

# ZONING ORDINANCE



The Peaceful Side of the Smokies

**TOWNSEND ZONING ORDINANCE**

**TOWNSEND, TENNESSEE**

*Re-Printed O C T O B E R  
2023*



**TOWNSEND ZONING ORDINANCE**  
**TOWNSEND, TENNESSEE**

**PREPARED FOR**  
**Townsend Municipal Planning Commission**

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**EAST TENNESSEE DEVELOPMENT DISTRICT**  
**Planning Advisory Services**  
**Alcoa, Tennessee 37701**

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**Reprinted with Amendments Through September 2023**



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## CHAPTER 2

### ZONING - TITLE, PURPOSE AND DEFINITIONS

#### SECTION

##### **8-201. Zoning Code and Zoning Map**

##### **8-202. Purpose of Zoning Code**

##### **8-203. Definitions**

**8-201. Zoning Code and Zoning Map.** Chapters 2-10, inclusive of Title 8, herein shall be known as "The Zoning Code of the City of Townsend," and referred to hereinafter as the "zoning code" and the map titled "Zoning Map of the City of Townsend, Tennessee" dated September 17, 1993, as amended, and referred to hereinafter as the "zoning map," and all explanatory material thereon is hereby made a part of the zoning code.

**8-202. Purpose of Zoning Code.** The zoning regulations and districts as herein set forth have been made in accordance with a comprehensive plan for the purpose of promoting the public health, safety, morals, convenience, order, prosperity, and general welfare of the community. They have been designed to lessen congestion in the streets, to secure safety from fires, floods, panic, and other dangers, to provide adequate light and air, to prevent the overcrowding of land, to avoid undue concentration of population, to facilitate the adequate provision of transportation, water, sewerage, schools, parks and other public requirements. They have been made with reasonable consideration among other things, as to the character of each district, and its peculiar uses and with a view of conserving the value of buildings and encouraging the most appropriate use of land throughout the city.

**8-203. Definitions.** For the purpose of this zoning code and in order to carry out the provisions and intentions as set forth herein, certain words, terms, and phrases are to be used and interpreted as defined hereinafter. Words used in the present tense shall include the future tense; words in the singular number shall include the plural and words in the plural number shall include the singular; the word "person" includes a firm, partnership or corporation as well as an individual; the term "shall" is always mandatory and not directory; and the word "may" is permissive. The word "used" or "occupied" as applied to any land or building shall be construed to include the words "intended, arranged, or designed to be used or occupied."

The following words, terms, and phrases are hereby defined as follows and shall be interpreted as such throughout the zoning code. Terms not herein defined shall have the meaning customarily assigned to them.

1. Accessory Structure: A subordinate building, located on the same lot as the main building, which is not used as a living quarters and is incidental in use to the main building.
2. Accessory Use: A use customarily incidental, appropriate, and subordinate to the principal use of land or buildings and located upon the same lot therewith.
3. Advertising: Includes any writing, printing, graphics, painting, display, emblem, drawing, sign, or other device designed, used or intended for advertising, whether placed on the ground, rocks, trees, or other natural structures or on buildings, structures, milestones, sign boards, billboards, wall board, roof board, frames, supports, fences or other man-made structure.
4. Agriculture Use: This includes all forms of agriculture, growing of crops in the open, dairying, grazing, the raising and maintaining of poultry and other livestock, horticulture, viticulture, floriculture, forests, and woods, provided, however, all health codes of Blount County are complied with.
5. Alcohol Manufacturing Facility: Facility that manufactures intoxicating liquor and is further defined by the following facilities:
  - a. Brewery: Facility that primarily manufactures and sells wholesale high alcohol content ales, beer or malt beverages in quantities of ten thousand (10,000) barrels or more per year with each barrel holding thirty-one (31) gallons. This operation may also include limited retail sales of the product manufactured on-site and tasting rooms.
  - b. BrewPub: A restaurant as the principal use that includes a micro-brewery integrated into the restaurant operation as an accessory use. Such facility devotes at least seventy percent (70%) of the gross floor area for the preparation, dining and sale of food. The manufacture of ales, beer or malt beverages shall not exceed thirty percent (30%) or five thousand (5,000) square feet in area whichever is greatest.
  - c. Micro-Brewery: Facility that primarily manufactures high alcohol content ale, beer or malt liquor in quantities of less than ten thousand (10,000) barrels per year with each barrel holding thirty-one (31) gallons. This operation may also include limited retail sales

of the product manufactured on-site and tasting rooms.

- d. Distillery: An establishment for the manufacture of intoxicating liquor that includes, but is not limited to whiskey, brandy, "moonshine", and other alcoholic spirits that contain high alcohol content that produces more than five thousand (5,000) barrels per year with each barrel holding fifty-three (53) gallons. This operation may also include limited retail sales of the product manufactured on-site and tasting rooms.
- e. Micro-Distillery: An establishment for the manufacture of intoxicating liquor that includes, but is not limited to whiskey, brandy, "moonshine", and other alcoholic spirits that contain high alcohol content in quantities not to exceed five thousand (5,000) barrels per year. This operation may also include limited retail sales of the product manufactured on-site and tasting rooms.
- f. Micro-Winery: An agricultural processing facility used for commercial purposes of processing fruit or fruit juice that may include all or a majority of processes such as crushing, fermenting, blending, aging, storing, bottling, and selling of wine that may also include a lab, retail sales and a tasting room on the facilities. Winery producing up to two thousand (2,000) cases per year with a maximum site area of one (1) acre This operation may also include limited retail sales of the product manufactured on-site and tasting rooms.
- g. Winery: An agricultural processing facility used for commercial purposes of processing fruit or fruit juice that may include all or a majority of processes such as crushing, fermenting, blending, aging, storing, bottling, and selling of wine that may also include a lab, retail sales and a tasting room on the facilities that produces over two thousand (2,000) cases per year with each case containing 2.378 gallons. This operation may also include limited retail sales of the product manufactured on-site and tasting rooms.

- 6. Alley and Service Drive: A minor right-of-way, dedicated to public use, which affords a means of vehicular access to the back or side of properties otherwise abutting a street, and which may be used for public utility purposes.

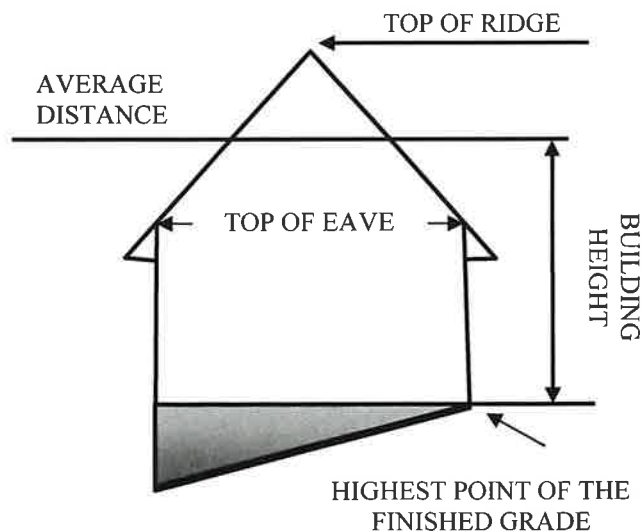
7. Amusement: A commercial use offering recreational activities including mechanical rides with defined parameters to which there is a separate admission charge. An amusement can be located on a single parcel, or on a common parcel, as in the case of a P.U.D., with other amusements, each charging an admission and each advertised by separate signage.
8. Amusement Park: A commercially operated park, contained within a clearly defined and enclosed parameter on at least three acres, offering for one admission price a variety of amusements including, but not limited to, mechanical rides, gifts, eateries, entertainment, and passive or active recreational activities with all events/amusements advertised by a common sign.
9. Arcade: A permanently enclosed building that is to be used for electronic game machines and other similar uses.
10. Area, Building: The total areas taken on a horizontal plane at the main grade level of the principal building and all accessory buildings exclusive of uncovered porches, terraces, and steps.
11. Arterial Street: A street which the primary function is to move traffic between major activity centers. The secondary function is to provide for direct access to abutting land, as shown on the Zoning Map of the City of Townsend, Tennessee.
12. Automobile Wrecking: The dismantling, storage, sale or dumping of used motor vehicles, trailers or parts thereof.
13. Banners, Pennants, Or Bunting: Any flexible announcement device affixed to poles, wires, or ropes for the purpose of announcing or promoting events or activities (see special event sign) or for decoration.
14. Bed and Breakfast/Tourist Homes: An owner - occupied single family dwelling which offers some of its rooms for rent to overnight guests, and which may also offer meals to guests staying in the inn/home.
15. Billboard: An off-premises advertising sign having more than thirty-two (32) square feet of sign area.
16. 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.
17. Buildable Area Of A Lot: That portion of a lot bounded by the required rear yard, side yards, and front yard building setback lines.



18. **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.
- a. **Building, Main or Principal:** A building in which is conducted the principal use of the lot on which it is situated. In any residential district, any dwelling shall be deemed to be a main building of the lot on which it is situated.
- b. **Building, Modular:** A unit of construction which is totally or in part constructed off-site and transported for on-site erection, placement, assembly or similar terms.
- c. **Building, Prefabricated:** A building constructed on-site from components which have been prefabricated, panelized or constructed in sections off-site.
19. **Building Height:** The vertical distance measured at the highest point of the finished grade at the building to the average distance between the highest top of the eaves and the highest top of the ridge.  
(Ord. 245-09-1C)
- 20.a. **Building: Top of Eave:** The point in the roof plane of a structure or building which intersects with the primary exterior wall surface. (Ord. 245-09-1C)

**Illustration: Building Height**

(Ord. 245-10-1C)



<b>Example: Measuring Building Height</b> (Ord. 245-10-1C)	
Distance between the Top of Eave and the Top of Ridge	18 ft.
Average distance between the Highest Top of Eave and the Highest Top of Ridge	9 ft.
Distance between the Highest Point of the Finished Grade and the Top of Eave	16 ft.
Building Height	25 ft.

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

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

b. **Building Setback Line, Rear:** A line delineating the minimum allowable distance between the rear property line and the outermost protrusion of a building on a lot (other than for permitted accessory structures). The rear setback line extends the full width of the lot.

c. **Building Setback, Side:** A line delineating the minimum distance between the side property line and the outermost protrusion of a building on a lot. The side setback line extends from the front building setback line to the rear building setback line.

22. **Camping Area** - Deleted by Ord. 131-03-1C

22.1 **Campground:** Any area or tract of land to accommodate two or more parties in temporary living quarters, including but not limited to tents, recreational vehicles or other similar shelters. (Ord. 131-03-1C)

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

24. **Cluster Development:** A development design technique that concentrates building in specific areas on the site to allow remaining land to be used for recreation,

common open space, and preservation of environmentally sensitive features. (Ord. 147-04-1C)

25. Commercial Recreation Business: A commercial use that offers the sale or rental of equipment to be used for outdoor enjoyment. By definition, a Commercial Recreation Business includes all portions of the business operation, including locations for sale/rental, locations for departure/ingress, locations for conclusion/egress, locations for equipment service and storage, and locations for vehicle parking. (Ord. 234-08-1C)
26. Condominium: A multi-unit structure offering individual ownership of said units in an approved planned unit development project.
27. Convenience Store: A one-story, retail store containing less than three thousand (3,000) square feet of gross floor area that is designed and stocked to sell primarily food, beverages, and other household supplies to customers who purchase only a relatively few items (in contrast to a "supermarket"). It is designed to attract and depends upon a large volume of stop-and-go traffic. Convenience stores that also offer gasoline and other motor fuels for sale shall abide by requirements of this resolution regarding gasoline service stations, where appropriate, and those for a retail sales establishment, where appropriate.
28. Copy: The wording or pictorial graphics on a sign surface either in permanent or removable form.
29. Country Club: A chartered, non-profit membership club, with facilities catering primarily to its membership and providing one or more of the following recreational or social amenities: golf, riding, clubhouse, pool, dining facilities, lounge.
30. Coverage: The lot area covered by all buildings located therein, including the area covered by all overhanging roofs.
31. Cutoff Angle: An angle formed by a line drawn from the direction of light rays at the light source and a line perpendicular to the ground from the light source, above which no light is emitted. (Ord. 138-04-1C)
32. Day Care Center: A place operated by a person, society, agency, corporation, institution, or other group that receives 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).

33. Day Care Center: A place operated by a person, society, agency, corporation, institution, or other group that receives 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
34. Detached Garage/Carport: A permanent one-story accessory structure fully or partially enclosed or not enclosed at all detached from the principal building for the purpose of providing shelter for a vehicle. (Ord. 271-13-1P)
35. Dormitory: A building containing sleeping rooms for occupancy by seasonal workers.
36. Driveway: That portion of the vehicle accommodation area that consists of a travel lane bounded on either side by an area that is not part of the vehicle accommodation area.
37. Dwelling: A structure containing one or more dwelling units each of which provides shelter, sanitation, and necessary amenities for permanent human habitation. A dwelling does not include hotels, motels, dormitories, fraternity or sorority houses, nursing homes, recreational vehicles or any temporary lodging, except that which may be offered in a bed and breakfast inn/tourist home.
  - a. Dwelling, Duplex: A building designed, constructed, or reconstructed and used for two (2) dwelling units that are connected by a common structural wall. For the purposes of this resolution, the placement of two (2) or more duplexes upon one (1) lot shall be defined as a Planned Unit Development (PUD).
  - b. Dwelling, Manufactured/Modular: A dwelling composed of two or more transportable factory-fabricated units that when assembled at a building site will become a finished permanent dwelling in a fixed location on a permanent foundation. The term is intended to apply to major assemblies, and does not include prefabricated panels, trusses, plumbing trees, and other prefabricated sub-elements incorporated into a structure at a building site. A "double-wide" mobile home placed upon a permanent foundation and having the appearance of a site built home shall be regarded as a manufactured/modular dwelling.
  - c. Dwelling, Mobile Home: A residential unit designed and intended for occupancy by one (1) family and having

all of the following characteristics: contains sleeping accommodations, a flush toilet, a tub or shower, bath and kitchen facilities with plumbing and electrical connections provided for attachment to outside systems; is designed to be transported after fabrication on its own wheels on a single chassis; arrives at the site where it is to be occupied as a complete dwelling ready for occupancy except for minor and incidental unpacking and assembly operation, location on foundation supports, connection to utilities; and the like; and is designed so it can be removed and installed at other sites. For the purposes of this resolution, a "single-wide" mobile home shall be considered as defined under this definition. A travel trailer is not to be considered as a mobile home.

- d. Dwelling, Multi-family: A residential building containing three (3) or more separate rental or owner-occupied dwelling units located on a single lot.
  - e. Dwelling, Single Family: A building designed, constructed and used for one (1) dwelling unit. In accordance with the provisions of 13-24-201, TCA, a manufactured/modular dwelling, as defined in this resolution, shall be considered as a single family dwelling.
  - f. Dwelling, Single Family With Accessory Apartment: A residential building having the external appearance of a single-family residence, but in which there is located a second dwelling unit, subordinate in size to the primary dwelling unit. For the purposes of this resolution, a single family dwelling with an accessory apartment shall not be considered a duplex.
  - g. Dwelling, Tourist Residences: A single family dwelling or a single family dwelling, with an additional dwelling unit, which offers the entire dwelling or a part of the dwelling unit that is designed with a separate entrance for short-term rental to overnight guests. (Ord.291-17-1P)
38. Dwelling Unit: One (1) or more rooms in a residential building or residential portion of a building which are arranged, designed, used, or intended for use as a complete, independent living facility for not more than one (1) family, and which includes permanent provisions for living, sleeping, eating, cooking, and sanitation. The term shall not include travel trailers, tents, motels, motor homes or similar structures designed or used primarily for transient residents.

39. Erect: To assemble, build, construct, attach, hang, install, place, raise, suspend, affix, paint, or in any way bring into being or establishment.
40. Flag: Any state, national or type flag.
41. Flood: A temporary rise in water levels or an accumulation of water runoff, resulting in inundation of areas not normally covered by water.
42. Footcandle: A unit of illumination produced on a surface, all points of which are one foot from a uniform point source of one candle. (Ord. 138-04-1C)
43. Glare: Any brightness within the field of vision of such character as to cause annoyance, discomfort, interference with vision, or loss in visual performance and visibility. (Ord. 138-04-1C)
44. Home Occupation: An occupation for gain or support which is 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 using more than thirty (30) percent of the total actual ground floor area for home occupation purposes.
45. Hotel, Motel: A building or portion thereof, or a group of buildings which provides two (2) or more lodging units for transient occupancy on a daily, weekly or similar short term basis, whether such establishment is designated as hotel, inn, automobile court, motel, motor inn, motor lodge, tourist cabin, tourist court, or otherwise; except that a bed and breakfast inn/tourist home shall not be considered as a hotel or motel.
46. Isofootcandle diagram: An isofootcandle diagram is used to describe the light pattern a luminaire produces. These charts show the exact plots or lines of equal footcandle levels on the work plane when the fixture is at a designated mounting height. (138 - 04-1C)
47. Illumination internal: a light source that is concealed within the sign and becomes visible in darkness through a translucent face. (Ord. 250-10-1C)
48. Junk Yard Or Salvage Yard: A lot, land or structure, or part thereof, used for collecting, storage and/or sale of waste-paper, rags, scrap metal, or discarded material; or for the collecting, dismantling, storage and salvaging of machinery or two (2) or more vehicles not in running condition or for the sale of parts thereof.
49. Lighting Pollution: Any adverse effect of manmade light. (Ord. 138-04-1C)

50. Lighting indirect: an unseen light source. A source of external illumination, located away from the sign, that lights the sign, but which is itself not visible in persons viewing the sign surface. (Ord. 250-10-1C)
51. Lot: A parcel of land which fronts on and has access to a public street and which is occupied or intended to be occupied by a building or building with customary accessories and open spaces.
52. Lot Line: The boundary dividing a given lot from a street, alley, service drive, or adjacent lots.
53. Lot Of Record: A lot which is part of a subdivision recorded in the office of the county register of deeds, or a lot described by metes and bounds, the description of which has been recorded in the office of the county register of deeds prior to the effective date of this zoning resolution.
54. Manufacturing: The processing, fabricating, preparing, extracting, assembling, packaging, cleaning, servicing, testing, or repairing of materials, products, or equipment on the premises of a manufacturing establishment.
55. Medical Facilities:  
(Ord. 267-13-1P)
- a. Clinic, Medical, Dental or Chiropractic Office. A facility for the examination and treatment of ill and afflicted human out-patients, provided however that patients are not kept overnight except under emergency conditions. This definition does not include Methadone Treatment or Pain Management Clinics.
  - b. Convalescent, Rest, or Nursing Home. A health facility where persons are housed and furnished with meals and continuing nursing care or compensation.
  - c. Methadone Treatment Clinic or Facility. A licensed facility for counseling of patients and the distribution of methadone for out-patient, non-residential purposes only. A methadone treatment clinic or facility is not a medical clinic or substance abuse treatment facility as per the Townsend Zoning Ordinance.
  - d. Pain Management Clinic. A privately owned facility in which a medical doctor, an osteopathic physician, an advanced practice

nurse, and/or a physician assistant provides pain management services to patients, a majority of whom are issued a prescription for, or are dispensed, opioids, benzodiazepine, barbiturates, or carisoprodol, but not including suboxone, for more than ninety (90) days in a twelve (12) month period. A pain clinic does not include:

1. A medical or dental school, a nursing school, a physician assistant program or an outpatient clinic associated with any of the foregoing schools or programs;
    - a. A hospital as defined by Section 68-11-201 Tennessee Code Annotated and the Zoning Code, including outpatient facility or clinic of a hospital;
    - b. Hospice services as defined by Section 68-11-201 Tennessee Code Annotated;
    - c. A nursing home as defined by Section 68-11-201 Tennessee Code Annotated and the Zoning Code;
    - d. A hospital or clinic maintained or operated by the federal government.
  - e. Hospital: An institution providing health services primarily for human in-patient medical care for the sick or injured and including related facilities such as laboratories, out-patient facilities, emergency medical services, and staff offices which are an integral part of the facility.
  - f. Public Health Center: A facility utilized by a health unit for the provision of public health services.
56. Minimum Floor Elevation: The lowest elevation permissible for the construction, erection, or other placement of any floor including a basement floor.
57. Mobile Home Park: Any area, tract, site or plot of land whereupon five (5) or more mobile homes are herein defined are placed, located or maintained, and shall include all accessory buildings used or intended to be used as part of the equipment thereof.
58. Non-conforming Use: A building, structure, or use of land existing at the time of enactment of this ordinance which does not conform to the regulations of the district in which it is located.
59. Noxious Matter: Material in gaseous, liquid or solid form which is capable of causing injury to living organisms, chemical reactions, or detrimental effects upon the



social, economic or psychological well-being of individuals.

