

APPENDIX

A. ZONING ORDINANCE.

APPENDIX A

ZONING ORDINANCE

TOWN OF CARYVILLE, TENNESSEE

**Prepared with assistance from
Tennessee Department of Economic and Community Development
Local Planning Assistance Office
PO Box 51365
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ZONING ORDINANCE
OF THE TOWN OF
CARYVILLE, TENNESSEE

AUTHORITY

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

BE IT ORDAINED by the Board of Mayor and Aldermen of the Town of Caryville, Tennessee.

ARTICLE I. SHORT TITLE

This ordinance shall be known as the "Zoning Ordinance of the Town of Caryville, Tennessee." The map herein referred to, and which is identified by the title "Zoning Map¹ of the Town of Caryville, Tennessee," and all explanatory matter thereon are hereby adopted and made a part of this ordinance. (Ord. #93-3, May 1993)

ARTICLE II. PURPOSE

These zoning regulations and districts as herein set forth have been established in accordance with a comprehensive plan for the purpose of promoting the health, safety, morals and the general welfare of the community. They have been designed to lessen congestion in the streets, to secure safety from fire, panic and other danger, to provide adequate light and air, to prevent the overcrowding of land, to avoid undue concentration of population, to facilitate the adequate provision of transportation, water, sewerage, schools, parks and other public requirements. They have been made with reasonable consideration among other things, as to the character of each district, and its particular suitability for particular uses, and with a view of conserving the value of buildings and encouraging the most appropriate use of land throughout the town. (Ord. #93-3, May 1993)

¹The zoning map is of record in the office of the city recorder.

ARTICLE III. DEFINITIONS

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

300.1 Adult-Oriented Businesses and Uses: Adult-oriented businesses and uses are defined in accordance with and controlled by the Town of Caryville Municipal Ordinance 2003-01, Licensing and Regulation of Adult-Oriented Businesses and any subsequent amendments to said ordinance.

301. Alcoholic Beverages.

301.1 **Brewery.** Facility that primarily manufactures and sells wholesale high alcohol content ales, beer or malt beverages in quantities of ten thousand (10,000) barrels or more per year with each barrel holding thirty-one (31) gallons. This operation may also include limited retail sales of the product manufactured on-site and tasting rooms.

301.2 **Brew Pub.** A restaurant as the principal use that includes a micro-brewery integrated into the restaurant operation as an accessory use. Such facility devotes at least seventy percent (70%) of the gross floor area for the preparation, dining and sale of food. The manufacture of ales, beer or malt beverages shall not exceed thirty percent (30%) or five thousand (5,000) square feet in area whichever is greatest.

301.3 **Micro-Brewery.** Facility that primarily manufactures high alcohol content ale, beer or malt liquor in quantities of less than ten thousand (10,000) barrels per year with each barrel holding thirty-one (31) gallons. This operation may also include limited retail sales of the product manufactured on-site and tasting rooms.

301.4 **Distillery.** An establishment for the manufacture of intoxicating liquor that includes, but is not limited to whiskey, brandy, "moonshine," and other alcoholic spirits that contain high alcohol content that produces more than five thousand (5,000) barrels per year with each barrel holding fifty-three (53) gallons. This operation may also

include limited retail sales of the product manufactured on-site and tasting rooms.

- 301.5 **Micro-Distillery.** An establishment for the manufacture of intoxicating liquor that includes, but is not limited to whiskey, brandy, "moonshine," and other alcoholic spirits that contain high alcohol content in quantities not to exceed five thousand (5,000) barrels per year. This operation may also include limited retail sales of the product manufactured on-site and tasting rooms.
- 301.6 **Winery.** An agricultural processing facility used for commercial purposes of processing fruit or fruit juice that may include all or a majority of processes such as crushing, fermenting, blending, aging, storing, bottling, and selling of wine that may also include a lab, retail sales and a tasting room on the facilities that produces over two thousand (2,000) cases per year with each case containing 2.378 gallons. This operation may also include limited retail sales of the product manufactured on-site and tasting rooms.
- 301.7 **Micro-Winery.** Winery producing up to two thousand (2,000) cases per year with a maximum site area of one (1) acre This operation may also include limited retail sales of the product manufactured on-site and tasting rooms.
- 302. Arterial Street.** A street that provides for traffic movement between areas and across portions of the city and secondarily for direct access to abutting land.
- 303. Boarding or Rooming House.** A building containing a single dwelling unit and not more than five guest rooms where lodging is provided with or without meals for compensation.
- 304. Buffer Strip.** A plant material acceptable to the building inspector which has such growth characteristics as will ultimately provide an obscuring screen not less than six (6) feet in height, starting with a base row of vegetation not less than eighteen (18) inches in height.
- 305. Building.** Any structure having a roof supported by columns or by walls and intended for the shelter, housing, or enclosure of persons, animals, or chattel.

- 305.1 **Principal Building.** A building in which is conducted the primary use of the lot on which the building is located. In any residential district, any dwelling shall be deemed to be the principal building of the lot upon which it is located.
- 305.2 **Accessory Building or Use.** A building or use customarily incidental and subordinate to the principal building or use and located on the same lot with such building or use.
- 306. Building Height.** The vertical distance measured from the finished grade at the building line to the highest point of the roof.
- 307. Business sign.** A sign which directs attention to a business or profession conducted on the premises. A "For Sale" sign or a "To Let" sign for the property on which it is displayed shall be deemed a business sign.
- 308. Carport.** A structure used for the storage of vehicles and having no enclosure other than its roof and such necessary support as will present the minimum obstruction to light, air, and view.
- 309. Clinic, Medical, Dental or Chiropractic Office.** A structure used for providing outpatient services for the examination and treatment of ill or afflicted human outpatients, provided, however, that the patients are not kept overnight. This definition does not include Methadone Treatment or Pain Management Clinics.
- 309.1 **Methadone Treatment Clinic or Facility.** A licensed facility for counseling of patients and the distribution of methadone for out-patient, non-residential purposes only. A methadone treatment clinic or facility is not a medical clinic or substance abuse treatment facility as per the Caryville Zoning Ordinance.
- 309.2 **Pain Management Clinic.** A privately owned facility in which a medical doctor, an osteopathic physician, an advanced practice nurse, and/or a physician assistant provides pain management services to patients, a majority of whom are issued a prescription for, or are dispensed, opioids, benzodiazepine, barbiturates, or carisoprodol, but not including suboxone, for more than ninety (90) days in a twelve (12) month period. A pain clinic does not include:

1. A medical or dental school, a nursing school, a physician assistant program or an outpatient clinic associated with any of the foregoing schools or programs:
 - a. A hospital as defined by Section 68-11-201 Tennessee Code Annotated, including outpatient facility or clinic of a hospital;
 - b. Hospice services as defined by Section 68-11-201 Tennessee Code Annotated;
 - c. A nursing home as defined by Section 68-11-201 Tennessee Code Annotated;
 - d. A hospital or clinic maintained or operated by the federal government.
- 310. Club.** Buildings and facilities owned or operated by an association or person for a social or recreational purpose and are not generally operated to make profit or to render services which are customarily considered business operations.
- 311. Collector Street.** A street providing for traffic movement within the town.
- 312. Condominium.** A multi-unit structure offering individual ownership of said units.
- 313. Day Care Center.** A place operated by a person, society, agency, corporation, institution, or other group that receives pay for the care of eight (8) or more children under 17 years of age for less than 24 hours per day, without transfer of custody. The term "Day Care Center" also includes child development centers, nursery schools, day nurseries, play schools, and kindergartens, as well as agencies providing before-and-after school care, regardless of name, purpose, or auspices (excluding schools containing grades 1-12 and kindergartens which are operated by governmental units or by religious organization).
- 314. Dwelling, Single-Family.** A building designed, constructed, and used for one (1) dwelling unit.

- 315. Dwelling, Two-Family or Duplex.** A building designed, constructed, or reconstructed and used for two (2) dwelling units that are connected by a common structural wall.
- 316. Dwelling, Multi-Family.** A building designed, constructed or reconstructed and used for more than two (2) dwelling units, with each dwelling unit having a common structural wall with any other dwelling on the same floor.
- 317. Family.** One (1) or more persons occupying a dwelling and living together as a single housekeeping unit.
- 318. Home Occupation.** An occupation for gain or support which is customarily conducted in the home, which is incidental to the use of the building or structure as a dwelling unit, which employs not more than two (2) persons not residents of the premises, and for which not more than thirty (30) percent of the combined total area of the entire premises is used for home occupation purposes.
- 319. Liquid Wastes.** All liquid wastes which result from industrial processes and manufacturing operations which may result in the pollution of any surface or ground waters, including, but not limited to, industrial and sanitary sewage and ground, surface, storm, or other water as may be present.
- 320. Lot.** A parcel of land which fronts on and has access to a public street and which is occupied or intended to be occupied by a building or buildings with customary accessories and open spaces.
- 320.1** Lot line. The boundary dividing a given lot from a street, alley, or adjacent lots.
- 320.2** Lot of record. A lot existing prior to this ordinance, the boundaries of which are filed as legal record.
- 321. Manufactured Dwelling Unit.** A detached dwelling constructed primarily off-site and designed to be transported on flatbed truck or trailer; provided the structure is installed on a permanent concrete or masonry foundation with permanent sewer and water connection. Such structures shall have the same general appearance as required for site-built homes and shall comply with all requirements of the existing municipal building code.

