the Planning Commission.
326. Sexually Oriented Business - an adult arcade, adult book store, adult novelty store, adult video store, adult cabaret, adult motel, adult motion picture theater, escort agency, nude model studio or sexual encounter center, or adult business. Any business activity or activities following in the afore-categorized, as hereinafter defined, shall be considered a sexually oriented business. The following words and phrases shall have the meanings as described to them as follows:

326.1. Adult arcade means an establishment that offers either singularly or in combination any of the goods or services, for purchase, consumption or viewing, as described in the definitions for adult bookstore, adult novelty store, adult video store, adult cabaret, adult motel, adult motion picture theater, adult mini motion picture theater, escort agency, nude model studio, sexual encounter center, or adult business.

326.2 Adult bookstore means an establishment having a substantial or significant portion of its stock and trade books, magazines and other periodicals, which are distinguished or characterized by their emphasis on matter, depicting, describing, or relating to specified sexual activities or specified anatomical areas, or an establishment with a segment or section devoted to the sale or display of such material.

326.3. Adult novelty store shall mean an establishment having and offering for business, having and offering for sale or viewing, video tapes for sale or rental containing material distinguished or characterized by an emphasis on matter depicting, describing, or relating to specified sexual activities or specified anatomical areas for viewing by the purchaser or renter; and establishment offering for sale or available for acquisition instruments and items to bring about sexual arousal, insertion into body cavities, apparatuses designed to enhance sexual arousal and gratification and materials, whether photographic or otherwise, which is distinguished and characterized by an emphasis on matter depicting, describing or relating to specific sexual activities or specified anatomical areas.

326.4. Adult video store shall mean an establishment having and offering for business, having and offering for sale or viewing, video tapes, digital video disc, virtual reality photographic films, prints, movies, and other means of transmitting subject matter, for sale or rental, containing material distinguished or characterized by an emphasis on matter depicting, describing, or relating to specified sexual activities or specified anatomical areas for viewing by the purchaser or renter.

326.5. Adult cabaret means an cabaret which features topless dancers, go-go dancers, exotic dancers, strippers, male or female impersonators, or similar entertainers.

326.6. Adult motel means an establishment which offers for rental or purchase rooms or private areas and offers in connection with the rental or acquisition of such room or private area any of the materials or items set forth in the definitions of an adult arcade, adult bookstore, adult novelty store, adult video store, adult cabaret, adult motion picture theater, adult mini motion picture theater, escort agency, nude model studio, sexual encounter center, and adult business.

326.7. Adult motion picture theater means an enclosed building with a capacity of fifty (50) or more persons used for presenting material having as a dominant theme or presenting materials distinguished or characterized by an emphasis on matter depicting, describing or relating to specified sexual activities or specified anatomical areas for observation by patrons therein.

326.8. Adult mini motion picture theater means an enclosed building with a capacity for less than fifty (50) persons, used for presenting material distinguished or characterized by an emphasis on matter depicting, describing or relating to specified sexual activities or specified anatomical areas, for observation by patrons therein.

326.9. Escort agency shall mean a person, firm, corporation, establishment, or business, arranging, through any means or manner, the introduction to one another, or the being together of two or more persons for the purpose of, or ultimate result being, those two or more persons engaging in any activity involving one or both or more of the persons viewing and/or touching the human breast, genitals or buttocks.

326.10. Nude model studio shall mean the place of business or establishment which makes available for viewing, filming, photographing, or videoing, undraped and exposed human breasts, genitals and buttocks.

326.11. Sexual encounter center shall mean a place of business or establishment, which provides for, or allows for, the assemblage of more than one person for the purpose of arranging for or engaging in any form of sexual activity between two persons which shall mean the viewing of, or touching, or stimulating of the human breasts and genitals.

326.12. Adult business shall mean any of the following businesses: adult bookstore, adult motion picture theater, adult mini motion picture theater, and adult cabaret.

327. Shopping Center. A group of commercial establishments, planned, developed, owned or managed as a unit, with off-street parking provided on the property; however, this shall not apply to a group of commercial establishments containing no more than four (4) separate commercial establishments in one (1) structure containing a total of not more than 15,000 square feet of floor area.

328. Sign – Any object, device, structure, fixture, or placard using graphics, symbols, lighting, and/or written copy for the primary purpose of identifying, conveying information, attracting attention, providing directions, or advertising any establishment, business, organization, product, goods, or services.

328.1. Freestanding Pole Sign – Any sign which is permanently affixed in or upon the ground, supported by one or more structural members, with air space between the ground and the sign face and not attached to any building or any other structure.

328.2. Monument Sign – Any sign which is neither attached to nor part of another structure and which is permanently affixed in or upon the ground or upon a horizontal base feature.

328.3. Projecting Sign – A sign, other than a flat wall sign, which is attached to and projects from a building wall or other structure not specifically designed to support the sign.

328.4. Changeable Sign – A sign the content or design of which can be changed or altered by manual or electric, electromechanical, or electric means. Changeable signs include the following types:

328.4.1. Manually Activated Changeable Sign. A sign on which the alphabetic, pictographic, or symbolic informational content can be changed or altered manually.

328.4.2. Electrically Activated Changeable Sign. A sign on which alphabetic, pictographic, or symbolic informational content, whether illuminated or not, can be changed or altered by electric, electro-mechanical, or electronic means. Electrically activated signs shall include:

a. Fixed Interval Changeable Message Electronic Sign. An electrically activated changeable sign upon which the message changes no more often than two (2) times in a twenty-four (24) hour period, and except when the message shall remain stationary.

b. Active Changeable Electronic Message Sign. An electrically activated changeable sign upon which the message changes more than two (2) times in a twenty-four (24) hour period, and except when the message is changed the message shall remain stationary.

328.5. Statue – A three (3) dimensional representation, including a sculpture. A statue that is related to the advertisement of any product or service or the identification of any business is a sign.

328.6. Graphic – Any image, display, depiction, scene, diagram, model, figure or figurines, including any projection image which is intended to attract, or promote any commercial activity and that the graphic, in itself, is not an integral and necessary part or function of the activity at the site. The materials used in constructing or creating the graphic image Or model is of no consequence to the definition. Any type of graphic shall be counted in the total square footage of signage allowed in that district.

328.7. Interstate Monopole Sign – A type of freestanding pole sign having only one (1) structural support member, the location, size, and height of which is governed by the provisions of 713 Interstate Impact Overlay District

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

330. Street. A public right-of-way set aside for public travel which, (a) has been accepted for maintenance by the City of Sevierville; (b) has been established as a public street prior to the date of adoption of this ordinance; (c) has been dedicated to the City of Sevierville for public travel by the recording of a street plat or a plat of a subdivision which has been approved by the Planning Commission
331. Structure. Anything constructed or erected, the use of which requires location on the ground, or attachment to something having location on the ground.
332. Tent/Tent-Type Structure. A shelter of canvas or other fabric-like material stretched and sustained by poles and/or other supports, or something that resembles a tent that serves as a shelter, but not to include awnings attached to structures and covered walkways, not extending more than six (6) feet from the building and umbrellas of not more than six (6) feet in diameter.
333. Total Floor Area. The area of all floors of a building including finished attic, finished basement and covered porches.
334. 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.
335. 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.
336. Travel Trailer Park. Any plot of land upon which two or more travel trailers are located and used as temporary living or sleeping quarters. The occupants of such parks may not remain in the same trailer park more than thirty (30) days.
337. 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.
- 337.1. 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.
- 337.2. 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.
- 337.3. 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.

ARTICLE IV GENERAL PROVISIONS

401. Continuance of Nonconforming Uses. Any lawful use, building or land, existing at the time of the enactment of this ordinance or whenever a district is changed by an amendment thereafter may be continued although such use does not conform with the provisions of this ordinance with the following limitations:
- 401.1. No building or land containing a nonconforming use, except commercial and industrial uses exemplified by TCA 13-7-208, shall hereafter be extended unless such extensions shall conform with the provisions of this ordinance for the district in which it is located; provided, however, that a non-conforming use may be extended throughout those parts of a building which were manifestly arranged or designed for such use prior to the time of enactment of this ordinance.
 - 401.2. Any non-conforming building which has been damaged by fire or other causes, may be reconstructed and used as before unless the Building Inspector determines that the building is damaged to the extent of more than fifty (50) 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 non-conforming use of any building, structure or land has ceased for a period of ninety days, it shall not be reestablished or changed to any use not in conformity with the provisions of this ordinance. The ninety (90) day period shall begin upon notice being sent, postmarked, by first-class mail, by the Building Official or his designated representative, to the address of owner of record of the subject building, structure or land, at the time, according to the records of the Sevier County Tax Assessor's Office.
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 C-1 (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 one hundred sixty (160) square feet in area and shall have vehicular access to a public street.
- 402.1. Automobile repair garages: One space for each regular employee plus one space for each 250 square feet 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.
 - 402.4. Dwellings:
 - 402.4.1. Single and duplex: two (2) spaces for each unit.
 - 402.4.2. Multi-family: two (2) spaces for 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 guest room.
- 402.9. Industry: One space for each three (3) employees, computed on the largest number of persons employed at any period, during day or night.
- 402.10. Motel: One space for each four (4) employees plus one space for each accommodation
- 402.11. Offices:
 - 402.11.1. Medical: One space for each three hundred (300) square feet of floor space.
 - 402.11.2. Other professional: One space for each four hundred (400) square feet of floor space.
 - 402.11.3. General: One space for each four hundred (400) square feet of floor space.
- 402.12. Places of public assembly: One space for each five (5) seats in the principle assembly room or area.
- 402.13. Recreation and amusement areas without seating capacity: One space for each five (5) customers, computed on a maximum service capacity.
- 402.14. Restaurants: One space for each four (4) employees, plus one space for each four (4) customers, computed on a maximum service capacity.
- 402.15. Retail business and similar uses: One space for each two hundred (200) square feet of gross floor space.
- 402.16. Schools: One space for each faculty member, plus one space for each four (4) pupils except in elementary and junior high schools.
- 402.17. Mobile home parks: One space for each mobile home.
- 402.18. Wholesale business: One space for each three (3) employees based on maximum seasonal employment.
- 402.19. If off-street parking space required above cannot be reasonably provided on the same lot on which the principal use is conducted, the Board of Zoning Appeals may permit such space to be provided on another off-street property provided such space lies within four hundred (400) feet of the main entrance to such principal use. Such vehicle standing

space shall be deemed to be required open space associated with the permitted use and shall not thereafter be reduced or encroached upon in any manner.

402.20. Extensions 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 plant or fence buffer strip as determined by the Building Inspector.

402.21. Off-street parking lot design requirements: to foster community appearance, provide orderly, safe, and systematic circulation within parking areas, the following regulations are established.

402.21.1. Minimum parking aisle and width dimensions shall be shown as follows:

<u>Parking Angle</u>	<u>Wall</u>	<u>Stall Curb</u>	<u>Depth to Interlock</u>	<u>Stall Width</u>	<u>Aisle Width</u>
30 deg.	15.5	14.5	12.5	9.0	12.0
45 deg.	18.0	16.5	16.0	9.0	13.0
60 deg.	19.0	17.5	18.0	9.0	18.0
75 deg.	19.5	17.5	19.0	9.0	24.0
90 deg.	18.0	16.0	18.0	9.0	24.0

Stall depths are measured perpendicular to the centerline of the parking aisle.

402.21.2. Parking aisles shall be arranged so as to channel traffic and minimize vehicular/pedestrian conflicts.

402.21.3. All fixed objects within parking lots (utility poles, signs, fire hydrants, etc.) shall be located within islands to which access by vehicles is physically limited. These islands shall be appropriately landscaped with grass, shrubs or other appropriate plant material which shall not exceed 30 inches in height above the adjacent paved surface.

402.21.4. Signs, signals, and markings shall be in conformance with the Tennessee Manual on Uniform Traffic Control Devices. Where needed size reduction of devices shall be approved, however, shape and color shall meet requirements of the manual.

- 402.21.5. Parking aisles and interior dividers shall be terminated with terminal islands not less than five (5) feet in width constructed with raised curbs and they shall be landscaped with appropriate cover.
- 402.21.6. Parking lot perimeters, terminal islands, interior islands and dividers shall be landscaped with natural plant materials which at maturity shall not exceed thirty 30 inches in height. At least one deciduous shade tree, which shall grow to a minimum of thirty (30) feet and crown spread no less than one-half of the height at maturity, shall be provided for each twenty-five (25) parking spaces within the lot. The trees shall not be less than one and one-half (1-1/2) inches of caliper measured at four (4) feet above the ground and shall be no less than eight (8) feet high at time of planting.
- 402.21.7. Maintenance of all islands, parking spaces and ways, landscaping, and traffic control devices within the parking facility is the responsibility of the property owner. All elements shown on the site plan are to be maintained on a regular schedule. All structures or plant materials that are damaged must be replaced to original standards within ninety (90) days. The Building Official or his designated representative shall regularly inspect parking lots required to meet these regulations. The official shall notify the property owner and/or manager upon finding deficiencies in structural or landscaped areas.

402.22. All parking lots shall be paved with asphalt or cementitious concrete and arranged to channel traffic movements that minimize vehicular/pedestrian conflicts.

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 12x25 feet for each 3,000 square feet of floor area or part thereof.
- 403.2. Wholesale and Industrial: One space of at least 12x25 feet for each 10,000 square feet of floor area or part thereof.
- 403.3. 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 C-1, Central Business District, there shall be no plants or structures placed in or on any yard or portion of a lot that would obstruct the vision of auto or pedestrian traffic using the intersecting public streets.

405. Ingress and Egress. A plan for adequate and safe ingress and egress for all land uses shall be required. The plan shall include the number of driveways allowed for each land use and shall be based on the type of land use, and length of street frontage.

- 405.1. Purpose: It is the purpose of this section to establish reasonable and impartial regulations for the location of driveways to promote the safety of the users of the streets and lands of Sevierville through the control of design, location, and construction of driveways.