60. Open Space: An area on the same lot with a main building which is open, unoccupied and unobstructed by structures from the ground to the sky except as otherwise provided in this ordinance.
61. Parcel: A lot described by metes and bounds and/or subdivision plat. (Ord. 152-05-1C)
62. Parking Lot: An off-street facility including parking spaces along with adequate provisions for drives and aisles for maneuvering and getting access, and for entrance and exit, designed so as to be usable.
63. Parking Space: An off-street space available for parking one (1) motor vehicle, the space being a minimum of nine (9) feet in width by nineteen (19) feet in length exclusive of passageways and driveways giving access thereto, and having direct access to a street, alley, or service drive.
- 63.1 Paved Parking Surfaces: Paved parking surfaces may consist of asphalt cement, concrete cement, porous asphalt, porous concrete or other porous paving surfaces approved by the planning commission. (Ord. 147-04-1C)
64. Person: Person means and includes an individual, a partnership, an association, a corporation, or any other legal entity.
65. Planned Unit Development: A single planned area of land which (1) has both individual building sites and common property such as a park, and (2) is designed and organized to be capable of satisfactory use and operation as a separate entity without necessarily having the participation of other building sites or other common property; the ownership of the common property may be either public or private.
66. Plat: A map, plan, or layout indicating the location and boundaries of individual properties.
- 67.1 Recreational Vehicle: A vehicular type unit or non-motorized structure designed to be towed by a vehicle. Recreational vehicles are a broad category primarily designed as temporary leisure quarters, not for permanent living quarters. Mainly used for recreational, camping, or travel use, which either has its own motive power or is mounted on or drawn by another vehicle. Common types include, but are not limited to, travel trailers, tow camper, truck camper, and motor homes, but also include any unit or structure that has not been constructed under supervision by a building official or has not received

a certification by the State of Tennessee as a unit constructed in a manufacturing facility as a mobile home. Recreational vehicles are prohibited from being utilized as permanent living quarters. (Ord. 297-18-1P)

67.2 Recreational Vehicle Park: A lot of land upon which two or more recreational vehicle sites are located, established, or maintained for occupancy by recreational vehicles of the general public as temporary living quarters for recreational or vacation purposes. (Ord. 131-03-1C)

67.3 Recreational Vehicle Campsite: A plot of ground within a recreational vehicle park and campground intended for the accommodation of a single recreational vehicle on a temporary basis. (Ord. 131-03-1C)

68. Retail Sales Establishment: Any premises where the principal use is the sale of merchandise in small quantities, in broken lots or parcels, not in bulk, for use or consumption by the immediate purchaser. Retail sales establishment shall not be interpreted to include, flea markets, restaurants, or vehicle sales, rental, and service establishments.

69. Shopping Center: Two or more commercial establishments planned, developed, owned, or managed as a unit with off-street parking provided on the property.

70. Sign: Any outdoor display, device, figure, bulletin, painting, drawing, message placard, light(s), poster, billboard or other object which is used to advertise or inform.

(1. Sign, Above-roof- a roof sign displayed above the peak, parapet, or ridgeline of a building.

(2. Sign Area: The net geometric surface area of a sign including the outer extremities of all letters and characters, but excluding the horizontal framing and the posts used to install the sign.

(3. Sign, Billboard, Or Other Advertising Device: Any structure or part thereof or device attached thereto or represented, thereon, which shall display or include any letter, words, model, banner, flag, pennant, insignia, or any representation used as, or which is in the nature of an announcement, direction or advertisement. The word "sign" includes the word "billboard" or any other type of advertising device, but does not include the flag, pennant, or insignia of any nation, state, city, or other political unit.

(4. Sign, Business: A sign which displays the name of and directs attention to a business, establishment, commodity, service or activity which is sold, offered or conducted on the premises or off the premises where the sign is located.

(5. Signs, Community-wide Event: An annual temporary sign, other than a business sign, posted to direct patrons to community events as approved by the Townsend Board of Commissioners.

(6. Sign, Digital a type of changeable message sign that displays a series of messages at intervals through electronic coding.

(7. Sign, Directory: A sign listing the names of more than one business, activity or professional office.

(8. Sign, Freestanding: A sign that is attached to, erected on, or supported by some structure (such as a pole, mast, frame, or other structure) that is not itself an integral part of or attached to a building or other structure having a principal function other than the support of a sign. A sign that stands without supporting elements, such as a "sandwich sign," is also a freestanding sign.

(9. Sign, Fuel Price: A sign solely displaying the price of fuel.

(10. Sign, Informational: Any on premise sign containing no other message, copy, announcement, or decoration other than instructions of directions to the public. Such signs include but are not limited to the following: identifying restrooms, walkways, entrances and exits, etc.

(11. Sign, Official: Signs of a governmental body, including traffic signs and signals, historical markers, informational directions, official notices, governmental flags or emblems, property identification, recreational activity signs, etc.

(12. Sign, Off-premise: A sign relating in its subject matter to premises, products, accommodations, services, or activities other than those on which it is located.

(13. Sign, On-premise: A sign relating in its subject matter to the premises on which it is located, or to products, accommodations, services, or activities on the premises.

(14. Sign, On-premise Directional: A sign that includes information assisting in the flow of pedestrian or vehicular traffic such as enter, exit, and one-way.

(15. Sign, Owner: The owner of a sign shall be presumed to be the person or person named on the current business license on file in the Office of the County Clerk for Blount County, Tennessee, for the business, establishment, service or activity advertised on or by the sign.

(16. Sign, Political: A temporary sign denoting a political campaign headquarters, party affiliation, cause or candidate.

(17. Sign, Porch - A sign displayed or appears to be displayed on a porch roof.

(18. Sign, Portable: Any sign which is, or is intended to be, affixed or mounted to a frame with or without wheels for the expressed purpose of mobility.

(19. Sign, Projection: A type of sign erected approximately perpendicular to a building wall and which extends beyond the wall or building line. A projection sign shall include a sign suspended from the ceiling of a marquee, canopy, or other such covered structure.

(20. Sign, reader board: a sign that contains a temporary text message that may be changed.

(21. Sign, Real Estate: Any sign pertaining to the sale, rental, development or lease of a lot, tract of land, or one or more structures or portions thereof.

(22. Sign, Roof: A sign that is displayed above the eaves and below the peak, parapet, or ridgeline of a building.

(23. Sign, Subdivision Entrance: A sign to identify the name and owner and/or developers of a subdivision, mobile home park, condominium complex, PUD or the like.

(24. Sign, Temporary: Any sign not intended to be permanently installed. If a sign display area is permanent but the message displayed is subject to periodic changes, that sign shall not be regarded as temporary.

(25. Sign, Wall: A sign affixed to any building, wall, or structural support member projecting not more than 12 inches.

(26. Sign, Window: A sign affixed to or located within six (6) inches of the interior surface of a window.

(27. Sign, Yard Sale: A sign directing the public to the occasional non-business sale of secondhand household and other goods incidental to household uses.

71. Site Plan: A drawing of sufficient scale and size to graphically show proposed improvements including all physical features on the site, all dimensional requirements of the zoning and building codes, all streets, drainage structures, utilities and other features in the immediate vicinity that may have a bearing on the proposed development.
72. Special Event: Circuses, fairs, carnivals, festivals, or other types of special events that run for longer than one (1) day but not longer than two (2) weeks, are intended to or likely to attract substantial crowds, and are unlike the customary or usual activities generally associated with the property where the special event is to be located.
73. Special Exception: A use which is specifically permitted if the owner can demonstrate to the satisfaction of the board that it will meet certain standards, enumerated safeguards, or qualifying conditions.
74. Story: That portion of a building included between the upper surface of the floor next above; or any portion of a building between the topmost floor and the roof which is used for human occupancy in which the floor area with eight (8) feet or more head clearance equals fifty (50) percent or more of floor area of the next story below. Provided it is not used as a dwelling unit, a top floor in which the floor area with eight (8) feet or more of head clearance equals less than fifty (50) percent of the floor area of the story next below shall be a "half-story." A basement shall be considered as a story if its ceiling is more than five (5) feet above the level from which the "height of a building" is measured or if it is used for residential purposes other than for a janitor or domestic servant, including the families of the same, employed in the building.
75. Stream: Any drainage channel where water is collected from emerging groundwater or surface runoff. A stream may be classified as a permanent stream in which it contains flowing water all of the time, or it may be classified as an intermittent stream in which it carries water only part of the time.

76. Street. A public right-of-way set aside for public travel which (a) has been accepted for maintenance by the City of Townsend; (b) has been established as a public street prior to the date of adoption of this ordinance; or (c) has been dedicated to the town for public travel by the recording of a street plan or a plat of a subdivision which has been approved by the planning commission.
77. Structure: Any combination of materials, including buildings, constructed or erected, the use of which requires location on the ground and including among other things, signs and billboards.
78. Super Graphics Or Mural: A painted scene, figure, or decorative design so as to enhance the building architecture, not including written trade or place names or advertising messages.
79. Tent Campsite: A plot of ground within a recreational vehicle park and campground intended for the accommodation of a tent(s), or other individual camping unit on a temporary basis. (Ord. 131-03-1C)
80. Tourist Residences: A single family dwelling or a single family dwelling, with an additional dwelling unit, which offers the entire dwelling or a part of the dwelling unit that is designed with a separate entrance for short-term rental, under thirty (30) days to overnight guests.
81. Townhouse: A single family attached dwelling unit having no other dwelling unit either above or below.
82. Traffic Control/Private Property: A sign permitted for the purpose of identifying private parking areas and directing the flow of traffic on private property.
83. Travel Trailer: A vehicle used, or so constructed as to permit its being used as conveyance upon the public streets or highways 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.
- 83.1 Travel Trailer Park: Definition deleted by Ordinance 131-03-1C
84. Traveled Way: The portion of the right-of-way intended for the movement of vehicles, exclusive of shoulders, within the corporate limits of the city.
85. Use: The purpose for which land or a building or other structure is designed, arranged or intended, or for which it is or may be occupied or maintained.

86. Unit: An internal separation in a building defined by a permanent wall, firewall, tenant space or similar division. In the event that two or more businesses occupy the same area, they shall be considered as one unit with regards to the total allowable signage. (Ord. 250-10-1C)
87. Variance: A modification of the provisions of this resolution when such modification will not be contrary to the public interest where, owing to conditions peculiar to the property and not the result of the actions of the applicant occurring after the effective day of the resolution. a literal enforcement of the resolution would result in unnecessary and undue hardship.
88. Water's Edge: Where the water meets the land during normal stream/river flow. This is identified by a change in the type of vegetation growing, generally the tree line.
89. Winery: An agricultural processing facility, licensed by the Tennessee Alcoholic Beverage Commission pursuant to Tennessee Code Annotated 57-3-207 and the applicable rules and regulations of the State Alcoholic Beverage Commission, used for commercial purposes of processing fruit or fruit juice that may include all or a majority of processes such as crushing, fermenting, blending, aging, storing, bottling, and selling of wine that may also include a lab, retail sales and a tasting room on the facilities. (Ord. 261-12-1P)
90. 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, provided that accessory buildings may be located in a rear yard.
- a. Yard, Front: The yard extending across the entire width of the lot between the nearest part of the principal building, including porches, and the front lot line to the street.
- b. Yard, Rear: The yard extending across the entire width of the lot between the nearest part of the principal building, including porches, and the rear lot line.
- c. Yard, Side: The required space unoccupied except as herein provided, measured between the side lot line and the nearest point of the principal building and between the front yard and the rear yard.
91. Zero lot line (building development): The location of a building on a lot in such a manner that one or more of the building's sides rest directly on a lot line. (Ord. 147-04-1C)





## CHAPTER 3

### GENERAL PROVISIONS

#### SECTION

- 8-301. Continuance of Nonconforming Uses**
- 8-302. Off-Street Automobile Parking**
- 8-303. Off-Street Loading and Unloading**
- 8-304. Vision Clearance**
- 8-305. Ingress and Egress**
- 8-306. Flood Protection/Water Course Protection**
- 8-307. Planned Unit Development**
- 8-308. Sign Regulations**
- 8-309. Site Plan Review Requirements**
- 8-310. Telecommunications Towers and Antennae**
- 8-311. Recreational Vehicle Parks and Campgrounds**
- 8-312. Lighting Standards for Commercial, Industrial and Multi-Family Residential Sites**

**8-301. Continuance of Nonconforming Uses.** Any lawful use of any building or land existing at the time of the enactment of this ordinance or whenever a district is changed by an amendment thereafter may be continued although such use does not conform with the provisions of this ordinance with the following limitations:

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 nonconforming use may be extended throughout those parts of a building which were manifestly arranged or designed for such use prior to the time of enactment of this ordinance;

Any nonconforming 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;

When a nonconforming use of any building or land has ceased for a period of one year, it shall not be reestablished or changed to any use not in conformity with the provisions of this ordinance.

#### **8-302. Off-Street Automobile Parking.**

1. The number of parking spaces provided shall meet the minimum requirements for the specific uses as set forth below, and in addition each use shall require at least one (1) handicapped parking space. For uses not

specifically mentioned herein, off-street parking requirements shall be determined by the Board of Zoning Appeals.

- a. Automobile repair shop and/or truck repair: Two (2) spaces per bay, or one (1) space per two hundred and fifty (250) square feet of service area, whichever is greater; plus two (2) spaces per three (3) employees.
- b. Bed & Breakfast/Tourist Homes: One (1) space for each room to be rented in addition to the two (2) spaces for the home.
- c. Bowling Alley: Not less than five (5) spaces for each bowling lane.
- d. Campgrounds: One (1) camper space and one (1) adjacent parking space for each campsite and additional space for each campsite in a designated overflow parking area that shall not be required to be paved or covered with gravel.
- e. Churches: One space for each four (4) seats.
- f. Dwelling, single family: Not less than two (2) spaces per dwelling unit.
- g. Dwelling, multiple family: Not less than two (2) spaces per dwelling unit.
- h. Funeral parlors: One space for each four (4) seats in the chapel.
- i. Gasoline service stations and similar establishments: Four (4) spaces for each bay or similar facility plus one space for each employee.
- j. Hospitals and convalescent/nursing homes: One (1) space for each four (4) patient beds, plus one (1) space for each two (2) employees including staff doctors and nurses.
- k. Hotels, motels and other tourist accommodations: Not less than one (1) space for each room to be rented plus one (1) additional space per two employees.
- l. Manufacturing, industrial or wholesaling use: Not less than one (1) space for each two (2) persons employed or intended to be employed on a single shift, with a minimum of five (5) spaces for any establishment.
- m. Miniature golf courses: One and one-half (1-1/2) spaces for each hole.
- n. Mobile home parks: Two (2) spaces for each mobile home.

- o. Movie Cinema: Not less than one (1) space for each four (4) seats.
  - p. Offices:
    - 1) Medical - one (1) space for each three hundred (300) square feet of floor space.
    - 2) Other Professional - one (1) space for each four hundred (400) square feet of floor space.
    - 3) General - one (1) space for each four hundred (400) square feet of floor space.
  - q. Places of public assembly: One (1) space for each five (5) seats in the principal assembly room or area.
  - r. Public or private clubs/lodges: One (1) space for each two hundred (200) square feet of gross floor area or one (1) space per three (3) members based on design capacity of facility whichever is greater.
  - s. Recreation and amusement areas without seating capacity: One (1) space for each five (5) customers, computed on a maximum service capacity.
  - t. Restaurants: One (1) space per four (4) customers computed on a maximum service capacity, plus one (1) space for each two (2) employees. For drive-in restaurants, one (1) space per fifty (50) square feet of floor area.
  - u. Retail business and similar uses: One (1) space for each two hundred (200) square feet of gross floor space.
  - v. Roller skating rink: Not less than five (5) spaces per one thousand (1,000) square feet of gross floor area.
  - w. Schools: One (1) space for each faculty member, plus one (1) space for each four (4) pupils except in elementary and junior high schools.
  - x. Shopping centers: One (1) space for each three hundred (300) square feet of total floor area.
2. Combination of Required Parking Space: The required parking space for any number of separate uses may be combined in one (1) lot, but the required space assigned to one (1) use may not be assigned to another use, except that the parking space required for churches, theaters, or assembly halls whose peak attendance will be at night or on Sundays may be assigned to a use which will be closed at night or on Sunday.

3. Extensions of Parking Space Into a Residential District. Required parking space may extend up to 120 feet into a residential zoning district, provided that:
  - a. The parking space adjoins a commercial or industrial district;
  - b. The only exit to or from the parcel is within the commercial or industrial district;
  - c. It is separated from abutting properties in the residential district by a ten (10) foot plant or fence buffer strip.
4. Requirements For Design Of Parking Lots:
  - a. All areas devoted to off-street parking shall be so designed and be of such size that no vehicle is required to back into a public street to obtain egress.
  - b. Entrances and exits for all off-street parking lots shall comply with the requirements of Section 8-305 of this code.
  - c. All parking lots shall have a five (5) foot side and rear yard setback. This five (5) foot area shall be retained as permanent green space.
  - d. The parking lot shall adequately be drained to eliminate surface water without contributing to drainage problems on adjoining property or rights-of-way.
  - e. With the exception of single family dwellings, all off-street parking shall be paved and have an adequate base to prevent premature break-up.

Pertaining to this provision, paved parking surfaces may consist of asphalt cement, concrete cement, porous asphalt, porous concrete or other porous paving surfaces approved by the planning commission. (Ord. 147-04-1C)

**8-303. Off-Street Loading and Unloading Space Required.** Every building or structure hereafter constructed and used for industry, business, or trade involving the receiving or distribution of vehicles, materials, or merchandise shall provide space for the loading and unloading of vehicles off the street or public alley. Such space shall have access to a public or private alley, or to a public street. The minimum size of each space should be 12' x 25', and the minimum required spaces for this provision shall be based on the total usable floor area of each principal building according to the following table:

**8-304. Vision Clearance.** In all districts there shall be no plants or structures placed in or on any yard portion of a lot that would obstruct the vision of auto or pedestrian traffic using the intersecting public streets.

**8-305. Access Control.** The number and location of access cuts onto city streets and state routes directly affect traffic flow within the city. Standards for the design and placement of access cuts is an important factor in providing a safe and efficient transportation network. The following regulations shall serve as a guide to control the number, placement, and design of access cuts (driveways) in order to reduce the number of accidents and to maintain traffic flow. A driveway permit shall be obtained from the city through the planning commission.