- 322. Mobile Home.** A factory-manufactured structure constructed as a single self-contained unit and mounted on a single chassis and designed for transportation after fabrication on streets or highways on its own wheels. A travel trailer is not to be considered as a mobile home.
- 323. Mobile Home Park.** A parcel or tract of land under single ownership which has been: (a) planned under the planned unit development concept; (b) improved for the placement of mobile homes for dwelling purposes; and (c) approved by the planning commission.
- 324. Nonconforming Use.** Any structure or land lawfully occupied by a use that does not conform to the use regulations of the district in which it is situated.
- 325. Nursing Home.** One licensed by the State of Tennessee.
- 326. Odorous Matter.** Any material, gaseous, liquid, or solid that produces a response in the normal human nose.
- 327. Outdoor Advertising.** An attached, freestanding, or structural poster panel or painted or lighted sign for the purpose of conveying some information, knowledge, or idea to the public.
- 328. Planned Unit Development.** An integrated design for development of residential, commercial, or industrial uses or combination of uses which is professionally designed to allow flexibility and initiative in site and building design and location, in accordance with a plan approved by the planning commission. For the purpose of this ordinance, cluster subdivisions, condominiums, townhouses, multi-family dwellings, mobile home parks, multi-use commercial developments, and industrial parks shall be considered as planned unit developments.
- 329. Planning Standards.** Defined as and refers to any planning, design, and development, performance standards, guidelines or requirements, whether published or unpublished, and pertains to building development for property, lots, and buildings.
- 330. Shopping Center.** A group of commercial establishments, planned, developed, owned, or managed as a unit, with off-street parking provided on the property.

- 331. Solid Waste.** All solid wastes which result from industrial processes and manufacturing operations including, but not limited to, garbage, refuse, rubbish, trash, scrap materials, offtest and rejected solid materials, by-products, spent catalysts, waste sludges, rubble, and other such solid waste materials resulting from operations and activities taking place on a lot.
- 332. Story.** That portion of a building situated between the upper surface of any floor and the upper surface of the floor located immediately above; or any portion of a building used for human occupancy between the topmost floor and the roof.
- 333. Street, Public.** Any vehicular way, except alleys, which is owned and maintained by the town, state, or federal governments.
- 334. Structure.** Anything constructed or erected, the use of which requires location on the ground, or attachment to something having location on the ground.
- 335. Total Floor Area.** The area of all floors of a building including finished attic, finished basement, and covered porches.
- 336. Townhouse.** A townhouse is a single family dwelling unit attached by fire resistant common walls to other similar type units, each unit having an open space for light, air, and access in the front and rear.
- 337. Travel Trailer.** Any vehicle used, or so constructed as to permit its being used as conveyance upon the public streets or highways able to be licensed as such, and constructed in a manner that will permit occupancy thereof as a dwelling or sleeping place for one (1) or more persons, and is designed for short-term occupancy, frequent and/or extensive travel, or recreational and vacation purposes (including camper trucks, self-propelled campers, etc.).
- 338. Travel Trailer Parks.** Any plot of land upon which two (2) or more travel trailers are located and used as temporary living or sleeping quarters. The occupants of such parks may not remain in the same trailer park more than thirty (30) days.
- 339. Yard.** An open space on the same lot with a principal building, open, unoccupied, and unobstructed by buildings from the ground to the sky except, as otherwise provided in this ordinance.

- 339.1 Front Yard. The yard extending across the entire width of the lot between the front lot line and the nearest part of the principal building, including covered porches.
- 339.2 Rear Yard. The yard extending across the entire width of the lot between the rear lot line and the nearest part of the principal building, including covered porches.
- 339.3 Side Yard. A yard extending along the side lot line from the front yard to the rear yard, and lying between the side lot line and the nearest part of the principal building, including covered porches.
- 340. Sign.** Any display, graphic, image, device, structure, or structure extension, to include banners and other attractions created by electronics, lasers, construction, sculpturing, painting, or other means, that has as its primary function and intent, purpose, or effect, the identification of an activity, event, product, or person, and, the attraction of public attention to, or the promotion of, such service, facility, place, product, person, or business, whether for profit or not.
- 340.1 Advertisement Sign. A sign that has as its primary function and intent, purpose, or effect, the attraction of public attention to or the promotion and marketing of, an activity, a facility, a product, a place, a business, or a service.
- 340.2 Billboard. An off-premises advertisement sign.
- 340.3 Business Sign. A sign which directs attention to a business or profession conducted on the premises.
- 340.4 Identification Sign. A sign intended primarily for the purpose of identifying the location and/or occupants of a site.
- 340.5 Off-Premises Sign. A sign promoting or advertising products, items, services, and/or activities available at a site other than that of the sign.
- 340.6 On-Premises Sign. A sign promoting or advertising products, items, services, and/or activities available at the site of the sign.

- 340.11 Temporary Sign. Any sign permitted as a temporary sign and all signs normally considered or designed to be used for limited duration, such as portable and moveable signs, signs painted or mounted on vehicles, real estate and development location promotion signs, special sales, yard sales, and other events. No temporary sign shall stand, however, for a period exceeding ninety (90) days.
- 340.12 Wall Sign. Any sign which is attached to, painted on, or in some other way uses a wall or roof for support, except for projecting signs which are attached to a wall surface and extend perpendicularly therefrom.
- 340.13 Changeable Copy Sign. A sign which displays words, lines, logos, or symbols that can change manually or electronically to provide different information. These signs include computer signs, electronic signs and reader boards. (Ord. #93-3, May 1993, as amended by Ord. #97-1, May 1997, Ord. #2003-01, May 2003, Ord. #2007-04, June 2007, Ord. #2011-05, March 2012, and Ord. #2013-08, Dec. 2013)

ARTICLE IV. GENERAL PROVISIONS

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

401.1 No building or land containing a nonconforming use, except commercial and industrial uses as set out in Section 13-7-208, Tennessee Code Annotated shall hereafter be extended unless such extensions shall conform with the provisions of this ordinance for the district in which it is located; provided, however, that a nonconforming use may be extended throughout those parts of a building which were manifestly arranged or designed for such use prior to the time of enactment of this ordinance.

401.2 Any nonconforming building which has been damaged by fire or other causes may be reconstructed and used as before unless the Building Inspector determines that the building is damaged to the extent of more than fifty (50) percent of its appraised value for tax purposes in which case any repair or reconstruction shall be in conformity with the provisions of this ordinance.

401.3 When a nonconforming use of any building or land has ceased for a period of six (6) months, it shall not be reestablished or changed to any use not in conformity with the provisions of this ordinance. (Ord. #93-3, May 1993)

402. Off-Street Automobile Parking. Off-street automobile parking space shall be provided on every lot on which any of the following uses are hereafter established. The number of automobile parking spaces provided shall be at least as great as the number specified below for various uses. Each space shall have at least one hundred sixty (160) square feet in area and shall have vehicular access to a public street. Turning space shall be provided so that no vehicle will be required to back into the street.

With the exception of single family dwellings, all required parking areas for all other uses shall be surfaced with asphaltic concrete, cement concrete, or other similar materials. The reviewing body,

however, may approve the use of grassed or graveled parking areas for churches or other places of worship, for places of public assembly for meetings or other events, and for temporary uses where it is clear that such areas can be adequately maintained due to the infrequency of use, that adequate traffic control means will be provided for directing the flow of traffic and for parking, and that paved parking areas will be provided for all regular employees and visitors.

- 402.1 Automobile repair garages: one (1) space for each regular employee plus one space for each two hundred fifty (250) square feet of floor space used for repair work.
- 402.2 Churches: one (1) space for each four seats.
- 402.3 Clubs and lodges: one (1) space for each three hundred (300) square feet of floor space.
- 402.4 Dwellings:
- 402.41 Single-family and duplex - two (2) spaces for each unit.
- 402.42 Multi-family - two (2) spaces for each unit.
- 402.5 Funeral parlors: one (1) space for each four (4) seats in the chapel.
- 402.6 Gasoline service stations and similar establishments: four (4) spaces for each bay or similar facility plus one space for each employee.
- 402.7 Hospitals and nursing homes: one (1) space for each two (2) staff or visiting doctors plus one space for each two (2) employees and one (1) space for each four (4) beds, computed on the largest number of employees on duty at any period of time.
- 402.8 Hotel: Not less than one (1) space per guest room plus one (1) space for each three (3) employees.
- 402.9 Industry: one (1) space for each three (3) employees, computed on the largest number of persons employed at any period during day or night.