- 405.2. No driveway shall be constructed within twenty-five (25) feet of an adjacent street right-of-way line or in such a manner that any part of the entrance is less than five (5) feet from the point of tangency of an adjacent street radius except that a compound curve including both the street radius and the driveway return may be utilized where the street radius exceeds forty (40) feet.
- 405.2.1. Except in R-1 and R-2 residential districts, no driveway shall be constructed opposite the non-continuous leg of a “T” intersection for a distance equal to the width of the non-continuous leg right-of-way plus an additional twenty five (25) feet in each direction. Major developments encompassing five (5) or more uses or requiring 250 or more parking spaces may include a driveway designed to function as the fourth leg of a “T” intersection provided there are no other driveways from the development located within 200 feet of the intersection.
- 405.2.2. Except in residential districts, no part of any entrance may encroach on the frontage of an adjacent property except where a joint use driveway is established at the request of both owners.
- 405.2.3. Where a lot is used for residential purposes, then the driveway accessing it from the street or road shall have a minimum distance of five (5) feet between any edge of such a driveway and either side lot line of the lot. For a lot used for non-residential purposes, any edge of any driveway providing access from the street or road shall have a minimum distance of twenty-five (25) feet between such edge and either side lot line of the lot. However, these provisions shall not apply if joint use driveways are approved to access adjoining lots or tracts, nor shall they apply to any non-residential lot that has less than one hundred (100) feet of frontage on a street or road. In the latter case, where a non-residential lot has less than one hundred (100) feet of street or road frontage, the minimum distance between the driveway edge and the side lot line shall be at least five (5) feet.
- 405.2.4. With the exception of driveway access to an agricultural use of land, paving shall be required for each driveway constructed within the City, according to the specifications stated in this paragraph. Paving for any residential driveway shall be mandatory up to a distance of one-hundred (100) feet from the edge of the street or road accessed by such a driveway. All non-residential driveways, except for those serving agricultural purposes, shall be paved for the full extent of their lengths from the road or street right of way. Paving required for the construction of driveways shall consist of one of the following: (a) at least two (2) inches of asphaltic concrete laid over six (6) inches of compacted gravel, or (b) at least four (4) inches of cement concrete with no underlying gravel base. With regard to a particular site, the City Engineer may require the installation of greater depths of paving and gravel than the minimal amounts stated, due to large traffic volumes and/or heavy vehicles. In the event that a driveway is built on top of and/or obliterates or damages a public sidewalk, then the driveway must consist of cement concrete in the area previously occupied by the sidewalk. Where installation of a

driveway is proposed, adequate measures for the control of stormwater onto the public right of way shall be required. Stormwater shall be directed to catch basins, ditches, swales, or other appropriate drainage areas, so that such stormwater does not flow substantially onto the public roads or streets, and does not cause erosion or sedimentation on public right of ways and drainageways. The City Engineer may determine the appropriate method of stormwater drainage control necessary to protect public property, and the health and safety of pedestrians and drivers of vehicles on public roads, streets, and ways. (Also, see Section 16-409 of the Sevierville Municipal Code.)

405.2.5. Residential driveways, other than those accessing multi-family residential sites, shall not exceed a maximum slope of ten (10) percent for the initial twenty (20) feet of length extending from the edge of a street or road, and shall not exceed a maximum slope of fifteen (15) percent on the remainder of the driveway length. Driveways serving non-residential and multi-family residential sites shall not exceed a maximum slope of five (5) percent for the initial twenty (20) feet of driveway length extending from the edge of a street or road, and shall not exceed a maximum slope of ten (10) percent on the remainder of the length. Where an existing lot or tract of land is too steep to reasonably satisfy the applicable requirements on the driveway slope, then the Board of Zoning Appeals may grant a variance, assuming that the variance represents the minimal departure from the requirements necessary to attain safe and feasible access into the property.

405.3. Lot frontage requirements per street or road for driveways serving residential uses follow below:

405.3.1. Lots with less than seventy-five (75) feet frontage may have one (1) driveway.

405.3.2. Lots with a frontage of at least seventy-five (75) feet but less than one hundred fifty (150) feet may have two (2) driveways, subject to planning commission approval, if the distance between such proposed driveways amounts to no more than the width of one of the driveways where they have equal widths, or no more than the wider of the driveways where unequal widths apply; otherwise only one driveway shall be allowed.

405.3.3. Lots with a frontage of at least one hundred and fifty (150) feet but less than four hundred (400) feet may have two (2) driveways.

405.3.4. Lots with a frontage of more than four hundred (400) feet may have one (1) additional driveway for each additional two-hundred (200) feet frontage exceeding the minimum of four hundred (400) feet.

405.4. Lot frontage requirements per street or road for driveways serving non-residential uses follow below:

405.4.1. Lots with less than two hundred and fifty (250) feet of frontage may have one (1) driveway.

405.4.2. Lots with a frontage of at least two hundred and fifty (250) feet but less than four hundred and fifty (450) feet may have two (2) driveways.

405.4.3. Lots with more than four hundred and fifty (450) feet of frontage may have one additional driveway for each additional three hundred (300) feet of frontage over four hundred and fifty (450) feet.

405.5. The width of all driveways and curb cuts shall be within limits as follows:

405.5.1. Residential uses shall be limited to driveway widths between ten (10) and twenty-five (25) feet and curb cut lengths between twenty (20) and forty (40) feet.

405.5.2. Uses serving 25 or more large trucks per week shall have driveway widths between twenty (20) and forty (40) feet and curb cut lengths between seventy (70) and one hundred twenty (120) feet.

405.5.3. All other uses shall be limited to driveway widths between fifteen (15) and and thirty (30) feet and curb cut lengths between forty-five (45) and eighty (80) feet.

405.5.4. Major developments as defined in 405.2.1 shall be considered as individual cases and shall not be subject to maximum width limitations.

406. Flood Protection – All structures proposed to be located within any main drainage channel or designated flood hazard area in the City of Sevierville must conform to the requirements of the National Flood Disaster Protection Act of 1973 as amended.

406.1 Single family dwellings and duplex dwellings shall be reviewed for approval for conformance with the above named Act by the Director of Code Enforcement.

406.2 All commercial uses, multi-family uses, mobile home parks, and industrial uses shall be reviewed for approval by the Sevierville Planning Commission.

406.3 All development in designated flood hazard areas shall be constructed so that the finished floor elevation is one (1) foot above the one hundred (100) year flood elevation.

406.4 In no instance shall a building or structure be located within ten (10) feet of an established floodway. On any stream without an established floodway, no building or structure shall be permitted within ten (10) feet of the top of the bank of the stream.

406.5 The Planning Commission may allow construction in the designated floodway provided a detailed engineering study is submitted that verifies a “no impact” condition is maintained. The study shall make use of the HEC-RAS computer model or a subsequent FEMA approved model.

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 that will result in more superior living or development arrangements than could occur under conventional lot or building dispositions. It is further intended to achieve economies in land development, maintenance, street systems, and utility networks while providing building groupings for privacy, usable attractive open spaces, safe circulation, and the general well being of the inhabitants.
- 407.2. Location: A PUD may be located within any residential, visitor, commercial or industrial district provided that such a development meets the density and use requirements of the zoning district governing that location. Every PUD proposal must be approved by the Sevierville Planning Commission before the beginning of construction on its site.
- 407.3. Permitted uses in PUD's: Any use permitted in that district in which the PUD is to be located. Cluster subdivisions, condominiums, townhouses, mobile home parks, multi-use commercial developments shall be considered as PUD's for the purpose of this ordinance.
- 407.4. Application of Height Requirements: No building shall exceed the maximum height permitted in the particular zoning district in which it is located. If the requirements of a particular zoning district include additional building setbacks for certain building heights, and such setbacks exceed those stated in this section, then those additional requirements shall prevail on any PUD plan approved by the Planning Commission.
- 407.5. Minimum Site, Units, and Lot Sizes: A residential PUD shall have a minimum site area of four (4) acres, and a minimum of fifteen (15) residential units. However, the minimum site and unit standards of the foregoing sentence shall not apply to residential or mixed use residential developments located and permitted in commercial zoning districts and the V-1 District. Any lot created within a PUD on which a freestanding single-family dwelling is intended to be placed shall be at least 6,000 square feet in size, and, no lot created within a PUD on which a duplex is intended to be placed shall be less than 12,000 square feet in size. In no instance shall the overall density of a residential PUD exceed the maximum density allowed in the zoning district within which it is located. A nonresidential PUD shall have a site area that is suitable to satisfy the demands of vehicular access and parking, stormwater drainage, building locations, water and sewer services, and space for proposed amenities. Other than meeting any minimum area required by the zoning district in which a nonresidential PUD is proposed to be located, no minimum area is required, except that any such non- residential PUD must satisfy applicable parking, access, stormwater, and landscape buffering standards.

- 407.6. No freestanding building shall be closer than twenty (20) feet from any other freestanding building, no closer than twenty-five (25) feet from the exterior PUD boundary, and no closer than twenty-five (25) feet from any street or road right of way (unless severe topographic difficulties affect the site). However, where two story buildings are proposed for construction in a residential PUD, no freestanding building shall be located closer than twenty-five (25) feet from any other freestanding building. Where lots are created within a PUD which contain or are intended to contain a free-standing one-story single-family dwelling, duplex dwelling, or multi-family dwelling, the minimum side and/or rear yard building setback shall be at least ten (10) feet, unless such yard is located on the perimeter of a PUD in which case the minimum building setback shall be at least twenty-five (25) feet, and no lot shall have a front yard building setback that is less than twenty-five (25) feet from any private or public street right-of-way. Where lots are created within a PUD which contain or are intended to contain a free-standing single-family dwelling of two (2) or more stories, a duplex dwelling of two (2) or more stories, or a multi-family dwelling of two (2) or more stories, no such dwelling shall be located any closer than twelve and one-half (12 ½) feet from any interior property boundary; except that, where such yard is located on the perimeter of the PUD such building setback shall be no less than twenty-five (25) feet from the perimeter boundary, and no lot shall have a front yard building setback that is less than twenty-five (25) feet from any private or public street right-of-way. Further, if the requirements of a particular zoning district include additional building setbacks for certain building heights, and such setbacks exceed those stated in this section, then those additional requirements shall prevail on any PUD plan approved by the Planning Commission.
- 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, detached dwellings.
- 407.7.1.2. There shall be an average of at least two (2) spaces per dwelling unit for apartment houses.
- 407.7.2. Commercial and Industrial: The number of parking spaces provided shall conform to applicable standards included in Section 402 of the zoning ordinance.
- 407.8. General Provisions:
- 407.8.1. Relationship to the Subdivision Regulations: The arrangement of public and common ways for pedestrian and vehicular circulation shall substantially comply with the standards set forth in the municipal subdivision regulations and the Major Thoroughfare Plan, Sevierville, Tennessee. However, the uniqueness of each proposal for a Planned Unit Development may require that specifications established in the subdivision regulations be modified, including those for the street right of way and other public ways, street width and surfacing, curbs and other standards. Upon application by the landowner

and good cause shown, the Planning Commission may permit changes or alterations of such standards if they are consistent with the spirit and intent of this section. Modifications may be incorporated only with approval of the Planning Commission as a part of its review of the development and/or plan.

407.8.2. Combination of Separate Types of Planned Unit Development: The Sevierville Regional Planning Commission may consider the consolidation of separate types of Planned Unit Developments (such as residential and commercial planned unit developments) within a unitary 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 distinct standards governing the separate types of land uses.

407.8.3. Development Standards and Site Improvements:

407.8.3.1. Every lot and every building shall comply with the minimum standards of the Municipal Flood Damage Prevention Ordinance, municipal stormwater ordinance, and other applicable standards within this zoning ordinance.

407.8.3.2. All new public and private streets proposed as part of a PUD, any portion of which lies within a flood hazard area, as designated on maps identified in Article 3, Section B. (as amended) of the city's Flood Damage Prevention Ordinance, shall be constructed so that such streets are at least one (1) foot above the 100-year flood elevation. Whenever a street that is constructed so that it is at least one (1) foot above the 100-year flood elevation intersects with a street that is at or below the 100-year flood elevation, the city engineer shall determine the manner in which the intersection between two such streets shall be constructed.

407.8.4. Site Improvements:

407.8.4.1. All streets (whether publicly or privately maintained) shall be constructed so as to conform with the intent of the Sevierville Subdivision Regulations.

407.8.4.2. Sidewalks shall be constructed, or an equivalent paved internal pedestrian circulation system. The minimum width of such sidewalks shall be four (4) feet. Sidewalks or pedestrian trails may satisfy the provision for usable open space recreational areas.

407.8.4.3. Stormwater drainage structures shall be constructed in accordance with the Stormwater Management Ordinance of the City of Sevierville, and any applicable requirements of the municipal zoning ordinance and subdivision regulations.

- 407.8.4.4. In general, any Planned Unit Development to be constructed within Sevierville shall be served by public water lines and sanitary sewer lines. The maintenance and repair of water and sewer lines, pumps, tanks, and other related facilities located on private property, including private property owned in common by more than one party, such as a private road, common open space, and the like, shall be the responsibility of the private property owner(s). The master meter for such services shall be placed at the front of the property line of a PUD. Where applicable, any condominium association agreement, homeowners' association agreement, and/or restrictive covenants shall specifically acknowledge the party(ies) responsible for the maintenance and repair of water and sewer facilities on private property.
- 407.8.4.5. For the mitigation of noise and heat, improvement of visual character and a generally more pleasing environment, landscaping shall be required for each PUD. All residential PUD's shall have landscaping on the outer perimeter of the development consisting of an average of one tree (two inch caliper) per twenty-five (25) feet of frontage upon a street or road, and shrubbery amounting to five plants per twenty (20) feet of paved width for any street, road, or driveway accessing the exterior portion of the development. In addition to the foregoing, multi-family PUD's shall satisfy the regulations in Section 411 pertaining to parking areas. Commercial PUD's shall adhere to the landscaping requirements of Section 411 of the zoning ordinance. The planning commission also may require buffering and screening with trees, where the exterior property line of any proposed PUD abuts an existing residential development or existing commercial or industrial use or zoning district.
- 407.8.4.6. The signage placed within each PUD shall conform to Section 409 of the municipal zoning ordinance.
- 407.8.4.7. All streets, roads, or public ways shall be platted within a PUD. The parking area for each single-family, detached residential unit and duplex shall be directly connected to a street or road, involving no travel over interior or intermediate driveways in the development, unless specific approval is given by the Planning Commission upon the recommendations of the City Engineer and Planning Director. Driveway curves shall have adequate radii, conforming to widely accepted standards of traffic engineering.
- 407.8.4.8. Fire hydrants shall be located within a PUD in a manner that meets requirements of relevant portions of the NFPA 1 Uniform Fire Code, or any subsequent code in force in the city at the time a PUD plan is submitted for review.

- 407.8.5. Density: Areas designated for the sites of schools, churches and other public buildings shall not be used when computing allowed densities. However, the open space around these cities can be so computed.
- 407.8.6. Open Space Requirements:
- 407.8.6.1. Residential: On site usable recreation area and/or open space shall be provided. Such areas shall be set aside for open space or recreation purposes only. These are intended to serve the residents of the PUD, and should therefore be easily accessible to them. If the PUD contains individually owned units, then such open space shall be maintained in common ownership established in the appropriate legal manner.
- 407.8.6.1.1. Commercial and Industrial Planned Unit Developments shall meet all open space requirements as established by this ordinance.
- 407.8.6.1.2. All open spaces shall be landscaped and all such landscaping shall be shown in the PUD plan.
- 407.8.7. Open space, including stormwater and transportation infrastructure, and recreational facilities, shall be established in the appropriate legal manner in one of the following methods:
- 407.8.7. 1. By the developer or management authority of the PUD.
- 407.8.7. 2. By a Homeowner's Association established by deed restrictions.
- 407.8.7. 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 PUD plan; however, each such stage shall be substantially complete within itself.
- 407.8.8.2. The Planning Commission may require that development be done 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 PUD after it has been adopted shall be considered the same as a new petition and shall be made in accordance with the procedures specified below in 407.9.