1. **Right-of-Way Encroachment.** The highway right-of-way shall not be used for servicing vehicles, displays, or the conducting of private business. The unpaved area of the right-of-way is to be kept clear of buildings, fences, business signs, parking areas, service equipment, and appurtenances thereto.

In the development of private property and the construction of driveways thereto, it may be necessary to re-grade the unpaved right-of-way area by cutting or filling. Such work shall be done in a manner to insure adequate sight distance for traffic operations, proper drainage, suitable slopes for maintenance operations, and good appearance.

2. **Driveway Alignment.** Single driveways shall be positioned at right angles to the roadway. Where two driveways are used on one frontage, and they are to be used for access to and from both directions of travel on the highway, each roadway shall be at right angles with the center line of the roadway. The driveway angle may be between 45 degrees (min.) and 60 degrees (max.) when the driveway is to be used by vehicles in only one direction of highway travel (right turns only) on a divided highway.
3. **Driveway Regulations.** All driveways shall be located subject to the following controls:
  - a. On all streets classified as major arterials, no driveways shall be constructed within one hundred and twenty-five (125) feet of an intersecting street right-of-way line.
  - b. On all streets classified as minor arterials and collectors, no driveways shall be constructed within one hundred (100) feet of an intersecting street right-of-way line.
  - c. On all streets classified as local, no driveway shall be constructed within twenty-five (25) feet of an intersecting street right-of-way line.

- d. On all streets classified as major arterials, no driveways shall be constructed within forty (40) feet of the side property line.
  - e. On all streets classified as minor arterials and collectors, no driveways shall be constructed within thirty (30) feet of the side property line.
  - f. On all streets, if two driveways are constructed on a single parcel, they shall not be within fifty (50) feet of each other.
  - g. If an existing lot fronting on any street is too narrow and cannot meet the above access control requirements, a driveway cut will not be denied.
  - h. If neighboring property owners wish to share a driveway, the shared side property line setback requirements shall be waived. If a driveway is shared, this one driveway will count as one driveway/lot and all other access control requirements shall be met.
4. Number of Driveways Allowed. In order to promote the safety of the motorist and to minimize traffic congestion and property damage by reducing the points of conflict, the following regulations shall apply:
- a. Lots with less than one hundred forty-nine (149) feet frontage may have one (1) driveway.
  - b. Lots with one hundred fifty (150) feet to three hundred ninety-nine (399) feet frontage may have two (2) driveways.
  - c. Lots with over four hundred (400) feet frontage may have one (1) additional driveway for each additional four hundred (400) feet.
5. Driveway Widths. The width of all driveways and curb cuts shall be within the following limits:
- a. Residential uses shall be limited to driveway widths between ten (10) and twenty-five (25) feet.
  - b. Uses serving twenty-five (25) or more large trucks per week shall have driveway widths between twenty (20) and forty (40) feet.
  - c. All other uses shall be limited to driveways widths between fifteen (15) and thirty (30) feet.

**8-306. Flood Protection/Water Course Protection.** No commercial building, structure, accessory building or outbuilding shall be located within fifty (50) feet of the water's edge of the Little River; no multi-family building, structure, accessory building, structure, accessory building or outbuilding shall be located within forty (40) feet of the water's edge of the Little River; and no single-family residential building, structure, accessory building or outbuilding shall be located within twenty-five (25) feet of the water's edge of the Little River. In addition, no buildings, structures, accessory buildings, or outbuildings shall be located within fifteen (15) feet of the water's edge of any other stream within the City of Townsend.

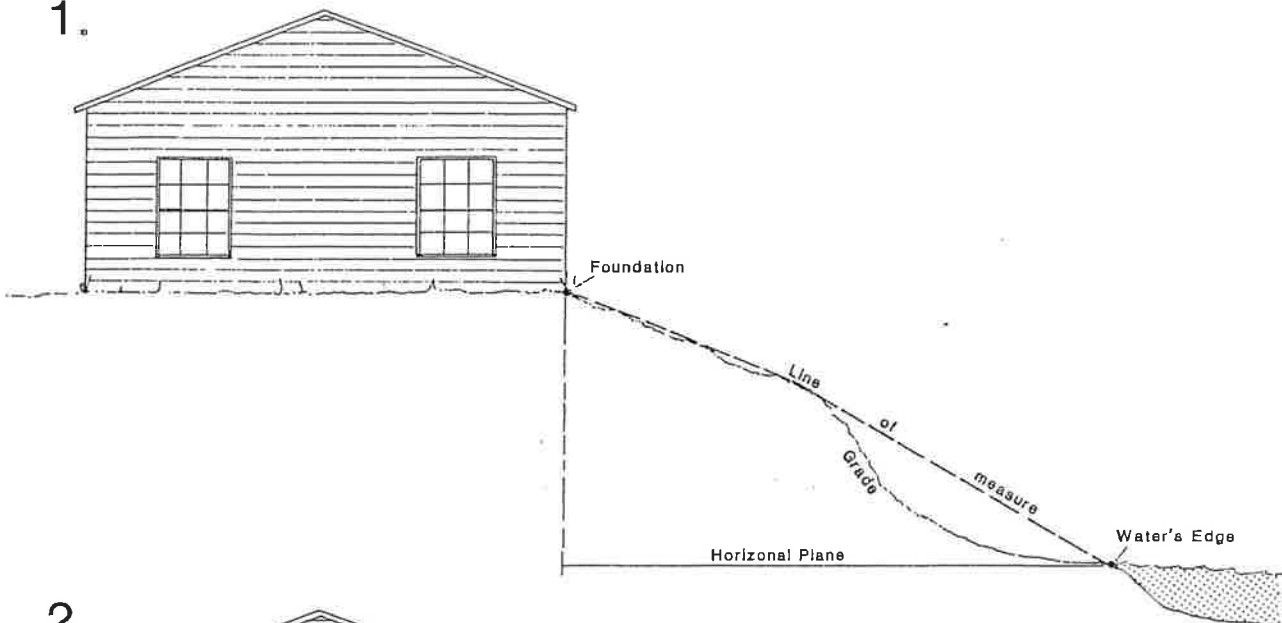
These setbacks shall be measured from the water's edge to the nearest point of exposed foundation, building/porch support, or farthest extending protrusion of the building/structure. The measurement shall follow the natural slope and not the horizontal plane, as shown by the attached Illustration A. Walkways and steps not attached to any building leading to the water's edge shall be excluded.



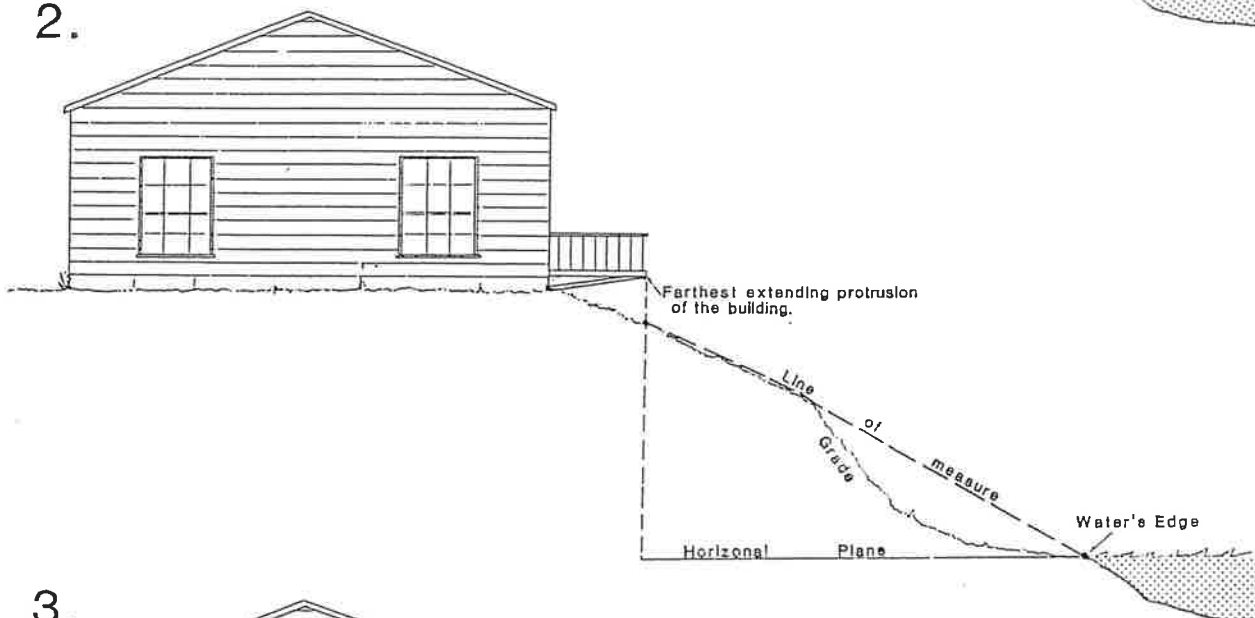


# ILLUSTRATION A

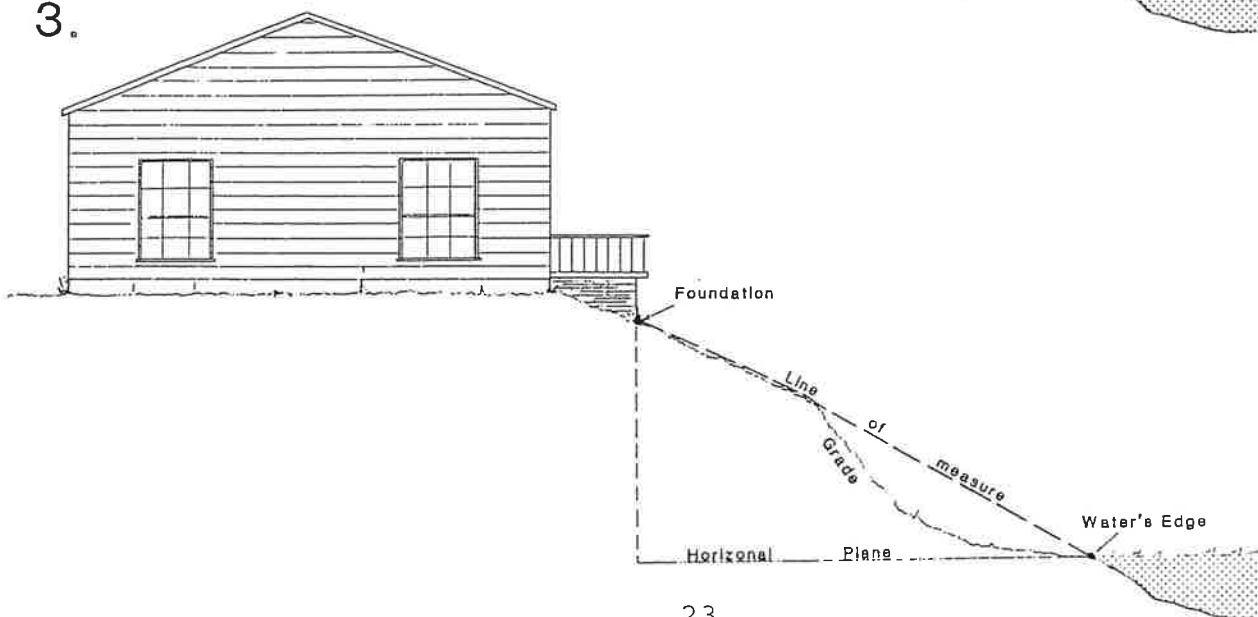
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**8-307. Planned Unit Development.** The purpose of the planned unit development (PUD) is to provide for opportunities to create more desirable environments through the application of flexible and diversified land development standards under a comprehensive plan and program professionally prepared. The planned unit development is intended to be used to encourage the application of new techniques and technology for community development which will result in superior living or development arrangement with lasting values. It is further intended to achieve economies in land development, maintenance, street systems and utility networks while providing building groupings for privacy, useable attractive open spaces, safe circulation, and the general well-being of the inhabitants.

For the purposes of this ordinance, cluster type subdivisions and condominiums, townhouses, multi-dwelling units, rental developments, shopping centers, mobile home parks, multi-use parks, and multi-use or ownership developments shall be considered as PUD's. (Ord. 131-03-1C)

1. **Plan Preparation and Submittal:** A planned unit development shall be prepared following the requirements of this section and Section 8-309, Site Plan Review. The PUD shall be submitted to the staff planner a minimum of ten (10) days prior to the monthly meeting. PUD's in which property is divided for the purpose of sale or rental must be submitted with a preliminary and/or final subdivision plat when applicable. The subdivision plat shall be prepared in conformity with the Townsend Subdivision Regulations.
2. **Location:** A PUD may be developed in any district provided that the proposed use is permitted within the district.
3. **Height, Density, and Area Requirements:** The PUD shall meet the following requirements in addition to the requirements set forth in Section 8-607:
  - a. The minimum development site for a residential or tourist lodging PUD shall be a minimum of one (1) acre. Tourist lodgings shall include rental and rustic cabin developments, and other similar uses. (Ord. 131-03-1C)
  - b. No freestanding building shall be closer than twenty (20) feet to any other freestanding building and no closer than twenty-five (25) feet to the exterior property line, except where a greater setback is required in accordance with Section 8-607, footnotes 4 and 5. (Ord.147-04-1C).
  - c. Where feasible, the highest height and intensity of uses shall be toward the interior of the projects.
  - d. If the proposed use is commercial, industrial, or multi-family, the side and/or rear yard setbacks

for parking areas, structures, and buildings shall be a minimum of twenty-five (25) feet when adjacent land is in a low density residential district and/or is residential/rural in nature. In addition, this twenty-five (25) feet shall be maintained as a landscaped buffer/screening area. This landscaped screening shall be planted so as to reduce and minimize negative effects of noise and lights of the establishment on the adjacent land parcel. This landscaping shall be permanently maintained.

- e. The planning commission may consider flexible standards for internal lot size and setbacks to permit cluster developments or zero lot line developments as long as the overall development density is not increased. Minimum setback, and lot width at setback requirements for interior lots as established in Chapters 5 and 6 may be altered upon approval of the planning commission; except that, in no case shall the setbacks from any exterior PUD site property line be less than twenty-five (25) feet or shall be in accordance with subsection b. (Ord. 147-04-1C)

4. **Parking and Access Control Requirements:** The provisions of this ordinance relating to vehicular access and parking (Sections 8-302 through 8-305) shall be adhered to, except for the following:

- a. Interior roads and parking areas within campgrounds, may use an alternative surface to pavement, provided an adequate base is constructed, the slope is less than eight (8) percent, and the planning commission approves the design. An erosion control plan shall also be submitted.
- b. Interior roads and parking areas within rustic cabin developments may use an alternative surface to pavement, provided an adequate base is constructed, the slope is less than eight (8) percent, and the planning commission approves the design. An erosion control plan shall also be submitted. A rustic cabin development shall have a maximum density of six (6) self-contained units or bedrooms, whichever is greater, per acre.

5. **Sign Requirements:** The number, size, type, and placement of signs within PUD's shall be governed by the applicable provisions of Section 8-308 of this ordinance.

6. **Open Space Requirements:** Preservation, maintenance, and ownership of open space areas and facilities shall be accomplished by one or more of the following methods, and shall be established in an appropriate legal manner.

- a. Dedication to and acceptance by the public as part of a governmentally administered park and open space system.
  - b. A property owners association.
  - c. The developer or management authority of the PUD.
7. Site Improvement Requirements: All PUD developments shall include the following:
- a. There shall be constructed sidewalks or an equivalent paved internal pedestrian circulation system. The minimum width of such sidewalks shall be four (4) feet. In a residential or tourist lodging PUD, the planning commission may waive the pavement requirement for internal pedestrian circulation systems provided the slope is less than eight (8) percent and an adequate base is constructed.
  - b. Fire hydrants shall be installed so that all portions of buildings can be reached with a 250-foot hose. In the event water lines smaller than six (6) inches are already in place, this requirement may be waived by the planning commission.
  - c. Storm drainage structures including but not limited to culverts, ditches, and storm water retention basins shall be constructed in accordance with plans and specifications approved by the planning commission.
  - d. For the prevention of noise, improvement of visual character, improvement of storm water drainage, and a generally more pleasing environment, landscaping and screening shall be required by the planning commission and shown on the plan. The planting of deciduous trees in side and rear yards is encouraged.
  - e. On site usable recreation shall be provided in all residential and tourist lodging PUD's. The recreation is intended to serve the residents of the PUD and shall be easily accessible to them.
8. Street and Utility Construction Standards: Public and common ways for pedestrian and vehicular circulation shall be developed in relationship to other existing or planned streets and ways and with the Townsend Major Road Plan. Whether or not the subdivision of property is proposed within a PUD, all project street and way improvements shall comply with the construction standards set out in the subdivision regulations. Due to the uniqueness of each PUD, the owner/developer of a PUD may request slight adjustments from widths of streets, ways,

utility easements, curbing, and similar standards set out in the subdivision regulations; and upon a determination of good cause being shown for such adjustments, the planning commission may permit changes or alterations in standards, provided the spirit and intent of this section can be preserved.

9. Staging of Development: The PUD applicant may elect to develop the site in successive stages. The stages and expected development periods shall be shown on the preliminary PUD development plan. However, each stage given final PUD approval must be substantially complete within itself. The planning commission may also require the development of a PUD project in stages if public facilities are not adequate to handle the entire development initially.

Where the subdivision of property is proposed as part of a PUD, the planning commission shall not grant final subdivision plat approval until common site infrastructures and improvements are completed and/or adequate surety mechanisms are in place to insure completion. (Ord. 147-04-1C)

10. Permits: The developer of a PUD shall be entitled to receive appropriate development permits following approval of the final PUD plan and the preliminary subdivision plat, where applicable. However, none of these permits shall be issued until the building official receives a PUD plan which bears the signed certificates of approval and of application and agreement (See Appendix A for examples).
11. Expiration of Approved Planned Unit Developments. Approval of a planned unit development shall expire twelve (12) months after the date of its approval unless a building permit has been issued and substantial progress has been made toward completion of the project.
12. Changes and Modifications: A PUD project may be changed or modified under conditions established for minor changes and major changes.
  - a. Minor changes. The planning commission may approve changes in minor shifts of building locations, proposed streets and ways, utilities and easements, recreation and open space areas or other features on the approved plan. However, these changes shall not increase densities, change exterior boundary lines, change uses, materially change location or amount of land devoted to specific uses, or significantly change the exterior features or appearance of buildings and uses shown on the approved plans.
  - b. Major changes. All changes other than those established as minor shall be considered as major

changes to the PUD plan and shall require a new plan submission in accordance with the procedures and requirements for approval of a PUD plan.

**8-308.        Sign Regulations.**

**8-308.1       Purpose**

The purpose of the sign ordinance is to establish reasonable and impartial regulations for sign controls within the zoning districts of the City of Townsend so as to achieve a more aesthetically desirable environment. As one of the main entrances into the Great Smoky Mountains National Park, the city endeavors to maintain an attractive appearance and project itself to visiting tourists and local residents as the "Peaceful Side of the Smokies." Control of signs is of particular importance and the right to identify a place, business, or convey a public message should and must be kept within reasonable boundaries consistent with the objectives and goals of the community in order to retain its unique character and economic advantages which rests largely on the quality of its appearance. Therefore, the purpose of this ordinance is to preserve, promote and protect;

1. an attractive, uncluttered appearance,
2. the unique character of the city by the orderly display of signs, and hereby discourage confusing communications with the public, and
3. the public's health, safety, and welfare by assuring adequate light, air, and open spaces and limiting congestion and hazardous conditions.