- 402.10 Motels: Not less than one (1) space for each guest room plus one (1) space for each three employees.
- 402.11 Offices:

 - 402.111 Medical - one (1) space for each three hundred (300) square feet of floor space.
 - 402.112 Other professional - one (1) space for each four hundred (400) square feet of floor space.
 - 402.113 General - one (1) space for each four hundred (400) square feet of floor space.
- 402.12 Places of public assembly: One (1) space for each five (5) seats in the principal assembly room of area.
- 402.13 Recreation and amusement areas without seating capacity: One (1) space for each (5) customers, computed on a maximum service capacity.
- 402.14 Restaurants: one (1) space for each four (4) employees, plus either one (1) space for each four (4) customers, computed on a maximum service capacity, or one (1) space for each two hundred (200) square feet of net floor space, whichever is greater.
- 402.15 Retail business and similar uses: one (1) space for each three hundred (300) square feet of gross floor space.
- 402.16 Schools: one (1) space for each faculty member, plus for high schools one space for each four (4) pupils, and for elementary, junior high and middle schools one space for each twenty (20) pupils.
- 402.17 Mobile home parks: two (2) spaces for each mobile home.
- 402.18 Wholesale business: one (1) space for each three (3) employees based on maximum seasonal employment plus one space for each five hundred (500) square feet of usable floor space.
- 402.19 If off-street parking space required above cannot be reasonably provided on the same lot on which the principal

use is conducted, the Board of Zoning Appeals may permit such space to be provided on other off-street property provided such space lies within four hundred (400) feet of the main entrance to such principal use, and not on the opposite side of a major street or stream. Such vehicle standing space shall be deemed to be required open space associated with the permitted use and shall not thereafter be reduced or encroached upon in any other manner.

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

402.21 Handicapped parking: All off-street parking areas shall reserve spaces for use by disabled persons in accordance with the following standards:

<u>Total Parking in Lot</u>	<u>Required Number of Handicapped Spaces</u>
1 to 25	1
16 to 50	2
51 to 75	3
76 to 109	4
110 to 150	5
151 to 200	6
201 to 300	7
301 to 400	8
401 to 500	9
501 to 1000	2% of Total
Over 1000	20 plus 1% of total over 1,000

All handicapped parking spaces shall be a minimum of twelve (12) feet in width, adequately identified for handicapped use only, and

located in a manner as to be approximate to the major facility, free from standing water, and situated in a way so that a handicapped individual will not have to walk or maneuver behind other parking cars. This requirement shall not apply to parking accessory to one (1) and two (2) family dwellings. (Ord. #93-3, May 1993)

403. Off-Street Loading and Unloading Space. On every lot on which a business, trade, or industrial use is hereafter established, space with access to a public street or alley shall be provided as indicated below for the loading and unloading of vehicles off the public street or alley:

403.1 Retail business: One (1) space of at least 12 feet x 25 feet for each three thousand (3,000) square feet of floor area or part thereof.

403.2 Wholesale and industrial: One (1) space of at least 12 feet x 50 feet for each ten thousand (10,000) square feet of floor area or part thereof.

403.3 Terminals: Sufficient space (minimum of nine hundred (900) square feet per space, with dimensions of 15 feet x 60 feet) striped off to accommodate the maximum number of buses or trucks that will be stored and/or loading and unloading at the terminal at any one time. (Ord. #93-3, May 1993)

404. Vision Clearance. In all districts there shall be no plants or structures placed in or on any portion of a lot that would obstruct the vision of auto or pedestrian traffic using the intersecting public streets. (Ord. #93-3, May 1993)

405. Ingress and Egress. A plan for adequate and safe ingress and egress for all land uses shall be required. (Ord. #93-3, May 1993)

406. Planned Unit Development. Plans based upon the following regulations for planned unit developments shall be submitted to the planning commission for approval and shall comply with the regulations established in this section.

406.1 Purpose: The purpose of the Planned Unit Development (PUD) regulations is to provide the opportunity for flexibility in the standard residential, commercial, or industrial design requirements of this ordinance for the purpose of creating a more desirable living working, and/or shopping environment. Planned unit developments are

intended to achieve economies in land development, maintenance, street systems, and utility networks while providing privacy, usable attractive open areas, safe circulation, and promoting the general well-being of the inhabitants.

406.2 Location: A PUD may be located within any residential, commercial, or industrial district provided that a site plan showing the density and use requirements of the district in which such a PUD is to be located has been reviewed and approved by the planning commission.

406.3 Permitted uses in PUDs: Any use permitted in the district in which the PUD is to be located.

406.4 Height and Area Regulations:

406.41 No building shall exceed three (3) stories or thirty-five (35) feet in height.

406.42 No freestanding building shall be located closer than:

406.421 Twenty (20) feet to any other freestanding building;

406.422 Twenty-five (25) feet to any exterior property line; or

406.423 Fifteen (15) feet to any internal private drive right-of-way. If, however, such freestanding buildings abut a public street, the required setback distance for the respective zoning district shall apply.

406.5 Off-street parking and loading: All minimum off-street parking, loading and unloading requirements set forth in Sections 402 and 403 of this ordinance shall apply to the PUD.

406.6 General Provisions:

406.61 Relationship to the subdivision regulations: The arrangement of public and common ways for pedestrian and vehicular circulation in relation to

other existing or planned streets in the area and to the Major Street Plan, Caryville, Tennessee, together with provisions for street improvements, shall generally comply with standards set forth in the subdivision regulations.

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

406.62 Site Improvements:

406.621 All streets and drives shall be constructed to conform with the Caryville Subdivision Regulations and street acceptance standards of the Town of Caryville.

406.622 Sidewalks or an equivalent paved, internal pedestrian circulation system approved by the planning commission shall be constructed in the planned unit development.

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

406.624 Any planned unit development to be constructed in Caryville shall be served by a sanitary sewerage system approved by both the Caryville - Jacksboro Utility Commission and the planning commission.

406.625 For all mobile home parks and similar developments:

406.625.1 For the prevention of noise and also for the improvement of visual character

and a generally more pleasing environment, a landscaping plan showing adequate landscaping shall be shown on the general PUD plan and shall be approved by the planning commission; and

406.625.2 The landscaping plan will provide for general landscaping as well as provide for screening around the exterior property lines of the development, using a planted buffer strip as defined in this ordinance.

406.625.3 The owner of any real property that is the site or the proposed site for a mobile home, whether that mobile home unit is the property of the landowner or another, said landowner shall be held responsible for obtaining the required permits and inspections.¹

406.626 Each PUD shall be limited to one major business sign and any number of small accessory business signs. All small accessory signs shall be a face sign attached to a building and shall not project above the building. All proposed signs shall be reviewed and approved by the Caryville Municipal Planning Commission during the plan approval stage.

406.63 Building Construction: No multi-family structure in a PUD shall have more than four (4) continuous

¹Section 2 of Ord. #96-2 provides as follows:

Every property owner offering mobile home units for rent or lease, or mobile home space(s) in a mobile park or subdivision for rent or lease, shall provide within ninety (90) days of passage of this ordinance, to the Caryville Building Inspector, evidence of a valid building permit or certificate of occupancy. Said property owner(s) shall further provide a list of all units, by mail address, State identification number, and the date of issue.

apartment units that are not separated by fire resistant construction.

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

406.65 Open Space Requirements:

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

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

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

406.654 Open space shall be established in the appropriate legal manner and maintained in one of the following methods:

406.654.1 By the developer or management authority of the PUD.

406.654.2 By a Homeowner's Association established by deed restrictions.

406.654.3 By the public if dedication of such open space is approved by the planning commission and board of mayor and aldermen.

406.66 Stages of Development:

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

406.662 If public facilities are not adequate to service the entire development initially, the planning commission may require that development be done in stages.

406.67 Changes and Modifications:

406.671 Major changes: Major changes in the planned unit development after it has been adopted shall be considered the same as a new petition and shall be made in accordance with the procedures specified in Section 406.7.

406.672 Minor changes: Minor changes in planned unit development plans may be approved by the planning commission without the developer having to file a new petition. Minor changes may include, but are not limited to, minor shifting of the location of any of the following: buildings, proposed streets, public or private ways, utility easements, parks or other public open spaces, or other features of the plan.