407.8.9.2. Minor Changes: Minor changes in PUD plan may be approved by the Planning Commission provided that such changes:

407.8.9.2.1. Do not increase the building unit densities.

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

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 that shown on any plans previously 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, parks or other 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 the right to develop a PUD, the developer shall submit a preliminary PUD plan to the Sevierville Planning Commission for its review and approval. The preliminary PUD plan shall be drawn at a minimum scale of one inch equals one hundred (100) 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 spaces;

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 permit(s) shall be issued until after approval of the final PUD plan, and where applicable, approval of a subdivision plat for any portion of the development proposed for subdivision. The Building Inspector may revoke any issued permit for a building or structure that does not comply with the approved plan.

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 Sevierville Planning Commission.

407.9.8. Approval of a final plan shall expire twelve (12) months after the approval date, if substantial developmental progress has not been made.

408. Special Carport Construction. In housing constructed prior to 1950 where no provisions were 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 the construction of the carport.

409. Signs.

409.1. Purpose: It is the purpose of this section to establish reasonable and impartial regulations for the location of signs within the zoning districts of Sevierville so as to achieve a more desirable environment through the assurance that flexible and diversified standards bring about adequate light, air, and open spaces and a reduction in congestion and hazardous conditions within the city. Therefore, all signs erected, replaced, constructed, expanded, or relocated on any property within the city shall conform to the following:

409.2. General Provisions:

409.2.1. No part of any sign shall be placed within five (5) feet of any right-of-way.

409.2.2. No part of any sign shall be placed within five (5) feet of any means of ingress or egress, except for entrance signs not exceeding eight (8) square feet in area and five (5) feet in height. The placement of such signs shall be reviewed prior to installation by the Codes Enforcement Director, or his designee. In instances in which the Codes Enforcement Director, or his designee, finds that an exit sign is desirable to delineate and distinguish the point(s) of ingress and egress into and from a site, an exit sign may also be permitted, subject to the size and location restrictions applicable to entrance signs.

409.2.3. No sign, except entrance and exit signs as noted in 409.22., shall be erected over public or private ways where the distance from ground level to the announcement section is less than nine (9) feet.

409.2.4. Prior to construction of a sign, applicants shall supply the Building Inspector plans and specifications identifying the location, type, and design of any sign. Every applicant before being granted a sign permit, shall pay to the City of Sevierville, a permit fee for each sign advertising structure of twenty-five dollars (\$25) plus twenty-five (25) cents per square foot of sign face.

- 409.2.5. The Building Inspector shall inspect, at any time he deems necessary, each sign regulated by this section to insure that such sign conforms to this section and all other ordinances of the city.
- 409.2.6. Limitations of signs per business to a maximum of two (2) signs, but not two (2) signs of the same type; except that on lots which extend between parallel streets, a minimum distance of 300 feet, businesses may have three signs and two (2) of these signs may be of the same type, provided they do not front on the same parallel street.
- 409.2.7. No sign which includes action, motion, or which has any moving parts; or contains flashing lights or bulbs; or is intermittently lighted shall be allowed with the exception of signs that display time and temperature and public service announcements without advertising matter, and certain signs permitted in C-4 and C-5 Commercial Districts.
- 409.2.8. Political signs are not permitted on streets or highway rights-of-way, nor on public property. Such political signs shall not be posted prior to thirty (30) days before an election and shall be removed by the owner of the property on which the sign is located within ten (10) days after the election to which it refers. Except in the case of permanent sign structures under permit, political signs are limited to one (1) sign per candidate per premise.
- 409.2.9. Temporary non-commercial uses of signs celebrating holidays, special events, or events of infrequent occurrence displayed for periods of short duration are permitted to be displayed for thirty (30) days prior to the event and seven (7) days after the completion of the event. Such signs shall not exceed thirty-two (32) square feet in area and may be located away from the site of the event upon determination by the Building Inspector.
 - 409.2.9.1. No signs shall be permitted which advertise an activity, business, product or service not conducted on the premises upon which the sign is actually located with the exception of those signs specifically allowed in Section 409.3.6. Section 409.3.7, and those signs specifically located within city parks that are associated with athletic fields.
 - 409.2.9.2. No signs shall be permitted which are attached to, suspended from, or painted on any vehicle which is regularly parked on any street or private property to display, demonstrate, advertise with the intent to attract the attention of the public.
 - 409.2.9.3. No signs shall be allowed which are not expressly permitted by this ordinance.

409.3. Location and Size: Signs shall be located and sized subject to the following::

409.3.1. Residential districts: Signs permitted shall be limited to the following:

409.3.1.1. Real estate signs.

409.3.1.2. Home occupation and professional announcement signs provided, that one sign of not more than two (2) square feet is permitted.

409.3.1.3. One sign for non-residential uses permitted in residential districts shall be permitted subject to the following:

409.3.1.3.1. The sign shall not exceed twenty-five (25) square feet.

409.3.1.3.2. The sign shall not exceed eight (8) feet in height.

409.3.1.3.3. The sign shall be located so as not to cause inconvenience to the general public or surrounding uses.

409.3.1.3.4. The sign, if lighted, shall have indirect lighting.

409.3.2. Commercial and Industrial districts: Business signs shall be permitted provided they meet the following:

409.3.2.1. Except for shopping centers and roof signs, the maximum sign size shall be determined by type of street and speed limit as follows:

MAXIMUM SIGN SIZE

<u>Type of Street</u>	<u>Speed Limit</u>	<u>Freestanding Pole & Monument Sign</u>	<u>Projecting Sign</u>
2 travel lanes	30 mph	20 sq. ft.	20 sq.ft.
	35 mph	25 sq. ft.	25 sq.ft.
4 travel lanes	30 mph	60 sq. ft.	20 sq.ft.
	35 mph	80 sq. ft.	40 sq.ft.
	45 mph	100 sq. ft.	not permitted
4 travel lanes Median or turn lanes	30 mph	80 sq. ft.	25 sq.ft.
	35 mph	100 sq. ft.	40 sq.ft.
	45 mph	150 sq. ft.	not permitted

Wall signs- For any building with less than 25,000 square feet of floor area, the maximum wall sign area shall be based on the sign area permitted for a ground sign plus two times the setback of the principal structure from the front property line. However, the size of such a wall sign shall not exceed forty (40) percent of the front wall face of the building. For any building with 25,000 square feet of floor area or more, or any building classified as a shopping center, the maximum wall sign area shall be based on two (2) square feet of sign area for each linear foot of occupant storefront.

- 409.3.2.2. In the determination of maximum size of signs, the Building Inspector may consider a ten (10) percent alteration in signs of fifty (50) square feet or less and a five (5) percent alteration in signs of fifty (50) square feet or more, provided that it is necessitated by an unusual or exceptional situation.
- 409.3.3. Shopping Centers: A sign designating a shopping center or mall shall be permitted as follows:
- 409.3.3.1. Shopping centers or malls with less than 100,000 square feet of net floor area shall be permitted a ground sign of up to one-hundred fifty (150) square feet. All other signs pertaining to the center and its tenants shall be restricted to sign types other than ground signs.
- 409.3.3.2. Shopping centers or malls with 100,000 square feet or more of net floor area shall be permitted a sign of up to three-hundred (300) square feet. All other signs pertaining to the center and its tenants shall be restricted to sign types other than ground signs.
- 409.3.4. Roof Signs: A roof sign shall be permitted in commercial areas where the speed limit of the street is thirty-five (35) miles per hour or more. Roof signs shall not extend above the roof peak. Roof signs shall not exceed one hundred fifty (150) square feet or twenty-five (25) feet in height.
- 409.3.5. Maximum Height of Freestanding Pole Signs: All signs shall have a maximum height of twenty-five (25) feet; however, the Building Inspector may allow the maximum height to be extended to thirty (30) feet, provided there is an unusual circumstance involving topography or congestion. Monument Signs in C-4 Commercial Districts shall have a maximum height of fifteen (15) feet.
- 409.3.6. Tourist Oriented Directional Signs:
- 409.3.6.1 Definitions:
1. Business means a public or private commercial activity providing an attraction, service, or activity to the traveling public and which meets the qualifications provided in these guidelines. The terms *business*, *attraction*, *service*, or *activity* may be used interchangeably in this document.
 2. Crossroad means a public road intersecting state route.
 3. Eligibility distance means the distance from the intersection of the state highway where the directional sign is located to the entrance driveway of the business.
 4. City means the City of Sevierville, Tennessee.

5. MUTCD means Federal Highway Administration's Manuel on Uniform Traffic Control Devices.
6. Tourist Oriented Directional Signs (TODS) means a tourist information sign located on the right-of-way of a public road providing;
 - (a) the official name, or "doing business as" name, of eligible program participant; and,
 - (b) directional information and distances to the business.
7. Trailblazer Sign means a sign included in the TODS ordinance located on a non-state route that will indicate the need for a turn to direct the motorist to the attraction. The trailblazer sign shall be identical to the TODS sign located on the state route, giving the appropriate direction of turn and distance to the business.

409.3.6.2 General Provisions:

1. TODS structures are not permitted on the interstate highway system.
2. The city will control the erection and maintenance of TODS panels in accordance with the MUTCD and this ordinance.
3. TODS shall be rectangular in shape and shall have a white legend and border on a blue background. Each sign shall have not more than two lines of legend, a separate directional arrow, and the distance to the facility shown beneath the arrow. The content of the legend shall be limited to the identification of the business or activity, and the directional information. Legends shall not include promotional advertising or logos.
4. There may be no more than two TODS structures in advance of a crossroad or other public road connecting with a state highway. The first structure shall contain those activities where a left turn is required to reach the facility. The second structure shall contain those activities requiring a right turn in order to reach the business.
5. No more than four activities may be installed on each sign structure. When the total number of signs for activities to the left and to the right is four or less, they may be placed on one sign structure.

6. The location of other traffic control devices shall at all times take precedence over the location of tourist oriented directional signs.
7. Sign structures should be spaced at least two hundred (200) feet apart and at least two hundred (200) feet from other traffic control devices. Adequate trailblazing within the city shall be provided where turns are necessary for a motorist to reach a business or attraction.
8. A permit must be obtained to install trailblazer signs in the city.
9. The city shall install trailblazer signs located inside the city limits.
10. Trailblazer panels, sign supports and installation shall be in accordance to the standards of the city, MUTCD, and if outside the city by the county road superintendent.
11. Trailblazer signs in areas annexed by city are required to conform to city trailblazer sign requirements within twelve (12) months from the effective date of annexation.
12. The business must verify the location of any underground utility lines with the local utility providers to avoid any interruption in service of the utility.

409.3.6.3 Business Eligibility, Criteria, And Restrictions:

1. To be eligible for participation on TODS, a business establishment shall be located off the state route, but within five (5) miles of the state highway. The establishment shall be a permanent business or attraction, and shall meet the following standards for a business or activity:
 - (a) be licensed and approved by the appropriate local agencies regulating the particular type of business or activity,
 - (b) be in continuous operation at least eight hours a day, five days a week, one of which must be Saturday, during the normal tourist season;
 - (c) have a telephone and restroom facilities available for public use;
 - (d) provide the public activities of interest in which visitors participate for purposes of recreation, enjoyment, enrichment, or amusement; and

- (e) provide notice of any admission costs on the outside of the main entrance to the facility.
2. Each business or attraction identified on a TODS shall provide assurance of its conformance with applicable laws concerning the provisions of public accommodations without regard to race, color, sex, culture, social origin or condition, religion, or disability.
3. If a business or attraction is in violation of any of these laws, it shall be considered ineligible for participation in this program and its signs will be removed, with no return of any fee.

409.3.6.4 Participation In The TODS Program:

1. Each approved sign structure shall have a maximum of four (4) activities displayed on the panels. The business with the shortest distance to the state highway where the sign structure is installed shall have the first priority for placement on the TODS sign structure and have its name panel placed on top of the sign structure. An eligible business having the next greater distance from the intersection will have its name panel placed below the first, and so on, until the maximum of four business panels are installed on the TODS structure.
2. Once the directional sign of a business is installed on the TODS panel, the business shall remain on the structure as long as the activity is in compliance with these provisions and pays for all fees required by this program.
3. A seasonal business may participate in the TODS program and remain on the TODS structure provided it advises the city of periods not to open for business or visitors. A fee will be charged for the placement of a CLOSED placard over the directional panel of the business.

409.3.6.5 Suspension or Revocation:

1. The city may suspend or revoke the privilege of an activity to participate in the TODS program if it finds:
 - (a) The activity no longer meets the eligibility requirements set forth in this document.
 - (b) The owner or responsible operator of the activity willfully makes a false, deceptive, or fraudulent statement in its application or in any other information submitted to the city.

- (c) The owner or responsible operator of the activity or agent thereof revises or modifies a TODS panel erected by the city.
 - (d) The owner or responsible operator of the business or activity has engaged in a deceptive or fraudulent business practice.
2. The city reserves the right to remove immediately any TODS panel for which fees are delinquent.
 3. Prior to revoking the privileges of a business to participate in the TODS program, the city will notify the activity in writing. The business will be granted a period of fifteen (15) days to make the necessary adjustments or corrections in accordance with these regulations.
 4. Should the applicant not agree with the revocation, the decision may be appealed to the Board of Zoning Appeals. If there is no appeal within thirty (30) days after notification of the revocation the individual TODS panel(s) shall be removed from the sign structure.

409.3.6.6 Sign Composition:

1. TODS and trailblazers shall be 60”x 14” and shall have a white legend and border on a blue background.
2. Mainline sign panels shall be identical to the mainline sign, and shall be installed by the city.
3. Trailblazer signs shall be identical to the mainline sign, and shall be installed by the city.
4. The trailblazer sign shall show the mileage to the business and the direction of turn for the motorist to reach the business.

409.3.6.7 TODS Installation and Maintenance:

1. All TODS panels will be installed by the city.
2. If a panel must be permanently removed or covered for a seasonal closing for any reason, a fee will be charged by the city to cover costs.
3. Additional directional signs (trailblazers) required to guide the traveler to the business after leaving the state route shall

also be installed by the city, or by the county highway department if outside city limits, concurrent with the installation of the mainline TODS panels.

4. The participating business shall be responsible for the cost of repair and/or replacement of directional signs damaged or destroyed by acts of vandalism, natural causes, or vehicular accidents.

409.3.6.8 Fees for TODS:

1. Costs for providing the TODS are to be covered by the businesses participating in the program.
2. The permit issued by the city to a business is for the term of one (1) year beginning on the date the TODS panel is installed on the TODS structure.
3. Permits may be renewed on an annual basis.
4. Renewal fees are due thirty (30) days Prior to the expiration date of the contract.
5. Fees are not to be pro-rated for seasonal closings, and, in the event a business closes or its signs are removed due to a breach of contract, there is no reimbursement of fees.

6. Fees are as follows:

Application Fee	\$ 100.00
Initial Permit Fee (each sign)	\$ 1,000.00
Annual Permit Fee (each sign)	\$ 500.00
Sign Change-out or Replacement	\$ 1,000.00
Seasonal closure covering/uncovering	\$ 50.00

409.3.6.9 Inspection And Liability:

1. The building official may inspect a business at any time after the business has made application for participation in the TODS program to assure that the business meets eligibility requirements.
2. The building official may inspect a business at any time during its permit period to assure the business is still in compliance with eligibility requirements.
3. The city shall have no liability for business lost due to TODS panels becoming temporarily out of service. The display of the business on the sign structures is not to be

considered an endorsement or recommendation by the city on behalf of the business.