**8-308.2       General Provisions**

- a. Unless specifically exempted by Section 8.308, no sign or sign structure shall be erected, replaced, displayed, constructed, expanded, moved, relocated or altered prior to the issuance of a sign permit by the building official.
- b. Applicants shall provide the building official with plans and specifications noting the location, type, square footage, and design of the proposed sign. The design shall include the proposed message to be displayed so that the building inspector may determine if the sign complies with the provisions within this ordinance.
- c. No signs shall be placed in any road right-of-way. Upon finding such signs, the building official may issue a citation and/or confiscate the signs.

- d. All signs shall be kept in reasonable repair. Upon determination by the building inspector that any sign is unsafe or insecure, or is a menace to the public, he/she shall give written notice to the sign owner. Correction of the condition which caused the sign administrator to give such notice shall be effected within seven (7) days after the receipt of the notice. If the condition is not corrected by the end of the seven (7) day period, the building inspector is hereby authorized to cause the sign to be removed forthwith at the expense of the sign owner.
- e. All lights designed to spell words, emblems, symbols, pictures, or any other attention-getting type message shall be considered a sign.
- f. All signs must comply with Section 8-311 Lighting Standards
- g. For sign purposes, industries shall be considered as a single business.
- h. No part of any sign shall be placed within ten (10) feet of any ingress/egress, except one (1) on-premise directional entrance/exit sign per driveway shall be permitted.
- i. All setbacks are measured from the farthest extending protrusion of a sign. Therefore, any sign attached to a building shall meet all building setback requirements.
- j. Signs extending over a public or private pedestrian walkway shall have a minimum of nine (9) feet between the lower edge of the sign and the walkway.
- k. No portion of any sign shall be permitted within the five (5) foot side or rear yard permanent greenspace.
- l. No portion of any sign shall be permitted within the twenty-five (25) foot side or rear yard required buffer strip when adjacent to residential zones.
- m. Freestanding signs located on U.S. 321/S.R. 73 shall be permitted within the ten (10) foot front yard permanent greenspace.
- n. Freestanding signs located on streets other than U.S. 321/S.R. 73 shall be required to set back a minimum of thirty (30) feet from the road's centerline, or five (5) feet from the front property line, whichever is greater.
- o. No freestanding sign shall exceed fifteen (15) feet in width. Sign frame shall not exceed a total of seventeen (17) feet wide.



- p. No freestanding sign shall exceed fifteen (15) feet in height above ground level at sign or fifteen (15) feet above road profile at location of sign. Sign frame shall not exceed a total of sixteen (16) feet tall.
- q. Window signs shall not exceed 25 percent of the window area of the façade of the building.

### 8-308.3 Prohibited Signs.

- a. No signs shall be permitted which are not expressly permitted in this ordinance.
- b. No portable or temporary freestanding signs shall be permitted unless expressly permitted elsewhere in Section 8-308.
- c. No temporary or portable wall signs shall be permitted unless expressly permitted elsewhere in Section 8-308.
- d. No sign that gives the appearance of action, motion, or which has moving parts; or contains flashing lights, or is intermittently lighted shall be permitted.
- e. Digital and video display signs and electronic message signs.
- f. All forms of flashing lights shall be prohibited.
- g. Signs using exposed lighting including, but not limited to, bulbs, neon, and light-emitting diodes (LEDs).
- h. No sign shall be illuminated with fixtures that allow for the unshielded upward transmission of light.
- i. Above roof and roof signs.
- j. Wall signs extending above the highest ridgeline of the roof.
- k. Billboards, as defined in Section 8-203, are prohibited in all zoning districts.
- l. Off premise signs are prohibited except for freestanding directory signage permitted by 8-308.6.1.c
- m. Signs containing characters, cartoons or statements of obscene, indecent or immoral character which offend public morals or decency.

- n. Signs containing or are an imitation of an official traffic sign or signal or contain the words "stop", "go slow", "caution", "danger", "warning", or similar words.
- o. Signs which are of a size, location, movement, content, coloring, or manner or illumination which may be confused with or construed as a traffic control device or which hide from view any traffic or street sign or signal.
- p. Signs attached to, suspended from or painted on any vehicle which is regularly parked on any street or private property when on of the purposes of so locating is to display, demonstrate, and advertise or attract attention of the public:
  - 1) It is not a violation of this section merely to have common logo of business sign attached to, suspended from, or painted on a company vehicle regularly engaged in the business of the owner.

8-308.4 Exempt Signs. These signs shall not be counted when calculating total sign area.

1. Temporary Signage - no permit required.

- a.) One (1) on-premise yard sale sign shall be permitted on each parcel in all districts. These signs shall be limited to six (6) square feet.
- b.) One (1) real estate sign shall be permitted on each parcel in all districts. These signs shall be limited to eight (8) feet in height and thirty-two feet square feet in area along Highway 321/73 and six (6) square feet in all other areas.
- c.) Political Signs - Political signs may be displayed no sooner than sixty (60) days before any election. All political signs must be removed within three (3) days after each election. These signs shall be limited to eight (8) feet in height and thirty-two feet square feet in area along Highway 321/73 and six (6) square feet in all other areas.
- d.) A temporary sign may be used for advertisement when an existing sign is being replaced or a new sign is being erected. The temporary sign may be used for a period not to exceed 30 days and shall be removed within three (3) days after the erection of the permanent signage. These signs shall be limited to eight (8) feet in height and thirty-two feet square feet in area along Highway 321/73 and six (6) square feet in all other areas.

- e.) On-premise temporary signs posted to direct patrons to community events for public agencies, schools, churches, civic-fraternal organizations or similar non-commercial organizations may be erected no sooner than 10 days prior to the event and no longer than three (3) days after the event. These signs shall be limited to eight (8) feet in height and thirty-two feet square feet in area along Highway 321/73 and six (6) square feet in all other areas.

## 2. Temporary Signage - Permit Required

- a.) A temporary sign may be used to advertise special events, promotions, and/or demonstrations for a period no greater than 10 days. A parcel shall be restricted to six temporary permits per year. These signs shall be limited to thirty-two (32) square feet in area on parcels fronting Highway 321/73 and six (6) square feet in all other areas. Sign height, including frame, shall not exceed eight (8) feet. In no case, shall a sign be placed on the right of way.
- b.) Grand Openings - After a business permit has been obtained, one thirty-two square foot sign may be erected no earlier than 10 days prior to the grand opening and shall be removed no later than three (3) days after the event. In no case shall such signs remain on the parcel for more than 30 days.
- c.) One land development sign per approved entrance and exit noting information about the development shall be permitted in all districts. The maximum size shall be thirty-two square feet. The sign shall be located on the property being developed and shall be removed when the project is completed. The sign shall be removed prior to the issuance of a certificate of occupancy.

## 3. Temporary Signage for Community-wide Events - Permit Required.

- a.) Community-wide events shall be approved by the Townsend Board of Commissioners. After event approval, signs for community-wide events may be erected, provided that all of the following requirements are met:
  - 1. An application is properly completed and delivered to the building inspector at least thirty (30) days before the event. An application may be limited to one event.
  - 2. A Community-wide Event Sign Permit Application has been completed by the sponsor of the event and approved by the building inspector. The

sponsor must organize all aspects of a community event. A representative of the organization must sign the permit application and will be jointly responsible with the organization for insuring that the regulations are followed.

3. As determined by the Townsend Board of Commissioners, the event provides a significant economic benefit to the city as a whole, and portrays or places the City of Townsend in a positive light.
4. The event is open to the public.
5. The event has received the written endorsement of a local non-profit group whose mission includes promoting the economic vitality of Townsend, such as, but not limited to, the Townsend Visitor's Center, the Great Smoky Mountains Heritage Center, or the Little River Railroad and Lumber Company Museum.

b.) All community-wide events are subject to the following requirements:

1. Each community-wide event is allowed to display no more than twelve (12) off-premise signs that do not exceed four (4) square feet in an area and four (4) feet in height. Only one sign per parcel is allowed. In addition, one (1) off-premise banner and one (1) banner at the event site are allowed. Each banner may not exceed thirty-two (32) square feet. Placement of signs and/or banners requires the permission of the property owner or registered agent.
2. No signs or banners shall be placed in any road right-of-way. Upon finding such signs, the building official shall issue a citation and/or confiscate the signs.
3. The signs may not be displayed earlier than ten (10) days prior to the event and must be removed within three (3) days after the event.

4. Informational Signage- No permit required

- a.) Signs designating public parking areas or public recreation areas shall be permitted in all districts. These signs shall be restricted to a maximum of nine (9) square feet and ten (10) feet in height.
- b.) In residential districts, signs identifying a residence shall be permitted provided the signs do not exceed two (2) square feet.

- c.) Numbers used to identify addresses shall be permitted in all districts provided each number does not exceed one (1) foot in height.
- d.) On-premise directional signs, including entrance/exit signs, shall not exceed two (2) square feet on roads with a posted travel speed of 35 miles per hour or less, and shall not exceed four (4) square feet on roads with a posted travel speed greater than 35 miles per hour. The maximum height shall not exceed three (3) feet above the road surface.
- e.) One (1) on-premise directional sign may be placed at each entrance and exit. One (1) additional directional sign may be placed at each intersection where an internal circulation system is provided.
- f.) Signs which give instructions such as no dumping, no trespassing, no fishing, no parking, or other similar messages, provided they do not exceed three (3) square feet in area.

#### 8-308.5 Freestanding Signs

- 1. Freestanding signs in B-1, General Business District are subject to the following standards:
  - a.) Each parcel may be permitted one (1) freestanding sign per parcel, if the parcel is occupied by an enclosed permanent structure greater than eight hundred (800) square feet.
  - b.) No freestanding sign shall exceed one hundred and twenty-eight (128) square feet unless provided for elsewhere in this ordinance.
  - c.) A directory sign may be used for the following. To qualify for a directory sign(s), no other freestanding sign may be displayed on the parcel using the directory signage unless expressly provided elsewhere in this ordinance.
    - (1) Planned unit developments, shopping centers, zero-lot line developments, and businesses within multi-tenant buildings may choose to have one directory sign per 300 feet of road frontage.
    - (2) If businesses share a common driveway accessing Highway 321/73, then they may choose to share one directory sign.

2. Freestanding signs in residential districts are subject to the following:

a.) All Planned Unit Developments (PUD's) and residential developments of five (5) lots or more located within residential zones shall be permitted one (1) subdivision entrance sign.

(1) The subdivision entrance sign shall not exceed thirty-two (32) square feet.

(2) The subdivision entrance sign shall not exceed ten (10) feet in height.

(3) The subdivision entrance sign, if lighted, shall meet the requirements of Section 8-311 Lighting Standards.

(4) Only one side of the subdivision entrance sign shall be counted when calculating total sign area.

b.) In residential zones where a home occupation or any other permitted non-residential use is being conducted, one (1) freestanding sign shall be permitted.

(1) The freestanding sign shall not exceed six (6) square feet.

(2) The freestanding sign shall not exceed five (5) feet in height.

(3) The freestanding sign, if lighted, shall meet the requirements of Section 8-311 Lighting Standards.

(4) Only one side of the freestanding sign shall be counted when calculating total sign area.

(5) A church in a residential zone shall be considered an exception and shall not exceed thirty-two (32) square feet.

#### 8-308.6 Wall Signs

1. Wall signs in all districts are subject to the following standards:

a.) All wall signs shall be permanently affixed to the exterior of the building.

b.) A projecting sign, porch sign, and signs placed on parapets or similar architectural features as

displayed on Figure 1: Wall Signs shall be considered wall signage.

1. A sign placed on a parapet or similar architectural feature may not extend beyond the edges of the architectural feature on which it is displayed.

2. A porch sign may extend no greater than 25 percent above the eaves of a structure.

c.) Both sides of the projection sign shall be counted when calculating total sign area.

2. *Walls signs in commercial zones are subject to the following standards.*

a.) Wall signs shall be permitted in all commercial zones provided that no more than one (1) freestanding sign exists on the parcel.

b.) Within commercial zones, any number of wall signs shall be permitted unless specifically restricted elsewhere in this ordinance.

c.) Within commercial zones, wall signs shall be permitted on all exterior walls of a building, unless specifically restricted elsewhere in this ordinance.

d.) The square footage of total wall sign area permitted in all commercial zones shall be determined by the longest side of the building and shall not exceed sixty-four (64) square feet. For each one (1) linear foot of the longest side of the building, one (1) square foot of sign area shall be permitted. Buildings with up to thirty-two (32) linear feet of building length shall be permitted to have a thirty-two (32) square foot sign. See Illustration B.

e.) Where wall signs are permitted on more than one side of a building, the total allowable sign area shall be calculated based on the longest building side's length, not to exceed sixty-four (64) square feet of total sign area. Should the shorter side of the building be less than thirty-two (32) linear feet in length, the sign on that side of the building shall not exceed thirty-two (32) square feet. See Illustration B.

1). *Wall signage in shopping centers, office complexes, or any other multi-tenant or*

*multi-use commercial development are subject to the following standards:*

- a.) Wall signs for individual businesses, offices, etc. within such developments shall be limited to no more than one (1) square foot of area per one (1) linear foot of exterior wall space per unit up to a maximum of sixty-four (64) square feet.
- b.) Where wall signs are permitted on more than one side of a building, the total allowable sign area shall be calculated based on the longest exterior wall per unit, not to exceed sixty-four (64) square feet of total sign area. Should the shorter exterior wall be less than thirty-two (32) linear feet in length, the sign on that side of the building shall not exceed thirty-two (32) square feet.

*2.) Wall signage in Planned Unit Developments (PUD's) are subject to the following standards. See Illustration B.1. Permitted Wall Signs in Planned Unit Developments*

- a.) Wall signage shall be limited to no more than thirty-two (32) square feet for a single building or in the case of a zero lot line development within a PUD, a building site separated by a firewall as defined in the International Building Code. (Ord. 246-09-1C)
- b.) A maximum of four (4) signs per building or building sites shall be permitted unless specifically restricted elsewhere in this ordinance. Where multiple wall signs are permitted, the cumulative sign area used for that building or building site shall not exceed thirty-two (32) square feet. (Ord. 246-09-1C)
- c.) In the case of a multi-unit structure within a zero lot line development, wall signs shall be no less than three feet from the lot line and/or lot lines.

*3.) All gas station canopies shall be permitted the following wall signage:*

- a.) For each two (2) linear feet of canopy length, one (1) square foot of sign area shall be permitted.

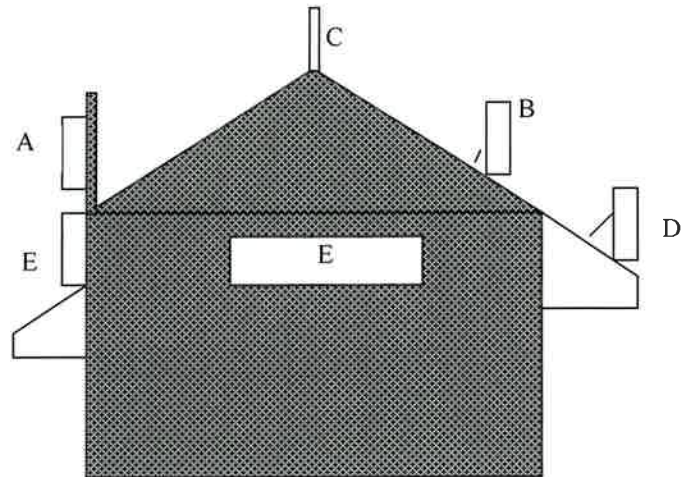


b.) Wall signs may be placed on the canopy and/or the support structure.

3. Wall Signage in Planned Unit Developments (PUD's) located within residential zones and all tourist lodging PUD's are subject to the following standards:
  - a.) Wall signs shall be permitted provided one (1) or less freestanding signs exist on the parcel.
  - b.) A maximum of one (1) wall sign, two (2) square feet, shall be permitted for each individual lodging unit.

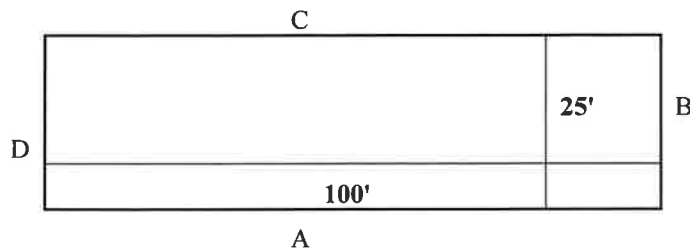
**Figure 1: Wall Signs**

		Allowed	Prohibited
A	Parapet Sign	√	
B	Roof Sign		X
C	Above Roof Sign		X
D	Porch Sign	√	
E	Wall Sign	√	



### Illustration B Permitted Wall Signs: Townsend, Tennessee

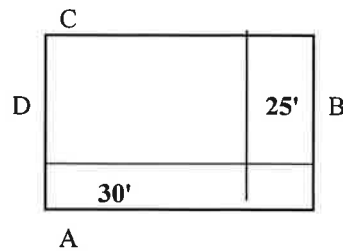
**Example 1: Combinations of Wall Signs Permitted for a 100' x 25' Building**  
**Maximum Wall Signage Permitted: 64 Square feet**



**Table 1: Possible Combinations of Signs Permitted (in square feet)**

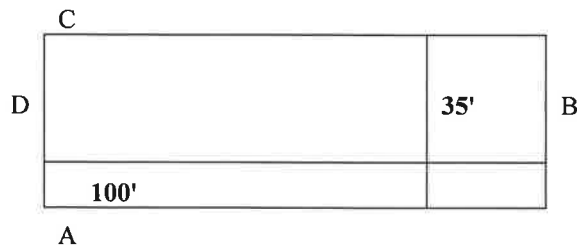
	Side A	Side B	Side C	Side D
<b>Combination 1</b>	64	0	0	0
<b>Combination 2</b>	0	32	0	32
<b>Combination 3</b>	32	0	0	32
<b>Combination 4</b>	16	16	16	16

**Example 2: Combinations of Wall Signs Permitted for a 30' x 25' Building**  
**Maximum Wall Signage Permitted: 32 Square feet**

**Table 2: Possible Combinations of Signs Permitted (in square feet)**

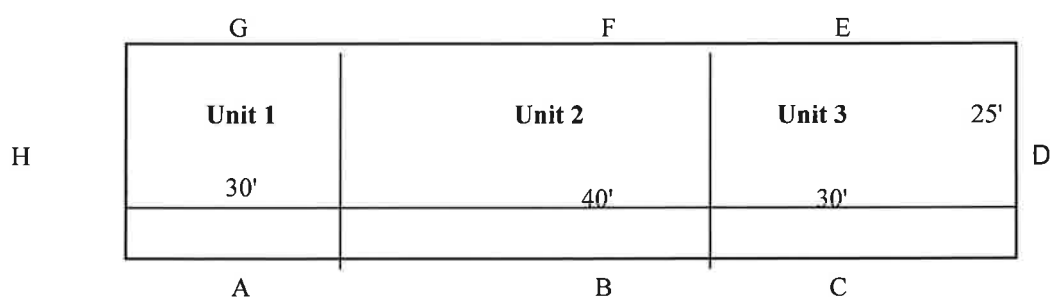
	Side A	Side B	Side C	Side D
<b>Combination 1</b>	32	0	0	0
<b>Combination 2</b>	0	32	0	0
<b>Combination 3</b>	0	0	0	32
<b>Combination 4</b>	8	8	8	8