406.7 Application Procedure for Planned Unit Development: To obtain a Special Conditions Permit to develop a planned unit development, the developer shall submit a preliminary planned unit development plan to the Caryville Municipal Planning Commission for its review and approval. The preliminary PUD plan shall be drawn at a minimum scale of one inch equals one hundred (100) feet and shall:

406.71 Define the location, size, accessibility, and existing zoning of the proposed site;

406.72 Indicate the surrounding type of development and land use;

- 406.73 Set forth the type of development proposed, the density of the proposed development, and the location of all structures, parking areas, and open spaces; and
- 406.74 Show a plan for streets, thoroughfares, public utilities, and other public or community uses.
- 406.75 In addition to the above, the planning commission may require such other additional information as may be determined necessary to adequately review the proposed development.
- 406.76 No building permits shall be issued until after approval of both the final PUD plan and a preliminary subdivision plat for any portion of the property contained within the area encompassed by the final PUD plan which is to be subdivided. The Building Inspector shall revoke any permit issued in reliance upon said plan as finally approved at such time as it becomes obvious that such plan is not being complied with.
- 406.77 The final PUD plan shall conform to the preliminary PUD plan and shall also include such items, and in such format, as may be required by the planning commission.
- 406.78 Any special conditions permit shall expire twelve (12) months from and after its issuance if the development as planned has not been adhered to or is not being adhered to; provided, however, that if good cause is shown, said special conditions permit may be extended for additional periods not to exceed one (1) year. (Ord. #93-3, May 1993, as amended by Ord. #96-2, Feb. 1996)

407. Special Carport Construction. In housing constructed prior to the establishment of provisions addressing off-street parking of automobiles, carports may be constructed in rear and side yards provided the intent and purpose of this ordinance are met as

closely as possible and where in the opinion of the Building Inspector no objectionable condition to the community will result with construction of the carport. (Ord. #93-3, May 1993)

408. Signs.

408.1 Purpose: The purpose of this section is to establish reasonable regulations for the location of signs in a manner which is in harmony with the natural aesthetic character of the community. All signs erected, replaced, constructed, expanded, or relocated within the town shall conform to the provisions of this section.

408.2 General Provisions:

408.21 No part of any sign shall be placed within five (5) feet of any right-of-way, except that, ingress and egress signs may be placed on the right-of-way, but no closer than eight (8) feet to the traffic lane. Any sign permitted within a right-of-way shall not extend into an area higher than four (4) feet nor lower than ten (10) feet of the ground.

408.22 Deleted by Ord. #97-1, May 1997.

408.23 Deleted by Ord. #97-1, May 1997.

408.24 Applicants for a sign permit shall submit a construction plan and a site plan with each application for a permit. The plans shall show the location of the proposed sign in relationship to property lines, right-of-way, flood hazard area and similar features, county tax map location, and specifications identifying the type and design of any sign. For signs related to new buildings and uses which require site plan review by the planning commission, the sign site plan may be included as part of the general site plan, but will not exempt the applicant from submitting sign construction plans to the building inspector prior to issuance of a sign permit. The building inspector may issue permits for signs meeting the provisions of this ordinance and any town building and electrical codes in force, except that, the building inspector shall not issue permits

for signs within a public right-of-way, as set out in Section 408.21 of this ordinance, nor for any billboard, unless such signs have first been reviewed and received the approval of the planning commission. An initial inspection fee and an annual inspection fee shall be submitted as set out in Section 408.7.

408.25 The Building Inspector shall inspect, at any time he deems necessary, each sign regulated by this section to insure that such sign conforms to this section and all other ordinances of the town. A minimum of twenty-four (24) hours notice shall be provided to the Building Inspector for all required inspections. The Building Inspector has the discretion to require a greater setback than the applicable zoning district if it is deemed that the safety of the general public requires such setback.

408.26 Each commercial, industrial, public, semi-public, multi-family housing development, subdivision, and similar uses may have one (1) ground sign for each property line that abuts a publicly owned and maintained road, except that no such use may have more than two (2) ground signs.

408.27 No flashing or intermittent lighted sign shall be allowed.

408.28 All new signs exceeding four (4) square feet in area shall be issued a registration tag at such time as the building inspector conducts the final inspection. Signs existing on the effective date of this amendment shall be issued a registration tag within three months of such date by the building inspector. Registration tags shall be placed on the sign structure in a location which is easily visible to the building inspector. No such tag shall be altered or removed without prior approval of the building inspector. Tags for new and existing signs shall be renewed annually on the anniversary of their initial issuance. Signs four (4) square feet or less in area shall not be required to display a registration tag, but shall indicate who is responsible for its maintenance,

or in the case of small temporary signs, the person responsible for their removal.

Every sign shall be constructed, maintained, and located in a manner that meet acceptable safety standards. The building official, using national, state or other recommended and documented standards shall determine safety compliance.

408.29 No changeable copy sign shall be larger than twenty (20) square feet in area.

408.3 Location: All signs, except those noted in 408.21., shall be located on private property and in such a way as not to pose a hazard to traffic safety or to neighboring property, and, subject to the following requirements:

408.31 Residential districts: Signs permitted shall be limited to the following:

408.311 Real estate sales signs.

408.312 Home occupation and professional announcement signs, provided that only one sign not more than two (2) square feet in area is permitted.

408.313 Signs for nonresidential uses permitted in residential districts shall be no larger in area than one-half ($\frac{1}{2}$) of the maximum sign size permitted for similar uses allowed in the C-1 and C-3 Districts.

408.32 Commercial and Industrial Districts. Signs shall be permitted in accordance with the following provisions.

408.321 Size:

408.321.1 Wall Signs: (see 339.12 for definition) Wall signs shall not extend above the uppermost point of a peaked roof or more than four (4) feet above the surface of a flat roof, except that, in no

case shall any portion of a wall sign be located so as to exceed the maximum building height for the district within which it is located. Wall signs may be located on any or all walls of a building, including windows, and occupy up to forty percent (40%) of any wall.

408.321.2 On-Premise Ground Signs: On-premise ground signs located in accordance with 408.26., shall not exceed one hundred (100) square feet in area, except that a shopping center and other similar multiple business buildings may have an identification sign which shall not exceed two hundred (200) square feet in area and which may contain within the allowable area, identification signs for businesses located within the shopping center or similar multiple business building. Within any commercial or industrial zoning district, any allowable use which is located within six hundred sixty feet (660') of the edge of the I-75 right-of-way may choose to increase the size and/or height of one (1) ground sign (see 408.26.) up to five hundred (500) square feet in area and sixty feet (60') in height above the centerline elevation of interstate pavement at the point nearest the sign. Prior to the final inspection and issuance of a tag, the building inspector shall be provided a certified survey verifying the height of any such sign.

408.321.3 Off-Premises Ground Signs: Off-premises advertising signs are permitted on sites within commercial and industrial zoning districts located within six hundred sixty feet (660') of the edge of the I-75 right-of-way. No such sign shall be located any closer than one thousand feet (1,000') to any

other off-premise advertising sign nor closer than one thousand (1,000) feet to the nearest point of the beginning or ending of pavement widening at the exit or entrance to the main traveled way, shall not exceed five hundred (500) square feet in area, nor exceed sixty feet (60') in height above the centerline elevation of interstate pavement at the point nearest the sign. Prior to the final inspection and issuance of a tag, the building inspector shall be provided a certified survey verifying the height of any such sign.

408.321.4 Shopping center signs: 150 square feet.

408.321.5 Roof signs: shall not extend above roof peak and shall not exceed 150 square feet in area nor 20 feet in height.

408.322 In the determination of maximum size of signs, the Building Inspector may consider a 10 percent alteration in signs of fifty (50) square feet or less and a 5 percent alteration in signs of fifty-one (51) square feet or more, provided that it is necessitated by an unusual or exceptional situation.

408.323 Deleted by Ord. #97-1, May 1997

408.4 Maximum height of signs: All ground signs, except as provided for in 408.321.2. and 408.321.3., shall have a maximum height of thirty feet (30'). The building inspector, however, may allow the maximum height to be extended to forty feet (40') due to unusual circumstances involving topography or congestion of existing signs.

408.5 Off-Premise Directional Signs: Official signs and notices relating to meetings or the identification of non-profit service clubs, charitable associations, or religious services are allowed subject to the following conditions:

- 408.51 Not more than two (2) off-premise directional signs shall be permitted for any service club or religious organization.
- 408.52 Off-premise directional signs shall be located on private property, except that the Board of Mayor and Aldermen may, upon recommendation by the planning commission, designate certain public areas for the location of off-premise public notice/information signs. In no instance, however, shall any sign be located in a manner which will create a traffic hazard. (See 408.21.)
- 408.53 The off-premise directional sign shall not exceed eight (8) square feet in area.
- 408.54 The sign shall be placed not less than six (6) feet above the surface of the ground and shall not exceed nine (9) feet in height above the ground surface.
- 408.6 Portable and/or Movable Signs: These signs shall be permitted only on the issuance of a temporary permit.
- 408.61 Temporary signs shall be allowed or permitted for no more than a thirty (30) day period, except that, such permit may be renewed by the Board of Zoning Appeals up to sixty (60) days, however, no temporary sign may be permitted for no more than ninety (90) days.
- 408.62 Temporary banner signs shall not be allowed to attach to utility poles, streetlights or guardrails, except for specific one-day events. The building inspector has the discretion to remove banner signs up longer than a day. The city shall be allowed to attach banners for decoration to utility poles during the holiday season.
- 408.7 Fees: A \$25.00 application fee is required for all applicants requesting a sign permit and shall be submitted to the city with the accompanying application. Following review of a sign plan by the planning commission and/or the building inspector, as may be required by these regulations, for those ground signs subject to an inspection fee, but prior to or on

the date of issuance of a sign permit, the sign owner shall submit a construction inspection fee, and thereafter, on or before the anniversary date of each year following the initial construction year, the sign owner shall submit an annual inspection fee, as set out below:

On-Premises Ground Signs:

Construction Inspection Fee: \$25.00, plus \$5.00 per \$1,000.00 of sign value, or as determined by the building official based on the size of the sign and the time required for its registration.