409.3.7. Off-Premise Directional Signs for non-profit service clubs and uses, charitable associations, religious groups, and similar groups shall be permitted to locate signs on private property adjacent to major streets designated on the Sevierville Zoning Map subject to the following:

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

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

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

409.3.8. Signs within the C-5 (Tourist Commercial District): signs within the C-5 district shall be subject to all applicable provisions of 409, except as may be provided below.

1. Major and minor project identification signs: One major free-standing project identification pole sign or major monument project identification sign up to twenty-five (25) feet in height and up to (500) square feet in size shall be permitted for the purposes of identifying a total, multi-use development in the C-5 district. Where a monument sign with an electrically activated message section is chosen as a major project identification sign, the location of that section shall be governed by 409.3.9, #1. Multi-use developments which have at least 1000' of frontage on the street on which the major identification sign is located, may have one (1) minor project identification sign not exceeding three hundred (300) square feet in size on that street. Where possible, such sign should be located at a point of access into the development. Developments which also have a secondary entrance on another street, classified as an arterial or collector street, or at least one thousand (1,000) feet of frontage on another street which is classified as an arterial or collector street, may have a minor identification sign of up to three hundred (300) square feet. Where a monument sign with an electrically activated message section is chosen as a minor project identification sign, the location of that section shall be governed by 409.3.9, #1. All major and minor project identification signs shall be set back fifteen (15) feet from the edge of the public right-of-way and all other property boundaries. The location of such signs shall be shown on the C-5 master plan (see 711.1.6).

2. Free-standing pole signs, monument signs, and projecting signs for individual parcels, other than a shopping center or mall: the sign face of such signs may contain up to one hundred-fifty (150) square feet. The

location and height of such signs shall be governed by 409.3.2.1 and other applicable provisions of 409.

3. Free-standing pole signs for shopping centers or malls; the location, size of the sign face, and height of such signs shall be governed by 409.3.3 and other applicable provisions of 409.
4. Wall signs for individual occupants/tenants within a shopping center: the location and size of the sign face shall be governed as provided for 409.3.2.1.
5. Wall signs for free-standing buildings and uses: the total amount of square footage of wall signs allowed for a free-standing building shall be no more than twenty percent (20%) of the square footage of the exterior wall containing the main customer or user entrance. Wall signs may be placed upon any exterior wall, but in no instance shall any exterior building wall contain more than one-half (1/2) of the total allowable square footage.
6. Roof signs: roof signs shall only be permitted in accordance with the provisions of 409.3.4.
7. Internal Project Directional Signs: due to the size and nature of developments within this district, it is anticipated that various individual uses may be grouped together, and located away from the primary access point into the development. To facilitate ease in movement of pedestrian and vehicular traffic within a large tourist related development, one (1) internal project directional sign containing only the name(s) of uses and directional arrows, but no advertising copy, may be placed at intersections of streets and accessways within such a development. The location of these signs shall be shown on the master plan (see 711.6) and shall be subject to the following requirements:
 - (a) Directional signs shall not exceed six (6) feet in height or thirty-two (32) square feet in area.
 - (b) Directional signs may be pole or monument signs, but monument signs shall not have an electrically activated message component.
 - (c) Directional signs shall be set back at least five (5) feet from the edge of a public right-of-way, all other property boundaries, and any point of ingress into or egress from an individual site.
8. Parking lot traffic assistance signs: small signs, not exceeding five (5) feet in height nor eight (8) square feet in area, are permitted within parking areas to direct traffic to appropriate places, such as areas for passenger vehicles, recreational vehicles, tour buses, and delivery trucks, and, to specific uses. Such signs shall not contain any advertising copy.

409.3.9. Signs within the C-4 (Arterial Commercial) District: signs within the C-4 district shall be subject to all applicable provisions of 409, except as may be provided for below:

1. Monument Signs; permitted uses may have, as one (1) of the two (2) types of permitted signs, a monument sign with an electrically activated changeable sign, having either a fixed interval changeable message electronic portion(s), or an active changeable electronic message portion(s), as defined in 306.4.2 a and b, provided:
 - (a) The sign height shall not exceed fifteen (15) feet from finished project site elevation;
 - (b) The electrically activated changeable message section shall be located on the lower one-half of the sign;
 - (c) The electrically activated changeable message section shall not exceed twenty (20) percent of the sign;
 - (d) The area surrounding the sign base shall be landscaped with appropriate planting materials;
 - (e) The informational content of the message section can be changed at intervals; however, the message shall not be flashed by varying the intensity of the illumination;
 - (f) The sign design and locations shall be approved by the Planning Commission prior to issuing a sign permit.
2. Price signs: for a permitted use business, it may have as one (1) of the two (2) types of permitted signs, a pole sign which includes a fixed interval changeable electronic message portion, first for displaying prices, in way and manner set forth below.
 - (a) Up to ten (10) percent of the allowable square footage for a free standing pole sign may be composed of a fixed interval changeable message electronic portion, as defined in 306.4.2. a herin, for the display of only.
 - (1) The portion of the freestanding pole sign used for the display of prices shall not extend more than four (4) feet in width, nor have any letter and/or number exceeding eighteen (18) inches in height.
 - (2) The prices shall only be displayed with four (4) numerals, exclusive tenths pricing, of which no numeral is greater than the number nine (9), which shall be separated by a decimal point to be located immediately to the right of the second numeral,

counting from left to right, and which separates the second numeral from the remaining two (2) numerals.

(b) No portion of an interstate monopole sign located subject to the provisions of 714, II-1, Interstate Impact Overlay District, shall contain a fixed interval changeable electronic price sign.

409.3.10. Business Parks, Industrial Parks, and Residential Subdivisions: These uses may have one sign denoting the name of the development provided:

1. It is a monument sign
2. The sign structure height shall not exceed six (6) feet including any supporting structure.
3. The sign shall not be illuminated internally.
4. The maximum sign panel shall not exceed thirty-two (32) square feet.
5. The sign shall be professionally designed.
6. The sign shall be approved by the Planning Commission.

409.4. Governmental Displays: Following approval by the Sevierville Board of Mayor and Aldermen, by Resolution, the temporary use of displays which include, but are not limited to, banners, decorations, lighted displays and/or decorations and supporting structures and similar activities, by, or for governmental entities, shall be exempt from these regulations.

409.5. Signs within the II-1 Interstate Impact Overlay District shall be governed by the provisions of 714.

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

1. Multiple auction signs shall be allowed to provide directions to the site of a single auction. One sign may have a maximum area of thirty-two (32) square feet, however each additional sign shall be limited to a maximum area of eight (8) square feet.
2. No sign shall be placed upon a public right of way of any kind, and no sign shall be closer than five (5) feet from any right of way.
3. One or more signs for a specific auction may be erected no more than twenty-one (21) days prior to the occurrence of the auction, and removed within three (3) days of the auction's conclusion.
4. A permit from the Sevierville Codes Enforcement Department shall be required for the display of any sign directing persons to the location of an auction, and the fee charged for the permit shall be fifty dollars \$50.00. Only one permit, and one

permit fee, shall be required for the sign(s) providing directions to the site of a single auction. An application for a permit must include the proposed locations of signs, in addition to other necessary information required by the Codes Enforcement Department. Issuance of a permit shall be dependent upon the approval of the application by the Department, and the conformance of the proposed signage with all applicable municipal requirements.

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

410. Temporary, Mobile, Factory-Built or Factory Assembled Structures. It shall be unlawful to place any temporary structure, trailer, mobile structure (including, but not limited to, cars, vans, trucks, or buses), tents, factory-built structures or factory assembled structures designed for conveyance after fabrication, either on its own wheels, flatbed truck, or other trailers; on any lot either residential, commercial or industrial, within the corporate limits of the City of Sevierville; used for assembly, business, educational, hazardous, factory, industrial, institutional, mercantile, residential or storage occupancies, except as noted herein.

410.1. Exceptions. Structures exempted from provisions of this section shall include:

- 410.1.1. Mobile homes located in approved mobile home parks;
- 410.1.2. Prefabricated structures or modular building units, manufactured off-site and transported to the point of use and installed on a permanent concrete or masonry foundation as a finished building with permanent sewer and water connections. Such units shall be inspected at the point of manufacture and shall bear the insignia of approval of the commissioner of the Tennessee Department of Commerce and Insurance or an approved inspection agency, as specified in Tennessee Code Annotated, Title 68, Chapter 102 Part 1.
- 410.1.3. Temporary office and storage buildings located on approved construction sites provided they are removed upon completion of construction;
- 410.1.4. Customary accessory storage buildings in approved residential locations;
- 410.1.5. Tents used by a person, firm, corporation, or group as an assembly occupancy for the purpose of a religious meeting, festival, fair, circus, or carnival for a limited time not to exceed ten (10) days with proper permit procedure followed;
- 410.1.6. A person selling fresh produce grown in Sevier County; or fresh Christmas trees, in season, and subject to spoilage;
- 410.1.7. A person who sells his own property which was not acquired specifically for resale, barter, or exchange and who does not conduct such sales or act as a participant by furnishing goods in such a sale on a regular basis.

- 410.1.8. Tents used by a firm or corporation for the purpose of conducting a special retail sales event in connection with a previously established business and located on the site with said business, provided:
 - 410.1.8.1. A permit obtained from the City after making proper application and the payment of the required fee.
 - 410.1.8.2. The duration of the permit and the event does not exceed ten (10) days in length.
 - 410.1.8.3. Not more than one (1) permit shall be issued to any person, firm, or corporation or for any particular property within any six (6) month period.
 - 410.1.8.4. Any tent sales event shall be clearly subordinate to the previously established business on site and be of a customary accessory nature.
 - 410.1.8.5. No tent shall be located so as to reduce the minimum number of on-site parking spaces required by the established on-site business.
- 410.1.9. Mobile, self-contained catering vehicles designed to move under their own power from site to site with stops limited to a thirty (30) minute maximum at each location.
- 410.1.10. Temporary structures associated with flea markets provided the area for these temporary uses is shown on a Flea Market Site Plan approved by the Planning Commission.

411. Site Plan Regulations for Commercial, Industrial, and Multi-Family Residential Uses.

It is the general purpose and intent to this section to require site plans for all new developments or redevelopment of commercial, industrial, public and semi-public, and multi-family residential uses to provide for a lessening of traffic congestion and for securing adequate light, air, and aesthetic conditions for residents of the city. These plans shall be approved by the Sevierville Planning Commission as consistent with this ordinance and with the comprehensive planning program of the city prior to the issuance of grading or building permits. Site plans for small additions to existing buildings shall be exempt from review when, in the opinion of the Building Inspector and planning staff, the addition will not adversely affect the general purpose and intent of these regulations. Site plan preparation for conversion of dwellings into offices and for other allowable uses in the Historic Residential/Office (HRO) district shall meet applicable standards of this section and shall further be subject to site development standards and review procedure set out in Section 712 of this ordinance. The site plan shall set forth the proposal for development of the total land tract and meet the following regulations.

411.1. Site plans shall be prepared by an engineer, architect and/or surveyor.

411.2. Topography of existing and finished grades and the location of areas subject to flooding.

411.3. Location of existing buildings, streets, sidewalks, easements and rights-of-way and covenants.

411.4. A plan for vehicular and pedestrian circulation.

411.5. Location of all structures including signs.

411.6. Utility plans for water, sewer, and power.

411.6.1. Water and sewer plan. Service plans and equipment installed for the provision of water and sewer service on private property shall meet all applicable standards, specifications, and policies of the utility providing such service. The maintenance and repair of water and sewer lines, pumps, tanks, and other related facilities located on private property shall be the responsibility of the private property owner(s). The master meter for such services shall be placed at the front property line of a site. Fire hydrants shall be located on or near a site in such a manner that the location of the hydrants is in compliance with relevant portions of the NFPA 1 Uniform Fire Code, or any subsequent code in force in the city at the time the site plan is submitted for review.

411.6.2. Electrical power plan. The electrical power plan shall utilize an underground system, where feasible. Where an underground system is not possible, as determined by the Planning Commission, power service connections shall be located at the rear of the structure or structures.

411.7. A plan for storm water drainage.

411.8. Landscaping Plan Requirements, the landscaping plan shall meet the following standards:

411.8.1 Landscaping Requirements – The purpose of these regulations is to:

411.8.1.1. Promote reasonable preservation and replenishment in new developments, redevelopments, or expansions, of commercial, industrial, multi-family residential, and other non-residential uses in the City of Sevierville, Tennessee;

411.8.1.2 Safeguard and enhance property value;

411.8.1.3 Provide reasonable regulations that are easily understood by all parties;

411.8.1.4 Provide a standard guide for plant selection, installation, and placement;

411.8.1.5 Promote awareness of the benefits of effective landscaping among City departments, utility providers, development organizations, individual businesses, and property owners.

411.8.2 Definitions:

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

411.8.2.2. Caliper – The diameter of the tree trunk measured at 6” above ground level for a tree trunk having a diameter of 4” or less and the diameter of the tree trunk measured at 12” above ground level for a tree trunk having a diameter exceeding 4”.

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

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

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

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

- 411.8.2.7. Landscaping – Any living organic plant material including trees, shrubs, flowers, ground cover, vegetation, vines or grass.
- 411.8.2.8. Maintain, Maintenance – In reference to landscaping includes irrigating, pruning, mulching, mowing, spraying, fertilizing, propping, bracing, treating for disease or injury, and any other similar acts which promote the life, growth, health or beauty of the landscape vegetation.
- 411.8.2.9. Tree – Any self supporting woody plant having one or more defined stems or trunks in a diameter of two (2) inches or more and having a defined crown which customarily attains a mature height of 6 feet or greater.
- 411.8.3. Entrance Plan. The plan shall show all points of ingress/egress as established in Section 405.
- 411.8.4. General Landscaping Requirements. These standards shall apply to all areas where landscaping is required by this ordinance.
- 411.8.4.1. Required landscaping shall not include artificial plants, trees, or other artificial vegetation.
- 411.8.4.2. Landscaping, including berms, shall not obstruct pedestrian and/or vehicular traffic visibility at street intersections or at access points to streets.
- 411.8.4.3. All plant material shall be maintained in a healthy and growing condition.
- 411.8.4.4. Landscaped areas shall be kept free of trash, litter, and weeds.
- 411.8.4.5. Anyone desiring to install and maintain landscaping materials, landscape or decorative lighting, or irrigation facilities within the City right-of-way must obtain a landscaping permit from the City of Sevierville Codes Department.
- 411.8.5. Commercial, Industrial, Multi-Family, and other Non-residential uses.
- 411.8.5.1. Landscaping Along Street Right-of-Way – All commercial, industrial, multi-family, and other non-residential uses, shall comply with the following streetscape requirements:
- 411.8.5.2. A landscaped edge on private property shall be provided adjacent to all streets and entrances. The landscaped edge shall be a minimum width of seven feet, exclusive of street right-of-way.