**Example 3: Combinations of Wall Signs Permitted for a 100'x 30' Building**  
**Maximum Wall Signage Permitted: 64 Square Feet**

**Table 3: Possible Combinations of Signs Permitted (in square feet)**

	Side A	Side B	Side C	Side D
<b>Combination 1</b>	64	0	0	0
<b>Combination 2</b>	32	32	0	0
<b>Combination 3</b>	16	16	16	16
<b>Combination 4</b>	32	0	32	0
<b>Combination 5</b>	0	35	29	0

**Example 4: Combinations of Wall Signs Permitted for a Multi-unit Building**



**Table 4a: Possible Combinations of Signs allowed (in square feet): Unit 1**

**Allowable: 32 square feet**

	Side A	Side g	Side H
<b>Combination 1</b>	32	0	0
<b>Combination 2</b>	16	16	0
<b>Combination 3</b>	8	8	16
<b>Combination 4</b>	0	0	32

**Table 4b: Possible Combinations of Signs allowed (in square feet): Unit 2**

**Allowable: 40 square feet**

	Side B	Side F
<b>Combination 1</b>	40	0
<b>Combination 2</b>	20	20
<b>Combination 3</b>	0	40

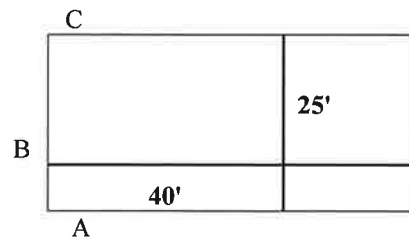
**Table 4c: Possible Combinations of Signs allowed (in square feet): Unit 3**

Allowable: 32 square feet

	Side C	Side D	Side E
<b>Combination 1</b>	32	0	0
<b>Combination 2</b>	16	16	0
<b>Combination 3</b>	8	16	8
<b>Combination 4</b>	0	32	0

### Illustration B.1. Permitted Wall Signs in Planned Unit Developments: Townsend, Tennessee

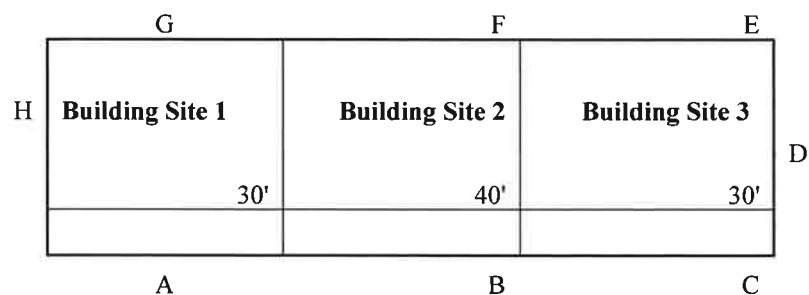
**Example 1: Combinations of Wall Signs Permitted for a 40' x 25' Building**  
**Maximum Wall Signage Permitted: 32 Square feet**



**Table 1: Possible Combinations of Signs Permitted (in square feet)**

	Side A	Side B	Side C
<b>Combination 1</b>	32	0	0
<b>Combination 2</b>	0	32	0
<b>Combination 3</b>	8	8	16

**Example 2: Possible Combinations within a Zero Lot Line Development**



**Table 2a: Possible Combinations of Signs allowed (in square feet): Building Site 1**  
**Allowable: 32 square feet**

	Side A	Side G	Side H
<b>Combination 1</b>	32	0	0
<b>Combination 2</b>	16	16	0
<b>Combination 3</b>	8	8	16
<b>Combination 4</b>	0	0	32

**Table 2b: Possible Combinations of Signs allowed (in square feet): Building Site 2**  
**Allowable: 32 square feet**

	Side B	Side F
<b>Combination 1</b>	20	12
<b>Combination 2</b>	32	0
<b>Combination 3</b>	0	32

**Table 2c: Possible Combinations of Signs allowed (in square feet): Building Site 3**  
**Allowable: 32 square feet**

	Side C	Side D	Side E
<b>Combination 1</b>	32	0	0
<b>Combination 2</b>	8	24	0
<b>Combination 3</b>	8	16	8
<b>Combination 4</b>	0	32	0

**8-309. Site Plan Review.** The developer of any proposed commercial, industrial, public, semi-public, or multi-family residential use shall present a detailed site plan to the Townsend Municipal Planning Commission for review and approval before the issuance of a building permit. Site plans granted approval contingent upon corrections to the site plan shall have thirty (30) days to make the required corrections and submit a revised site plan to the Building Official. Approval of all site plans shall expire twenty-four (24) months after the date of its approval. (Ord. 266-13-1P)

- A. Site Plan Contents: (Ord. 321-21-1P) All site plans shall be prepared and certified by a licensed engineer, landscape architect, architect, and/or surveyor, in accordance with state law. The site plan shall set forth the proposal for the development of the entire land tract and shall contain the following:

1. North point and scale.
2. A location map identifying the surrounding land use including streets.
3. Total acreage of the tract of land.
4. Dimensions and bearings of all lot lines.
5. Location of any existing and/or proposed structures.
6. An accompanying architectural rendering, illustration, or photograph depicting the proposed development.
7. Location and size of all existing or proposed utility lines (i.e., water, sewer, gas, power) and any attendant facilities (i.e., lift station, pumphouse, etc.).
8. Proposed landscape design (including location and type of vegetation, walkways, fencing, etc.).
9. Proposed location of signage, type of signage (ground, wall, or roof) and dimensions of sign.
10. Drainage plans including location and size of tiles, storm sewers and water receptacles and drainage easements along with the estimated storm water runoff (based on 10-year rain).
11. Parking area design including a cross section of the pavement which shall utilize asphaltic concrete and an adequate base, construction type, ingress and egress, number of parking spaces, dimensions and design of those spaces. Porous parking areas may be allowed by the planning commission upon submittal of a plan detailing the type, thickness, and locations of the materials to be used. Any conversion of a porous parking lot/area to non-porous shall require the submittal of a new parking plan to the planning commission for review and approval as well as a new hydrology study prior to any changeover in the parking lot. (Ord. 232-07-1C)
12. Identification of any dedicated easements.
13. Location of loading zones, front, side and rear doors.
14. Plans for refuse collection, storage, and disposal.

15. Letter of approval from the appropriate governing agency for any entrance or curb cut on a state highway.
16. Approval by the health department if on-site sewerage disposal is utilized.
17. Proposed location for use or storage of any toxic, volatile, or flammable materials.
18. Topography of existing and finished grades when determined as appropriate by the building inspector. (Ord. 311-19-1P)
19. All sites wholly or partially within any flood hazard area shall depict the Special Flood Hazard Zone boundary, the Flood Insurance Rate Map (FIRM), and the effective FIRM date. Both the Base Flood Elevation (BFE) and the Finished Floor Elevation (FFE) shall be depicted on the site plan. (Ord. 311-19-1P)
20. Any other information deemed pertinent by the planning commission.
21. If the proposed use is commercial, industrial, or multi-family, the side and/or rear yard setbacks for parking areas, structures and buildings shall be increased to twenty-five (25) feet when adjacent land is in a low density residential district. In addition, this twenty-five (25) feet shall be maintained as a landscaped buffer/screening area. This landscaped screening shall be planted so as to reduce and minimize negative effects of noise and lights of the establishment on the adjacent land parcel. This landscaping shall be permanently maintained.
22. Commercial or industrial building additions of less than ten percent of the building square footage or four hundred (400) square feet (whichever is the least of the two) shall not be required to submit a site plan for planning commission review. To qualify for this exemption, the addition must be on an existing building and shall not be in a FEMA designated flood zone or fringe area. The site must conform to all zoning restrictions, setbacks, subsurface disposal, and shall require a building permit. A sketch plan of the proposed addition shall be required for the building permit. (231-07-1C)

23. All Site Plans must submit a lighting plan that meets the requirements provided in Section 8-312. Lighting Standards. (Ord. 252-11-1P)

B. Residential Plot Plan Requirements: (Ord. 257-11-1P)  
An applicant of any proposed single-family and two-family residential use shall present a plot plan containing the following information in sufficient detail to allow the Building Official to determine if the proposed use is in conformance with the zoning code. The required content of the plan is as follows:

1. Actual shape and dimensions of the lot.
2. Tax Map and Parcel Number of the lot.
3. Setback lines and utility easements.
4. Shape, size and location of all existing and proposed buildings.
5. Any other information deemed necessary by the Building Official.



### Section 8-309

**The Townsend Municipal Planning Commission meets on the second Thursday of each month at 6:00 p.m. at the City Hall and is open to the public.**

Submission deadline for each month's agenda is ten **(10) days** (including weekends) prior to the scheduled meeting date.

It is the applicant's responsibility to submit eight (8) copies of the site plan to the City Hall for placement on the Townsend Municipal Planning Commission's agenda. Only complete site plans with an attached checklists submitted by the deadline will be added to the agenda for review by the planning commission. Site plan requirements are applicable to multi-family, public and semi-public, commercial, industrial uses including a change from residential to a commercial use. Copies of the site plan regulations are contained within the Townsend Zoning Ordinance and available at the City Hall.

#### **CHECKLIST FOR SITE PLAN REVIEW & APPROVAL<sup>1</sup>**

<b>SITE PLAN REQUIREMENTS:</b>	<b>Applicant YES-NO-N/A</b>	<b>Staff Verification</b>	<b>Staff Comments</b>
1. North point & scale			
2. Location Map (+ surrounding land use & streets)			
3. Total Acreage of Tract			
4. Setbacks, dimensions & bearings of lot lines			
5. Location of existing & proposed structures			
6. Architectural Rendering, Illustration or Photo of proposed development			
7. Location of Existing & Proposed Utilities			
8. Proposed Landscaping Design			
9. Proposed Location, Type & Dimensions of Signage (Section 8-308)			
10. Drainage Plan (Section 8-309.10)			
11. Parking Design (Section 8-309.11)			
12. Dedicated Easements			
13. Loading Zone Locations			
14. Refuse Storage, Collection & Disposal Plans			
15. Approval Letter for Curb Cut on State Hwy			
16. Health Department Approval (if applicable)			
17. Location of any Toxic, Volatile or Flammable Materials			
18. Topography of existing & finished grades (if applicable)			
19. Flood Hazard Identification (if applicable)			
20. Lighting Plan (Section 8-311)			

Is the applicant requesting any **variances** from the Townsend Zoning Ordinance? No \_\_\_\_\_ Yes \_\_\_\_\_

If Yes, identify variance being requested.

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
Zoning Ordinance variances granted: (Authorized by the BZA) No \_\_\_\_\_  
Yes \_\_\_\_\_ Site Plan Approval Date: \_\_\_\_\_ Other Comments: \_\_\_\_\_  
\_\_\_\_\_

<sup>1</sup> Requirements are applicable to the specific uses as noted. This checklist is for general reference purposes only and confirmation of specific and/or additional requirements are the responsibility of the applicant.

**8-310 Telecommunications Towers and Antennae.** The requirements of this Section apply to the placement of commercial transmitting and receiving antennae, telecommunication towers, and any incidental structures to said antennae or towers, and any incidental structures to said antennae or towers. Requirements noted below are meant to prevent harmful impacts upon the community, which can occur as the result of the erection of telecommunication towers. Commercial telecommunications towers and related incidental facilities must adhere to the following standards:

**1. Telecommunication Tower as a Principal Use.**

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

**2. The Priority of Co-Location.** An applicant proposing to construct a new telecommunications tower shall identify all other existing towers within the City as possible alternative sites for antenna installation. Where feasible, priority shall be given to the placement of an additional antenna on an existing tower, instead of erecting a new tower. Furthermore, approval of the construction of a new telecommunications tower generally shall be contingent on the capability of future installations of additional antennae on such a tower. The applicant for a new tower shall provide new written authorization to the Planning Commission indicating that the proposed tower is designed to allow the installation of additional antennae. The authorization shall be recorded at the Office of the Register of Deeds of Blount County, Tennessee prior to the issuance of permit for tower construction.

**3. Application for the Location of Telecommunication Antennae and Towers.**

A request to locate a telecommunications antennae or tower within the City of Townsend, Tennessee shall be submitted to the City's Building Inspector. If the request involves only the placement of an antenna on an existing structure or tower, without any extension of that structure or tower, and with no construction of new buildings and related facilities, then the Building Inspector may permit said installation upon finding that all applicable City requirements have been met. If, however, any new tower, extension of an existing structure or tower, or any new telecommunications building or facilities is proposed for a site, then the Planning Commission of the City of Townsend, Tennessee shall consider the request.

A permit for the construction of a telecommunications tower or related facility shall not be issued without

the approval of the Planning C Commission of the City of Townsend, Tennessee. If substantial progress on a tower project has not been made within six (6) months of the issuance of a permit, then that permit shall be void. Prior to any consideration by the Planning Commission regarding proposed construction of a telecommunications tower or facility, the following must be submitted for the Planning Commission agenda at least ten (10) days before the meeting at which the proposal is to be addressed:

a. A scaled site plan displaying the location, type, and height of the proposed tower; topographic contour lines at five (5) foot intervals; the locations and dimensions of any proposed or existing buildings on the site; locations of guy wires and their anchor points on the ground; dimensions of property boundaries, nearby rights-of-way and street names, easements and significant natural features; proposed or existing access points into the site; a landscape plan, along with any indications of any needed screening and fencing, utility lines or installations in the vicinity of the site, including the names of adjacent property owners.

b. Information collected by the applicant concerning any alternative, existing structures or towers in the City of Townsend, Tennessee, which might provide for the placement of a communications antenna, without the construction of a new tower.

**4. Setbacks for Towers and Associated Buildings or Facilities.** The placement of any telecommunications tower shall be provided with the setback from each property line equivalent in linear feet to the height of the tower. Any building and/or associated facilities erected on the tower site shall conform with all applicable building setback requirements which apply to the zoning district in which the site is located.

**5. Guy Wires and Supports.** Guy wires, and associated supports for guy wires, shall be set back a minimum of ten (10) feet from side and rear property lines, and no guy wires shall be allowed within the front building setback ordinarily required in the zoning district in which the proposed tower site is located.

**6. Lighting, Noise, and Color.** Lighting for a tower shall not exceed the requirements of federal and state regulations, with regard to the number and color of lights. Intermittent or strobe lights shall be allowed on a tower only to the extent needed to satisfy federal or state regulations. Lighting in excess of the applicable requirements shall not be permitted.

Insofar as possible, given federal or state regulations, noise emanating from a tower or from

equipment accessory to it, shall not be audible to adjacent residents. Where any such noise may emanate from a tower site, the applicant shall provide evidence for the implementation of measures to mitigate noise on surrounding properties.

Unless mandated by other applicable regulations, tower colors shall be restricted to those which tend to blend into the immediate environment, and which are as inconspicuous as possible. Accordingly, all new and replacement antenna towers located in the Municipality shall be of Stealth Design and compatible with the surrounding environments. "Stealth Design" means any communications facility that is designed to blend into the surrounding environment. Examples of stealth facilities may include, but are not limited to, antenna tower alternative structures, architecturally screened roof-mounted antennas, building mounted antennas painted to match the existing structures, antennas integrated into architectural elements, antennas and monopoles surrounded or obscured by existing and/or proposed trees and landscaping and antenna structures designed to look like light poles, flagpoles, or any other camouflaging techniques available on the market.

**7. Landscaping and Screening from Public View.**

Fences, equipment enclosures, buildings and all related facilities located at the base of a tower shall be screened by landscaping shrubs and/or trees. The landscape screening utilized shall be sufficient to obscure said fences, equipment and/or facilities from view. At a minimum such shrubs and trees shall be fast growing, a minimum of four and one half (4 ½) foot high at the time of planting, and be capable of reaching a height of six (6) feet at maturity.

In addition, one tree shall be planted for each fifteen (15) feet of tower height. Said trees shall be planted within the radius of the tower height from the base of the tower. Existing trees may be counted toward this tree planting requirement.

**8. Planting of New Vegetation.** Where vegetation is installed for screening, the time allowed for the installation of landscaping shall not exceed thirty (30) days after the completion of tower construction and associated appurtenances. If seasonal circumstances prevent the planting of vegetation on a tower site, then the Building Inspector may allow an extension of the thirty (30) day time limit into the next growing season.

**9. Tower Removal Upon Termination of Use.** When the active use of a telecommunications tower ceases for a period of six (6) consecutive months, then the tower shall be removed at

the owner's expense. It shall be the responsibility of the owner of a telecommunications tower to notify the Building Inspector when that tower has ceased operations, except for ordinary maintenance or minor repairs. (Added, Ordinance 114-99, June 3, 1999)

**8-311 Recreational Vehicle Parks and Campgrounds.** (Added by Ord. 131-03-1C) The purpose of this section is to provide opportunities for quality designed recreational vehicle parks and campgrounds that are properly located in the community where street access and capacity and other infrastructure are favorable for higher density development. In order to create a desirable recreational environment and protect the public welfare, site plans are required for all new recreational vehicle parks and campgrounds. A recreational vehicle park and campground shall meet the following regulations:

**1. Plan Preparation and Submittal.** Recreational vehicle parks and campgrounds shall be prepared following the requirements of this section and Section 8-309 Site Plan Review. The site plan shall be submitted to the Townsend Municipal Planning Commission a minimum of ten (10) days prior to the monthly meeting.

**2. Minimum size of recreational vehicle parks and campgrounds.** The minimum development site for a recreational vehicle park and campground shall be three (3) acres.

**3. Permitted Uses and Activities.** The following uses, vehicles and activities shall be permitted in all recreational vehicle parks and campgrounds.

a. Recreational vehicles, travel trailers, pick-up coaches, motor homes, camping trailers, and tents suitable for temporary habitation and used for travel, vacation and recreation purposes provided:

1) Recreational vehicles must be certified by the manufacturer as complying with RVIA standards, being plumbed and wired to meet utility codes.

2) Underpinning or the removal of wheels, except for the temporary purpose of repair or stabilizing is prohibited.

3) No permanent external appearances such as carports, cabanas, or patios may be attached to any recreational vehicle in a recreational vehicle park.

b. A recreational vehicle shall not remain in a recreational vehicle park for more than thirty (30) days in any ninety (90) day period, except:

1) Vehicles owned and operated by Seasonal Camp workers shall be exempt from this requirement.

2) Storage of unoccupied recreational vehicles may be allowed in designated recreational vehicle campsites. The number of vehicles shall be limited to the number of recreational vehicle campsites available in the campground.

**c. Campworkers.** Each recreational vehicle park or campground may have recreational vehicle campsites available for campworkers.

**4. Accessory Uses.** Management headquarters, toilets, dumping stations, showers, coin-operated laundry facilities, commercial uses exclusive to the park that cater to camp patrons only, and structures which are customarily incidental and subordinate to the operation of a recreational vehicle park and campground are permitted as accessory uses to the park, subject to the following restrictions:

**a.** Such establishments and parking areas primarily related to their operations shall not occupy more than five (5) percent of the gross area of the park.

**5. Prohibited Uses and Structures**

**a.** RV Park Mobile Homes

**b.** Mobile homes and mobile home parks.

**c.** Permanent residences, excluding the accessory use of a resident management structure.

**6. Design standards for recreational vehicle parks and campgrounds.** All recreational vehicle parks and campgrounds shall meet the following requirements in addition to the requirements set forth in Section 8-607.

**a. Density.** The maximum number of recreational vehicle campsites and tent campsites shall be controlled through this Section 8-310, adequate site plan review and health department approval.