Annual Inspection/Tag Renewal Fee: \$30.00, or as determined by the building official based on the size of the sign and the time required for its inspection.

Off-Premises Ground Signs:

Construction Inspection Fee: \$50.00 per face, plus \$2.00 per \$1,000.00 of sign value.

Annual Inspection/Tag Renewal Fee: \$30.00, or as determined by the building official based on the size of the sign and the time required for its inspection.

408.71 Exemptions. Churches and other recognized (registered) civic/not for profit institutions are exempted from registration fees and tag requirements. (Ord. #93-3, May 1993, as amended by Ord. #97-1, Feb. 1997, Ord. #2000-4, Sept. 2000, and Ord. #2007-04, June 2007)

409. Telecommunication Towers. The following development standards and requirements shall apply to all proposed telecommunications towers to be located in the Town of Caryville. It is the intent of this section to allow for the construction and placement of appropriate telecommunications facilities in all zoning districts while minimizing their negative impacts upon the surrounding properties and the community as a whole.

Telecommunications towers are any structure that is designed and constructed primarily for the purpose of supporting any telecommunications antenna, dish, transmitter, or other equipment.

Antennas are any exterior apparatus (rods, panels, discs, etc.) designed for telephonic, radio, or television communication through the sending and/or receiving of electromagnetic waves. Antenna does not include the support structure.

The following regulations shall apply to all telecommunication towers and related equipment placements in all zoning districts.

409.1 Telecommunications Towers as a Principal Use. For the purposes of the Caryville Zoning Ordinance, a telecommunications tower shall be considered a principal use of land. However, this definition shall not preclude the use of any existing structure or tower for the installation of a telecommunications antenna.

409.2 The Priority of Co-location. An applicant proposing to construct a new telecommunications tower shall identify all other existing towers within the town as possible alternative sites for antenna installation and shall provide documentation signed by appropriate licensed professionals that a tower has reached its capacity of additional antenna placements. Where feasible, priority shall be given to the placement of an additional antenna on an existing tower, instead of erecting a new tower. Furthermore, approval of the construction of a new telecommunications tower generally shall be contingent on the capability of future installations of additional antennae on such a tower. The applicant for a new tower shall provide written authorization to the planning commission indicating that the proposed tower is designed to allow the installation of additional antennae. The authorization shall be recorded at the Office of the Register of Deeds prior to the issuance of a permit for tower construction.

409.3 Application for the Erection of Telecommunications Tower.

409.31 A request to erect a telecommunications antenna or tower within the Town of Caryville shall be submitted to the Town's Building Official. If the request consists of an additional antenna placed on an existing structure or tower, without any extension of that structure or tower, and with no construction of new buildings, then the Town's Building Inspector may determine the conformance of the request with

Town regulations. However, if any new tower, extension of an existing structure or tower, of any new telecommunications building is proposed for a site, then the Town of Caryville Planning Commission shall consider the request, and no permit shall be issued without the approval of the planning commission.

409.32 Prior to any consideration by the planning commission regarding a telecommunications transmission location, the following must be submitted for the planning commission agenda at least ten (10) days before the meeting at which the telecommunications proposal shall be addressed.

409.321 A scaled site plan displaying the location, type, and height of the proposed tower; topographic contour lines at two (2) foot intervals; measures to control erosion and contain drainage on site; the locations and dimensions of any proposed or existing buildings on the site; locations of guy wires and their anchor points on the ground; dimensions of property boundaries, nearby rights-of-way and street names, easements, and significant natural features; proposed or existing access points into the site, utility lines or installations in the vicinity of the site; and, the locations of any structures on properties adjacent to the site, including the names of adjacent property owners and must be approved by the Town of Caryville Planning Commission prior to the issuance of a permit.

409.322 Upon placement of all telecommunications towers and related facilities, a certified survey shall be submitted to the Town's Building Official which shall verify tower and antennae heights and setbacks for the tower, other structures, and guy wires.

409.4 Setbacks for Towers and Associated Buildings or Facilities. The placement of any telecommunication tower shall be provided with a setback from each property line equivalent

in linear feet to the height of the tower, plus ten (10) feet. Any associated building(s) erected on the tower site shall be restricted to the base area of the tower.

409.5 Guy Wires and Supports. Guy wires for telecommunication towers shall be set back from the side and/or rear property lines a minimum of ten (10) feet. No guy wires shall be located in required front yards.

409.6 Lighting, Noise, and Color.

409.61 Lighting for a tower shall not exceed the requirements of Federal and State regulations, with regard to the number and color of lights. Intermittent or strobe lights shall be allowed on a tower only to the extent needed to satisfy Federal or State regulations. Lighting in excess of the applicable requirements shall not be permitted.

409.62 Insofar as possible, given Federal or State regulations, noise emanating from a tower, or from equipment accessory to it, shall not be audible to adjacent residents. Where such noise may emanate from a tower site, the applicant shall provide evidence for the implementation of measures to mitigate noise on surrounding properties.

409.63 Unless mandated by other applicable regulations, tower colors shall be restricted to those which tend to blend into the immediate environment, and which are as inconspicuous as possible.

409.7 Screening from Public View.

409.71 Landscaping shrubs and/or trees to a height not less than ten (10) feet shall screen fences, equipment enclosures, buildings, and all related facilities located at the base of tower. The material used for screening shall be natural or planted vegetation sufficient to prevent visual observation through the material. The preservation of existing mature trees is preferred except where such tree growth would interfere with the operation and maintenance of the facilities.

- 409.72 Defective or dead screening shall be replaced by the telecommunication tower owner to maintain the screening.
- 409.73 Vegetation installed for tower screening, the time allowed for the installation of landscaping shall not exceed six (6) months after the completion of tower construction and associated appurtenances.
- 409.74 The landscaping utilized shall be evergreen, native to the area, and shall be sufficient to obscure said fences, equipment and/or facilities from view within two (2) years of its installation and maintained in healthy condition.
- 409.8 Security Fencing. A minimum of eight- (8) foot high chain link fence shall enclose the base of the tower, including any accessory structures. Any proposed landscaping as required under 409.71 - 409.74, shall be installed outside the fenced enclosure.
- 409.9 Tower Removal Upon Termination of Use.
- 409.91 The owner of any telecommunication tower shall provide written notification to the Town's Building Official within thirty (30) days of the occurrence of either or both that the tower has changed ownership and use of all telecommunications antennas on the tower has ceased.
- 409.92 When the active use of a telecommunications tower ceases for a period of six (6) consecutive months, it shall be considered abandoned, and the owner of such tower shall remove same within ninety (90) days of receiving notice from the Town's Building Official, at the owner's expense.
- 409.10 Notification of Property Owners. For purposes of this ordinance, any applicant for the construction of a new tower of administrative decision shall require public notice to all abutting property owners and all property owners that are located within a five hundred (500) foot radius of the property on which the tower is proposed or a decision is sought. The applicant shall provide the Town's Building Official with documentation verifying compliance with this public notice requirement at the time that the applicant

submits an application for review by the Planning Commission or the Board of Zoning Appeals.

410. **Temporary, Mobile, Factory-Built, or Factory Assembled Structures.** It shall be unlawful to place any temporary structure, trailer, mobile structure (including, but not limited to: cars, vans, trucks, or buses), tents and tent-type structures, factory-built or factory assembled structures designed for conveyance after fabrication, either on their own wheels, flatbed truck, or other trailers on any residential, commercial, or industrial lot within the city for the purpose of assembly, or for business, educational, hazardous, institutional, mercantile, residential, or storage occupancies, except as noted herein.
1. **Permitted Temporary Mobile, Factory-Built, or Factory Assembled Structures.** The following structures shall be allowed subject to the provisions of this and other applicable sections of this ordinance and upon obtaining the proper permits from the building official.
 - a. Mobile homes located in approved mobile home parks or allowed district.
 - b. Manufactured/modular dwelling units and nonresidential prefabricated structures or modular building units manufactured off-site and transported to the point of use and installed on permanent concrete or masonry foundation as a finished building with permanent sewer or water connections. Such units shall bear the insignia of approval of the Tennessee Department of Commerce and Insurance or other approved inspection agency, as provided for in Title 58, Chapter 36, Part 3, T.C.A.
 - c. Temporary office and storage buildings located on approved construction sites in all zoning districts, provided they are removed upon completion of construction.