Within the landscaped edge, one tree from (2" caliper minimum) shall be planted per 25 lineal feet of landscaped edge. The number of required trees shall be calculated solely on the linear frontage of the required landscaped edge and shall be rounded to the nearest whole number. Trees may be grouped together or evenly spaced.

411.8.5.3. Where parking lots and drives abut the landscaped edge, ten shrubs (2 gallon minimum) shall be planted per 40 lineal feet of abutment to the landscaped edge. These shrubs are in addition to the required number of trees. The number of required shrubs shall be calculated solely on the linear frontage of parking lot/drive abutment to the required landscaped edge and shall be rounded to the nearest whole number. A berm or masonry wall may be placed within the landscaped edge in lieu of the required shrubs. The berm or masonry wall must be at least 30 inches above the top of the parking lot adjacent to the closest street.

411.8.5.4. The Planning Commission may reduce the width of the required landscaped edge during site plan review when the reduction is required for public improvements.

411.8.5.5. No site plan approved by the Planning Commission prior to the effective date of this section shall be required to conform to the landscaping requirements of this section unless the site plan is being resubmitted to the Planning Commission and there is a thirty percent (30%) or more increase in the square footage of building area or parking lot.

411.8.6. Interior landscaping – five (5) percent of the interior of the parking area shall be landscaped and one (1) tree for each three hundred (300) square feet of landscaped area.

411.8.7. Perimeter landscaping – a landscaped strip of five (5) feet.

411.8.8. The parking spaces shall be designed and constructed in a manner that will prevent damage to the landscaping by vehicles or pedestrian traffic.

411.8.9. The plan shall contain a description of plant materials and methods for care and maintenance.

411.8.10. All landscaping shall be permanently maintained.

411.9. A plan for a frontage or parallel access street, if applicable.

411.10. General requirements of a north point, a scale of not less than 1"=20', a location map, acreage of site, location of solid waste collection points, and any other information deemed pertinent by the Planning Commission.

411.11. Bond Performance Guarantee. In order to accomplish the intent of the Zoning Ordinance, no building permit shall be issued for any commercial or industrial development until such time as an appropriate guarantee of completion is accepted by the city Building Official. Following the filing of such a guarantee and submission of an acceptable site plan, approved by the Planning Commission, the Building Official shall issue a building permit to the applicant.

411.11.1. Performance Guarantee. A guarantee will be made payable to the City of Sevierville consisting of a cash deposit or an irrevocable letter of credit from a financial institution satisfactory to the City in an amount not less than one-hundred percent (100%) of the estimated cost of the site improvements as determined by the Building Official.

411.11.2. Guarantee not a release. The filing of an acceptable guarantee by the applicant does not release the applicant from performing the required improvements and standards adopted by the city. If in the event said applicant fails to construct required improvements then the performance guarantee may be forfeited and credited to the city to off-set all construction and administration costs incurred by the city. The city may, in addition to the guarantee, take appropriate legal recourse to insure completion of the project.

411.11.3. Release of guarantee. The city administrator shall release the guarantee following recommendation by the Building Official or planning staff. In no case shall a guarantee be released until all improvements have been completed. The applicant shall complete all requirements within twelve (12) months following the issuance of the permit. The planning commission may extend above time frame for large projects or for unusual circumstance.

411.11.4. Site Improvements. Site improvements shown on the site plan may include, but are not limited to, existing road improvements, proposed road construction, driveways, sewer and water extensions or connections, tiles, culverts, drainage ways including catch basins, landscaping or any other improvements required by the Planning Commission before the site plan is approved.

412. Communication Antennas and Towers. Under Tennessee Code Annotated 13-24-302, and 13-24-303, local governments shall not exclude telephone and telegraphic services and such other structures as central office exchanges, microwave towers, etc., however, the exclusion from regulation does not preclude the exercise of reasonable police powers including but not limited to, permit requirements as an exercise of the police powers.

412.1 Antennas and Telecommunication Towers: The following requirements shall apply to antennas and telecommunication towers, as indicated, including but not limited to dish antennas, amateur radio towers, and commercial telephone/telegraph towers. All plans for placement, construction, screening must be approved by the Building Official prior to the issuance of a building permit.

The following conditions shall apply to dish antenna placements in all zones:

- 412.1.1. No text, pictures, logos, or advertising shall be displayed on any surface of the dish antenna.
- 412.1.2. Installation of the required screening shall be done concurrently with the construction of the base mount for any dish antenna.
- 412.1.3. Where screening is required, the dish antenna shall be screened from view from the public rights-of-way and from adjacent property by any combination or single treatment of vegetative or structural barriers. The screening shall provide 80 percent opacity at a height of seven (7) feet within two (2) years of its installation. Defective or dead screening shall be replaced to maintain the screening of the dish antenna while the dish antenna remains in its permitted location.
- 412.1.4. The dish antenna or any required screening shall not penetrate any recorded easement.

412.2 The following conditions shall apply to dish antenna placements in residential and zoning districts:

- 412.2.1. Only one dish antenna shall be permitted per lot, parcel, or tract.
- 412.2.2. No freestanding dish antenna shall exceed 11 feet in height, as measured at its highest point above the surrounding grade.
- 412.2.3. No dish with a dish size greater than 24 inches shall be placed on any roof or attached to any principal or accessory structure. Dish antennas with a dish size of 24 inches or less may be placed on a roof or wall of a principal or accessory structure provided it does not project above the roof line, and it does not violate any required setback.
- 412.2.4. Freestanding dish antennas shall be set back from the side and/or rear property lines a minimum of 10 feet.
- 412.2.5. Screening shall be required for all dish antennas with a size greater than 24 inches.

412.3. The following conditions shall apply to dish antenna placements in commercial zoning districts:

- 412.3.1. Only one dish antenna shall be permitted per business.
- 412.3.2. A ground-mounted dish antenna shall not exceed 11 feet in height, as measured at its highest point above the surrounding grade. A roof-mounted dish antenna shall not exceed 11 feet above the attachment of the base mount to the roof.

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

- 412.5.2. Guy wires for telecommunication towers shall be set back from the side and/or rear property lines a minimum of ten (10) feet. No guy wires shall be located in required front yards.
- 412.5.3. A certified survey shall be submitted which shall verify tower and antenna heights, and setbacks for the tower, and its appurtenances, and the guy wires.
- 412.5.4. A telecommunication tower and related equipment shall be the principal use and structures on all lots, parcels, or tracts zoned residential or commercial. No other use or structure shall be permitted on the same lot, parcel, or tract.
- 412.5.5. All telecommunication towers and related equipment shall be removed when the facility is no longer in service.
- 412.5.6. Site plan approved by the Sevierville Planning Commission.

413. Processing Fees. The Sevierville Regional Planning Commission shall have authority to set certain processing and administrative fees for services including, but not limited to, rezoning, variance, special use permits, subdivision, re-subdivision, planned unit development, and site plan review. Said fees shall be paid by the applicant as required at the time of filing application for service, in accordance with the fee schedule adopted by Resolution of the Board of Mayor and Aldermen of Sevierville, Tennessee.

ARTICLE V. APPLICATION OF REGULATIONS

501. Use. Except as herein provided, no building or land shall hereinafter be used and no building or part thereof shall be erected, moved or altered unless for a use expressly permitted by and in conformity with the regulations herein specified for the district in which it is located.
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 through the plan approval process for Planned Unit Developments.
503. Corner Lots. The minimum width of a side yard along an intersecting street shall be fifty (50%) percent greater than the minimum side yard requirements in the district in which the lot is located.
504. One Principal Building On A lot. Only one principal building and its customary accessory buildings may hereafter be erected on any lot; except that condominiums and townhouses may be excluded from this provision with the approval of the Planning Commission.
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 Sevierville Regional Planning Commission and such approval entered in writing on the plat by the secretary of the 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 than are required or specified in the regulations herein for the district in which it is located.
509. Territory which may hereafter be annexed in the City of Sevierville, Tennessee shall be zoned R-1, Low Density Residential District upon the effective date of annexation, unless otherwise specified by an alternative zoning district (or districts) established by the Zoning Ordinance of the City of Sevierville, Tennessee. In general, territory shall be zoned appropriately when it is incorporated into the municipality.
510. Structures consisting of fences and walls shall be limited in height on properties used for non-residential purposes within the City of Sevierville. The height of such structures placed within the required front yard or building setback shall be limited to a maximum of three and one-half (3 ½) feet (see Article III, Definitions). Within the rear and side required yards or building setbacks, fences and walls shall be limited to a height of eight (8) feet. No fence or wall may be located closer than

one foot from the nearest property line. If a fence or wall is intended primarily for the security of a site or lot, the Codes Enforcement Director may determine whether that fence or wall would provide such security, and thus allow for construction to a height of twelve (12) feet.

ARTICLE VI. ESTABLISHMENT OF DISTRICTS

For the purpose of this ordinance, the City of Sevierville, Tennessee, is hereby divided into fourteen (14) classes of districts as follows:

Residence	R-1 Low Density District
Residence	R-2 Medium Density District
Residence	R-3 High Density District
Commercial	C-1 Central Business District
Commercial	C-2 Neighborhood Commercial District
Commercial	C-3 Intermediate Commercial District
Commercial	C-4 Arterial Commercial District
Commercial	C-5 Tourist Commercial District
Industrial	M- 1 Industrial District
Flood	FP-1 Floodplain District
Agriculture- HRO	AR Low Density/Farming/ Residential District Historic Residential/ Office District
V-1	Visitor Accommodation District
II-1	Interstate Impact Overlay

The boundaries of these districts are hereby established as shown on the map entitled "Zoning Map of the City of Sevierville, Tennessee," dated September, 1986, and all amendments thereof which is a part of this ordinance and which is on file in the office of the City Administrator. Unless otherwise specifically indicated on the map, the boundaries of districts are lot lines or the center lines of streets or alleys or such lines extended, the corporate limit lines or a line midway between the main track of a railroad or the center lines of streams or other water bodies. Questions concerning the exact locations of district boundaries, shall be determined by the Board of Zoning Appeals.

ARTICLE VII. PROVISIONS GOVERNING USE-DISTRICTS

701. R-1 (Low Density)- Residential District. 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 activities. In order to achieve the intent of the R-1 (Low Density) Residential District, as shown on the Zoning Map of the City of Sevierville, Tennessee, the following uses are permitted:
- 701.1. Single family residences;
 - 701.2. Customary general farming;
 - 701.3. 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; that only two persons, not a resident of the dwelling, are employed; and not more than 30 percent of the total floor area of the dwelling is used. Provided all other provisions related to home occupations can be met and maintained, the care of up to seven (7)

children (excluding the occupant's children or stepchildren) shall be considered a home occupation. Should such home occupation also meet the definition of "family child care home" as set out in 71-3-501, Tennessee Code Annotated, the occupant shall comply with all licensure requirements of the Tennessee Department of Human Services and shall make available a copy of such license upon the request of the Director of Code Enforcement. In no way shall care of children as a home occupation, as herein described, be construed to allow the operation of a "day care center", as defined in Article III, Section 319 of this ordinance, nor the operation of a "group child care home", "child care center", nor "drop-in center", as defined in 71-3-501, Tennessee Code Annotated.

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

701.4.1. The location of these uses shall first be reviewed by the Sevierville Planning Commission;

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

701.4.3. There are planted buffer strips along side and rear property lines.

701.5. Customary accessory buildings provided:

701.5.1. They shall not exceed one story;

701.5.2. They shall be located in the rear yard and not closer than five (5) feet from all property lines and shall also conform with a required setback from an intersecting street;

701.5.3. They shall not exceed twenty (20) percent of the rear yard.

701.6. Tennis clubs, country clubs, and other similar uses which are characteristically associated with ample open space areas and recreation or leisure activities provided that:

701.6.1. The facility is developed as a Planned Unit Development;

701.6.2. There are planted buffer strips along property lines;

701.6.3. The facility is located adjacent to a designated collector or arterial street;

701.6.4. Any outside lighting of courts, parking lots, or other facilities shall be designed and constructed in such a manner as to not cause inconvenience to other uses in the immediate area.

702. R-2 (Medium Density) Residential District. It is the intent of this district to provide areas for single and multi-family dwellings; to encourage development and continued use of the land for residential purposes; to prohibit business and industrial uses; and other uses which would interfere with development or continuation of single or multi-family dwellings. In order to achieve the intent of

the R-2 Medium Density Residential District, as shown on the Zoning Map of the City of Sevierville, Tennessee, the following uses are permitted:

- 702.1. Any use permitted in the R-1, Low Density Residential District;
- 702.2. Two-family residences (duplexes);
- 702.3. Multi-family residences;
- 702.4. Boarding and rooming houses
- 702.5. Day care centers upon approval of a site plan by the planning commission and the issuance of a letter of approval by the Tennessee Department of Human Services.

703. R-3 (High Density) Residential District. It is the intent of this district to provide areas for high density residential development plus open areas where similar development is likely to occur. Professional services are permitted in the district provided that they meet applicable standards, are limited so as not to encourage general business activity, and are located on a major arterial or collector street as noted on the zoning map. In order to achieve the intent of the R-3 (High Density) Residential District, as shown on the Zoning Map of the City of Sevierville, Tennessee, the following uses are permitted:

- 703.1. Any use permitted in the R-2 Residential District;
- 703.2. Mobile home parks provided that they conform to requirements of the planned unit development regulations;
- 703.3. 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:
 - 703.3.1. They shall be located on arterial or collector street.
 - 703.3.2. The buildings shall be placed not less than fifty (50) feet from all property lines.
 - 703.3.3. There is a planted buffer strip erected on side and rear property lines.
 - 703.3.4. A site plan approved by the Planning Commission.
- 703.4. Existing buildings may be utilized provided that the provisions of this ordinance are met as closely as possible and that:
 - 703.4.1. No parking shall be allowed in front yards;
 - 703.4.2. A site plan is approved by the Planning Commission.

C-1 (Central Business) District. It is the intent of this district to establish an area for concentrated general commercial development that the general public requires. The regulations are designed to protect the essential characteristics of the district by promotion of commercial, public, and limited residential uses which serve the general public and discourage industrial and wholesale developments which do not lend themselves to pedestrian traffic. In order to maintain and enhance the aesthetic characteristics of the community and achieve the intent of the C-1, Central Business District, site plans shall be required for all new construction. These plans shall include: the proposed location of all structures, off street parking provisions, location of ingress and egress points, location and size of all utilities, landscape features, easements, and any other plans deemed pertinent. Prior to the issuance of the building permit, the site plans shall be reviewed and approved by the Planning Commission to determine if they are in keeping with the comprehensive planning program of the City of Sevierville, Tennessee. In order to achieve the intent of this district, as shown on the Zoning Map of the City of Sevierville, Tennessee, the following uses are permitted:

- 704.1. Multi-family dwellings;
- 704.2. Stores and shops conducting retail business; except sexually oriented businesses and similar commercial activities;
- 704.3. Personal, business, and professional services, excluding junkyards, auto repair garages, etc. and other similar uses; and adult oriented entertainment activities, pawn shops, psychic and palm reading activities, and similar adult oriented services.
- 704.4. Public buildings and uses upon approval of the Sevierville Regional Planning Commission;
- 704.5. Semi-public uses upon approval of a site plan by the Planning Commission.
- 704.6. Signs as regulated under the sign provisions of this ordinance and parking lots or garages;
- 704.7. Lodges and clubs; hotels and motels, restaurants and similar services.