**b. Access.**

**1)** Vehicular access to recreational vehicle parks and campgrounds shall be restricted to streets classified as a collector or a major arterial on the Townsend Major Road Plan.

- 2) Entrances and exists to recreational vehicle parks and campgrounds shall be designed for safe and convenient movement of traffic into and out of the park and to minimize traffic conflict and facilitate free movement of traffic on adjacent streets. All traffic into and out of the park shall be through such entrances and exits. No entrance or exit shall require a turn at an acute angle for vehicles moving in the direction intended. Curb radii, driveway cut and placement at intersections shall be such as to facilitate easy turning movements for vehicles with trailers attached. Entrances and exists shall be designed to allow ingress and egress simultaneously.
- 3) A deceleration lane may be required to the entrance of the recreational vehicle park and campground.

When a deceleration lane is proposed to be located off a state right-of-way, the deceleration lane is subject to review and approval by the Tennessee Department of Transportation and the City Street Department. When a proposed deceleration lane is proposed to be located off a city maintained right-of-way, the deceleration lane is subject to review and approval by the City Street Department.

c. **Internal Roadways.** All internal roadways shall meet the following requirements:

- 1) Internal roadways shall be maintained so emergency vehicles can safely access all areas of the site.
- 2) All interior roadways shall be constructed with an adequate, well-drained base and be surfaced with at minimum four (4) inches of gravel. Roadway grades shall not exceed eight (8) percent and an erosion control plan shall also be required.
- 3) All internal roadways shall have a minimum width of:
  - i. One way 12 feet
  - ii. Two way 20 feet

- d. **Minimum Yard Requirements and Buffer Strips.** All recreational vehicle parks and campgrounds shall meet the minimum yard requirements of the zoning district as set forth in Section 8-607. Additional setback buffer strips shall be required under the following conditions. Buffer strips shall be maintained as permanent vegetation. Parking and buildings shall be prohibited in the buffer strips.
- 1) In all cases where the rear or side yard abuts a residential district, the minimum setback shall be twenty-five (25) feet and maintained as a permanent vegetative buffer strip.
  - 2) In all cases where the rear or side yard abuts the Little River, the minimum setback shall be twenty-five (25) feet and maintained as a permanent vegetative buffer strip.
  - 3) In all cases where the rear and side yard abuts other streams within the City of Townsend, the minimum setback shall be fifteen (15) feet and maintained as a permanent vegetative buffer strip.
- e. **Height.** All recreational vehicle parks and campgrounds shall meet the minimum height requirements of the zoning district as set forth in Section 8-607.
- f. **Sign Requirements.** Signs as regulated in Section 8-308.
- g. **Check-in Facility.** Designate on the site plan a central vehicle check-in facility with the capacity for parking and vehicle stacking for a minimum of three (3) recreational vehicles, to insure check-in does not become congested.
- h. **Parking:**
- 1) Parking spaces shall be provided for the manager and camp workers of the camping facility.
  - 2) A minimum of one guest parking shall be provided for every five (5) campsites.
- i. **Fire Pits.** Campfires shall only be permitted in designated fire pits.
- j. **Sewage Disposal.** All recreational vehicle parks and campgrounds shall be served by a public sewer system, if available, or by a sanitary sewage disposal system approved by the Blount County Health Department or appropriate authority.
- k. **Water Facilities.**



1) All recreational vehicle parks and campgrounds shall be served by a public water system.

2) Each recreational vehicle site shall be supplied with individual water service. All water facilities shall have a drain or a sump.

**1. Fire Hydrants.**

1) Should provide fire hydrant compatible with trunk line so each campsite is within five hundred (500) feet of a fire hydrant.

2) Fire hydrants should be no smaller than the hydrant line feeding the site.

3) All fire hydrants shall have a drain or a sump. Said hydrant shall be approved by the Townsend Building Inspector.

**m. Electricity.** All electrical facilities shall be installed and maintained in accordance with all state and local electrical codes and ordinances.

**n. Refuse Storage, Collection, and Disposal.** Each campsite shall be provided with at least one (1) fly-tight, water tight, rodent proof container of a capacity not less than four (4) gallons and not more than thirty (30) gallons. However, this may be waived when a central collection facility is available. The central location facility shall be enclosed and screened by fencing, walls, or evergreen plant materials in such a way that it is not visible from any public street or adjoining properties. All refuse shall be collected daily and where public or private collection service is not available, the owner or operator of the recreational vehicle park and campground shall dispose of the refuse by transporting it to a disposal area approved by the Blount County Health Department.

**7. Design Requirements for Recreational Vehicle Campsite and Tent Campsite.**

**a. Recreational Vehicle Campsite.**

1) All recreational vehicle campsites shall have a minimum of 1,400 square feet.

2) A recreational vehicle campsite shall be designed so there is a minimum of ten (10) feet between recreational vehicles.

- 3) Each campsite shall contain a stabilized vehicular parking pad.
- 4) No buildings or storage sheds are permitted on individual recreational vehicle campsite.
- 5) Recreational vehicle campsites shall include a minimum of one automobile vehicle parking space with minimum dimensions of ten (10) feet by twenty (20) feet.
- 6) Each campsite shall abut at least one internal roadway within the boundaries of the recreational vehicle park and campground. Ingress and egress to the campsite shall be limited to an internal roadway.

**b. Tent Campsite.**

- 1) All tent campsites shall have a minimum area of 1,400 square feet.
- 2) Tent campsites shall include a minimum of one automobile parking space with minimum dimensions of ten (10) feet by twenty (20) feet.
- 3) Each campsite shall abut at least one internal roadway within the boundaries of the recreational vehicle park and campground. Ingress and egress to the campsite shall be limited to an internal roadway.

**8-312. Lighting Standards.** The provision of this section are meant to reduce the harmful effects of lighting on public health and safety within the City of Townsend. It is also the intent of this section to provide for safe lighting practices, to minimize light pollution, to eliminate glare and its negative effects including distraction to drivers, for the enjoyment of Townsend's citizens and visitors. The following requirements shall apply to office, commercial, industrial and multi-family sites or developments. However, regardless of the particular use of land on a site, no light shall be allowed to shine or glare onto adjacent properties, rights-of-way, or easements (except for municipal street lighting).

In accomplishing these goals lighting plans shall use light and light designs to keep cut-off angles from entering other properties. For the purpose of this ordinance, glare shall be defined as any brightness within the field of vision of such character as to cause annoyance, discomfort, interference with vision, or loss in visual performance and visibility. (Ord. 138-04-1C)

1. Fixtures for outdoor lighting shall not exceed a height of twenty-five (25), as measured from the ground to the top of the fixture. Light fixtures shall not be higher than twenty-five feet from grade.
2. The maximum number of footcandles at a property line that is adjacent to an R-1E Low Density Residential District Exclusive or an R-1 Low Density Residential District shall be .5 footcandles. The maximum number of footcandles at a property line that is adjacent to an R-2 High Density Residential District shall be 2.0 footcandles. The maximum number of footcandles at a street right-of-way or a property that is adjacent to office, commercial, industrial or multi-family residential land uses shall be 3.0 footcandles.
- 2a. Sign Illumination (Ord. 250-10-1C)
  1. Sign illumination shall be measured from the approximate center of the sign.
  2. Externally illuminated signs shall not exceed 10 foot-candles at sign face.
  3. All internal sign lighting shall illuminate the sign only. Reflected sign illumination intensity shall not exceed one and five-tenths (1.5) foot-candles as measured ten (10) feet from the face of the sign.
3. All illuminaries shall be directed toward the ground. Shielding of the light source shall be used to ensure that illumination is not directed upward and that it does not radiate upon other properties. Illumination will be measured anywhere within the vertical plane of the property line. (Ord. 250-10-1C)
4. All wall lights on buildings shall be directed toward the ground, and shall be shielded where necessary to prevent glare onto adjacent properties, rights-of-way or easements.
5. All ground lights used to illuminate buildings shall not be directed toward adjacent properties, rights-of-way or easements. Blinders or some other type of protectors may be required on the lights so as to direct the beam away from adjacent properties, rights-of-ways, access easements or driveways.
6. If landscaping is illuminated, the design shall not generate excessive light levels, cause glare,

or direct light beyond the landscape canopy into the night sky, as referred in subsection (2).

7. Light levels for gasoline service station canopies for bank automatic teller machines, and other such similar canopies shall be the minimum necessary to provide adequate safety to facilitate the activities taking place in such locations, within the confines of subsection (2), but shall not be used to attract attention to the business.

- a. Lights located under gasoline service station canopies, canopies for bank automatic teller machines, and other similar canopies shall be recessed into the structure ceiling and shall use light shields so as to prevent glare. No portion of the bulb or the glass/plastic surrounding the bulb shall protrude from the structure ceiling unless it can be shown that a different style would be equivalent or better than these requirements.
- b. Lights shall not be mounted on the tops or sides (fascias) of the canopy, and the sides (fascias) of the canopy shall not be illuminated.
- c. Canopies shall be constructed of non-light emitting material.

## 8. **Lighting Plan**

- a. A lighting plan shall be submitted with any site plan required under Section 8-309 of the Townsend Zoning Ordinance. The lighting plan shall be submitted to the Townsend Municipal Planning Commission a minimum of ten (10) days prior to the monthly meeting. The lighting plan may be incorporated into the site plan if the lighting plan and structures can be depicted with clarity.

Upon completion of the installation of all lights, a certification by a licensed engineer or licensed architect with documented experience in exterior lighting shall be submitted to the City of Townsend which shall verify that the lights have been installed per the approved lighting plan. No occupancy

permit will be issued until all documentation is in hand.

- b. The lighting plan shall consist of a scaled drawing of the site showing the locations, dimensions, height and type of lighting structures and fixtures, the specific lighting source employed, and an isofootcandle diagram extending to all property lines. Such plan shall be certified by a certified engineer or licensed architect with documented experience in exterior lighting. If a building is less than one thousand (1,000) square feet in size an alternative plan, subject to review and approval by the city, shall be submitted by the developer utilizing Illuminating Engineer Society of North America (IESNA) standards to the building official.
- c. Existing facilities that are adding new lights or modifying existing lights shall submit a lighting plan to the Townsend Municipal Planning Commission for review and approval in conformance with subsections 8(a) and 9b) above:

**9. Prohibited. The following lighting is prohibited:**

- a. Blinking, flashing, and strobe lights.
- b. Exposed strip lighting used to illuminate building facades or outline buildings.

**10. Exemptions.** Provided that no dangerous glare is created on adjacent streets or properties, the following lighting is exempt from the regulations of this section:

- a. Holiday-style lights and lighting shall be limited to the holiday season.
- b. Emergency lights.
- c. Street lighting installed by the City of Townsend or other authorized government entity for the benefit of safety.

**11. Enforcement.** Failure to comply with this ordinance will result in a permit not being issued or the plan approved.



## CHAPTER 4

### APPLICATION OF REGULATIONS

#### SECTION

- 8-401. Use
- 8-402. Street Frontage
- 8-403. Corner Lots
- 8-404. One Principal Dwelling on a Lot
- 8-405. Reduction of Lot Size
- 8-406. Yard and Other Spaces
- 8-407. Conformity to Subdivision Regulations
- 8-408. Height and Density
- 8-409. Annexations
- 8-410. Vehicles and Temporary, Mobile, Factory-Built or Factory-Assembled Structures
- 8-411. Detached Garages/Carports in Side Yards
- 8-412. Landscaping Requirements
- 8-413. Stormwater Requirements

**8-401. Use.** Except as herein provided, no building or land shall hereafter be used and no building or part thereof shall be erected, moved or altered unless for a use expressly permitted by and in conformity with the regulations herein specified for the district in which it is located.

**8-402. Street Frontage.** No dwelling shall be erected on a lot which does not abut on at least one street **or platted private common driveway easement approved by the planning commission 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. (Ord. 147-04-1C)

**8-403. Corner Lots.** The minimum width of a side yard along an intersecting street shall be 50 percent greater than the minimum side yard requirements of the district in which the lot is located.

**8-404. One Principal Dwelling on a Lot.** Only one principal dwelling 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.

**8-405. 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.

**8-406. 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.

**8-407. 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 Townsend Municipal Planning Commission and such approval entered in writing on the plat by the secretary of the commission.

**8-408. 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.

**8-409. Annexations.** All territory which may hereafter be annexed to the City of Townsend, Tennessee, shall be considered to be in the R-1 Low Density Residential District until otherwise classified.

**8-410. Vehicles and Temporary, Mobile, Factory-Built, or Factory-Assembled Structures.** Except as herein provided, it shall be unlawful to occupy, allow to be occupied, store or place or allow to be stored or placed any temporary, mobile, factory-built or factory-assembled structure (including, but not limited to mobile homes, trailers, recreational vehicles, campers, or tents on any lot, either residential, commercial or industrial, within the corporate limits of City of Townsend. (Ord. 297-18-1P)

1. Exceptions: The following vehicles and structures are excepted from this section, to wit:

- a. Storing or placing such structures and the use of tents and storage buildings are permitted as accessory uses on lots which have a main or principal building; provided that any such accessory use must be incidental, appropriate, subordinate and bear a reasonable relationship to the principal use of the lot, and the building(s) located thereon must be in compliance with the city's building and/or housing codes. In the case of tents, the use thereof shall be allowed for a period not to exceed seven (7) days upon a special permit being issued therefor by the building inspector.



- b. Campers, recreational vehicles, or travel trailers may be parked/stored on a lot with a residential principal building if the vehicle is not located in the front yard. Only one (1) per property shall be parked/stored on a lot. Such vehicles shall not be used for permanent habitation. (Ord. 297-18-1P)
- c. Mobile homes used for occupancy are permitted in approved mobile home parks.
- d. Trailers, travel trailers, motor homes, campers or similar recreational vehicles or structures used for occupancy are permitted in approved campgrounds.
- e. Parking, storing or placing currently licensed, commercial vehicles is permitted in commercial or industrial districts on lots which have a main or principal building.
- f. Temporary office and storage buildings are permitted on approved construction sites; provided that such buildings are removed upon completion of construction.

**8-411. Detached Garage/Carports in Side Yards.** Private detached garages/carport shall be permitted within the minimum required side yard, platted side yard, or projected side yard of residential dwellings by special exception granted by the board of zoning appeals in accordance with the Townsend Zoning Ordinance. In considering such request, the board of zoning appeals shall consider, but not be limited to, the following:

- a. The presence and/or absence of a functional garage on the residential lot, parcel or tract.
- b. The viability of access to the side and rear yard.
- c. The size, height, and design of the carport and its impact on adjacent properties.
- d. The incidence of other Detached Garages/Carports on the block.
- e. The potential impact on the general area.

1. All Garages/Detached Carports are considered under the general category of "Accessory Structure" for zoning purposes and shall comply with the following standards:

- 1. Detached Garages/Carports may be located in the side yard only within the buildable area of a lot. Encroachment within the required yard setbacks is prohibited.

2. Detached Garages/Carports shall not exceed twenty-five (25%) of the area of the principal building.
3. Detached Garages/Carports shall not exceed twenty-five (25%) percent of the area of the side yard.
4. Detached Garages/Carports shall not be permitted on non-conforming lots that do not meet the minimum yard requirements. (Ord. 271-13-1P)

**8-412. Landscaping Requirements** (Ord. 284-16-1P). The purpose of these regulations is to promote the reasonable preservation (including existing vegetation and trees) and replenishment in new developments, redevelopment or expansions, change of use involving commercial, industrial, multi-family residential (four or more units), and other non-residential uses, safeguard and enhance property value, promote awareness of the benefits of effective landscaping among city departments, utility providers, development organizations, individual businesses and property owners, provide reasonable regulations that are easily understood by all parties and provide a standard guide for plant selection, installation, and placement in the City of Townsend, Tennessee.

1. Definitions:

- (a). Berm - A mound or bank of earth covered with either grass or other plant material.
- (b). Caliper - The diameter of the tree trunk measured at six (6) inches above ground level for a tree trunk having a diameter of four (4) inches or less and the diameter of the tree trunk measured at twelve (12) inches above ground level for a tree trunk having a diameter exceeding four (4) inches.
- (c). Deciduous - A plant with foliage that is shed annually.
- (d). Shrub - A plant with either foliage that persists and remains green year-around or deciduous. Shrubs shall be a minimum of three (3) feet tall at maturity.
- (e). Ground Cover - Low plants which grow to form a continuous cover over the ground, such as vinca, English ivy, grass, or like material. No invasive species will be permitted.
- (f). 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.

- (g). 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.
- (h). Landscape Island - Unpaved area located within or protruding into a parking lot or the center of any entry into a development's drive or street. The area of a landscaped island is measured from the back of inside curb to the back of inside curb.
- (i). Landscaping - Any living organic plant material including trees, shrubs, flowers, ground cover, vegetation, vines or grass.
- (j). Maintain or 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.
- (k). Ornamental Tree - A small to medium flowering tree that has a high visual impact, growing between fifteen (15) to forty (40) feet in height at maturity, has at least a one and one-half (1½) inch caliper, as measured six (6) inches above the ground and the trunk can be easily maintained in a clear condition (no branches) at least five (5) feet above adjacent ground level.
- (l). Shade Tree - Any tree in which the height at maturity is expected to exceed thirty (30) feet with an expected crown spread of at least thirty (30) feet at the time of planting, has at least a two and one-half (2½) inch caliper, as measured six (6) inches above the ground and the trunk can be easily maintained in a clear condition (no branches) at least five (5) feet above adjacent ground level.
- (m). Trees - Any self supporting woody plant having one (1) 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 six (6) feet or greater.

2. Entrance Plan. The plan shall show all points of ingress/egress as established in Sections 8-305 and 8-309.
3. General Landscaping Requirements. These standards shall apply to all areas where landscaping is required by this ordinance.
  - (a). Required landscaping shall not include artificial plants, trees, or other artificial vegetation.
  - (b). Landscaping, including berms, shall not obstruct pedestrian and/or vehicular traffic visibility at street intersections within the area formed by the center lines of the intersecting or intercepting streets and a line joining points on such center lines at a distance of thirty (30) feet from their intersection, there shall be no obstruction to vision between the height of three and one-half (3 ½) feet and ten (10) feet above the average grade of each street at the centerline.
  - (c). All plant material shall be maintained in a healthy and growing condition. If a plant material ceases to exist in a healthy and growing condition in its entirety, the plant material must be replaced by a plant specimen of like kind within thirty (30) days or an agreed upon timeframe if the Municipal Building Inspector determines there is a compelling reason.
  - (d). Landscaped areas shall be kept free of trash, litter, and weeds.
  - (e). All landscaping shall be prohibited within a city street right-of-way to promote safety and access of adjacent property.
  - (f). Landscaping trees required in the interior of the parking area are encouraged to be those types of species where the roots will not disturb the paved parking.

(g). Provide calculations of the proposed landscaping to include dimensions, spacing, percentages and other relevant information.

(h). Preservation of healthy trees existing on a site should be a major consideration in the planning of any new parking area.