- d. Customary accessory storage buildings in approved residential locations.
 - e. Tents used by a person, firm, corporation, or group as an assembly occupancy for the purpose of a religious meeting, festival, fair, circus, or carnival for a limited time not to exceed thirty (30) days with proper permit procedure followed; additional permits may be granted for up to ninety (90) days in one calendar year.
 - f. Tents or temporary buildings used to sell fresh produce locally grown in Campbell County or Christmas trees in the C-2 and C-3 districts for a limited time not to exceed thirty (30) days with proper permit procedure followed; additional permits may be granted for up to ninety (90) days in one calendar year. Ample off-street parking shall be available near the tent or temporary building so that no vehicle is required to park in a public right-of-way or back into a public street or alley to obtain egress.
 - g. Tents or temporary buildings used to sell fireworks in the C-2 and C-3 districts for a limited time not to exceed thirty (30) days with proper permit procedure followed; additional permits may be granted for up to ninety (90) days in one calendar year. The tents or temporary buildings shall be inspected and approved by the Fire Chief or his designee before a permit is issued. Ample off-street parking shall be available near the tent or temporary building so that no vehicle is required to park in a public right-of-way or back into a public street or alley to obtain egress.
2. Establishment of New or Expansion of Existing Mobile Home and Recreational Vehicle Parks. Mobile homes and recreational vehicle parks shall be considered PUD's and the establishments or

expansion of these uses shall be subject to the provisions of Section 702.3 and other applicable sections of this ordinance.

411. Standards for Self-Storage Facilities (Mini-Warehouses).
The following standards shall apply to all self-storage facilities:

1. Minimum Lot Size shall be 40,000 square feet.
2. A site plan shall be submitted to the planning commission for approval.
3. No self-storage facility shall exceed eighteen feet (18') in height.
4. Internal lanes shall be at least twenty-four feet (24') wide when storage cubicles open onto one side of the lane only and at least thirty feet (30') wide when cubicles open onto both sides of the lane. Lanes shall be surfaced with asphalt or concrete unless porous concrete or other material (not gravel) is approved by the planning commission.
5. A minimum of four (4) parking spaces are required unless the planning commission determines the need for additional parking in which case parking will be calculated at one (1) parking space per four hundred (400) square feet of storage area plus one (1) space per employee.
6. Except for the sale or auction of items foreclosed upon by the owner of the facility, the sale or auction of items is prohibited.
7. The storage of flammable liquids, highly combustible or explosive materials, or hazardous chemicals is specifically prohibited and all rental contracts shall include clauses prohibiting such storage.
8. The servicing or repair of motor vehicles, boats, trailers, lawnmowers or any similar equipment is specifically prohibited.
9. Recreational vehicles, boats and all operational vehicles may be stored outside in designated areas only. All other storage must be within enclosed structures.
10. A planter buffer strip shall be provided along all perimeter lot lines abutting property zoned or used for residential purposes.

11. Perimeter commercial-grade fencing is required along exterior lot lines along the site.
12. The site plan shall contain a lighting plan. All lighting shall be oriented onto the site and away from adjacent property.
13. The establishment of a transfer and storage business is prohibited.
14. Fire protection shall be provided in compliance with the applicable Fire Code.
15. Signs are permitted in accordance with Section 408 of the zoning code.

412. Site Plan Requirements. The developer of any proposed commercial, industrial, public, semi-public, or multi-family residential use shall submit a detailed site plan to the Caryville Municipal Planning Commission for review and approval before the issuance of a building permit.

- A. All site plans shall be prepared and certified by a licensed engineer, landscape architect, architect, and/or surveyor, as may be appropriate, and in accordance with state law regarding the practice of these professions. Drawings shall be at a scale of not less than 1" = 20' for small tracts and 1" = 50' for large tracts.
 1. North point and scale.
 2. A location map identifying the surrounding land use including streets.
 3. Total acreage of the tract of land.
 4. Dimensions and bearings of all lot lines.
 5. Location of any existing and/or proposed structures.
 6. Location and size of all existing or proposed utility lines (i.e., water, sewer, gas, power) and any attendant facilities (i.e., lift station, pumphouse, etc.).
 7. Proposed landscape design (including location and type of vegetation, walkways, fencing, etc.).
 8. Proposed location of signage, type of signage (ground, wall, or roof) and dimensions of sign.
 9. Stormwater Drainage Plus including topographic contours every five feet (5') with a

certified drainage plan drawn up to account for the 25, 50, and 100-year Design Storm Event for a 24-hour period which shall not result in post-development stormwater discharges that exceed pre-development stormwater discharges.

10. Parking area design including a cross section of the pavement which shall utilize asphaltic concrete and an adequate base, construction type, ingress and egress, number of parking spaces, dimensions and design of those spaces.
11. Identification of any dedicated easements.
12. Location of loading zones, front, side and rear doors.
13. Plans for refuse collection, storage, and disposal.
14. Proposed location for use or storage of any toxic, volatile, or flammable materials.
15. Any site wholly or partially within a flood hazard area shall have the area clearly identified on the site plan.
16. Any other information deemed pertinent by the planning commission.

Section 412 Site Plan Checklist

NAME OF DEVELOPMENT:

The Caryville Municipal Planning Commission meets on the first Thursday of each month at 6:00 P.M. at the City Hall and is open to the public.

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

It is the applicant's responsibility to submit at least five (5) copies of the site plan to the City Hall for placement on the Caryville Municipal Planning Commission's agenda. Site plan requirements are applicable to multi-family, public and semi-public, commercial and industrial uses only. Copies of the site plan regulations are contained within the Caryville Zoning Ordinance and available at the City Hall.

CHECKLIST FOR SITE PLAN REVIEW & APPROVAL¹

SITE PLAN REQUIREMENTS:	Applicant Yes-No- N/A	Staff Verification	Staff Comments
North point & scale			
Location Map (+ surrounding land use & streets)			
Total Acreage of Tract			
Dimensions & bearings of lot lines			
Location of existing & proposed structures			
Location of Existing & Proposed Utilities			
Proposed Landscaping Design			
Proposed Location, Type & Dimension of Signage			
Stormwater Drainage Plan			
Parking Design			
Dedicated Easements			

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

SITE PLAN REQUIREMENTS:	Applicant Yes-No- N/A	Staff Verification	Staff Comments
Loading Zone Locations			
Refuse Storage, Collection & Disposal Plans			
Location of any Toxic, Volatile or Flammable Materials			
Topography of existing & finished grades (if applicable)			
Flood Hazard Identification (if applicable)			

Is the applicant requesting any variances from the Caryville Zoning Ordinance?

No _____ Yes _____

If Yes, identify variance being requested.

Zoning Ordinance variances granted: (Authorized by the BZA) No ___ Yes ___

Site Plan Approval Date: _____

Other Comments:

(Ord. #2001-_____, Nov. 2001, as amended by Ord. #2007-10, Nov. 2007, Ord. #2012-02, April 2012, and Ord. #2012-11, Jan. 2013)

ARTICLE V. APPLICATION OF REGULATIONS

501. Use. Except as herein provided, no building or land shall hereafter be used and no building or part thereof shall be erected, moved, or altered unless for a use expressly permitted by and in conformity with the regulations herein specified for the district in which it is located. (Ord. #93-3, May 1993)

502. Street Frontage. No dwelling shall be erected on a lot which does not abut on at least one street for at least forty (40) feet. Condominiums and townhouses, however, through the plan approval process for planned unit developments, may be excluded from this provision. (Ord. #93-3, May 1993)

503. Corner Lots. The minimum width of a side yard along an intersecting street shall be fifty (50) percent greater than the minimum side yard requirements of the district in which the lot is located. (Ord. #93-3, May 1993)

504. One Principal Building on a Lot. Only one principal building and its customary accessory buildings may hereafter be erected on any lot. Planned Unit Developments may be excluded from this provision by the planning commission during the planned unit development review process as set out in Section 406 of this ordinance. The addition of one (1) single-wide mobile home (see Section 321 for definition) on a lot with an existing single-family home may be excluded from this provision by the planning commission so long as it meets the following criteria:

1. The mobile home shall be placed on a lot in which the principal dwelling is a single family home of a member of the petitioner's immediate family or legal guardian;
2. Units may not be rented, leased, or used for purposes other than the approved use and occupancy;
3. Mobile homes are a permitted use in the district within which it is to be located; Except where owner is not available. As per council (approved 5/10/99 - Reg Mtg) sig. BJC
4. The mobile home shall be required to connect to the public sewer system;

