

**TITLE 14****ZONING AND LAND USE CONTROL****CHAPTER**

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**CHAPTER 1****MUNICIPAL PLANNING COMMISSION****SECTION**

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**14-101. Creation and membership.** Pursuant to the provisions of *Tennessee Code Annotated*, § 13-4-101 the planning commission shall consist of up to nine (9) members: one (1) of which shall be the mayor of the Town of Unicoi; one (1) shall be a member of the board of mayor and aldermen, selected by the mayor, and the remaining members shall be appointed by the mayor. The municipal planning commission members shall be paid on such occasions as they individually appear for a regular or called meeting, shall be paid for such meeting the stipend as has been established by the ordinance adopting the annual budget of the Town of Unicoi, Tennessee. The terms of the members shall be staggered, with term expirations designated by the mayor. The terms of the mayor and the representative from the board of mayor and aldermen shall run concurrently with their terms of office. Any vacancy in an appointive membership shall be filled for the unexpired term by the mayor, who shall also have the authority to remove any appointive member at his will and pleasure. (2004 Code, § 14-101, as amended by Ord. #2021-288, June 2021)

**14-102. Organization, powers, duties, etc.** The planning commission shall be organized and shall carry out its powers, functions, and duties in accordance with all applicable provisions of *Tennessee Code Annotated*, title 13, chapter 4, and the Town of Unicoi Planning Commission by-laws, as adopted by ordinance. (2004 Code, § 14-102)

**14-103. Objective.** The objective and purposes of the Unicoi Planning Commission shall be as set forth in *Tennessee Code Annotated*, §§ 13-4-101 to 13-4-309, and amendments and supplements thereto, and those powers and duties delegated to the planning commission by the board of mayor and aldermen by ordinance, in accordance with the above mentioned enabling law. (2004 Code, § 14-103)

**14-104. Officers and their duties.** (1) The officers of the planning commission shall consist of chairman, vice chairman and secretary-treasurer.

(2) The chairman shall preside at all meetings and hearings of the planning commission and have the duties normally conferred by parliamentary usage of such officers.

(3) The chairman shall be one (1) of the appointive members of the planning commission. He shall have the privilege of discussing all matters before the planning commission.

(4) The vice chairman shall be one (1) of the members of the planning commission and shall act for the chairman in his absence.

(5) The town recorder, with the assistance of the town's planning consultant, shall keep the minutes and records of the planning commission, prepare with the chairman, the agenda of regular and special meetings, provide notice of meetings to planning commission members, arrange proper and legal notice of hearings, attend to correspondence of the commission and such other duties as are normally carried out by a secretary. (2004 Code, § 14-104, as amended by Ord. #2021-295, July 2021)

**14-105. Election of officers.** (1) Nomination of officers shall be made from the floor and officers shall be elected at the annual organization meeting, which shall be held in the month of March of each year.

(2) The candidate for each office receiving a majority vote of the members present at the planning commission shall be declared elected.

(3) All officers shall be elected for a term of one (1) year and all officers shall be eligible to succeed themselves.

(4) Vacancies in offices shall be filled immediately for the unexpired term by regular election procedure. (2004 Code, § 14-105)

**14-106. Meetings.** (1) Meetings shall be held on an as-needed basis and as approved by the chairman of the planning commission, on the first Monday of each month, at 5:30 P.M. at the Unicoi Town Hall. Further the board of mayor

and aldermen amend the bylaws of the planning commission to provide that the planning commission meets on an as-needed basis as approved by the chairman of the planning commission.

(2) A quorum of the membership of the planning commission shall be a majority of the members. A majority of those present in voting shall be required to pass a motion.

(3) All plans, reports and recommendations of the planning commission must be approved by at least a majority of those members present and voting. The chairman will be a non-voting commissioner, with the exception of voting to tie break.

(4) A record of the vote of each member on each question shall be kept as part of the minutes except when the vote is unanimous.

(5) Special meetings may be called by the chairman. It shall be the duty of the chairman to call such a meeting when requested to do so in writing by a majority of the members of the planning commission. The notice of such a meeting shall specify the purposes of such a meeting and no other business may be considered except by unanimous consent of the commission. The town recorder shall notify all members of the commission in writing, in advance of such special meeting.

(6) All meetings at which official action is taken shall be open to the general public. (2004 Code, § 14-106, as amended by Ord. #2022-301, Feb. 2022)

**14-107. Order of business.** The order of business at regular meetings shall be:

- (1) Roll call;
- (2) Reading of minutes of previous meeting;
- (3) Recognition of persons having business with the commission;
- (4) Old business;
- (5) New business; and
- (6) Adjournment. (2004 Code, § 14-107)

**14-108. Other.** (1) The planning commission may appoint such employees and staff as it may deem necessary for its work and may contact the state planning office for assistance as it may require.

(2) The expenditures of the commission shall be within the amounts appropriated for the purpose by the board of mayor and aldermen in the current budget.

(3) Any member not in attendance at three (3) consecutive meetings will be automatically removed from the commission. (2004 Code, § 14-108)

**14-109. Hearings.** (1) In addition to those required by law, the commission may at its discretion hold public hearings when it decides that such hearings will be in the public interest.

(2) Notice of such hearings shall be published in a newspaper of general circulation within the county prior to the date of such public hearing.

(3) The case before the commission shall be presented in summary by the chairman or a designated member of the commission and parties in interest shall have privilege of the floor. No statement shall be recorded or sworn to as evidence for any court of law without notice to the parties. (2004 Code, § 14-109)

**14-110. Records to be kept.** A record shall be kept of those speaking before the commission. (2004 Code, § 14-110)

**14-111. Bylaws of the planning commission.** Bylaws of the planning commission of the Town of Unicoi shall be subject to amendment by ordinance, are maintained in the office of the city recorder and are incorporated herein by reference. (Ord. #2021-295, July 2021)

**CHAPTER 2**

**ZONING ORDINANCE**

**SECTION**

14-201. Land use to be governed by zoning ordinance.

**14-201. Land use to be governed by zoning ordinance.** Land use within the Town of Unicoi shall be governed by Ord. #95-20<sup>1</sup>, titled "Zoning Ordinance, Unicoi, Tennessee," and any amendments thereto. (2004 Code, § 14-201)

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<sup>1</sup>The zoning ordinance (and any amendments thereto) are available in the office of the recorder.

Amendments to the zoning map are of record in the office of the town recorder.

## CHAPTER 3

### BOARD OF ZONING APPEALS<sup>1</sup>

#### SECTION

- 14-301. Creation and membership.
- 14-302. Organization, powers, duties, etc.
- 14-303. Bylaws of the board of zoning appeals.

**14-301. Creation and membership.** Pursuant to the provisions of *Tennessee Code Annotated*, §§ 13-7-205 to 13-7-207, the board of zoning appeals shall consist of five (5) members: one (1) of which shall be the mayor of the Town of Unicoi; one (1) shall be a member of the board of mayor and aldermen, selected by the mayor; and the remaining members shall be appointed by the mayor. The board of zoning appeals members shall be paid on such occasions as they individually appear for a regular or called meeting of the board of zoning appeals which does not immediately follow their individual service on the municipal planning commission. The payment as aforesaid for service on the board of zoning appeals shall be the meeting stipend as has been established by the ordinance adopting the annual budget of the Town of Unicoi, Tennessee. The terms of the members appointed shall be for four (4) years. The terms of the mayor and the representative from the board of mayor and aldermen shall run concurrently with their terms of office. Any vacancy in an appointive membership shall be filled for the unexpired term by the mayor, who shall also have the authority to remove any appointive member at his will and pleasure. (2004 Code, § 14-301, as amended by Ord. #2021-288, June 2021)

**14-302. Organization, powers, duties, etc.** The board of zoning appeals shall be organized and shall carry out its powers, functions, and duties in accordance with all applicable provisions of *Tennessee Code Annotated*, title 13, chapter 4, §§ 205 to 207 and the Town of Unicoi Board of Zoning Appeals By-Laws. (2004 Code, § 14-302)

**14-303. Bylaws of the board of zoning appeals.** Bylaws of the Board of Zoning Appeals of the Town of Unicoi shall be subject to amendment by ordinance, are maintained in the office of the city recorder and are incorporated herein by reference. (Ord. #2021-295, July 2021)

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<sup>1</sup>Municipal code reference

Board of zoning appeals: Appendix 1, article XI.