4. Recommended Plant Lists. To aid in the selection of appropriate trees and shrubs and to help promote the intent of the City's landscaping requirements, the Planning Commission/City Staff maintains a list of recommended shade trees, ornamental trees and shrubs. This plant list shall be utilized unless the planning commission approves an alternative during site plan review.
5. Applicability. These standards shall apply for new construction, *redevelopment*, *expansions* or change of use involving an existing building pertaining to Commercial, Industrial, Multi-Family (Four or more Units), and Other Non-residential uses.
6. Landscaped Strip Adjacent to Street. A landscaped strip on private property shall be provided adjacent and along frontages to all streets and entrances. The landscaped strip shall be a minimum width of seven feet (7) feet. Within the landscaped strip, one tree (1 1/2" caliper minimum) shall be planted per thirty-five (35) - lineal feet of landscaped strip. The number of required trees shall be calculated solely on the linear frontage of the required landscaped strip and shall be rounded to the nearest whole number. Trees may be grouped together or evenly spaced. No more than fifty percent (50%) of the total number of trees calculated for the required landscaped strip(s), rounded to the nearest whole number may be substituted with evergreen shrubs. Two (2) evergreen shrubs may substitute one (1) required tree. The planning commission must approve such substitution.
7. Parking Lots:

Standards for landscaped strips adjacent to streets may apply for perimeter parking spaces also adjacent to streets.

- a. No parking space shall be more than sixty (60) feet from a tree or shrub.
  - b. If the parking design includes landscaped islands, these islands shall be a minimum of five (5) feet wide and be bordered by a wheel stop.
  - c. The use of terminal landscaped islands is encouraged for the location of the required number of trees. Terminal landscaped islands shall be a minimum width of five (5) feet.
- 8. The Planning Commission may reduce the width or the required landscaped strip during site plan review when the reduction is required for public improvements.
  - 9. Parking Spaces. These shall be designed and constructed in a manner that will prevent damage to the landscaping by vehicles or pedestrian traffic.
  - 10. The landscaping plan shall contain the common and botanical name of plant and methods for care and maintenance and any existing plants to be preserved.
  - 11. Preservation of healthy existing trees may be credited for any of the required trees upon review by the Planning Commission.
  - 12. All landscaping shall be permanently maintained by the property owner. Replacement of dying vegetation shall be required following consultation with the Building Official on the timing to install vegetation in order to minimize stress to the plants. The replacement of vegetation shall be completed no later than the next growing season. Failure to maintain landscaping shall be considered a zoning violation in accordance with Section 8-805.

13. No site plan approved by the Planning Commission prior to the effective date (2/16/16) 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.
14. Alternative Compliance. This procedure allows certain modifications to the regulations of this section, but it is not intended as a waiver. The proposed solution, which must be submitted in writing by the applicant, must equal or exceed existing requirements in terms of quality, effectiveness, durability, hardness and performance. Requests for approval of an alternative landscaping plan is justified only when one or more of the following conditions apply:
  1. The sites involve limited space limitations or unusually shaped parcels;
  2. Topography, soil, vegetation, or other site conditions are such that full compliance is impossible or impractical;
  3. Due to a change in use of an existing site, the requirements is greater than can be provided;
  4. Safety considerations are involved;
  5. A significant natural and/or historical feature will be preserved;

### **RECOMMENDED TREE AND SHRUB LISTS**

#### **Ornamental Trees:**

##### Common Name

##### Scientific Name

Redbud  
Viburnum, Rusty Blackhow  
Wax Myrtle  
Dogwood, Pagoda

*Cercis canadensis*  
*Viburnum rufidulum*  
*Myrica cerifera*  
*Cornus alternifolia*

Hawthorn  
Amur Cherry  
Crape myrtle  
Sweetbay Magnolia

*Crataegus*  
*Prunus maackii*  
*Lagerstroemia indica*  
*Magnolia virginiana*

### **Shade Trees:**

#### **Common Name**

Red Maple  
River Birch  
American Elm  
Allee Elm  
Athena Elm  
Drake Elm  
Sugar Maple  
Silver Maple  
Hedge Maple  
English Oak  
Northern Red Oak  
Pin Oak  
Red Oak  
Scarlet Oak  
Thornless Honeylocust  
Water Oak  
White Oak  
Willow Oak  
Japanese Pogodatree  
Yellowwood

#### **Scientific Name**

*Acer Rubrum*  
*Betula nigra*  
*Ulmus americana*  
*Ulmus parvifolia*  
*Ulmus parvifolia*  
*Ulmus parvifolia*  
*Acer saccharum*  
*Acer saccharinum*  
*Acer campestre*  
*Quercus robur*  
*Quercus borealis*  
*Quercus palustris*  
*Quercus rubra*  
*Quercus coccinea*  
*Gleditsia tricanthos var. inermis*  
*Quercus nigra*  
*Quercus alba*  
*Quercus phellos*  
*Sophora japonica*  
*Cladrastis kentukea*

*Other indigenous and naturally occurring trees*

*Any other tree deemed appropriate by the Townsend Municipal Planning Commission.*

### **Shrubs:**

#### **Common Name**

Fragrant Olive  
English Holly  
Burford Holly  
Nellie R. Stevens Holly  
Wax Myrtle  
Cherry laurel  
English Laurel  
Leatherleaf Viburnum

#### **Scientific Name**

*Eleagnus pungens*  
*Ilex aquifolium*  
*Ilex cornuta "Burfordii"*  
*Ilex cornuta "Nellie R. Stevvens"*  
*Myrica cerifera*  
*Prunus caroliniana*  
*Prunus lauricerasus*  
*Viburnum rhytidophyllum*

*Any plant deemed as an invasive species by the Tennessee Exotic Plant Pest Council is prohibited.*



**8-413.      Stormwater Requirements (Ord. 283-16-1P).**

**SECTION 1.    AUTHORITY AND SCOPE**

The Legislature of Tennessee has delegated authority to local municipalities to exercise general regulations applicable to stormwater management under the authority provided in Sections 68-221-1101 and 68-221-1105 Tennessee Code Annotated. Therefore, the city declares this ordinance outlines the minimum requirements for stormwater calculations within the corporate limits of Townsend, Tennessee. There may be additional calculations or information required at the discretion of the city.

**SECTION 2.    PURPOSE**

The intent of this ordinance is to protect, maintain and enhance the environment of the City of Townsend, Tennessee while protecting the public health, safety and general welfare of the city by establishing minimal safeguards for stormwater runoff related to land disturbance activities and/or development.

**SECTION 3.    DEFINITIONS**

For the purpose of this ordinance, the following definitions shall apply:

- 3.1 ADMINISTRATIVE OR CIVIL PENALTIES: under the authority provided in Section 68-221-1106 Tennessee Code Annotated, the city declares that any violation of the provisions of this ordinance is subject to an assessed civil penalty by the city of not less than fifty dollars (\$50.00) per day and not more than five thousand dollars (\$5,000.00) per day for each day of violation. Each violation shall constitute a separate violation.
- 3.2 ALTERED SINKHOLE: a natural surface depression that has been altered in order to direct fluids into the hole opening.
- 3.3 IMPROVED SINKHOLE: a type of injection well regulated under TDEC's Underground Injection Control (UIC) program. Underground injection constitutes an intentional disposal of waste waters in natural depressions, open fractures, and crevices (such as those commonly associated with weathering of limestone).
- 3.4 AS-BUILT DRAWINGS: drawings depicting actual conditions following full construction.
- 3.5 BEST MANAGEMENT PRACTICES (BMP's): schedule of activities and or practices, maintenance procedures and management practices to prevent or reduce the

discharge of pollutants to waters that are acceptable practices of the Division of Water Resources Division of the Department of Environment and Conservation (TDEC). The City of Townsend adopts by reference the TDEC Erosion and Sediment Control Manual.

- 3.6 BLUE LINE STREAM: Any stream, creek, lake, pond or other water body that flows for intermittent times of the year or all year shown as a blue line on a 7.5 minutes USGS Quadrangle map.
- 3.7 BUFFER ZONE: a strip of undisturbed perennial native vegetation, either original or established that border water bodies for the purposes of slowing runoff, enhancing water filtration, eliminating erosion and minimizing the risk of pollutant discharges into a water body. The buffer zone may also include an area in accordance with Section 8-306, Flood Protection/Water Course Protection of the Townsend Zoning Ordinance.
- 3.8 CHANNEL: a natural or man-made watercourse with a definite bed and banks that conducts flowing water continuously or periodically.
- 3.9 CLEARING: Refers to the removal of vegetation and/or the disturbance of soil prior to site preparation for construction activities.
- 3.10 DESIGN STORM EVENT: a hypothetical storm event of a given frequency interval and duration used in the analysis and design of a stormwater facility.
- 3.11 DETENTION: to temporarily hold, or detain, a specified volume of runoff while slowly releasing flows at a controlled rate to a receiving conveyance system. By detaining water and controlling release rates, detention basins can be designed to reduce peak runoff rates.
- 3.12 DISCHARGE: any entry of a foreign solid or liquid matter not entirely composed of stormwater into a water body or the drainage system of the city by means of disposal, deposit, a spill, pouring, injection, seeping, dumping or other means not mentioned.
- 3.13 DRAINAGE PLAN: a required plan certified by an engineer drawn to account for the 2, 5, and 10-Year Storm Event for a 24-Hour period for the collection and management of stormwater run-off.
- 3.14 EASEMENT: a legally established privilege or right of use or enjoyment that a person, party, firm, corporation, municipality or other legal entity has legally established.
- 3.15 EROSION: the removal of soil particles by the action of water, wind, ice or other geological agents, whether naturally occurring or acting in conjunction with or promoted by human activities or effects.

- 3.16 EROSION AND SEDIMENT CONTROL PLAN (ESCP): a written plan (including drawings or other graphic representations) that is designed to minimize the erosion and sediment runoff at a site during construction activities.
- 3.17 MAINTENANCE AGREEMENT: a document recorded in the land records that acts as a property deed restriction, and which provides for long-term maintenance of stormwater management practices.
- 3.18 NATIONAL POLLUTANT DISCHARGE ELIMINATION SYSTEM PERMIT (NPDES): permit approved by the Division of Water and Waste Management of the Department of Environment and Conservation (TDEC) to control surface water pollution caused by point source discharges.
- 3.19 OFF-SITE FACILITY: a structure pertaining to the detention, retention, collection, and management of stormwater run-off associated with development activity that is located on a separate lot.
- 3.20 ON-SITE FACILITY: a structure pertaining to the detention, retention, collection, and management of stormwater run-off associated with development activity that is located on the same lot.
- 3.21 PEAK FLOW: the maximum instantaneous rate of flow of water at a particular point resulting from a storm event.
- 3.22 RETENTION: the prevention of stormwater run-off directly discharging from a development site and/or into receiving waters by the design of a retention basin to hold a specific amount of water until the water can evaporate or infiltrate. Typically the basin is designed to have overflows drain to a receiving conveyance system when the water level exceeds the basin capacity.
- 3.23 SOIL MAP: a map showing the size, shape and distribution of the various soil types in relation to other physical and cultural features on the earth's surface.
- 3.24 STORMWATER: water run-off from a development site that is to be managed in accordance with the Townsend Stormwater Ordinance.
- 3.25 STORMWATER POLLUTION PREVENTION PLAN (SWPPP): a written plan that includes site map(s), an identification of construction/contractor activities that could cause pollutants in the stormwater, and a description of measures or practices to control these pollutants.
- 3.26 TOP-OF-THE-BANK: the upper most limit of elevation for a stream or river channel.

- 3.27 WATERCOURSE: a permanent or intermittent stream, river or other body of water, which gathers or carries surface water.
- 3.28 WATERS OF THE STATE: any and all water, either public or private, on or beneath the surface of the ground, which are contained within, flow through, or border upon Tennessee or any portion thereof except those bodies of water confined to and retained within the limits of private property in single ownership which do not combine or effect a junction with the natural surface or underground waters.

#### **SECTION 4. APPLICABILITY**

The requirements of this ordinance would apply to all land development, including, but not limited to:

1. Site plan applications
2. Subdivision applications

#### **SECTION 5. GENERAL REQUIREMENTS**

The following includes the general requirements of the stormwater ordinance to collect and manage stormwater run-off.

1. Manage stormwater volume and velocity within the site to minimize erosion.
2. Manage stormwater discharges, including peak flow rates and total stormwater volume, to minimize erosion at outlets, and minimize downstream channel stream bank erosion.
3. Eliminate or minimize sediment discharges from the site.
4. Provide and maintain natural buffers around the Little River and other surface waters and direct stormwater to vegetated areas to increase sediment removal and afford stormwater infiltration.
5. Detention of stormwater shall be required if there is an increase in runoff from the site during any required storm event.
6. Off-site runoff from soil, sediment, and debris related to development must be minimized during the construction phase. Effective soil prevention and sediment controls shall be required during development.
7. Development design will make all efforts to retain existing vegetation, trees and natural drainage areas on site.

## **SECTION 6. DRAINAGE PLAN STANDARDS**

A stormwater drainage plan certified by an engineer shall be required for all development activities that are applicable to the stormwater ordinance containing sufficient information for the plan to be evaluated by the city. The elements of the plan shall include a minimum of:

1. A topographic base map of the site at a scale of 1" = 100' that extends at least fifty (50) feet off-site.
2. A high intensity soil map of the site and any existing waterways, water bodies, sinkholes or wetlands.
3. The amount of impervious surface that is proposed on site.
4. Drainage design flows for the collection and management of stormwater run-off for a 2, 5 & 10-Year Storm event for a 24-hour period.
5. Drainage calculations for pre-development and post-development stormwater run-off demonstrating that if the post-development run-off exceeds the pre-development run-off rates, stormwater will be managed on-site with a design that will approximate pre-development rates.
6. All drainage structures that will be utilized on site.
7. A general description of the site and the manner in which stormwater will be managed.
8. Drainage design and improvements shall be consistent with the TDEC Erosion and Sediment Control Manual.
9. If there is a conflict between this ordinance and other adopted regulations, the more restrictive standard shall prevail.

## **SECTION 7. EROSION AND SEDIMENT CONTROL PLANS**

The erosion and sediment control plan shall accurately describe the potential for soil erosion and sedimentation problems resulting from land disturbing activities and shall explain and illustrate measures that shall be taken to control these problems. The plan shall incorporate designs and standards as described in the current adopted Best Management Practices (BMP) manual adopted by reference in this ordinance.

**SECTION 8.        BUFFER REQUIREMENTS**

Buffer requirements are applicable whenever there is a blue line stream or other water body on such site or adjacent to the site. A natural buffer shall be established at least ten (10) feet in width, as measured from the top of the bank of such blue line stream or water body. All new construction shall adhere to Section 8-306 of the Townsend Zoning Ordinance. The property owner shall be responsible for maintaining an undisturbed condition of the buffer zone.

**SECTION 9.        VIOLATIONS AND PENALTIES**

1. Violations. Any person who shall commit any act declared unlawful under this chapter, who violates any provision of this chapter, who violates the provisions of any permit issued pursuant to this chapter, or who fails or refuses to comply with any lawful communication or notice to abate or take corrective action by the City, shall be guilty of a civil offense.
2. Penalties. Under the authority provided in Tennessee Code Annotated § 68-221-1106, the city declares that any person violating the provisions of this chapter may be assessed a civil penalty by the Townsend Municipal Court of not less than fifty dollars (\$50.00) and not more than five thousand dollars (\$5,000.00) per day for each day of violation. Each day of violation shall constitute a separate violation.
3. Referral to TDEC. Where the city has used progressive enforcement to achieve compliance with this ordinance, and in the judgment of the city has not been successful, the city may refer the violation to TDEC. For the purposes of this provision, "progressive enforcement" shall mean two (2) follow-up inspections and two (2) warning letters. In addition, enforcement referrals to TDEC must include, at a minimum, the following information:
  1. Construction project or industrial facility location;
  2. Name of owner or operator;
  3. Estimated construction project or size or type of industrial activity;
  4. Records of communications with the owner or operator regarding the violation, including at least two (2) follow-up inspections, two (2) warning letters or notices of violation, and any response from the owner or operator.

4. Other remedies. The city may bring legal action to enjoin the continuing violation of this chapter, and the existence of any other remedy, at law or equity, shall be no defense to any such actions.
5. Remedies cumulative. The remedies set forth in this section shall be cumulative, not exclusive, and it shall not be a defense to any action, civil or criminal, that one (1) or more of the remedies set forth herein has been sought or granted.





## CHAPTER 5

### ESTABLISHMENT OF DISTRICTS

#### SECTION

##### **8-501. Classification of Districts**

##### **8-502. Zoning District Boundaries**

**8-501. Classification of Districts.** For the purpose of this ordinance, the City of Townsend, Tennessee, is hereby divided into seven (7) classes of districts as follows:

<u>District</u>	<u>Abbreviation</u>
Residential	- R-1E District (Low Density Exclusive)
Residential	- R-1 District (Low Density)
Residential	- R-2 District (High Density)
Business	- B-1 District (Tourist Business)
Business	- B-2 District (Neighborhood Business)
Business	- B-3 District (Highway Business)
Industrial	- M-1 District (Industrial)
Overlay	- F-1 <i>Special Flood Hazard (Ord. 136-03-1C)</i>

**8-502. Zoning District Boundaries.** The boundaries of these districts are hereby established as shown on the map entitled "Zoning Map of the City of Townsend, Tennessee," dated August 2, 1986, and all amendments thereof, which is a part of this ordinance and which is on file in the City Hall. 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.



## CHAPTER 6

### PROVISIONS GOVERNING USE DISTRICTS

#### SECTION

- 8-601. R-1E Low Density Residential Exclusive
- 8-602. R-1 Low Density Residential
- 8-603. R-2 High Density Residential
- 8-604. B-1 Tourist Business
- 8-605. B-2 Neighborhood Business
- 8-606. B-3 Highway Business
- 8-607. M-1 Industrial
- 8-608. Area, Yard, and Height Requirements
- 8-609. Special Flood Hazard District. (Ord. 136-03-1C)

**8-601. R-1E Low Density Residential Exclusive.** 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.

1. Uses Permitted: In order to achieve the intent of the R-1E Low Density Residential Exclusive District, as shown on the Zoning Map of the City of Townsend, Tennessee, the following uses are permitted:
  - a. Single family residences, except mobile homes.
  - b. Customary general farming.
  - c. Customary home occupations provided that there is not external evidence of the occupation except an announcement sign no larger than two (2) square feet in area, and not more than 30 percent of the total floor area of the dwelling is used.
  - d. Customary accessory buildings (*excluding detached garages/carports*) provided that they are located in rear yards and not closer than five (5) feet to any property line. (Ord. 217-13-1P)
2. Uses Not Permitted:
  - a. Stores and shops conducting retail business.
  - b. Hotels, motels, lodges, clubs, restaurants, taverns, and similar services.

- c. Commercial Recreation Business, in whole or in part.
- d. Recreational vehicle parks and campgrounds.
- e. Wholesale business, warehouses, storage yards and buildings, commercial auto repair garages, and similar services.
- f. Other uses not compatible with the essential Residential characteristics of the district. (Ord. 234-08-1C)
- g. The Board of Zoning Appeals may hear and determine if any use not listed as a permitted use is of the same general character as other permitted uses in the district and is consistent with the intent and purpose of the district. (Ord.292-17-1P)

**8-602. R-1 Low Density Residential.** It is the intent of this district to establish low density residential areas along with open areas which appear likely to develop in a similar manner. The requirements for the district are designed to protect essential characteristics of the district to promote activities.