705. C-2 (Neighborhood Commercial) District. It is the intent to this district to establish commercial areas to serve surrounding residential districts. The regulations are intended to discourage strip commercial development and encourage grouping of uses in which parking and traffic congestion is reduced to a minimum. In order to maintain and enhance the characteristics of the community and achieve the intent of the C-2 Neighborhood Commercial District, site plans shall be required for all new construction. These plans shall include: the proposed location of all structures, off-street parking provisions, location of points of ingress and egress, location and size of proposed utilities, landscaping features, easements, and any other plans deemed pertinent. Prior to issuance of a building permit, the site plans shall be reviewed and approved by the Planning Commission to determine if they are in keeping with the comprehensive planning program of the City of Sevierville, Tennessee. In order to achieve the intent of this district, as shown on the Zoning Map of the City of Sevierville, Tennessee, the following uses are permitted:

- 705.1. Any use permitted in the R-3 Residential District;

- 705.2. Shopping centers provided that they shall conform to all requirements of the Planned Unit Development regulations;
- 705.3. Grocery stores, drug stores, hardware stores, shoe repair shops, barber and beauty shops, laundromat and laundry pick up stations, restaurants. and similar uses;
- 705.4. Signs;
- 705.5. Gasoline service stations provided that all structures and pump islands 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.

706. C-3 (Intermediate Commercial) District. It is the intent of this district to establish a commercial area that encourages compatible commercial uses. The regulations are intended to reduce traffic congestion and maintain the characteristics of the community. In order to achieve the intent of the C-3 Intermediate Commercial District, site plans shall include: the proposed location of all structures, off-street parking provisions, location of all points of ingress and egress, location and size of all utilities, landscaping features, easements, and any other plans deemed pertinent. Prior to issuance of the building permit, the site plans shall be reviewed and approved by the Planning Commission to determine if they are in keeping with the comprehensive planning program of the City of Sevierville, Tennessee. In order to achieve the intent of this district, as shown on the Zoning Map of the City of Sevierville, Tennessee, the following uses are permitted:

- 706.1. Any use permitted in the R-3 Residential District except mobile home parks;
- 706.2. Any use permitted in the C-1 and C-2 Districts;
- 706.3. Wholesale business, warehouses, storage yard and buildings and similar uses;
- 706.4. Auto and mobile home sales;
- 706.5. Auto repair garages and similar operations;
- 706.6. Hospitals upon approval of a site plan by the planning commission.
- 706.7. Funeral homes
- 706.8. Gasoline service stations provided that all structures 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. C-4 (Arterial Commercial) District. It is the general purpose and intent of this district to establish areas of commercial uses along major arterial streets and adjacent intersecting streets that encourage grouping of compatible commercial uses, reduce traffic congestion, and secure adequate light, air, and aesthetic qualities for residents of the city. In order to achieve the general purpose and intent of the district, site plans shall be required for all new developments or major redevelopment. For developments along certain major arterial streets as designated on the Zoning Map of the City of Sevierville, Tennessee, frontage or parallel access streets shall be required. Site plans shall comply with Site Plan Regulations established under Article IV, 411. Frontage or parallel street plans shall

comply with Frontage or Parallel Street Regulations established under Article IV, 412. Prior to the issuance of permits, these plans shall be approved by the Sevierville Planning Commission as consistent with this Ordinance and with the comprehensive planning program of the city. In order to achieve the general purpose and intent of this, district, as shown on the Zoning Map of the City of Sevierville, Tennessee, these provisions and the following uses are permitted:

- 707.1. Any business use permitted in the C-1 District;
- 707.2. Hotels and motels;
- 707.3. Auto and mobile home sales;
- 707.4. Places of amusement and assembly;
- 707.5. Funeral homes;
- 707.6. Public buildings upon approval by the Planning Commission;
- 707.7. Semi-public buildings and uses;
- 707.8. Lodges and clubs;
- 707.9. Wholesale business, warehouses, storage yards and buildings and similar uses;
- 707.10. Auto repair garages and similar operation;
- 707.11. Hospitals;
- 707.12. 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 not be less than fifteen (15) feet from intersection of street lines.
- 707.13. Sexually oriented businesses and commercial activities, tattoo businesses, and psychic and palm reading activities and similar adult oriented activities subject to the following conditions:
 - 707.13.1. The property line of these uses shall be a minimum of 1,000 feet from any school, church, public assembly facility, and/or residential zoning district;
 - 707.13.2. The maximum signage allowed for these uses shall be 20 square feet with no graphics or flashing lights.

708. M-1 (Industrial) District. It is the intent of this district to establish industrial areas along with open areas which will likely develop in a similar manner. The requirements established in the district regulations are designed to protect the essential characteristics, to promote and encourage industrial, wholesaling, and business uses and to discourage residential development. In order to achieve the intent of the M-1 (Industrial) District, as shown on the Zoning Map of the City of Sevierville, Tennessee, the following uses are permitted:

- 708.1. Any use permitted in business districts excluding residential;

- 708.2. Terminals;
- 708.3. Wholesale business;
- 708.4. Warehouses;
- 708.5. Storage yards and buildings and similar uses;
- 708.6. Any industry which does not cause injurious or obnoxious noise, fire hazards or other objectionable conditions as determined by the Planning Commission.
- 708.7. The Board of Zoning Appeals may grant a special exception to the building heights requirement for permitted uses with unique manufacturing processes requiring the use of a tower or exceptional height in a limited section of the plant facility. Before the special exception can be considered by the Board, the requester must obtain approval of the City Fire Chief and the Building Official for compliance with city codes.

709. FP-1 (Floodplain) District. The intent of the floodplain district is to require restrictions upon the use of lands which lie in floodways and flood-plains within the city and to meet federal regulations developed to implement the Flood Disaster Protection Act of 1973 as amended; thereby protecting persons, property, and the community from dangers arising from periodic flooding. The floodplain district is shown on flood boundary maps which are made a part of this ordinance. The floodplain district is an overlay district. In order to achieve the intent of this district, as shown on the Zoning Map of the City of Sevierville, Tennessee, the following regulations shall be required in addition or in lieu of the underlying district regulations:

- 709.1. Within designated floodways, no permanent structures shall be allowed:
- 709.2. Within flood fringe areas, uses permitted in the underlying zoning district shall be allowed subject to the conditions established in the regulations governing the National Flood Disaster Act of 1973, as amended to October, 1986, a copy of which is on file in the Building Official's office.

710. A-R (Agriculture-Residential District). It is the general purpose and intent of this district to establish regulations for fringe areas newly annexed to the city that are primarily agricultural lands which are not likely to redevelop for a number of years. This district assists in provision of open spaces associated with the character of the community.

- 710.1. Agriculture - general farming activities

711. C-5, (Tourist Commercial) District. It is the intent of this district to provide areas for large comprehensively designed mixed use developments for tourist-related uses and to further provide development regulations which recognize the unique impact and needs of such specialized mixed use developments.

- 711.1. Requirements for Rezoning Application. No previously developed area nor a presently undeveloped area shall be considered for rezoning to this designation until and unless the following conditions are met:
- 711.1.1. Minimum District Size. Twenty-five (25) acres. The applicant or city shall initiate annexation proceedings for any area intended to be included as part of a tourist commercial area developed under provisions of 711, with the effective date of C-5 zoning being coordinated with the effective date of annexation.
 - 711.1.2. Location and Configuration of District. The area proposed for rezoning shall have frontage on an arterial street. The primary entrance to the district shall be provided from such arterial street; except that, the primary entrance may be located upon a collector street upon a finding by the planning commission that such street is adequate to accommodate the amount and type of traffic expected. Secondary entrances to the district may be provided by a collector street so long as such street is deemed to be adequate to accommodate the amount and type of traffic expected to use such secondary entrances.
 - 711.1.3. Composition of Uses Within District. At least eighty (80) percent of a C-5 district shall be devoted to commercial, amusement, recreational, and residential uses primarily oriented toward attracting and housing tourists.
 - 711.1.4. Schedule for Development. A schedule outlining the anticipated dates on which various types of site improvements and establishment of uses are anticipated to occur shall be submitted with or included on the master plan (see 711.1.6) for the district.
 - 711.1.5. Signs. Major and minor project identification signs and internal project directional signs, along with signs related to individual uses within a C-5 district, shall be subject to the provisions of 409.3.8, and other applicable provisions of this ordinance. Except as modified by 409.3.8, all other provisions of 409 shall also apply in the C-5 district.
 - 711.1.6. Master Plan Requirements. In order for the planning commission to take action on an application for the creation of a C-5 district, a generalized master plan and schedule for development must be submitted which contains the items set out below. If the district is to be developed in phases, then such shall be indicated on the plan.
 - 711.1.6.1. Anticipated Uses. Indicate location of anticipated tourist-oriented and other uses (see, 711.2, Permitted Uses).
 - 711.1.6.2. Access, Parking, and Transportation Facilities. Indicate location and width of primary and secondary access points onto the existing public street system, location and width of proposed public streets and/or internal drives within the district, location of surface parking areas and/or parking garages with estimated number and type of parking spaces (passenger

vehicles, private tour buses, recreational vehicles, delivery vehicles), and the location of transit stops for vehicles such as trolleys and buses.

711.1.6.3. Sign Locations. The locations of major and minor project identification signs and internal project directional signs shall be shown on the master plan.

711.1.6.4. Traffic Impact Study. A traffic impact study shall be prepared by an engineer licensed to practice in the state. Such plan shall include analysis of traffic generation and impact upon the existing public street system from the initial through final development phase.

711.1.7. Consideration of Rezoning Application. Upon approval of the master plan, the planning commission will certify its recommendation to the Board of Mayor and Aldermen regarding rezoning of the subject site to C-5. In the event that a C-5 district created pursuant to Section 711 does not develop in accordance with the master plan and the intent of this district, the planning commission may review the continued appropriateness of such district and may propose all or part of such district be rezoned to another commercial zoning classification.

711.2. Permitted Uses. Permitted uses in the C-5 district shall generally be developed in the sequence set out in the master plan. Site plans for individual structures and/or use within the district shall be prepared in accordance with Section 411 of this ordinance. Additions or changes to structures, parking areas, and/or access points onto public streets shall also require submittal of a site plan. However, upon a finding by the appropriate officials of the Planning and Development, Codes Enforcement, and Engineering Departments that a proposed addition or change is minor, and will not significantly impact the public street or infrastructure system, then such site plan maybe reviewed and approved by city staff. In order to meet the intent of this district, the following uses are permitted:

711.2.1. Single family, duplex, and multi-family dwellings. Maximum allowable density shall be twenty-one (21) dwelling units per acre.

711.2.2. Hotels, motels, inns, lodges, and bed and breakfast inns.

711.2.3. Recreational vehicle parks.

711.2.4. Restaurants

711.2.5. Shops, stores, and shopping centers conducting retail business; except that, sexually oriented businesses and similar commercial activities shall not be permitted.

711.2.6. Personal, business, and professional services; except that junkyards, auto repair garages, and similar uses, adult/sexually oriented

entertainment activities, pawn shops, psychic and palm reading activities, and similar adult oriented services shall not be permitted.

711.2.7. Entertainment, amusement, sports, meeting and events facilities; except that adult/sexually oriented entertainment activities, and similar adult oriented services shall not be permitted.

711.2.8. Semi-public uses, such as places of worship, and similar areas generally open to the public and operated as a nonprofit endeavor.

711.2.9. Public uses. Site plan review for public uses shall be as provided for in 13-4-104, Tennessee Code Annotated.

712. HRO (Historic Residential/Office) District. It is the purpose and intent of this district to protect and strengthen historic residential neighborhoods, foster civic beauty, strengthen the local economy, and promote the preservation of historic structures and sites for the present and future citizens of the City of Sevierville. To this end, this district provides for the regulation of exterior design, use of materials, and arrangement of principal and accessory uses and structures on sites within this district in a manner which will preserve the residential and historic character of this district whenever residential structures are proposed for adaptation to another principal use. It is also the intent of this district to assure that the construction of new structures for multi-family residential and nonresidential uses have an external appearance compatible with the general character of residential structures within the district listed as “contributing structures” to the Thomas Addition Historic District, as has been designated by the National Register of Historic Places. Further, it is the intent of this district to preserve tree cover. Therefore, no residential or nonresidential structure shall be demolished nor any site clearing or grading occur without first obtaining a demolition permit from the Codes Enforcement Director and/or a land disturbance permit (clearing and/or grading permit) from the City Engineer. If the demolition or land disturbance is for the purpose of preparing a site for construction of a multi-family or nonresidential use, then a plan showing the location of all trees having a caliper of two (2) inches or more at six (6) inches above existing grade shall be submitted with the application for a demolition or land disturbance permit. No trees of such description shall be removed during demolition or clearing and/or grading unless a tree replacement plan meeting the requirements of 712.2.4 has been submitted to the Planning Department for presentation to the planning commission. In order to achieve the purpose and intent of the HRO (Historic Residential/Office District) as shown on the Zoning Map of the City of Sevierville, Tennessee, the following uses are permitted:

712.1. Permitted Uses. Nonresidential uses allowed in this district are those considered as having limited impact upon residential uses so long as such uses are developed, operate, and continue to operate through time in such a manner that any residence located adjacent to or across the street from such uses can continue to be enjoyed as a place of residence. No permitted use in this district may have a drive-through or drop-off area, which is accessible to customers or the general public after the close of the business day and/or on weekends, nor shall any unattended free-standing use, such as an automated teller machine be established, which is accessible to customers or the general public after the close of the business day and/or on weekends. To assure permitted uses are developed in accordance with the intent of this district, the establishment of new multi-family and nonresidential uses or the expansion of, or other change to, multi-family and nonresidential uses which affect the site (change in parking, access, or storm water management system) shall require

submittal of a site plan prepared in accordance with Sections 411, 712, and other applicable provisions of this ordinance.

712.1.1. Single family residences.

712.1.2. Two-family residences (duplexes).

712.1.3. Multi-family residences, except that, structures converted to or constructed for multi-family use for five (5) or more dwelling units, or additions to existing multi-family residences which would result in five (5) or more dwelling units, shall be located on collector or arterial streets, only.

712.1.4. Customary home occupations, subordinate to the use of a dwelling unit as a residence where no more than thirty (30) percent of the total floor area of the dwelling unit is used for the occupation, and where no more than two (2) persons not a resident of the dwelling unit are employed. One (1) nonilluminated announcement sign, not exceeding two (2) square feet in area, is permitted for a home occupation.