## CHAPTER 4

### MUNICIPAL FLOODPLAIN ZONING ORDINANCE<sup>1</sup>

#### SECTION

- 14-401. Statutory authorization, findings of fact, purpose and objectives.
- 14-402. Definitions.
- 14-403. General provisions.
- 14-404. Administration.
- 14-405. Provisions for flood hazard reduction.
- 14-406. Variance procedures.
- 14-407. Legal status provisions.

**14-401. Statutory authorization, findings of fact, purpose and objectives.** (1) Statutory authorization. The legislature of the State of Tennessee has in *Tennessee Code Annotated*, §§ 13-7-201 to 13-7-212, delegated the responsibility to local governmental units to adopt regulations designed to promote the public health, safety, and general welfare of its citizenry. Therefore, the Town of Unicoi, Tennessee, Board of Mayor and Aldermen, do ordain as follows.

(2) Findings of fact.

(a) The Town of Unicoi, Tennessee, Mayor and its legislative body wishes to maintain eligibility in the National Flood Insurance Program (NFIP) and in order to do so must meet the NFIP regulations found in title 44 of the Code of Federal Regulations (CFR), ch. 1, § 60.3.

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

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

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

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<sup>1</sup>The Mitigation Plan for the Town of Unicoi (and any amendments) is of record in the office of the town recorder.

(a) Restrict or prohibit uses which are vulnerable to flooding or erosion hazards, or which result in damaging increases in erosion, flood heights, or velocities;

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

(c) Control the alteration of natural floodplains, stream channels, and natural protective barriers which are involved in the accommodation of floodwaters;

(d) Control filling, grading, dredging, and other development which may increase flood damage or erosion; and

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

(4) Objectives. The objectives of this chapter are:

(a) To protect human life, health, safety and property;

(b) To minimize expenditure of public funds for costly flood control projects;

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

(d) To minimize prolonged business interruptions;

(e) To minimize damage to public facilities and utilities such as water and gas mains, electric, telephone and sewer lines, streets and bridges located in floodprone areas;

(f) To help maintain a stable tax base by providing for the sound use and development of floodprone areas to minimize blight in flood areas;

(g) To ensure that potential homebuyers are notified that property is in a floodprone area; and

(h) To maintain eligibility for participation in the NFIP. (Ord. #2013-231, Oct. 2013)

**14-402. Definitions.** Unless specifically defined below, words or phrases used in this chapter shall be interpreted as to give them the meaning they have in common usage and to give this chapter its most reasonable application given its stated purpose and objectives.

(1) "Accessory structure" means a subordinate structure to the principal structure on the same lot and, for the purpose of this chapter, shall conform to the following.

(a) Accessory structures shall only be used for parking of vehicles and storage and not for human habitation.

(b) Accessory structures shall be designed to have low flood damage potential.



(c) Accessory structures shall be constructed and placed on the building site so as to offer the minimum resistance to the flow of floodwaters.

(d) Accessory structures shall be firmly anchored to prevent flotation, collapse, and lateral movement, which otherwise may result in damage to other structures.

(e) Utilities and service facilities such as electrical and heating equipment shall be elevated or otherwise protected from intrusion of floodwaters.

(2) "Addition (to an existing building)" means any walled and roofed expansion to the perimeter or height of a building.

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

(4) "Area of shallow flooding" means a designated AO or AH Zone on a community's Flood Insurance Rate Map (FIRM) with one percent (1%) or greater annual chance of flooding to an average depth of one to three feet (1'-3') where a clearly defined channel does not exist, where the path of flooding is unpredictable and indeterminate; and where velocity flow may be evident. Such flooding is characterized by ponding or sheet flow.

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

(6) "Area of special flood hazard." See "special flood hazard area."

(7) "Base flood" means the flood having a one percent (1%) chance of being equaled or exceeded in any given year. This term is also referred to as the 100-year flood or the one percent (1%) annual chance flood.

(8) "Base Flood Elevation" (BFE). The elevation of surface water resulting from a flood that has a one percent (1%) chance of equaling or exceeding that level in any given year. The BFE is shown on the Flood Insurance Rate Map (FIRM) for zones AE, AH, A1-A30, AR, AR/A, AR/AE, AR/A1-A30, AR/AH, AR/AO, V1-V30, and VE.

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

(10) "Building." See "structure."

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

(12) "Elevated building" means a non-basement building built to have the lowest floor of the lowest enclosed area elevated above the ground level by

means of solid foundation perimeter walls with openings sufficient to facilitate the unimpeded movement of floodwater, pilings, columns, piers, or shear walls adequately anchored so as not to impair the structural integrity of the building during a base flood event.

(13) "Emergency flood insurance program" or "emergency program" means the program as implemented on an emergency basis in accordance with the National Flood Insurance Act, 42 U.S.C. § 4056. It is intended as a program to provide a first layer amount of insurance on all insurable structures before the effective date of the initial FIRM.

(14) "Erosion" means the process of the gradual wearing away of land masses. This peril is not "per se" covered under the program.

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

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

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

(18) "Existing structures." See "existing construction."

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

(20) "Flood" or "flooding" means a general and temporary condition of partial or complete inundation of normally dry land areas from:

(a) The overflow of inland or tidal waters.

(b) The unusual and rapid accumulation or runoff of surface waters from any source.

(21) "Flood elevation determination" means a determination by the Federal Emergency Management Agency (FEMA) of the water surface elevations of the base flood, that is, the flood level that has a one percent (1%) or greater chance of occurrence in any given year.

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

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

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

(25) "Flood insurance study" is the official report provided by FEMA, evaluating flood hazards and containing flood profiles and water surface elevation of the base flood.

(26) "Floodplain" or "floodprone area" means any land area susceptible to being inundated by water from any source (see definition of "flooding").

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

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

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

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

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

(32) "Flood-related erosion area management" means the operation of an overall program of corrective and preventive measures for reducing flood-related erosion damage, including, but not limited to, emergency preparedness plans, flood-related erosion control works and floodplain management regulations.

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

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

(35) "Functionally dependent use" means a use which cannot perform its intended purpose unless it is located or carried out in close proximity to water. The term includes only docking facilities, port facilities that are necessary for the loading and unloading of cargo or passengers, and ship building and ship repair facilities, but does not include long-term storage or related manufacturing facilities.

(36) "Highest adjacent grade" means the highest natural elevation of the ground surface, prior to construction, adjacent to the proposed walls of a structure.

(37) "Historic structure" means any structure that is:

(a) Listed individually in the National Register of Historic Places (a listing maintained by the U.S. Department of Interior) or preliminarily determined by the Secretary of the Interior as meeting the requirements for individual listing on the National Register;

(b) Certified or preliminarily determined by the Secretary of the Interior as contributing to the historical significance of a registered historic district or a district preliminarily determined by the Secretary to qualify as a registered historic district;

(c) Individually listed on the Tennessee inventory of historic places and determined as eligible by states with historic preservation programs which have been approved by the Secretary of the Interior; or

(d) Individually listed on the Town of Unicoi, Tennessee inventory of historic places and determined as eligible by communities with historic preservation programs that have been certified either:

(i) By the approved Tennessee program as determined by the Secretary of the Interior; or

(ii) Directly by the Secretary of the Interior.

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

(39) "Levee system" means a flood protection system which consists of a levee, or levees, and associated structures, such as closure and drainage

devices, which are constructed and operated in accordance with sound engineering practices.