5. The lot meets the minimum lot size plus the square footage requirement per additional family, as required in Article VIII of this ordinance;
6. The existing single family home currently meets the required building setbacks for the district in which it is located, and the proposed mobile home shall meet the building setbacks as required in Article VIII of this ordinance;
7. The mobile home is placed at least twenty (20) feet from any other dwelling or building on the lot; and,
8. The location of two (2) or more mobile homes on any lot shall be considered a mobile home park subject to applicable provisions of this ordinance regarding mobile home park development. (Ord. #99-1, June 1999)

505. Reduction of Lot Size. No lot shall be reduced in area so that yards, lot area per family, lot width, building area or other provisions of this ordinance shall not be maintained. (Ord. #93-3, May 1993)

506. Yard and Other Spaces. No part of a yard or other open space required around any building for the purpose of complying with the provisions of this ordinance shall be included as a part of a yard or other open space required under this ordinance for another building. (Ord. #93-3, May 1993)

507. Conformity to Subdivision Regulations. No building permit shall be issued and no building shall be erected on any lot within the municipality, unless the street giving access to said lot shall have been accepted or opened as a public street prior to that time or unless such street corresponds in its location and lines with a street shown on a subdivision plat approved by the Caryville Municipal Planning Commission and such approval entered in writing on the plat by the secretary of the commission. (Ord. #93-3, May 1993)

508. Height and Density. No building or structure shall hereafter be erected or altered so as to exceed the height limit, to accommodate or house a greater number of families, to have narrower or smaller front yards or side yards than are required or specified in the

regulations herein for the district in which it is located. (Ord. #93-3, May 1993)

509. Accessory Building and Use Regulations. Buildings and/or uses which are customarily incidental and subordinate in size and function to the principal use of a site are considered to be accessory buildings and/or uses and are permitted on the same lot with a principal use. The establishment of accessory buildings and/or uses shall be subject to the following provisions and other applicable provisions of this ordinance:

509.1 General Provisions:

509.11 No accessory structure shall be occupied or used unless the principal structure to which it is accessory is occupied or being used.

509.12 If an accessory building shares a structural wall with a principal building, it shall be deemed to be a part of the principal building and shall comply with the requirements of the ordinance applicable to a principal building, such as setback, height, etc.

509.2 Location:

509.21 Residential districts: Except for general farming structures, accessory buildings not exceeding one (1) story or fourteen (14) feet in height, and occupying less than twenty (20) percent of the required rear yard, may be located as close as five (5) feet to the rear property line. No accessory buildings or uses shall be permitted within any required front or side yard, except for perimeter fencing and such items as mail boxes, yard ornaments, and light fixtures located so as not to create a nuisance or safety hazard to neighboring property or the public.

509.22 Commercial and Industrial Districts: Accessory uses and structures shall be located so as to not create a nuisance to surrounding property. All accessory structures shall be

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shown on a site plan and their location reviewed and approved by the planning commission prior to construction. (Ord. #93-3, May 1993)

ARTICLE VI. ESTABLISHMENT OF DISTRICTS

For the purpose of this ordinance, the Town of Caryville, Tennessee, is hereby divided into ten (10) classes of districts as follows:

- | | |
|----------------------------|-------------------------------------|
| Residential - R-1 District | - Low Density |
| Residential - R-2 District | - Medium Density |
| Commercial - C-1 District | - Central Business |
| Commercial - C-2 District | - General Commercial |
| Commercial - C-3 District | - Neighborhood Commercial |
| Commercial - C-4 District | - Highway Commercial and Industrial |
| Industrial - M-1 District | - Planned Industrial Park |
| Industrial - M-2 District | - General Industrial |
| Industrial - M-3 District | - Interstate Industrial |
| Floodplain - F-1 District | - Floodplain |

The boundaries of these districts are hereby established as shown on the map entitled "Zoning Map of the Town of Caryville, Tennessee," dated _____, and all amendments thereto, said map being a part of this ordinance and which is on file in the municipal building. Unless otherwise specified or indicated on the map, the boundaries of districts are: lot lines or the center lines of streets and alleys (or such lines extended); corporate limit lines; center lines of streams and other bodies of water; or a line running parallel to and midway between the main track of a railroad. Interpretations concerning the exact locations of certain district boundaries, shall be determined by the board of zoning appeals. (Ord. #93-3, May 1993)

ARTICLE VII. PROVISIONS GOVERNING USE DISTRICTS

701. R-1 (Low Density) Residential District. It is the intent of this district to establish low density residential areas along with open areas which appear likely to develop in a similar manner. The requirements for the district are designed to protect essential characteristics of the district and to promote like activities. In order to achieve the intent of the R-1 (Low Density) Residential District, as shown on the Zoning Map¹ of the Town of Caryville, Tennessee, the following uses are permitted:

- 701.1 Single-family residences.
- 701.2 Two-family residences, provided that a site plan showing the dimensions of the lot, building and all setbacks is approved by the planning commission.
- 701.3 Customary general farming.
- 701.4 Customary home occupations provided that all of the following conditions are met:
 - 701.41 There is no external evidence of the occupation except that an advertising sign of no more than two (2) square feet in area may be allowed;
 - 701.42 Not more than two persons who are not residents of the dwelling may be employed; and,
 - 701.43 Not more than 30 percent of the total combined floor area of the entire premises is used for the occupation.
- 701.5 Publicly owned buildings and uses, schools offering general education, and churches, provided that:
 - 701.51 The location of and site plans for these uses shall first be reviewed and approved by the planning commission;
 - 701.52 The buildings are placed not less than fifty (50) feet from the side and rear property lines; and

¹The zoning map is of record in the office of the city recorder.

701.53 The site plan shall show a landscaping plan which shall be approved by the planning commission.

701.6 Signs as regulated in Section 408 of this ordinance

701.7 Customary accessory buildings provided that they are located in rear yards and not closer than five (5) feet to any property line and occupy less than twenty (20) percent of the required rear yard. (See Section 509)

701.8 Uses permitted on review:

701.81 Day care centers approved by the Tennessee Department of Human Services.

701.82 Mobile homes (see Section 321 for definition). Mobile homes placed on a lot with another principal building shall be reviewed by the planning commission prior to the issuance of a permit for the purpose of determining if criteria set out in Section 504 of this ordinance can be met. Any request for variance from this section shall require a hearing by the Board of Zoning Appeals. (Ord. #93-3, May 1993, as amended by Ord. #99-1, June 1999)

702. R-2 (Medium Density) Residential. It is the intent of this district to provide areas for medium density residential development plus open areas where similar development is likely to occur. Professional services are permitted in the district provided that they meet applicable standards, are limited so as not to encourage general business activity and are located on a major arterial or collector street as noted on the zoning map. A certified plan for stormwater drainage for all new developments and redevelopments greater than one-half acre in size shall be included with the site plan. This certified plan shall identify all easements, drainage structures including size/capacities, and other pertinent information concerning the assumptions upon which the plan is based. The estimated stormwater runoff based on a ten (10) year, twenty-four (24) hour storm event shall be calculated for pre-development and post development. The amount of runoff shall not be increased and shall be accommodated on site. In order to achieve the intent of the R-2 (Medium Density) Residential

District, as shown on the Zoning Map¹ of the Town of Caryville, Tennessee, the following uses are permitted:

702.1 Any use permitted in the R-1 Residential District

702.2 Multi-family dwellings, provided that a site plan showing the dimensions of the lot, buildings and all setbacks is approved by the planning commission

702.3 Mobile home parks provided that:

702.31 All mobile home parks meet the specific requirements shown in this section in this section as well as conforming to all of the general requirements set forth in the Planned Unit Development regulations of this ordinance;

702.32 The minimum size development site for any mobile home park shall be at least three (3) acres;

702.33 As it is originally platted and given final approval by the planning commission, no mobile home park shall be located closer than one thousand (1,000) feet to any other mobile home park, this distance being measured from the nearest exterior property line of any existing mobile home park to the nearest exterior property line of any future mobile home park; and,

702.34 The placement of each mobile home unit meets all of the following requirements:

702.341 The wheels are dismantled;

702.342 The unit is placed on a permanent masonry or concrete foundation;

702.343 The unit is fully skirted with materials approved by the planning commission; and,

¹The zoning map is of record in the office of the city recorder.

702.344 The placement of each unit meets all other pertinent regulations of this ordinance and the Caryville Municipal Code.