712.1.5. Professional Offices. For the purposes of this district, a professional office shall be considered as an office for professions which conduct business at a scale and in a manner compatible with residential use, and which does not primarily serve as a location for the receipt, sale, delivery, or transfer of goods to customers. Professional offices generally see clients by appointment during the hours of 8:00 a.m. and 5:00 p.m., Monday-Friday. Attorneys, engineers, architects, psychological counselors, and similar professions generally conduct business at an office. Due to parking requirements for medical offices being greater than those for general office uses, as provided for in Section 402 of this ordinance, except for structures presently used by medical professionals for examining and/or treating patients with a physical acute illness and/or chronic physical disease or condition, no existing or future structures in this district shall be used for medical practices of doctors, nurse practitioners, or similar medical professions providing examination or treatment for patients with acute illness and/or chronic physical disease or condition, including those providing veterinary care.

712.1.6. Bed and breakfast homestays, having three (3) or fewer guestrooms, the owner of which resides therein, where overnight lodging and breakfast is provided to tourists. For the purposes of this ordinance, a bed and breakfast homestay shall not be considered as a boarding or rooming house.

712.1.7. Day care centers on collector or arterial street, only.

712.1.8. Visual artist and/or craftsperson studios. Use of machines, hand tools, and similar equipment shall be operated in compliance with applicable provisions of Title 11, Chapter 3 (Offenses Against the Peace and Quiet) of the Sevierville Municipal Code. Related activities, such as art instruction and limited accessory retail sales by appointment, may be conducted so long as the intent of the district can be maintained.

712.1.9. Musical instruction, such as that for vocal and piano students, generally provided to one (1) student at a time. More than one (1) instructor may provide instruction at a location at the same time, so long as such instruction can be provided so that it is in compliance with Title 11, Chapter 3 (Offenses Against the Peace and Quiet) of the Sevierville Municipal Code, except that,

dance studios and schools, and, studios and schools for other musical and performing arts serving multiple students at one time and/or which generally conduct evening and weekend classes, shall not be permitted.

712.1.10. Hair salons on collector or arterial streets, only. This use may also include limited accessory retail sales of products to clients.

712.1.11. Places of worship on collector or arterial streets, only.

712.1.12. Public governmental and/or utility uses.

712.1.13. Customary accessory buildings, provided such buildings are located in the rear yard, are no closer than five (5) feet from all property lines, do not exceed one (1) story in height, and occupy no more than twenty (20) percent of the rear yard.

712.2. Site plan requirements. Prior to initiating any modifications to any site, including conversion of a residential structure to a nonresidential use, the demolition of a residential or nonresidential structure for the purpose of preparing a site for new construction, and/or the preparation of a vacant lot for new construction (except a site to be used for the placement of one (1) single-family residence or one (1) duplex), a site plan prepared in accordance with Sections 411, 712.2.1-712.2.8 below, and other applicable provisions of this ordinance, shall be reviewed by the Citizens Advisory Committee for the HRO District (HRO Committee) prior to its presentation to the Sevierville Planning Commission for action.

712.2.1. Applicant, or representative of applicant, to be present. The applicant, or a representative thereof, shall be present at the HRO Committee meeting at which a site plan is reviewed by that body.

712.2.2. Exterior appearance of structures.

712.2.2.1. Existing structures. Exterior modification shall in no way compromise the historical residential character of such structure nor the district as a whole. New additions to structures, such as outside stairways, handicapped entrances, or building additions, shall be designed and constructed of materials in keeping with the historical residential scale and character of the structure. The site plan shall contain a note describing the general nature of proposed exterior modifications. Structures in the HRO District designated as “contributing structures” to the Thomas Addition Historic District (as listed on the National Register of Historic Places), and other structures built before 1936, which are rehabilitated in accordance with federal guidelines and used for income-producing purposes, may be eligible for federal tax benefits. Persons wishing to consider this option should consult an architect or other specialist in this field prior to initiating modifications to such a structure.

712.2.2.2. New Structures. The exterior appearance of new multi-family and non-residential structures shall be of a scale and character compatible with the general character of residential structures in the HRO district. Those structures in the HRO District designated as “contributing structures” to the Thomas Addition Historic District provide examples of building design appropriate for this district. An elevation drawing

of any façade which can be easily viewed from a public street shall be submitted with the site plan.

712.2.3. Stormwater Management. The site plan shall address the manner in which stormwater will be managed. If the City Engineer determines planned site improvements will significantly increase the amount and/or direction of flow of stormwater from the site, he may require such information and improvements as he deems necessary to insure the intent of the city's stormwater management ordinance is maintained.

712.2.4. Preservation and Replacement of Trees. While applicants are expected to preserve existing trees, the HRO Committee may approve the removal of trees as part of the review of a site plan when it is determined not feasible to retain a tree and meet the requirements of this and other sections of this ordinance related to parking, access, and other required site improvements. The location of any tree proposed for removal which has a caliper of two (2) inches or more at six (6) inches above existing grade shall be shown on the site plan. Whenever a tree of a caliper of two (2) inches or more at six (6) inches above existing grade is approved for removal, one (1) tree of at least two (2) inches in caliper at six (6) inches above finished grade shall be installed on some portion of the site for each such tree being removed. The location of replacement trees shall be shown on the site plan. Where installation of replacement trees on site is not feasible due to location of sidewalks and other paved areas, overhead and underground utilities, and the like, the applicant shall be permitted to install shrubs at a ratio of at least three (3) shrubs for each tree removed. The location, type, and size of such shrubs shall be indicated on the site plan and shall be required in addition to any shrubs installed as part of the parking lot buffer required by 712.2.5.2.iii.

712.2.5. Off-street parking.

712.2.5.1. Number of spaces. The minimum number of off-street parking spaces required for the proposed use shall be as provided for in Section 402 of this ordinance, except that no nonresidential use shall have less than four (4) spaces. Existing garages and carports may be counted toward meeting the minimum parking standard. However, the loss of parking spaces through the future conversion of any such structure to a use other than parking, shall require the provision of spaces to replace those lost. Where a lot on which a structure 1,500 square feet or greater in size is converted or constructed on a lot adjoining a street on which on-street parking is prohibited, one (1) additional off-street parking space above the minimum number normally required shall be provided. At least one (1) space shall be provided for use by handicapped persons. Such space shall be conveniently located to an entrance accessible to handicapped persons. Where possible, modifications required to provide a building entrance accessible to handicapped persons shall be located at the rear or side of a building and be of a design in keeping with the character of the structure.

712.2.5.2. Design and construction of driveways and parking lots.

i. Location and access. Parking shall be permitted only in rear or side yards. Where site conditions allow, driveways shall be located and be of a width as provided for in applicable provisions of Section 405 of this ordinance. The planning commission may approve driveways at a location and/or of a width different than that provided for in Section 405 upon a finding that mature

trees, historic structures, and/or residential character and scale of the HRO district can be more fully preserved by allowing driveways to vary in width or location.

ii. Surface construction. Within this district, it is preferred that driveways and parking areas be constructed of a pre-engineered pervious block system or a porous pavement material, except that, driveways which lie closer than five (5) feet to a side or rear lot line of an adjoining lot shall be constructed of a pre-engineered pervious block system or porous pavement system in a manner acceptable to the City Engineer. Driveways and parking lots constructed of asphalt or concrete shall be constructed in accordance with standards established by the Department of Engineering.

iii. Visual screening. Off-street parking areas shall be provided with a visual buffer from contiguous properties, including public streets where parking lots are visible from a public street. Buffers may be composed of evergreen landscape materials, a combination of evergreen and deciduous landscape materials, fencing, berms, or a combination of such materials, so that a year round screen which is at least eighty (80) percent opaque is achieved. Where a parking area abuts or is directly across the street from an existing single family, two-family, or multi-family use, such buffer shall be at least six (6) feet in height from the finished grade of the parking area; except that, such buffer may be reduced in height to a height no lower than three (3) feet upon written request of the adjoining property owner presented at the time the site plan is submitted for review by the HRO Committee. Whenever a nonresidential use is proposed which adjoins another nonresidential use, a buffer of the nature described above shall be installed and may be less than six (6) feet in height, but no less than three (3) feet in height. The site plan shall include details regarding the buffer including type, container size, or caliper of landscape materials, and/or fencing materials. In no case, however, shall a chain link fence be installed as part of any buffer, regardless of whether it is colored or includes privacy slats. An existing chain link fence can remain along a property boundary, but landscape materials shall be installed along such fence to provide a visual buffer, as set out in this section.

712.2.6. Site lighting. An exterior lighting plan shall be submitted on or with the site plan showing the location and type of all existing and proposed lighting fixtures, whether attached to a structure or freestanding. The number and intensity of exterior lights shall be restricted to a type and be of an intensity of light customarily found in residential settings. Examples of lighting not considered as residential in nature include standard wooden utility poles with mercury vapor fixtures of more than 100 watts (security lights as might be found in commercial or rural areas) and similar mercury vapor and high pressure sodium fixtures of more than 100 watts. All pole lights and lights attached to structures shall be of a design that directs light only downward to the site, or toward a structure on the site, and not toward adjoining properties, including a public street. (See Section 712.3.7 below regarding prohibition of illumination for signs).

712.2.7. Solid waste collection. The manner in which solid waste collection is to be provided must be indicated on the site plan. Most uses permitted in the district can be

adequately served by city rolling cans placed at the curb for collection. Dumpster use may be considered for certain types of uses, such as apartments, churches, and the like, but in such instances adequate area must be available to permit the dumpster to be serviced by a solid waste truck. Any portions of an off-street parking area upon which a solid waste vehicle will operate must be constructed to the city's heavy-duty pavement standard.

712.2.8. Signs. Each multi-family residential or nonresidential use may have one (1) pole or monument sign and one (1) wall sign attached to the principal building. No part of a pole or monument sign shall exceed four (4) feet in height above the surrounding average finished grade. Pole or monument signs may be double-faced, but no single face of a sign shall exceed sixteen (16) square feet in area. Wall signs shall not exceed two (2) square feet in area. No sign of any type located within this district shall be illuminated. In instances in which it is determined necessary to provide on-premise directional signs for the purpose of safely directing traffic onto and from the site, up to two (2) additional one (1) square foot signs may be permitted. Except as noted herein, all other applicable provisions relating to signs in this ordinance shall apply to signs located within this district.

713. V-1 Visitor Accommodation District.

It is the intent of this district to provide a range of uses to satisfy visitor or tourist needs for accommodations, while also allowing residential living units meant for longer stays. For the purposes of the regulations governing the district, the term "accommodation unit" shall refer to: a single dwelling unit (detached, or, a unit in a duplex, apartment, or condominium); a single room for temporary occupancy in a hotel, motel, or bed and breakfast inn; or, a recreational vehicle pad within a recreational vehicle park, all of which are primarily intended for overnight rental, short-term rental, or seasonal use by persons who are not residents of the city. This district provides for the development of visitor accommodations and resorts containing one of all of these types of accommodation units and supporting uses for visitors to the city desirous of such accommodations. An "accommodation unit" refers to a single dwelling unit or single room for occupancy. In order to achieve the intent of the V-1, Visitor Accommodation District, as shown on the Zoning Map of the City of Sevierville, Tennessee, the following regulations are established.

713.1. Conditions for Establishment of the District

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

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

713.1.3. Prior to approval of an area for V-1 zoning, adequate public utilities shall be available to that area, including water for fire protection and potable use, sanitary sewer, and electrical power.

713.1.4. The V-1 district is not appropriate for placement within residential subdivisions zoned R-1 or R-2, where single family housing predominates. It is rather intended for areas where high density residential uses occur, where commercial uses are present or envisioned, or where relatively undeveloped areas allow substantial space for resort or vacation oriented environments.

713.1.5. A conceptual or master plan shall be submitted to the planning commission for approval when the commission considers a request for V-1 zoning. The plan shall indicate property boundaries, general building locations, access points, adjacent right of ways, parking areas and drives, number of units, accessory uses, amenities, and any other information deemed crucial by the commission. Acceptance of a suitable conceptual plan shall be a necessary condition for zoning approval.

713.1. The following principal uses are permitted in the V-1 District.

713.2.1. Duplexes

713.2.2. Multiple-family dwellings, condominiums, and townhouses, including those designated as “time-share” or rental units.

713.2.3. Bed and Breakfasts

713.2.4. Hotels and motels

713.2.5. Single-family detached dwellings.

713.2.6. Recreational vehicle parks, and, recreational vehicle storage areas used for the purpose of temporary storage or recreational vehicles during the period of time that visitors conveying such vehicles to the development occupy accommodations within the confines of said development; provided that, no more than fifty (50) percent of the development site is occupied by such use(s).

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

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

- 713.5. Visitor accommodation developments shall have building setbacks of at least twenty-five (25) feet from their exterior property lines, and buildings shall be located at least twenty (20) feet apart. However, the adopted building code of the City of Sevierville may require more than the minimal distance of building separation for certain types of buildings. The stricter requirement shall govern with regard to the distance of building separation. Recreational vehicle parks or recreational vehicle parking areas shall be setback from exterior property boundaries at least twenty-five (25) feet. Recreational vehicle pads used for overnight stays shall be located so that no recreational vehicle pad is closer than twenty (20) feet to any other recreational vehicle pad on any boundary (front, side, or rear) of such pad.
- 713.6. Any visitor accommodation development exceeding two hundred (200) accommodation units shall be required to submit a traffic impact study, conducted by a Professional Engineer (P.E.) prior to site plan approval by the planning commission. Such a study shall consider projected traffic volumes on existing or proposed streets and roads providing access to a visitor accommodation development, and the capacities of those thoroughfares to convey the volumes adequately. The result of the traffic impact study shall be one of the factors evaluated by the planning commission regarding site plan approval.
- 713.7. A detailed site plan shall be submitted to the planning commission for any visitor accommodation development proposed in an established V-1 district, regardless of the particular types of permitted accommodation units anticipated for the development. The plan shall meet the regulations of Section 411, as found in the Zoning Ordinance for the City of Sevierville, Tennessee.
- 713.8. A minimum of 20% of every visitor accommodation development shall be devoted to open space and planted with vegetation. Such open space may be used also to satisfy landscape requirements as set forth in Section 411, and may provide areas for recreational uses utilizing landscaped surfaces (trails, playing fields, etc.). Where a recreational vehicle park or recreational vehicle parking area abuts a public street which also abuts a district zoned primarily for residential use (R-1, R-2, R-3), the landscape buffer shall be designed of plant materials, fencing, and/or berming so that a screen of at least six (6) feet in height that is at least eighty (80) percent opaque at any time during the year shall be provided.
- 713.9. Each visitor accommodation development may have one primary identification sign not exceeding one hundred (100) square feet, and accessory uses may be listed on such a sign. However, if the development abuts a street or road with four travel lanes, a median, and a speed limit of forty-five (45) miles per hour, then up to one hundred and fifty (150) square feet shall be allowed for a primary identification sign. Where restaurants, conference centers, game or exercise facilities are located in separate structures from accommodation units, then individual signs of twenty-five (25) square feet may be installed to identify those structures.
714. II-1 (Interstate Impact Overlay) District. The II-1 district is an overlay district the provisions of which are designed to recognize the unique circumstances created at the points at which local, state, and federal

streets and highways intersect with the federal Interstate system of highways. The intent of this district is to provide for the placement of on-premises business signs, appropriated in size and scale to their setting, for the purpose of attracting high speed Interstate travelers to exit the Interstate. Except as may be altered by the provisions of 713, all other provisions of this ordinance relating to allowable uses within the underlying zoning district, all other applicable provisions of 409, Signs, and all other applicable provisions of this ordinance shall apply.