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

(41) "Manufactured home" means a structure, transportable in one (1) or more sections, which is built on a permanent chassis and designed for use with or without a permanent foundation when attached to the required utilities. The term "manufactured home" does not include a "recreational vehicle."

(42) "Manufactured home park or subdivision" means a parcel (or contiguous parcels) of land divided into two (2) or more manufactured home lots for rent or sale.

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

(44) "Mean sea level" means the average height of the sea for all stages of the tide. It is used as a reference for establishing various elevations within the floodplain. For the purposes of this chapter, the term is synonymous with the National Geodetic Vertical Datum (NGVD) of 1929, the North American Vertical Datum (NAVD) of 1988, or other datum, to which base flood elevations shown on a community's Flood Insurance Rate Map are referenced.

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

(46) "New construction" means any structure for which the "start of construction" commenced on or after the effective date of the initial floodplain management ordinance and includes any subsequent improvements to such structure.

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

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

(49) "100-year flood." See "base flood."

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

(51) "Reasonably safe from flooding" means base flood waters will not inundate the land or damage structures to be removed from the special flood hazard area and that any subsurface waters related to the base flood will not damage existing or proposed structures.

(52) "Recreational vehicle" means a vehicle which is:

- (a) Built on a single chassis;
- (b) Four hundred (400) square feet or less when measured at the largest horizontal projection;
- (c) Designed to be self-propelled or permanently towable by a light duty truck; and
- (d) Designed primarily not for use as a permanent dwelling but as temporary living quarters for recreational, camping, travel, or seasonal use.

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

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

(55) "Special flood hazard area" is the land in the floodplain within a community subject to a one percent (1%) or greater chance of flooding in any given year. The area may be designated as Zone A on the FHBM. After detailed ratemaking has been completed in preparation for publication of the FIRM, Zone A usually is refined into Zones A, AO, AH, A1-30, AE, or A99.

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

(57) "Start of construction" includes substantial improvement, and means the date the building permit was issued, provided the actual start of construction, repair, reconstruction, rehabilitation, addition, placement, or other improvement was within one hundred eighty (180) days of the permit date. The actual "start" means either the first placement of permanent construction of a structure (including a manufactured home) on a site, such as the pouring of slabs or footings, the installation of piles, the construction of columns, or any work beyond the stage of excavation; and includes the placement of a manufactured home on a foundation. Permanent construction does not include initial land preparation, such as clearing, grading and filling; nor does it include the installation of streets and/or walkways; nor does it include excavation for a basement, footings, piers, or foundations or the erection of temporary forms; nor does it include the installation on the property of accessory buildings, such as garages or sheds, not occupied as dwelling units or not part of the main

structure. For a substantial improvement, the actual "start of construction" means the first alteration of any wall, ceiling, floor, or other structural part of a building, whether or not that alteration affects the external dimensions of the building.

(58) "State coordinating agency." The Tennessee Department of Economic and Community Development as designated by the Governor of the State of Tennessee at the request of FEMA to assist in the implementation of the NFIP for the state.

(59) "Structure" for purposes of this chapter, means a walled and roofed building, including a gas or liquid storage tank, that is principally above ground, as well as a manufactured home.

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

(61) "Substantially improved existing manufactured home parks or subdivisions" is where the repair, reconstruction, rehabilitation or improvement of the streets, utilities and pads equals or exceeds fifty percent (50%) of the value of the streets, utilities and pads before the repair, reconstruction or improvement commenced.

(62) "Substantial improvement" means any reconstruction, rehabilitation, addition, alteration or other improvement of a structure in which the cost equals or exceeds fifty percent (50%) of the market value of the structure before the "start of construction" of the initial improvement. This term includes structures which have incurred "substantial damage," regardless of the actual repair work performed.

The market value of the structure should be:

(a) The appraised value of the structure prior to the start of the initial improvement; or

(b) In the case of substantial damage, the value of the structure prior to the damage occurring.

The term does not, however, include either:

(a) Any project for improvement of a structure to correct existing violations of state or local health, sanitary, or safety code specifications which have been pre-identified by the local code enforcement official and which are the minimum necessary to assure safe living conditions and not solely triggered by an improvement or repair project; or

(b) Any alteration of a "historic structure," provided that the alteration will not preclude the structure's continued designation as a "historic structure."

(63) "Variance" is a grant of relief from the requirements of this chapter.

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

(65) "Water surface elevation" means the height, in relation to the National Geodetic Vertical Datum (NGVD) of 1929, the North American Vertical Datum (NAVD) of 1988, or other datum, where specified, of floods of various magnitudes and frequencies in the floodplains of riverine areas. (Ord. #2013-231, Oct. 2013, modified)

**14-403. General provisions.** (1) Application. This chapter shall apply to all areas within the incorporated area of the Town of Unicoi, Tennessee.

(2) Basis for establishing the areas of special flood hazard. The areas of special flood hazard identified on the Town of Unicoi, Tennessee, as identified by FEMA, and in its Flood Insurance Study (FIS) and Flood Insurance Rate Map (FIRM), Community Panel Numbers 47171C0015C, 47171C0020C\*, 47171C0060C, 47171C0067C, 47171C0078C, 47171C0079C, 47171C0080C, and 47171C0085C\*, 47171C0090C, dated September 3, 2008, along with all supporting technical data, are adopted by reference and declared to be a part of this chapter. (\*Panel not printed – no special flood hazard areas).

(3) Requirement for development permit. A development permit shall be required in conformity with this chapter prior to the commencement of any development activities.

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

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

(6) Interpretation. In the interpretation and application of this chapter, all provisions shall be:

- (a) Considered as minimum requirements;
- (b) Liberally construed in favor of the governing body; and
- (c) Deemed neither to limit nor repeal any other powers granted under Tennessee statutes.

(7) Warning and disclaimer of liability. The degree of flood protection required by this chapter is considered reasonable for regulatory purposes and is based on scientific and engineering considerations. Larger floods can and will occur on rare occasions. Flood heights may be increased by man-made or natural causes. This chapter does not imply that land outside the areas of special flood hazard or uses permitted within such areas will be free from



flooding or flood damages. This chapter shall not create liability on the part of the Town of Unicoi, Tennessee or by any officer or employee thereof for any flood damages that result from reliance on this chapter or any administrative decision lawfully made hereunder.

(8) Penalties for violation. Violation of the provisions of this chapter or failure to comply with any of its requirements, including violation of conditions and safeguards established in connection with grants of variance shall constitute a misdemeanor punishable as other misdemeanors as provided by law. Any person who violates this chapter or fails to comply with any of its requirements shall, upon adjudication therefore, be fined as prescribed by Tennessee statutes, and in addition, shall pay all costs and expenses involved in the case. Each day such violation continues shall be considered a separate offense. Nothing herein contained shall prevent the Town of Unicoi, Tennessee from taking such other lawful actions to prevent or remedy any violation. (Ord. #2013-231, Oct. 2013)

**14-404. Administration.** (1) Designation of chapter administrator. The building inspector or his designee is hereby appointed as the administrator to implement the provisions of this chapter.

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

(a) Application stage. (i) Elevation in relation to mean sea level of the proposed lowest floor, including basement, of all buildings where base flood elevations are available, or to certain height above the highest adjacent grade when applicable under this chapter.

(ii) Elevation in relation to mean sea level to which any nonresidential building will be floodproofed where base flood elevations are available, or to certain height above the highest adjacent grade when applicable under this chapter.

(iii) A FEMA floodproofing certificate from a Tennessee registered professional engineer or architect that the proposed nonresidential floodproofed building will meet the floodproofing criteria in § 14-405(1) and (2).

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

(b) Construction stage. Within AE Zones, where base flood elevation data is available, any lowest floor certification made relative to mean sea level shall be prepared by or under the direct supervision of, a

Tennessee registered land surveyor and certified by same. The administrator shall record the elevation of the lowest floor on the development permit. When floodproofing is utilized for a nonresidential building, said certification shall be prepared by, or under the direct supervision of, a Tennessee registered professional engineer or architect and certified by same.