1. Uses permitted: In order to achieve the intent of the R-1 Low Density Residential District, as shown on the Zoning Map of the City of Townsend, Tennessee, the following uses are permitted:
  - a. Single family residences, except mobile homes.
  - b. Two family residences.
  - c. Customary general farming.
  - d. Tourist Residences - single family dwellings may be used as tourist residences by obtaining an annual tourist residence permit from the building inspector.
  - e. 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, is employed; and not more than 30 percent of the total floor area of the dwelling is used.
  - f. Signs as regulated in Section 8-308.
  - g. Public owned buildings and uses, following approval of the planning commission, and schools offering general education, and churches provided that:

- 1) The location of these uses shall first be reviewed by the Townsend Planning Commission;
  - 2) The buildings are placed not less than fifty (50) feet from the side and rear property lines.
  - 3) There are planted buffer strips along side and rear property lines.
- h. Customary accessory buildings (*excluding detached garages/carports*) provided that they are located in rear yards and not closer than five (5) feet to any property line. (Ord. 217-13-1P)

2. Uses Not Permitted:

- a. Stores and shops conducting retail business.
- b. Hotels, motels, lodges, clubs, restaurants, taverns, and similar services.
- c. Commercial Recreation Business, in whole or in part.
- d. Recreational vehicle parks and campgrounds.
- e. Wholesale business, warehouses, storage yards and buildings, commercial auto repair garages, and similar services.
- f. Other uses not compatible with the essential Residential characteristics of the district. (Ord. 234-08-1C)
- g. The Board of Zoning Appeals may hear and determine if any use not listed as a permitted use is of the same general character as other permitted uses in the district and is consistent with the intent and purpose of the district. (Ord. 292-17-1P)

**8-603. R-2 High Density Residential.** It is the intent of this district to provide area for a 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.

1. Uses permitted: In order to achieve the intent of the R-2 High Density Residential District, as shown on the Zoning Map of the City of Townsend, Tennessee, the following uses are permitted:

- a. Any use permitted in the R-1 Residential District.
  - b. Mobile home parks under PUD regulations.
  - c. Multi-family uses, provided they have an innovation sanitary sewage disposal system approved by the Tennessee Department of Public Health. The system shall be designed for the maximum number of units to be located on the site.
  - d. Boarding and rooming houses.
  - e. Day care centers, following approval of a site plan by the planning commission and the issuance of a letter of approval by the Department of Human Services.
  - f. Funeral homes, hospitals and medical clinics, fraternal organizations and clubs not operated for profit, nursing homes, and similar uses following approval of a site plan by the planning commission.
  - g. Accessory buildings (excluding detached garages/carports) provided that they are located in rear yards and no closer than five (5) to any property line. (Ord. 288-16-1P)
2. The Board of Zoning Appeals may hear and determine if any use not listed as a permitted use is of the same general character as other permitted uses in the district and is consistent with the intent and purpose of the district. (Ord. 292-17-1P)

**8-604. B-1, Tourist Business District.** It is the intent of this district to permit fundamental commercial activities that support the vision of the city as the "Gateway to the Smokies" and the "Peaceful Side of the Smokies". The regulations are intended to encourage activities that support tourism, reduce automobile traffic congestion, encourage pedestrian traffic, and maintain the aesthetic characteristics of the community.

1. Uses permitted: In order to achieve the intent of this district as shown on the Zoning Map of the City of Townsend, Tennessee, the following uses are permitted:
- a. Stores and shops conducting retail business.
  - c. Personal services, business support services, and professional offices.

- d. Public and Semi-public buildings and uses following their review and approval by the planning commission.
- e. Restaurants and Brewpubs.
- f. Hotels, Motels, and Bed and Breakfast.
- g. Signs as regulated in Section 8-308.
- h. The Board of Zoning Appeals may hear and determine if any use not listed as a permitted use is of the same general character as other permitted uses in the district and is consistent with the intent and purpose of the district.

**8-605. B-2, Neighborhood Business District.** It is the intent of this district to establish business areas that are compatible with the surrounding residential neighborhoods. The district is envisioned for single-family residential uses, two-family residential uses (duplexes), mixture of residential and business uses in one building, small and moderate sized offices, personal and business services, and limited general retail businesses serving nearby residential neighborhoods and the general population of the city. All non-residential structures shall be compatible with nearby residential structures in terms of scale and appearance. The district regulations are intended to serve residential areas, discourage strip business development, and encourage walkable neighborhoods with grouping of uses in which parking and traffic congestion is reduced to a minimum.

- 1. Uses permitted: In order to achieve the intent of this district as shown on the Zoning Map of the City of Townsend, Tennessee, the following uses are permitted:
  - a. Live/Work Units with the business owner/employee also residing at the residence and Bed and Breakfast establishments.
  - b. Buildings under 4,000 square feet in area functioning as shopping centers, grocery stores, drug stores, hardware stores, barber and beauty shops, retail shops, restaurants (except drive thru), and other similar retail uses.
  - c. Signs, as regulated under Section 8-308.
  - d. Professional offices and home occupations.
  - e. The Board of Zoning Appeals may hear and determine if any use not listed as a permitted use is of the same general character as other permitted uses in the district and is consistent with the intent and purpose of the district. (Ord. 292-17-1P)

**8-606. B-3, Highway Business District.** It is the intent of this district to provide for a broad array of medium to large scale business activities that are more intensive in nature and are dependent upon adequate access to an arterial road with a high-volume carrying capacity of motor vehicles. Permitted uses in this district are uses and activities that are not suitable for the Tourist or Neighborhood Business Districts. Permitted uses in this district are considered only within the scope of consistency with the land use plan of the city. Therefore, a rezoning request by an applicant to rezone to this district represents a unilateral agreement between the legislative body and the property owner of the specific proposed use that will be established following a rezoning. The district regulations are intended to encourage these types of commercial activities which are most strongly associated with and located within close proximity to an arterial highway.

1. Uses permitted: In order to achieve the intent of this district as shown on the Zoning Map of the City of Townsend, Tennessee, the following uses are permitted:
  - a. Construction equipment sales, shopping centers and big box stores conducting retail business.
  - b. Mobile home and lumber sales excluding junkyards and other similar uses.
  - c. Auto (including R.V.'s) and boat sales facilities and repair, and motorcycle sales.
  - d. Recreational vehicle parks and campgrounds, subject to Section 8-311, Recreational Vehicle Parks and Campgrounds. (Ord. 131-03-1C)
  - e. Recreation and amusement uses, except as follows:
    - 1) Outdoor recreation and amusement uses including but not limited to go-karts, race cars, bumper boats, heliports and airports, and other similar uses which would cause noise pollution and be disruptive to the general public.
    - 2) Waterslides and any other high quantity water uses which would strain the existing public water supply in late summer and in addition, potentially overload a septic system and contaminate Little River and/or its tributaries.
    - 3) Any similar use which requires an outdoor loudspeaker system.



4) Any similar use which conflicts with the Park setting of Townsend, the tourist theme of the "Peaceful Side of the Smokies," or the goals as set forth in the Land Use Plan of the City of Townsend, Tennessee.

f. Signs as regulated under Section 8-308.

g. Wholesale business, warehouses, storage yards and buildings, trailer sales, and similar uses, subject to buffer screening of uses that could adversely affect the district.

h. The Board of Zoning Appeals may hear and determine if any use not listed as a permitted use is of the same general character as other permitted uses in the district and is consistent with the intent and purpose of the district. (Ord. 292-17-1P) The board may also impose standards and safeguards to minimize or eliminate any potential adverse impacts.

i. Accessory buildings (excluding detached garages/carports) provided that they are located in rear yards and no closer than five (5) feet to any property line. (Ord. 288-16-1P)

2. Special Exceptions (Conditional Uses): In order to achieve the intent of this district as shown on the Zoning Map of the City of Townsend, Tennessee, the following uses may be permitted as special exceptions by the Board of Zoning Appeals, in accordance with Sections 902 thru 905. (Ord. 261-12-1P)

a. Wineries subject to the following conditions:

1. Submittal and approval of a site plan in accordance with Section 8-309;
2. Approval and issuance of a Special Use Permit specifying the conditions of approval;
3. Approval by the water and sewer authorities for such operation;
4. Approval by all applicable state and federal agencies authorized to regulate wineries;
5. Any conditions imposed by the Board of Zoning Appeals and specified on the Special Use Permit.

b. Pain Management Clinics and Methadone Treatment Clinics provided: (Ord. 267-13-1P)

1. Compliance with all applicable requirements of the Townsend Municipal Code.
  2. Submittal of the appropriate license and certificate of need by the State of Tennessee.
  3. Map(s) showing existing land use and zoning within one-quarter (1/4) mile of the proposed site with an accompanying site plan.
  4. The clinic or facility shall be located on and have access to a street classified as a Collector or Arterial according to the Townsend Major Road Plan.
  5. The clinic or facility shall not be located within One Thousand (1,000) feet of a residential dwelling or residential zoning district, a school, day care facility, park, church or hospital.
  6. The clinic or facility shall not be located within One Thousand (1,000) feet of any establishment that sells alcoholic beverages for either on-or-off-premises consumption.
  7. Off-Street Parking provided at one (1) space for each One Hundred (100) square feet of net floor space devoted to the operations
  8. The site shall not be less than One Thousand (1,000) feet from any other pain management or methadone treatment clinic or facility.
- 1c. Distilleries, Micro-Distilleries, Breweries, Micro-Breweries, BrewPubs, Wineries and Micro-Wineries as Principal Uses subject to the following conditions:  
(Ord. 274-14-1P)

1. Facilities shall not be located within four hundred (400) feet of any school (public or private) or church as measured on a straight line from the nearest property line of said school or church to the nearest point of the building or structure of facility.
2. Submittal and approval of a site plan in accordance with Section 8-309.
3. Approval and issuance of a Special Use Permit specifying the conditions of approval.
4. Approval by the water and sewer authorities for such operation.
5. Approval by all applicable state and federal agencies authorized to regulate use.
6. Compliance with applicable zoning requirements of the Townsend Zoning Ordinance.

7. Tasting room and retail sales area must be located on the same parcel.
  8. Compliance with all other city codes pertaining to alcohol manufacturing and sales.
  9. Any conditions imposed by the Board of Zoning Appeals and specified on the Special Use Permit.
- d. Micro-Distilleries, Micro-Breweries and Micro-Wineries as an Accessory Use to a Restaurant subject to the following conditions:(Ord. 274-14-1P)
1. Facilities shall not be located within four hundred (400) feet of any school (public or private) or church as measured on a straight line from the nearest property line of said school or church to the nearest point of the building or structure of facility.
  2. Submittal and approval of a site plan for the entire operation in accordance with Section 8-309.
  3. The principal and accessory uses shall operate on the same parcel.
  4. No more than thirty percent (30%) of the gross floor area of the Principal Building is devoted to alcohol manufacturing, sales and tasting rooms.
  5. The accessory use shall be structurally and operationally integrated into the Principal Building and Use.
  6. Confirmed or Proposed production capacity shall be consistent with the definition of the facility (*Proposed production may be confirmed by applicable business plan*).
  7. Compliance with all other city codes pertaining to alcohol manufacturing and sales.

**8-607. 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 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, site plans shall be required for all new construction. Site plans shall conform with the site plan regulations established under Section 8-309. The site plans shall be reviewed by the planning commission for conformance with the site plan regulations and to determine if they are in keeping with the comprehensive planning program of Townsend. A site plan shall be reviewed and approved by the planning commission prior to issuance of a building permit.

1. Uses permitted: In order to achieve the intent of this district as shown on the Zoning Map of the City of Townsend, Tennessee, the following uses are permitted:
  - a. Any use permitted in business districts, except residences.
  - b. Terminals.
  - c. Any industry which does not cause injurious or obnoxious noise, fire hazards or other objectionable conditions as determined by the planning commission.
  - d. Signs as regulated under Section 8-308.
  - e. The Board of Zoning Appeals may hear and determine if any use not listed as a permitted use is of the same general character as other permitted uses in the district and is consistent with the intent and purpose of the district. (Ord. 292-17-1P)
  - f. Accessory buildings (excluding detached garages/carports) provided that they are located in rear yards and no closer than five (5) to any property line. (Ord. 288-16-1P)

**8-607. Area, Yard, and Height Requirements.** For the purpose of this ordinance, area, yard, and height requirements for the district classifications of the City of Townsend, Tennessee, Zoning Ordinance are hereby established as follows:

District	Area in sq. ft.	Per Additional Family	Lot Width at Building Setback <sup>1</sup>	Minimum Yard Requirements From Property Lines			Maximum Height <sup>3</sup> of Structures
				Front <sup>2</sup>	Side	Rear	
<b>R-1E</b>	<b>20,000</b>		<b>80 ft.</b>	<b>30 ft.</b>	<b>15 ft.</b>	<b>30 ft.</b>	<b>35 ft.</b>
R-1	20,000		80 ft.	30 ft.	15 ft.	30 ft.	35 ft.
R-2	10,000	2,500 ea. eff. 3,000 ea. 1 br. 3,500 ea. 2 br.	70 ft.	30 ft.	15 ft. + 7 ½ per additional story	25 ft.	25 to 50 ft. <sup>4</sup>
B-1		4,000 ea. 3 br		10 ft. <sup>4</sup>	10 ft. <sup>5</sup>	25 ft.	25-50 ft. <sup>4</sup>
B-2				30 ft. <sup>4</sup>	10 ft. <sup>5</sup>	25 ft.	25-50 ft. <sup>4</sup>
M-1				30 ft.	20 ft.	25 ft.	35 ft.

<sup>1</sup>Except on a cul-de-sac.

<sup>2</sup>10' of all front setbacks in commercial and industrial districts shall be permanent, landscaped open space.

<sup>3</sup>Maximum height of buildings on all lots with slopes greater than 15 percent is 25'.

<sup>4</sup>Buildings over 25' in height and not exceeding 50' in height shall have a front setback of 60'; those over 35' in height and not exceeding 50' in height shall have a front setback of 110'. Maximum height is three (3) stories.

<sup>5</sup>The cumulative total of both side setbacks for buildings over 25' in height through 35' in height shall be two (2) times the building's width and no less than one third of the cumulative total side setbacks shall be located on any one side of the building; building's that exceed thirty-five (35) feet in height shall be four (4) times the building's width and no less than one third of the cumulative total side setbacks shall be located on any one side of the building. (Ordinance 129-02-1C; February 10, 2003).

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R1E district and amendments to R-2 (ordinance 128-02-1C, May 21, 2002)

8-608. F-1 Special Flood Hazard District. The special flood hazard district is established as an overlay district, the intent of which is to protect the health, safety and welfare of the citizens of the City of Townsend by requiring the uses permitted in the underlying zoning districts be developed in accordance with the National Flood Disaster Act of 1973 and any subsequent amendments thereof; and in accordance with the provisions of Ordinance 132-03-1C entitled "Municipal Flood Damage Prevention Ordinance" of the Townsend Municipal Code. (Ord.136-03-1C)





## CHAPTER 7

### EXCEPTIONS AND MODIFICATIONS

#### SECTION

##### 8-701. Lot of Record

##### 8-702. Adjoining and Vacant Lots of Record

##### 8-703. Front Yards

##### 8-704. Group Housing Projects

##### 8-705. Exception on Height Limits

**8-701. 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 Section 8-904. 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.

**8-702. Adjoining and Vacant Lots of Record.** A plat of land consisting of one or more adjacent lots with continuous frontage in single ownership which individually are less than lot widths required by this ordinance, such groups of lots shall be considered as a single lot or several lots of minimum permitted size and the lot or lots in one ownership shall be subjected to the requirements of this ordinance.

**8-703. Front Yards.** The front yard requirements of this ordinance for dwellings shall not apply to any lot where the average depth of existing front yards on developed lots located within one hundred (100) feet on each side of such lot and within the same block and zoning district and fronting on the same street as such lot, is less than the minimum required front yard depth. In such case, the minimum front yard shall be the average of the existing front yard depths on the developed lots.

**8-704. Group Housing Projects.** In the case of a group housing project of 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 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.

**8-705. Exception on Height Limits.** The height limitations of this ordinance shall not apply to church spires, belfries, cupolas and domes not intended for human occupancy, monuments, water towers, observation towers, transmission towers, windmills, chimneys, smokestacks, derricks, conveyors, flag poles, radio towers, masts and aerals.

## CHAPTER 8

### ENFORCEMENT

#### SECTION

- 8-801. Enforcing Officer
- 8-802. Building Permit Required
- 8-803. Issuance of Building Permit
- 8-804. Certificate of Occupancy
- 8-805. Penalties
- 8-806. Remedies

**8-801. 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. The administration of building permits shall be in accordance with the adopted building code of Townsend. (Ord. 266-13-1P)

**8-802. 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.

**8-803. 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.

**8-804. 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.

**8-805. Penalties.** Any person violating any provision of the 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.

**8-806. 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.

## CHAPTER 9

### BOARD OF ZONING APPEALS

#### SECTION

##### **8-901. Creation and Appointment**

##### **8-902. Procedure**

##### **8-903. Appeals: How Taken**

##### **8-904. Powers**

##### **8-905. Action of the Board of Zoning Appeals**

**8-901. 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 board of zoning appeals shall consist of three (3) members appointed by the Townsend Board of Commissioners. The term of office for the members shall be three (3) years; however, initially the members shall be designated whereby one term expires each year.

**8-902. Procedure.** Meetings of the board of zoning appeals shall be held at the call of the chairman or by a majority of the membership and at such other times as the board may determine. Such chairman, or in his absence, the acting chairman, may administer oaths and compel the attendance of witnesses. All meetings of the board shall be open to the public. The board 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 other official action, all of which shall be immediately filed in the office of the board and shall be a public record.

**8-903. 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 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.

**8-904. Powers.** The board of zoning appeals shall have the following powers:

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.
2. Special Exceptions. To hear and decide special exceptions to this ordinance as set forth in Sections 8-902 and 8-903.
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 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.

**8-905. 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.

## CHAPTER 10

### AMENDMENT

#### SECTION

##### 8-1001. Procedure

##### 8-1002. Approval by Planning Commission

##### 8-1003. Hearing on Amendment-Notice

**8-1001. Procedure.** The Board of Commissioners may amend any of the provisions of this code, including the zoning map, regulations, boundaries and districts.

**8-1002. Approval by Planning Commission.** No such amendment shall become effective unless the same be first submitted to and approved by the planning commission or, if disapproved, shall receive the favorable vote of a majority of the entire membership of the Board of Commissioners. If the planning commission neither approves nor disapproves any such proposed amendment within forty-five (45) days after such submission, such amendment shall be deemed approved by the planning commission.

**8-1003. Hearing on Amendment-Notice.** Before enacting any amendment to the zoning code, the Board of Commissioners shall hold a public hearing thereon, at least fifteen (15) days' notice of the time and place of which shall be published in a newspaper of general circulation in the City of Townsend.

This ordinance shall take effect and be in force from and after its passage, the public welfare demanding it.

Certified by Planning Commission: October 12, 2023

Passed on First Reading: August 15, 2023

Passed on Second Reading: September 19, 2023

Approved by Townsend Board of Commissioners:

Attest:

Gayla D. Webb  
City Recorder

  
Mayor



## APPENDIX A

### CERTIFICATE OF PLANNED UNIT DEVELOPMENT APPROVAL

We hereby certify that this Planned Unit Development (PUD) has been found to comply with the zoning and PUD regulations of the Townsend Municipal Planning Commission, with the exception of such alterations or variances, if any, as noted in the minutes of the Townsend Municipal Planning Commission and the Townsend Board of Zoning Appeals.

\_\_\_\_\_  
Date

\_\_\_\_\_  
Chairman Townsend Municipal  
Planning Commission

\_\_\_\_\_  
Date

\_\_\_\_\_  
Secretary Townsend Municipal  
Planning Commission

### CERTIFICATE OF PUD APPLICATION AND AGREEMENT

I (we) hereby certify that I (we) understand that the approval of a Planned Unit Development (PUD) shall expire twelve (12) months after the date of approval.

\_\_\_\_\_  
Date

\_\_\_\_\_  
Applicant

\_\_\_\_\_  
Date

\_\_\_\_\_  
Applicant