714.1 Signs. Except as set out below, all signs located within the II-1 district shall meet applicable provisions of 409 ordinance.

714.1.1. Ground Signs.

714.1.1.1. Interstate Monopole Signs. Individual parcels, any portions of which are located within the II-1 district, may have one (1), and only one (1), on-premises business Interstate monopole sign; provided however, that the Interstate monopole sign must be located on that portion of the parcel lying within the II-1 district. No more than one (1) double-faced sign may be placed upon any monopole structure. The faces of a double-faced Interstate monopole sign shall be arranged so that such faces are separated no more than thirty (30) degrees. No part of an Interstate monopole sign, including the sign face, shall be located any closer than ten (10) feet to any property line. The bottom of the sign face, and any other portion of the sign attached thereto shall be at least seventy-five (75) feet above the finished grade. The top of the sign face, and any other portion of the sign attached thereto, shall not exceed one hundred (100) feet in height above the finished grade; except that, signs installed within fifty (50) feet of the Interstate right-of-way may exceed one hundred (100) feet in height above the finished grade where the finished grade lies below the elevation of the paved portion of the Interstate right-of-way (including paved shoulder areas) in closest proximity to such sign; in no instance, however, shall the top of such sign face, and any other portion of the sign attached thereto, exceed one hundred (100) feet in height above the edge of the paved portion of the Interstate right-of-way (including any paved shoulder areas) in closest proximity to such sign. Prior to the installation of an Interstate monopole sign, the Building Official shall be supplied with all information necessary for him to make a determination as to whether or not the sign will meet the provisions of 713 and other applicable provisions of this ordinance. Such information shall include a drawing indicating the measurements of all portions of the sign, height of the bottom of the sign face and the top of the sign face above the finished grade, or, for Interstate monopole signs within fifty (50) feet of the Interstate right-of-way, the height above the edge of the paved portion of the Interstate right-of-way in closest proximity to the sign (including paved shoulder areas.) A survey prepared by a licensed surveyor shall be submitted showing the proposed location of the sign on the site. The surveyed location may be included on a site plan or PUD plan, as may be required by other sections of this ordinance, or, may be a separate

survey. Within ten (10) days following installation of an Interstate monopole sign, the property owner shall submit a certified survey to the Building Official showing the precise height of the sign above the finished grade or the edge of the Interstate right-of-way in closest proximity to such sign, whichever may be applicable. The maximum square footage of sign area visible from any side of an Interstate monopole sign shall not exceed two hundred and fifty (250) square feet in area. No portion of an Interstate monopole sign shall include a changeable sign, as defined in ARTICLE III; and further, shall be prohibited from including any parts which create or include action or motion, or contain flashing lights or bulbs, or contain intermittent lighting. Interstate monopole signs shall be permitted only within the II-1 district.

714.1.1.2 Other Freestanding Ground Signs. Any parcel (*as opposed to a use*), any portion of which, lies within the II-1 district on which an Interstate monopole sign is located may have one (1), and only one (1), other ground sign within the boundary of such parcel. If there is any type of nonconforming sign on a parcel upon which an Interstate monopole sign is proposed to be located, such sign shall be brought into conformance with applicable provisions of 409 on or before the date on which a permit is issued for a monopole Interstate sign. Within the II-1 district, the provisions of 409.3.2.2 shall not apply regarding allowable alteration of sign size by the Building Official.

714.1.2. Additional Permitted Signs. Each use located on any portion of a parcel on which an Interstate monopole sign is located whether such lies within or outside of the II-1 district, may have one (1) sign, either a wall or roof sign, the location, size, and height of which shall be governed by applicable provisions of 409.1 and the underlying zoning district.

ARTICLE VIII
AREA YARD AND HEIGHT REQUIREMENTS

Minimum Lot Size in Square Feet.

<u>District</u>	<u>Area in Square Feet</u>	<u>Area Per Additional Units</u>	<u>Lot Width in Feet**</u>
R-1	10,000	10,000	80'
R-2	8,000	16,000-duplex 8 units per acre	70'
R-3	7,000	14,000-duplex 21 units per acre	40'
C-1*	N/A	N/A	N/A
C-2*	N/A	N/A	N/A
C-3	N/A	N/A	N/A
C-4*	N/A	N/A	149'***
C-5	25 acres*****	N/A	N/A
M-1	N/A	N/A	N/A
A-R	15,000	15,000	80'
HRO	8,000	16,000-duplex 8 units per acre	70'
V-1	N/A	N/A	N/A

* Planned Unit Development requirements shall govern all shopping centers.

** Except on a cul-de-sac.

*** Except that land tracts three hundred (300) feet or more may have minimum lot widths of seventy five (75) feet, provided; (1) a frontage access street is constructed to City specifications (2) the street is approved by the Planning Commission and accepted by the City.

***** Twenty-five (25) acres shall be required to create a C-5 zone (see provisions of Section 711). There is no minimum lot size prescribed for individual development sites within a C-5 zone.

Minimum Yard Requirements

<u>District</u>	<u>Setbacks From Property Lines</u>			<u>Max. Height of Structure*****</u>
	<u>Front</u>	<u>Each Side</u>	<u>Rear</u>	
R-1	30'	15'	30'	35'
R-2	30'	8' per story	25'	35'
R-3	30'	8' per story	25'	35'
C-1	N/A	N/A	N/A	64'****
	30'	30'	30'	80'*****
C-2	30'	10'	25'	35'
C-3*	20'	1-4 stories 10' each side	25'	64'****
		5-6 stories 15' each side		
C-4**	30'	1-4 stories 10' each side	25'	64'****
		5 stories 20' each side		
		6 stories 30' each side		
C-5	(minimum setbacks from lot lines are dependent upon height of the structure, as follows)^			
	30'	10'^^	25'	up to 64'+
	30'	30'	30'	>64' up to 80'+
	30'^^^	30'^^^	30'^^^	>80' up to 110'+
M-1	30'	20'	25'	44'*****
A-R	30'	15'	30'	35'
V-1	Buildings 25 feet from exterior property lines of the development, and at least 20 feet apart			64'****
HRO	30'	8' per story	25'	35'

- * On 5 & 6 story buildings, setbacks may shift side yard requirements to 10/30 feet.
Buildings of 6 stories may shift side yard requirements to 20/40/feet.
- ** On 5 story buildings setbacks may shift side yard requirements to 10/30 feet. Buildings of 6
- *** Maximum floor level is 44 feet. For structures other than buildings, the maximum height shall be forty-four (44) feet.
- **** Maximum floor level is 32 feet
- ***** Maximum floor level is 44 feet. Maximum height shall be 64 feet for the following building elements: highest surface of vertical wall, top of a parapet, and the highest point of a flat roof. Maximum height shall not exceed 80 feet for the highest ridge or peak of a sloped roof, and no sloped roof shall exceed a pitch of 8/12. Any building exceeding 64 feet in height shall have a setback of 30 feet from front, rear, and side property lines, other than for those exceptions stated in Section 905 of the Zoning Ordinance of Sevierville, Tennessee. In no case shall any part of a building exceed 80 feet, other than for those exceptions stated in Section 905. Height of signs in the II-1 district shall be governed by the provisions of 713 of this ordinance.
- ^ Where multiple buildings are located on one parcel as a unified development, or, where unconventional arrangement of subdivided lots is proposed, the planning commission may allow or require the application of PUD standards, as set out in 407.
- ^^ except that, no structure shall be located closer than 25' to the boundary of a zoning district other than C-5
- ^^^ plus, 1' for each foot above 80'
- + For structures other than buildings, the maximum height shall be forty-four (44) feet, except as provided in Section 905 of this zoning ordinance

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 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 or minimum permitted size and the lot or lots in one ownership shall be subjected 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 cases, the minimum front yard shall be the average of the existing front yard depths on the developed lots.
904. Group Housing Projects. In the case of a group housing project or two or more buildings to be constructed on a plot of ground of at least one acre not subdivided into the customary streets and lots and which will not be so subdivided or where the existing or contemplated street and lot layout make it impracticable to apply the requirements of this ordinance to the individual building units in such housing projects, a special exception to the terms of this ordinance may be made by the Board of Zoning Appeals in a manner that will be in harmony with the character of the neighborhood, will insure substantially the same character of occupancy and an intensity of land use no higher and a standard of open space no lower than that permitted by this ordinance in the district in which the project is to be located. However, in no case shall the Board of Zoning Appeals authorize a use prohibited in the district in which the project is located or a smaller lot area per family than the minimum required in such district, or a greater height or a larger coverage than the requirements of this ordinance permit in such a district.
905. Exception on Height Limits. The height limitations of this ordinance shall not apply to the following:
- 905.1. Church spires, belfries, cupolas, and domes, theater fly lofts, and similar building features not intended for human occupancy.
- 905.2. Monuments, water towers, observation towers, transmission towers, windmills, derricks, and conveyors.

905.3. Flag poles, chimneys, masts, aerials, and similar uses which are located on building roofs.

906. Replacement of Existing Mobile Homes. The owner of an existing mobile home may, upon approval of the Board of Zoning Appeals, immediately replace same with a mobile home of greater value, if deemed necessary for reasons of health, safety, or improvement of living conditions; and provided that same is located upon the same site of the replaced mobile home. This provision applies to owner occupancy only.

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. Application for a building permit shall be made to the Building Inspector.
1003. Issuance of Building Permit. In applying to the Building Inspector for a building permit, the applicant shall submit a dimensioned sketch or scale plan indicating the shape, size, height, and location of all buildings to be erected, altered or moved, and of any building already on the lot. He shall also state the existing and intended use of all such buildings and supply such other information as may be required by the Building Inspector for determining whether the provisions of this ordinance are being observed. If the proposed excavation or construction as set forth in the application are in conformity with the provisions of this ordinance, the 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. If such a certificate is refused, the Building Inspector shall state such refusal in writing with the cause. No land or building hereafter erected or altered in its use, shall be used until such a certificate of occupancy has been granted.
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 or land is used in violation of this ordinance, the Building Inspector or any other appropriate authority or any adjacent or neighboring property owner who could be damaged by such violation, in addition to other remedies may institute 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. A Board of Zoning Appeals is hereby established in accordance with Section 13-7-205, Tennessee Code Annotated, Volume 3, same being Section 5, Chapter 44 of Public Acts of Tennessee of 1935. The Sevierville Regional Planning Commission is hereby designated as the Board of Zoning Appeals and the terms of the members of the Board of Zoning Appeals shall be concurrent with the terms of the members of the Sevierville Regional Planning Commission.
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 witness. All meetings of the board shall be open to the public. The board shall keep minutes of its proceedings, showing the vote of each member upon each question, or, if absent or failing to vote, indicating such fact; shall take all evidence necessary to justify or explain its action, and shall keep records of its examinations and of other official action, all of which shall be immediately filed in the office of the board and shall be a public record.
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 or bureau affected by any decision of the Building Inspector based in the whole or part on provisions of this ordinance. Such 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 appealed was taken. The board shall fix a reasonable time for the hearing of the appeal, give public notice thereof, as well as due notice to the parties in interest, and decide the same within a reasonable time. Upon hearing, any party may appear in person or by agent or attorney.
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, or requirement, 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 reason of exceptional narrowness, shallowness or shape of a specific piece of property at the time of the adoption of this ordinance was a lot of record; or where by reason of exceptional topographical conditions or other

extraordinary or exceptional situations or conditions of a piece of property, the strict application of the provisions of this ordinance would result in exceptional practical difficulties to or exceptional and undue hardship upon the owner of such property, provided that such relief may be granted without substantial detriment to the public good and without substantially impairing the intent and purpose of this ordinance. In granting a variance, the board may attach thereto such conditions regarding the location, character and other features of the proposed building, structure or use as it may deem advisable in furtherance of the purpose of this ordinance. Before any variance is granted it shall be shown that special circumstances are attached to the property which do not generally apply to other property in the neighborhood.

1105. Action of the Board of Zoning Appeals. In exercising the aforementioned powers, the Board of Zoning Appeals may, in conformity with the provisions of this ordinance, reverse or affirm, wholly or partly, or may modify the order, requirement, decision or determination appealed from, and to that end shall have all powers of the 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 city board may introduce such amendment, or any official, board, or any other person may present a petition to the Board of Mayor and Aldermen requesting an amendment or amendments to this ordinance.
1202. Approval by Planning Commission. No such amendment shall become effective unless the same be first submitted for approval, disapproval or suggestions to the Planning Commission. If the planning commission within thirty (30) days disapproves after such submission, it shall require the favorable vote of a majority of the entire membership of the city board to become effective. If the Planning Commission neither approves nor disapproves such proposed amendment within forty-five (45) days after such submission, the action of such amendment by said board shall be deemed favorable
1203. Introduction of Amendment. Upon the introduction of an amendment of this ordinance or upon the receipt of a petition to amend this ordinance, the Board of Mayor and Aldermen shall publish a notice of such request for an amendment, together with the notice of time set for hearing by the Board of Mayor and Aldermen of the request change. Said notice shall be published in some newspaper of general circulation in the City of Sevierville, Tennessee. Said hearing by the Board of Mayor and Aldermen shall take place not sooner than fifteen (15) days after the date of publication of such notice.
1204. Notification Regarding Proposed Amendment to the Zoning Map. In addition to the publication of notice of public hearing regarding a proposed amendment to the zoning map in a newspaper of general circulation, as required by 13-7-203, Tennessee Code Annotated, and as provided for in Section 1203, additional measures will be taken to notify neighboring property owners of such proposed amendment by the following means:
- 1204.1 Whenever rezoning of property is proposed by any party, the city will mail notices to property owners within two hundred (200) feet of such property no less than seven (7) days prior to the planning commission meeting at which it is scheduled for consideration for review and recommendation. The notice shall contain the following information: location of the property, present zoning classification, proposed zoning classification, proposed use of the property, party requesting the rezoning, and date, time, and location of the planning commission meeting at which such request will be considered.
- 1204.2 Although it is the general practice of the Board of Mayor and Aldermen not to consider a request for an amendment to the zoning map which has not received a favorable recommendation from the planning commission, any party shall have the right to request the Board of Mayor and Aldermen consider

any such proposed amendment. For any proposed amendment which proceeds to the Board of Mayor and Aldermen for consideration, the Director of Codes Enforcement shall cause a sign to be placed upon the property proposed for rezoning no less than five (5) days prior to the second reading of such ordinance before the Board of Mayor and Aldermen. Such sign shall provide information regarding the proposed request, including the present and proposed zoning classification and the dates and location of the second and third reading of the ordinance before the Board of Mayor and Aldermen.

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 City of Sevierville, the most restrictive shall in all cases apply.
1302. 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.
1303. Effective Date. This ordinance shall take effect and be in force from and after its passage, the public welfare requiring it.