Within approximate A Zones, where base flood elevation data is not available, the elevation of the lowest floor shall be determined as the measurement of the lowest floor of the building relative to the highest adjacent grade. The administrator shall record the elevation of the lowest floor on the development permit. When floodproofing is utilized for a nonresidential building, said certification shall be prepared by, or under the direct supervision of, a Tennessee registered professional engineer or architect and certified by same.

For all new construction and substantial improvements, the permit holder shall provide to the administrator an as-built certification of the lowest floor elevation or floodproofing level upon the completion of the lowest floor or floodproofing.

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

(3) Duties and responsibilities of the administrator. Duties of the administrator shall include, but not be limited to, the following:

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

(b) Review proposed development to assure that all necessary permits have been received from those governmental agencies from which approval is required by federal or state law, including § 404 of the Federal Water Pollution Control Act Amendments of 1972, 33 U.S.C. 1344.

(c) Notify adjacent communities and the Tennessee Department of Economic and Community Development prior to any alteration or relocation of a watercourse and submit evidence of such notification to FEMA.

(d) For any altered or relocated watercourse, submit engineering data/analysis within six (6) months to FEMA to ensure accuracy of community FIRMs through the letter of map revision process.

(e) Assure that the flood carrying capacity within an altered or relocated portion of any watercourse is maintained.

(f) Record the elevation, in relation to mean sea level or the highest adjacent grade, where applicable, of the lowest floor (including basement) of all new and substantially improved buildings, in accordance with subsection (2) above.

(g) Record the actual elevation, in relation to mean sea level or the highest adjacent grade, where applicable to which the new and substantially improved buildings have been floodproofed, in accordance with subsection (2) above.

(h) When floodproofing is utilized for a nonresidential structure, obtain certification of design criteria from a Tennessee registered professional engineer or architect, in accordance with subsection (2) above.

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

(j) When base flood elevation data and floodway data have not been provided by FEMA, obtain, review, and reasonably utilize any base flood elevation and floodway data available from a federal, state, or other sources, including data developed as a result of these regulations, as criteria for requiring that new construction, substantial improvements, or other development in Zone A on the Town of Unicoi, Tennessee FIRM meet the requirements of this chapter.

(k) Maintain all records pertaining to the provisions of this chapter in the office of the administrator and shall be open for public inspection. Permits issued under the provisions of this chapter shall be maintained in a separate file or marked for expedited retrieval within combined files. (Ord. #2013-231, Oct. 2013. modified)

**14-405. Provisions for flood hazard reduction.** (1) General standards. In all areas of special flood hazard, the following provisions are required:

(a) New construction and substantial improvements shall be anchored to prevent flotation, collapse and lateral movement of the structure;

(b) Manufactured homes shall be installed using methods and practices that minimize flood damage. They must be elevated and anchored to prevent flotation, collapse and lateral movement. Methods of anchoring may include, but are not limited to, use of over-the-top or frame ties to ground anchors. This requirement is in addition to applicable State of Tennessee and local anchoring requirements for resisting wind forces;

(c) New construction and substantial improvements shall be constructed with materials and utility equipment resistant to flood damage;

(d) New construction and substantial improvements shall be constructed by methods and practices that minimize flood damage;

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

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

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

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

(i) Any alteration, repair, reconstruction or improvements to a building that is in compliance with the provisions of this chapter, shall meet the requirements of "new construction" as contained in this chapter;

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

(k) All new construction and substantial improvement proposals shall provide copies of all necessary federal and state permits, including § 404 of the Federal Water Pollution Control Act amendments of 1972, 33 U.S.C. 1344;

(l) All subdivision proposals and other proposed new development proposals shall meet the standards of § 14-405(2);

(m) When proposed new construction and substantial improvements are partially located in an area of special flood hazard, the entire structure shall meet the standards for new construction; and

(n) When proposed new construction and substantial improvements are located in multiple flood hazard risk zones or in a flood hazard risk zone with multiple base flood elevations, the entire structure shall meet the standards for the most hazardous flood hazard risk zone and the highest base flood elevation.

(2) Specific standards. In all areas of special flood hazard, the following provisions, in addition to those set forth in subsection (1) above, are required:

(a) Residential structures. In AE Zones where base flood elevation data is available, new construction and substantial

improvement of any residential building (or manufactured home) shall have the lowest floor, including basement, elevated to no lower than one foot (1') above the base flood elevation. Should solid foundation perimeter walls be used to elevate a structure, openings sufficient to facilitate equalization of flood hydrostatic forces on both sides of exterior walls shall be provided in accordance with the standards of this section: "Enclosures."

Within approximate A Zones where base flood elevations have not been established and where alternative data is not available, the administrator shall require the lowest floor of a building to be elevated to a level of at least three feet (3') above the highest adjacent grade (as defined in § 14-402). Should solid foundation perimeter walls be used to elevate a structure, openings sufficient to facilitate equalization of flood hydrostatic forces on both sides of exterior walls shall be provided in accordance with the standards of this section: "Enclosures."

(b) Nonresidential structures. In AE Zones, where base flood elevation data is available, new construction and substantial improvement of any commercial, industrial, or nonresidential building, shall have the lowest floor, including basement, elevated or floodproofed to no lower than one foot (1') above the level of the base flood elevation. Should solid foundation perimeter walls be used to elevate a structure, openings sufficient to facilitate equalization of flood hydrostatic forces on both sides of exterior walls shall be provided in accordance with the standards of this section: "Enclosures."

In approximate A Zones, where base flood elevations have not been established and where alternative data is not available, new construction and substantial improvement of any commercial, industrial, or nonresidential building, shall have the lowest floor, including basement, elevated or floodproofed to no lower than three feet (3') above the highest adjacent grade (as defined in § 14-402). Should solid foundation perimeter walls be used to elevate a structure, openings sufficient to facilitate equalization of flood hydrostatic forces on both sides of exterior walls shall be provided in accordance with the standards of this section: "Enclosures."

Nonresidential buildings located in all A Zones may be floodproofed, in lieu of being elevated, provided that all areas of the building below the required elevation are watertight, with walls substantially impermeable to the passage of water, and are built with structural components having the capability of resisting hydrostatic and hydrodynamic loads and the effects of buoyancy. A Tennessee registered professional engineer or architect shall certify that the design and methods of construction are in accordance with accepted standards of practice for meeting the provisions above, and shall provide such certification to the administrator as set forth in § 14-404(2).

(c) Enclosures. All new construction and substantial improvements that include fully enclosed areas formed by foundation and other exterior walls below the lowest floor that are subject to flooding, shall be designed to preclude finished living space and designed to allow for the entry and exit of flood waters to automatically equalize hydrostatic flood forces on exterior walls.

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

(A) Provide a minimum of two (2) openings having a total net area of not less than one (1) square inch for every square foot of enclosed area subject to flooding;

(B) The bottom of all openings shall be no higher than one foot (1') above the finished grade;

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

(ii) The enclosed area shall be the minimum necessary to allow for parking of vehicles, storage or building access.

(iii) The interior portion of such enclosed area shall not be finished or partitioned into separate rooms in such a way as to impede the movement of floodwaters and all such partitions shall comply with the provisions of this subsection (2).

(d) Standards for manufactured homes and recreational vehicles.

(i) All manufactured homes placed, or substantially improved, on:

(A) Individual lots or parcels;

(B) In expansions to existing manufactured home parks or subdivisions; or

(C) In new or substantially improved manufactured home parks or subdivisions, must meet all the requirements of new construction.

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

(A) In AE Zones, with base flood elevations, the lowest floor of the manufactured home is elevated on a permanent foundation to no lower than one foot (1') above the level of the base flood elevation; or

(B) In approximate A Zones, without base flood elevations, the manufactured home chassis is elevated and supported by reinforced piers (or other foundation elements of at least equivalent strength) that are at least three feet

(3') in height above the highest adjacent grade (as defined in § 14-402).

(iii) Any manufactured home, which has incurred "substantial damage" as the result of a flood, must meet the standards of subsection (1) above and this subsection (2).

(iv) All manufactured homes must be securely anchored to an adequately anchored foundation system to resist flotation, collapse and lateral movement.

(v) All recreational vehicles placed in an identified special flood hazard area must either:

(A) Be on the site for fewer than one hundred eighty (180) consecutive days;

(B) Be fully licensed and ready for highway use (a recreational vehicle is ready for highway use if it is licensed, on its wheels or jacking system, attached to the site only by quick disconnect type utilities and security devices, and has no permanently attached structures or additions), or;

(C) The recreational vehicle must meet all the requirements for new construction.

(e) Standards for subdivisions and other proposed new development proposals. Subdivisions and other proposed new developments, including manufactured home parks, shall be reviewed to determine whether such proposals will be reasonably safe from flooding.

(i) All subdivision and other proposed new development proposals shall be consistent with the need to minimize flood damage.

(ii) All subdivision and other proposed new development proposals shall have public utilities and facilities such as sewer, gas, electrical and water systems located and constructed to minimize or eliminate flood damage.

(iii) All subdivision and other proposed new development proposals shall have adequate drainage provided to reduce exposure to flood hazards.

(iv) In all approximate A Zones, require that all new subdivision proposals and other proposed developments (including proposals for manufactured home parks and subdivisions) greater than fifty (50) lots or five (5) acres, whichever is the lesser, include within such proposals base flood elevation data. (See subsection (5) below).

(3) Standards for special flood hazard areas with established base flood elevations and with floodways designated. Located within the special flood hazard areas established in § 14-403(2), are areas designated as floodways. A floodway may be an extremely hazardous area due to the velocity of floodwaters, debris or erosion potential. In addition, the area must remain free of

encroachment in order to allow for the discharge of the base flood without increased flood heights and velocities. Therefore, the following provisions shall apply:

(a) Encroachments are prohibited, including earthen fill material, new construction, substantial improvements or other development within the regulatory floodway. Development may be permitted however, provided it is demonstrated through hydrologic and hydraulic analyses performed in accordance with standard engineering practices that the cumulative effect of the proposed encroachments or new development shall not result in any increase in the water surface elevation of the base flood elevation, velocities, or floodway widths during the occurrence of a base flood discharge at any point within the community. A Tennessee registered professional engineer must provide supporting technical data, using the same methodologies as in the effective flood insurance study for the Town of Unicoi, Tennessee and certification, thereof.

(b) New construction and substantial improvements of buildings, where permitted, shall comply with all applicable flood hazard reduction provisions of subsections (1) and (2) above.

(4) Standards for areas of special flood hazard Zones AE with established base flood elevations but without floodways designated. Located within the special flood hazard areas established in § 14-403(2), where streams exist with base flood data provided but where no floodways have been designated (Zones AE), the following provisions apply:

(a) No encroachments, including fill material, new construction and substantial improvements shall be located within areas of special flood hazard, unless certification by a Tennessee registered professional engineer is provided demonstrating that the cumulative effect of the proposed development, when combined with all other existing and anticipated development, will not increase the water surface elevation of the base flood more than one foot (1') at any point within the community. The engineering certification should be supported by technical data that conforms to standard hydraulic engineering principles.

(b) New construction and substantial improvements of buildings, where permitted, shall comply with all applicable flood hazard reduction provisions of subsections (1) and (2) above.

(5) Standards for streams without established base flood elevations and floodways (A Zones). Located within the special flood hazard areas established in § 14-403(2), where streams exist, but no base flood data has been provided and where a floodway has not been delineated, the following provisions shall apply:

(a) The administrator shall obtain, review, and reasonably utilize any base flood elevation and floodway data available from any federal, state, or other sources, including data developed as a result of



these regulations (see subsection (5)(b) below), as criteria for requiring that new construction, substantial improvements, or other development in approximate A Zones meet the requirements of subsections (1) and (2) above.

(b) Require that all new subdivision proposals and other proposed developments (including proposals for manufactured home parks and subdivisions) greater than fifty (50) lots or five (5) acres, whichever is the lesser, include within such proposals base flood elevation data.

(c) Within approximate A Zones, where base flood elevations have not been established and where such data is not available from other sources, require the lowest floor of a building to be elevated or floodproofed to a level of at least three feet (3') above the highest adjacent grade (as defined in § 14-402). All applicable data including elevations or floodproofing certifications shall be recorded as set forth in § 14-404(2). Openings sufficient to facilitate automatic equalization of hydrostatic flood forces on exterior walls shall be provided in accordance with the standards of subsection (2) above.

(d) Within approximate A Zones, where base flood elevations have not been established and where such data is not available from other sources, no encroachments, including structures or fill material, shall be located within an area equal to the width of the stream or twenty feet (20'), whichever is greater, measured from the top of the stream bank, unless certification by a Tennessee registered professional engineer is provided demonstrating that the cumulative effect of the proposed development, when combined with all other existing and anticipated development, will not increase the water surface elevation of the base flood more than one foot (1') at any point within the Town of Unicoi, Tennessee. The engineering certification should be supported by technical data that conforms to standard hydraulic engineering principles.

(e) New construction and substantial improvements of buildings, where permitted, shall comply with all applicable flood hazard reduction provisions of subsections (1) and (2) above. Within approximate A Zones, require that those subsections of subsection (2) above dealing with the alteration or relocation of a watercourse, assuring watercourse carrying capacities are maintained and manufactured homes provisions are complied with as required.

(6) Standards for areas of shallow flooding (AO and AH Zones). Located within the special flood hazard areas established in § 14-403, are areas designated as shallow flooding areas. These areas have special flood hazards associated with base flood depths of one to three feet (1'-3') where a clearly defined channel does not exist and where the path of flooding is unpredictable

and indeterminate; therefore, the following provisions, in addition to those set forth in subsections (1) and (2) above, apply:

(a) All new construction and substantial improvements of residential and nonresidential buildings shall have the lowest floor, including basement, elevated to at least one foot (1') above as many feet as the depth number specified on the FIRMs, in feet, above the highest adjacent grade. If no flood depth number is specified on the FIRM, the lowest floor, including basement, shall be elevated to at least three feet (3') above the highest adjacent grade. Openings sufficient to facilitate automatic equalization of hydrostatic flood forces on exterior walls shall be provided in accordance with standards of subsection (2) above.

(b) All new construction and substantial improvements of nonresidential buildings may be floodproofed in lieu of elevation. The structure together with attendant utility and sanitary facilities must be floodproofed and designed watertight to be completely floodproofed to at least one foot (1') above the flood depth number specified on the FIRM, with walls substantially impermeable to the passage of water and with structural components having the capability of resisting hydrostatic and hydrodynamic loads and the effects of buoyancy. If no depth number is specified on the FIRM, the structure shall be floodproofed to at least three feet (3') above the highest adjacent grade. A Tennessee registered professional engineer or architect shall certify that the design and methods of construction are in accordance with accepted standards of practice for meeting the provisions of this chapter and shall provide such certification to the administrator as set forth above and as required in accordance with § 14-404(2).

(c) Adequate drainage paths shall be provided around slopes to guide floodwaters around and away from proposed structures.

(7) Standards for areas protected by flood protection system (A-99 Zones). Located within the areas of special flood hazard established in § 14-403(2), are areas of the 100-year floodplain protected by a flood protection system but where base flood elevations have not been determined. Within these areas (A-99 Zones) all provisions of § 14-404 and this section shall apply.

(8) Standards for unmapped streams. Located within the Town of Unicoi, Tennessee, are unmapped streams where areas of special flood hazard are neither indicated nor identified. Adjacent to such streams, the following provisions shall apply:

(a) No encroachments including fill material or other development including structures shall be located within an area of at least equal to twice the width of the stream, measured from the top of each stream bank, unless certification by a Tennessee registered professional engineer is provided demonstrating that the cumulative effect of the proposed development, when combined with all other existing and anticipated development, will not increase the water surface

elevation of the base flood more than one foot (1') at any point within the locality.

(b) When a new flood hazard risk zone and base flood elevation and floodway data is available, new construction and substantial improvements shall meet the standards established in accordance with § 14-404 and this section. (Ord. #2013-231, Oct. 2013, modified)

**14-406. Variance procedures.** (1) Municipal board of zoning appeals.

(a) Authority. The Town of Unicoi, Tennessee Municipal Board of Zoning Appeals shall hear and decide appeals and requests for variances from the requirements of this chapter.

(b) Procedure. Meetings of the Municipal board of zoning appeals shall be held at such times as the board shall determine. All meetings of the municipal board of zoning appeals shall be open to the public. The municipal board of zoning appeals shall adopt rules of procedure and shall keep records of applications and actions thereof, which shall be a public record. Compensation of the members of the municipal board of zoning appeals shall be set by the legislative body.

(c) Appeals; how taken. An appeal to the municipal board of zoning appeals may be taken by any person, firm or corporation aggrieved or by any governmental officer, department, or bureau affected by any decision of the administrator based in whole or in part upon the provisions of this chapter. Such appeal shall be taken by filing with the municipal board of zoning appeals a notice of appeal, specifying the grounds thereof. In all cases where an appeal is made by a property owner or other interested party, the fee for the cost of publishing a notice of such hearings shall be paid by the Town of Unicoi. The administrator shall transmit to the municipal board of zoning appeals all papers constituting the record upon which the appeal action was taken. The municipal board of zoning appeals shall fix a reasonable time for the hearing of the appeal, give public notice thereof, as well as due notice to parties in interest and decide the same within a reasonable time which shall not be more than seven (7) days from the date of the hearing. At the hearing, any person or party may appear and be heard in person or by agent or by attorney.

(d) Powers. The municipal board of zoning appeals shall have the following powers:

(i) Administrative review. To hear and decide appeals where it is alleged by the applicant that there is error in any order, requirement, permit, decision, determination, or refusal made by the administrator or other administrative official in carrying out or enforcement of any provisions of this chapter.

(ii) Variance procedures. In the case of a request for a variance, the following shall apply.

(A) The Town of Unicoi, Tennessee Municipal Board of Zoning Appeals shall hear and decide appeals and requests for variances from the requirements of this chapter.

(B) Variances may be issued for the repair or rehabilitation of historic structures as defined, herein, upon a determination that the proposed repair or rehabilitation will not preclude the structure's continued designation as a historic structure and the variance is the minimum necessary deviation from the requirements of this chapter to preserve the historic character and design of the structure.

(C) In passing upon such applications, the municipal board of zoning appeals shall consider all technical evaluations, all relevant factors, all standards specified in other sections of this chapter, and:

(1) The danger that materials may be swept onto other property to the injury of others;

(2) The danger to life and property due to flooding or erosion;

(3) The susceptibility of the proposed facility and its contents to flood damage;

(4) The importance of the services provided by the proposed facility to the community;

(5) The necessity of the facility to a waterfront location, in the case of a functionally dependent use;

(6) The availability of alternative locations, not subject to flooding or erosion damage, for the proposed use;

(7) The relationship of the proposed use to the comprehensive plan and floodplain management program for that area;

(8) The safety of access to the property in times of flood for ordinary and emergency vehicles;

(9) The expected heights, velocity, duration, rate of rise and sediment transport of the flood waters and the effects of wave action, if applicable, expected at the site; and

(10) The costs of providing governmental services during and after flood conditions including maintenance and repair of public utilities and facilities such as sewer, gas, electrical, water systems, and streets and bridges.

(D) Upon consideration of the factors listed above, and the purposes of this chapter, the municipal board of zoning appeals may attach such conditions to the granting of variances, as it deems necessary to effectuate the purposes of this chapter.

(E) Variances shall not be issued within any designated floodway if any increase in flood levels during the base flood discharge would result.

(2) Conditions for variances. (a) Variances shall be issued upon a determination that the variance is the minimum relief necessary, considering the flood hazard and the factors listed in § 14-404(1).

(b) Variances shall only be issued upon: a showing of good and sufficient cause, a determination that failure to grant the variance would result in exceptional hardship; or a determination that the granting of a variance will not result in increased flood heights, additional threats to public safety, extraordinary public expense, create nuisance, cause fraud on or victimization of the public, or conflict with existing local laws or ordinances.

(c) Any applicant to whom a variance is granted shall be given written notice that the issuance of a variance to construct a structure below the base flood elevation will result in increased premium rates for flood insurance (as high as twenty-five dollars (\$25.00) for one hundred dollars (\$100.00) coverage, and that such construction below the base flood elevation increases risks to life and property.

(d) The administrator shall maintain the records of all appeal actions and report any variances to FEMA upon request. (Ord. #2013-231, Oct. 2013)

**14-407. Legal status provisions.** Conflict with other ordinances: in case of conflict between this chapter or any part thereof, and the whole or part of any existing or future ordinance of the Town of Unicoi, Tennessee, the most restrictive shall in all cases apply. (Ord. #2013-231, Oct. 2013)

## CHAPTER 5

### MOBILE HOME PARK REGULATIONS

#### SECTION

- 14-501. Purpose.
- 14-502. Applicability.
- 14-503. Definitions.
- 14-504. Minimum standards.
- 14-505. Mobile home parks; density and dimension requirements.
- 14-506. Mobile home spaces; density and dimension requirements.
- 14-507. Sign specifications.
- 14-508. Road specifications.
- 14-509. Parking space specifications.
- 14-510. Utility specifications.
- 14-511. Topographic and drainage specifications.
- 14-512. Buffering and open space specifications.
- 14-513. Application process for a mobile home park.

**14-501. Purpose.** Because of their unusual characteristics, mobile home parks pose special problems in the application of land use control techniques and require special consideration as to their proper location and character in relation to adjacent uses and to the development of the community, and as to the circumstances and conditions under which they may be permitted. The standards provided in this chapter represent an attempt to provide adequate protection for, and consideration of, both the community and the mobile home dweller. (2004 Code, § 14-501)

**14-502. Applicability.** The provision of this chapter shall apply to all new mobile home parks located within the Town of Unicoi. In any district in which mobile home parks are permitted, the following regulations shall apply.

(1) Any additions made to existing mobile home parks located within the Town of Unicoi which extend the number of dwelling units or the area occupied by dwelling units beyond that originally approved by the planning commission; and

(2) Mobile home subdivisions located within the Town of Unicoi shall comply with all applicable provisions of the Unicoi subdivision regulations, as amended. (2004 Code, § 14-502)

**14-503. Definitions.** The following definitions shall apply in the interpretation and application of this chapter. Certain words or terms used herein shall be defined as follows: words used in the present tense include the future tense; words used in the singular number include the plural; and words

used in the plural include the singular. The word "shall" is always mandatory, not directory. The word "may" is permissive.

(1) "Access road." A road is entirely located within a mobile home park and which is designed to provide mobile home park residents with an opportunity for vehicular movement both within the park and to the nearest public right-of-way.

(2) "Alley." A public or private right-of-way primarily designed to serve as secondary access to the side or rear of those properties whose principal frontage is on some other street.

(3) "Buffer strip." A solid wall, fence, evergreen hedge, or similar screening device not less than seven feet (7') high.

(4) "Building inspector." (a) The officer, or his duly authorized representative, charged with administration and enforcement of this chapter.

(b) "Building inspector" shall mean the building inspector of the Town of Unicoi, Tennessee, or his authorized representative.

(5) "Electrical inspector" shall mean the electrical inspector of the Town of Unicoi, Tennessee, or his authorized representative.

(6) "Health officer" shall mean the Health Officer of Unicoi County, Tennessee, or his authorized representative.

(7) "Mobile home" or "manufactured home." A detached single-family dwelling unit with all of the following characteristics:

(a) Designed for long-term occupancy and containing sleeping accommodation, a flush toilet, a tub or shower bath, and kitchen facilities, with plumbing and electrical connections provided for attachment to outside systems.

(b) Designed to be transported after fabrication on its own wheels, or on flatbed or other trailers or detachable wheels.

(c) Arriving at the site where it is to be occupied as a dwelling complete, including major appliances and furniture, and ready for occupancy except for minor and incidental unpacking and assembly operations, location on foundation supports, connection to utilities, and the like.

(8) "Mobile home park" shall mean any plat of ground under single ownership containing a minimum of two (2) acres upon which two (2) or more mobile homes are located or are intended to be located. A mobile home park, however, does not include sites where unoccupied mobile homes are on display for sale.

(9) "Mobile home space." The lot area allocated for an individual mobile home. This area includes the land under which the actual mobile home is located and the required front, side and rear yards for the associated mobile home.

(10) "Mobile home subdivision." A subdivision designed and or intended for the sale of lots for siting mobile homes.

(11) "Plumbing inspector" shall mean the plumbing inspector of the Town of Unicoi, Tennessee, or his authorized representative.  
 (2004 Code, § 14-503)

**14-504. Minimum standards.** The following minimum standards shall apply to all mobile home parks:

(1) The site shall be located on a well drained and flood free site with proper drainage.

(2) General standards.

(a) Mobile homes shall not be used for commercial, industrial, or other nonresidential uses within the mobile home park, except that one (1) mobile home in the park may be used to house a management office or similar facility noted below in subsection (2)(b).

(b) Each mobile home park shall be provided with a designated management space and such service buildings as are necessary to provide facilities for mail distribution, storage space for supplies, maintenance materials and equipment. All service buildings shall not be more than four hundred feet (400') from the spaces which they solely serve and shall be of permanent construction and maintained in a clean and sanitary condition.

(c) In each mobile home park, the duly authorized attendant or caretaker shall be charged at all times to keep the mobile home park, its facilities and equipment in a clean, orderly, safe and sanitary condition.

(d) Cabanas, travel trailers and other similar enclosed structures are allowed provided they are kept in areas which are separate from mobile home spaces.

(e) Each mobile home shall have a non-combustible, corrosive-resistant skirt extending from the bottom of the mobile home to the mobile home space pad foundation. Said skirt shall be provided with an access way with a door measuring at least eighteen inches (18") by twenty-four inches (24"); and further, said skirt shall be constructed so as to prohibit insect and rodent infestation. The site shall not be exposed to objectionable smoke, noise, odors, insect, or rodent harborage or other adverse influences. (2004 Code, § 14-504)

**14-505. Mobile home parks; density and dimension requirements.**

(1) Mobile home parks shall be subject to the density provisions of the zoning district in which they are located. The minimum area for a mobile home park is two (2) acres.

(2) Each mobile home park shall meet the following minimum setback requirements, irrespective of the zoning district in which the park is proposed:

Front yard setback	30 feet
Side yard setback	20 feet
Rear yard setback	20 feet



In instances where a side or rear yard abuts on a public right-of-way, the minimum setback shall be thirty feet (30').

(3) No building or structure erected or stationed in a mobile home park shall have a height greater than two (2) stories or thirty-five feet (35'), whichever is less, unless such building or structure is exempted from height limitations, as provided in the Unicoi Zoning Ordinance. (2004 Code, § 14-505)

**14-506. Mobile home spaces; density and dimension requirements.** (1) The minimum lot area per mobile home space shall be five thousand (5,000) square feet. For double wide mobile homes, the minimum lot area shall be seven thousand five hundred (7,500) square feet. This lot area, in addition to including the space on which a mobile home is located, shall also include driveways, off-street parking spaces (not including those for travel trailers and similar structures), accessory building space, and required front, side and rear yards.

(2) Each mobile home space shall be at least forty feet (40') wide and such space shall be clearly marked by permanent markers.

(3) There shall be a front yard setback of at least ten feet (10') from all access roads within the mobile home park.

(4) Mobile homes shall be placed on each space so that there shall be at least a twenty-foot (20') clearance between mobile homes, provided however, with respect to mobile homes parked end to end, clearance shall be not less than sixteen feet (16'). No mobile home shall be located closer than twenty feet (20') from any building within the mobile home park.

(5) The management shall maintain a register containing the names of all park residents identified by lot number or street address. Such register shall be available to any authorized person needing this material. The numbered lot should be prominently displayed and easily read by emergency services. (2004 Code, § 14-506)

**14-507. Sign specifications.** (1) Mobile home parks shall be permitted to display, on each public right-of-way frontage, one (1) free standing sign not to exceed twelve feet (12') in height and thirty (30) square feet in area to identify the name, address, and phone number of the park, provided such sign(s) are in compliance with all applicable provisions of the Town of Unicoi Sign Ordinance.

(2) Each occupant of a mobile home space shall be permitted one (1) wall sign, provided such sign is flush with the mobile home, does not exceed four (4) square feet in area and meets all other applicable requirements of the Town of Unicoi Sign Ordinance. (2004 Code, § 14-507)

**14-508. Road specifications.** (1) All roads within a mobile home park shall be private and shall not be accepted as public roads, unless such roads first meet all applicable requirements noted in the Town of Unicoi Subdivision Regulations and are formally offered to and accepted by the Town of Unicoi.

(2) Each mobile home park site shall be located with at least forty feet (40') of frontage on a public right-of-way. Each mobile home space shall contain a driveway which intersects an access road. Each access road shall provide unobstructed vehicular access to a public right-of-way.

(3) Sole vehicular access shall not be through an alley.

(4) Private access roads and driveways in a mobile home park shall be paved to a width of not less than twenty feet (20') and shall consist of a five-inch (5") compacted crushed stone base with a two inch (2") compacted asphaltic concrete plant mix surface.

(5) Dead-end access roads shall contain a paved cul-de-sac or other turn around. Such turn around shall be constructed of at least a five inch (5") crushed rock base and a two-inch (2") compacted asphaltic concrete plant mix surface. Moreover, such permanent turn around space shall have a minimum diameter, as measured from the widest point, of at least seventy feet (70'), unless a higher standard is required for emergency vehicle access. (2004 Code, § 14-508)

**14-509. Parking space specifications.** (1) There shall be at least one (1) paved, off street parking space for each mobile home space, which shall be on the same mobile home space as the mobile home served, and may be located in the rear or side yard of the associated mobile home space.

(2) Additional parking space may be required in separate areas for travel trailers, tractor trailers, boats, and other accessory vehicles. Approval for such space shall be made by the planning commission during the mobile home site plan review process.

(3) Any parking spaces separate from individual mobile home spaces may be required to include spaces for the physically handicapped. (2004 Code, § 14-509)

**14-510. Utility specifications.** (1) Sewer, water (including fire hydrants), gas, electricity, storm sewer, telephone, cable and other utilities shall be installed at the expense of the developer or owner. Such utilities shall also be installed prior to the initiation of any road surfacing activities.

(2) Utility easements no less than eight feet (8') wide shall be required along each side of all private access roads for the extension of existing or planned utilities. Vegetated drainage easements of no less than fifteen feet (15') shall be provided on each side of the top bank of a stream or other permanent water body existing on the mobile home park site. Such area may be considered as part of the open space required in § 14-512.

(3) Fire hydrants shall be required and shall be located no more than one thousand feet (1,000') apart and within five hundred feet (500') of any structure.

(4) All access roads and walkways shall be lighted with security lights spaced no further than one hundred fifty feet (150') from each other. (2004 Code, § 14-510)

**14-511. Topographic and drainage specifications.** The proposed park shall be located on a well drained and flood free site as determined by the erosion control plans (drainage plans) prepared for the proposed park. In all cases water runoff and erosion and sediment control plans shall be prepared by a licensed engineer who specializes in hydrology. At a minimum, such plans shall include calculation and narrative which indicate specifically how surface water runoff and erosion and sedimentation will be controlled so that off site properties and water systems will be unaffected by the proposed development. Drawings, including cross sections, shall be provided which graphically demonstrate existing and proposed water flows and which include the location, dimensions and materials associated with pipes, storm drains, detention and dissipation basins, swells, and other control measures and structures. The location of straw bales, rip rap, silt fences and other erosion and sediment control measures shall also be included. And, the "drainage plan" shall include a letter which states that the hydrologist certifies that, by adhering to the design provided in the plan, post development surface water runoff will not exceed predevelopment surface water runoff for the ten (10) year twenty-four (24) hour storm event. In cases where a mobile home park is to be completed in phases, water runoff and erosion control measures shall be established and completed for each phase prior to initiating a new phase. (2004 Code, § 14-511)

**14-512. Buffering and open space specifications.** (1) There shall be buffer strips as defined in § 14-503, along side and rear lot lines of the mobile home park. The buffer strips shall be arranged so that the park is entirely enclosed, with the exception of driveways and space required for front yards.

(2) Each mobile home park shall provide a common area for playgrounds and leisure time pursuits totaling a minimum of five hundred (500) square feet for each mobile home space, exclusive of roadways, required yards for mobile home spaces and parking spaces. Buffer strips, as required in subsection (1) above, may be counted toward common area requirements.

(3) Any part of the park area not used for buildings or other structures, parking, or access ways shall be landscaped with grass, trees, shrubs, and pedestrian walks. Moreover, such landscaping shall be maintained to an extent which meets all town codes.

(4) Walkways not less than two feet (2') wide shall be provided from mobile home spaces to service buildings. (2004 Code, § 14-512)

**14-513. Application process for a mobile home park.**

(1) Preliminary general plan mobile home park development plat. As an initial phase of the application process for a mobile home park, the Town of

Unicoi Planning Commission shall review a preliminary mobile home park development plan. The plan shall be submitted to the town planner no later than the last business day of the month preceding the meeting in which the planning commission review is requested. In addition, a copy of the plan shall be submitted to all representatives who may provide utilities to the park. The submission to utility representatives shall take place at least fifteen (15) calendar days prior to the planning commission meeting. At a minimum, the preliminary mobile home park development plan shall include the following:

(a) General requirements. (i) A vicinity map which shows streets and other general development of the surrounding area.

(ii) An indication of existing land uses associated with property adjacent to the proposed park, including adjacent zoning.

(iii) An indication of the total acreage associated with the mobile home park.

(iv) The location of the mobile home park with labeled dimensions which show the property in relations to required setback lines. A certificate of accuracy signed by the surveyor shall also be submitted for the survey of the property boundary and any internal subdivisions. In all cases property to be subdivided shall adhere to the Town of Unicoi Subdivision Regulations.

(v) The location and dimensions of all uses and improvements constructed or to be constructed within the mobile home park.

(vi) The location, dimensions, and areas of all proposed or existing lots or mobile home park spaces.

(vii) The distance between proposed mobile homes and their mobile home space boundaries.

(viii) An indication of the date, the approximate north point, and a graphic scale no less than one inch (1") equals one hundred feet (100').

(b) Name requirements. (i) The name of the proposed mobile home park.

(ii) The name and address, including telephone number, of the legal owner or agent of property.

(iii) The name and address including telephone number of the professional person(s) responsible for the design of the proposed park.

(iv) The name and address, including telephone number, of the certified engineers responsible for the drainage and erosion control plan.

(c) Legal information. (i) Citation of the last instrument conveying title to the property proposed for the mobile home park.

(ii) Citation of any existing legal rights-of-way or easements affecting the property.

(iii) Location of property, in terms of tax map and parcel reference.

(iv) A plan for establishing easements for utilities, drainage systems, and pedestrian networks.

(v) The location and dimensions of existing easements and rights-of-way.

(d) Natural features and drainage information.

(i) Approximate topography including, at a minimum, spot elevations.

(ii) A drainage plan as discussed in § 14-511(1).

(iii) If the proposed park is to involve construction activities, such as clearing, grading and excavation, which will result in the disturbance of more than five (5) acres, the Tennessee Department of Environment and Conservation requires that a Notice of Intent (NOI) form be completed and filed with the state. A completed copy of this form shall also be required for submission as part of the preliminary mobile home park development plan.

(e) Infrastructure and parking space information.

(i) The location, width, grade and name of all existing and proposed streets within or immediately adjacent to the subject property.

(ii) A cross section of proposed access roads. Such cross section shall indicate the depth and materials associated with both the base and the surface layer.

(iii) The location and dimensions of existing and proposed points of ingress and egress both within and adjacent to the subject property.

(iv) The location, dimensions, and lighting systems associated with proposed off street parking facilities. Handicapped parking spaces shall also be indicated on the plan.

(v) The location, dimensions, and lighting systems associated with any existing or proposed pedestrian systems related to the park.

(vi) The location and sizes of existing and proposed sewers, water mains, culverts, and other underground structures within the tract.

(vii) Preliminary proposals for connection with existing water supply and sanitary sewer.

(viii) The written comments of any applicable utility representatives responsible for reviewing the preliminary plan. These comments shall be submitted to the town planner by the

developer no less than seven (7) calendar days prior to the planning commissions upcoming meeting.

(f) Open space and landscaping information. (i) The location, dimensions, and area of all portions of the park to be set aside for playground, open space or similar uses.

(ii) A preliminary landscape plan, prepared by a landscape architect.

(2) Final mobile home park development plan. After a preliminary mobile home park development plan has been reviewed by the planning commission and obtained preliminary approval subject to certain specific revisions, a revised final mobile home development plan may be submitted for review by the planning commission. Where no subdivision of land is involved, final approval of the mobile home park will be conditioned on whether the proposed park meets all applicable provisions of this chapter. Moreover, final approval, necessary for the issuance of a building permit, shall be withheld until the following specific requirements have been met:

(a) All surface water runoff and erosion and sediment control measures have been fully installed to the specifications provided in the drainage plan.

(b) Or, if certain surface water runoff control and erosion and sediment control measures are to be installed while building construction is occurring, a water runoff and erosion and sediment control bond shall be posed at the time of the application for final approval in an amount estimated by the planning commission as sufficient to secure to the Town of Unicoi the satisfactory installation and maintenance of the surface water runoff and erosion control measures.

(c) A bond is posted for landscape completion, maintenance and replacement. (2004 Code, § 14-513)

## CHAPTER 6

### BILLBOARDS

#### SECTION

14-601. Purpose.

14-602. Definitions.

14-603. Billboards prohibited.

**14-601. Purpose.** The intent of this chapter is to promote the health, safety, and welfare of the public by preserving the area's natural beauty, protecting property values, and encouraging safe traffic flow through the prohibition of billboards. (2004 Code, § 14-601)

**14-602. Definitions.** The following definitions shall apply to this chapter:

(1) "Billboard." Any sign greater than thirty-two (32) square feet in area which is not located on the property it advertises or which advertises generally ubiquitous goods or services.

(2) "Sign." Any writing, pictorial representation, symbol, emblem or object intended to advertise, announce, or direct attention. This definition includes the physical surface used to portray information but does not include legitimate art works, government flags or emblems, or governmental signs needed for the public welfare. (2004 Code, § 14-602)

**14-603. Billboards prohibited.** Billboards are hereby prohibited within the corporate limits of the Town of Unicoi, Tennessee. (2004 Code, § 14-603)