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

702.41 These shall be located on arterial or collector streets;

702.42 The buildings shall be placed not less than twenty-five (25) feet from all property lines;

702.43 There is a planted buffer strip erected on side and rear property lines; and,

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

702.5 Existing buildings may be used provided that the provisions of this ordinance are met as closely as possible and that:

702.51 No parking shall be allowed in front yards; and

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

702.6 Uses permitted on review:

702.61 Day care centers approved by the Tennessee Department of Human Services.

702.62 Mobile homes (see Section 321 for definition). Mobile homes placed on a lot with another principal building shall be reviewed by the planning commission prior to the issuance of a permit for the purpose of determining if criteria set out in Section 504 of this ordinance can be met. Any request for variance from this section shall require a hearing by the Board of Zoning Appeals. (Ord. #93-3, May 1993, as amended by Ord. #99-1, June 1999, and Ord. #2003-03, Nov. 2003)

703. C-1 (Central Business) District. It is the intent of this district to provide a mixture of business, residential, cultural, recreational and governmental services within a compact, pedestrian friendly area. These regulations are designed to primarily encourage commercial activities with public and semi-public facilities which serve the general public and incidental residential accessory uses. In order to achieve the intent of the C-1 (Central Business) District, site plans shall be required for all new non-residential construction. These site plans shall include: the proposed location of all structures including signs, off-street parking provisions, location of all points of ingress and egress, location and size of all existing and proposed utilities, landscaping, and easements, and any other plans deemed pertinent. A certified plan for stormwater drainage for all new developments and redevelopments greater than one-half acre in size shall be included with the site plan. This certified plan shall identify all easements, drainage structures including size/capacities, and other pertinent information concerning the assumptions upon which the plan is based. The estimated stormwater runoff based on a ten (10) year, twenty-four (24) hour storm event shall be calculated for pre-development and post development. The amount of runoff shall not be increased and shall be accommodated on site.

- 703.1 Stores and shops conducting retail business
- 703.2 Personal, business, and professional services, except for the following: junkyards, auto wrecking yards, salvage yards, auto repair garages, or other similar uses
- 703.3 Publicly owned buildings and uses
- 703.4 Semi-public uses
- 703.5 Lodges and clubs, hotels and motels, restaurants and similar services
- 703.6 Signs as regulated in Section 408 of this ordinance
- 703.7 Accessory structures clearly incidental to the principal use
- 703.8 Uses permitted on review:

703.81 Accessory dwelling units within the same principal building of a non-residential permitted principal use in accordance with the following:

1. Adequate off-street parking is collectively provided for each use or remote parking approved upon review by the planning commission.
2. A minimum square footage per dwelling unit of 650 square feet for one-bedroom, 800 square feet for two-bedroom and 1,000 square feet for a three-bedroom is provided.
3. The proposed use is in conformance with all municipal and fire codes. (Ord. #93-3, May 1993, as amended by Ord. #2003-03, Nov. 2003, and Ord. #2011-04, Dec. 2011)

704. C-2 (General Business) District. It is the intent of this district to establish a business area that encourages the grouping of compatible business uses, reduces traffic congestion, and maintains the aesthetic characteristics of the community. In order to achieve the intent of the C-2 (General Business) District, site plans shall be required for all new construction. These site plans shall include: the proposed location of all structures including signs, off-street parking provisions, location of all points of ingress and egress, location and size of all existing and proposed utilities, landscaping, and easements, and any other plans deemed pertinent. A certified plan for stormwater drainage for all new developments and redevelopments greater than one-half acre in size shall be included with the site plan. This certified plan shall identify all easements, drainage structures including size/capacities, and other pertinent information concerning the assumptions upon which the plan is based. The estimated stormwater runoff based on a ten (10) year, twenty-four (24) hour storm event shall be calculated for pre-development and post development. The amount of runoff shall not be increased and shall be accommodated on site.

Prior to issuance of the building permit, the site plans shall be reviewed and approved by the planning commission, and if such development will impact a watershed area, the site plan must also be reviewed and approved by the Campbell County Soil Conservation District. Said reviews are to determine if such developments are consistent with the comprehensive planning

program of the Town of Caryville. In order to achieve the intent of this district, as shown on the Zoning Map¹ of the Town of Caryville, Tennessee, the following uses are permitted:

- 704.1 Any use permitted in the C-1 (Central Business) District
- 704.2 Automobile and mobile home sales
- 704.3 Places of amusement and assembly
- 704.4 Funeral homes
- 704.5 Travel trailer parks
- 704.6 Wholesale businesses, warehouses, and storage yards and buildings, except for the following: auto wrecking yards, junkyards, salvage yards, or any other activities which, in the opinion of the planning commission, would cause injurious or obnoxious noise, fire hazards or other objectionable conditions
- 704.7 Auto repair garages and similar operations
- 704.8 Hospitals
- 704.9 Gasoline service stations provided that all structures shall be placed not less than twenty (20) feet from all property lines. Points of ingress and egress shall be not less than fifteen (15) feet from intersection of street lines
- 704.10 Accessory structures clearly incidental to the principal use
- 704.11 Signs as regulated in Section 408 of this ordinance (Ord. #93-3, May 1993, as amended by Ord. #2003-03, Nov. 2003)

705. C-3 (Neighborhood Business) District. It is the intent of this district to establish business areas to serve surrounding residential districts. The regulations are intended to discourage strip commercial development and encourage grouping of uses in which parking and traffic congestion is reduced to a minimum. In

¹The zoning map is of record in the office of the city recorder.

order to maintain and enhance the characteristics of the community and achieve the intent of the C-3 (Neighborhood Business) District, site plans shall be required for all new construction. These plans shall include: the proposed location of all structures including signs, off-street parking provisions, location of all points of ingress and egress, location and size of all existing and proposed utilities, landscaping and easements, and any other plans deemed pertinent. A certified plan for stormwater drainage for all new developments and redevelopments greater than one-half acre in size shall be included with the site plan. This certified plan shall identify all easements, drainage structures including size/capacities, and other pertinent information concerning the assumptions upon which the plan is based. The estimated stormwater runoff based on a ten (10) year, twenty-four (24) hour storm event shall be calculated for pre-development and post development. The amount of runoff shall not be increased and shall be accommodated on site.

Prior to issuance of a building permit, the site plans shall be reviewed and approved by the planning commission, and if such development will impact a watershed area, the site plan must also be reviewed and approved by the Campbell County Soil Conservation District. Said reviews are to determine if such developments are consistent with the comprehensive planning program of the Town of Caryville. In order to achieve the intent of this district, as shown on the Zoning Map¹ of the Town of Caryville, Tennessee, the following uses are permitted:

- 705.1 Shopping centers provided they shall conform to all requirements of the Planned Unit Development regulations
- 705.2 Grocery stores, drug stores, hardware stores, shoe repair shops, barber and beauty shops, dry cleaners, laundromats and other laundry pick up stations, restaurants, and similar uses
- 705.3 Gasoline service stations provided that all structures and pump islands shall be placed not less than twenty (20) feet from all property lines. Points of ingress and egress shall be not less than fifteen (15) feet from intersections of street lines

¹The zoning map is of record in the office of the city recorder.

- 705.4 Professional offices and banks
- 705.5 Signs as regulated in Section 408 of this ordinance
- 705.6 Accessory structures clearly incidental to the permitted use
- 705.7 Uses permitted on review:
 - 705.71 Any use which, in the opinion of the planning commission, is clearly of the same general character as the above uses and supports local residential districts (Ord. #93-3, May 1993, as amended by Ord. #2003-03, Nov. 2003)

706. C-4 (Highway Commercial and Industrial) District. It is the intent of this district to establish a highway interchange which shall provide for the establishment of certain commercial and industrial developments and discourage congestion caused by local traffic patterns. The district regulations are intended to encourage the types of commercial and industrial activities which are most closely associated with and dependent upon interstate highway interchanges, and, to ensure that all of the development in this district complies with these district regulations, site plans for all commercial and industrial activities shall be required. These site plans shall include: the proposed location of all structures including signs, off-street parking provisions, location of all points of ingress and egress, location and size of all existing and proposed utilities, landscaping, and easements, and any other plans deemed pertinent. A certified plan for stormwater drainage for all new developments and redevelopments greater than one-half acre in size shall be included with the site plan. This certified plan shall identify all easements, drainage structures including size/capacities, and other pertinent information concerning the assumptions upon which the plan is based. The estimated stormwater runoff based on a ten (10) year, twenty-four (24) hour storm event shall be calculated for pre-development and post development. The amount of runoff shall not be increased and shall be accommodated on site.

Prior to issuance of the building permit, the site plans shall be reviewed and approved by the planning commission, and if such development will impact a watershed area, the site plan must also be reviewed and approved by the Campbell County Soil Conservation District. Said reviews are to determine if such

developments are consistent with the comprehensive planning program of the Town of Caryville. In order to achieve the intent of the C-4 (Highway Commercial and Industrial) District, as shown on the Zoning Map¹ of the Town of Caryville, Tennessee, the following regulations shall apply:

706.1 Permitted Uses and Structures:

706.11 All uses permitted in the M-1 and M-2 (Industrial) Districts, except for the following: auto wrecking yards, junkyards, salvage yards or any other activities which, in the opinion of the planning commission, would cause injurious or obnoxious noise, fire hazards, or other objectionable conditions

706.12 All uses permitted in any business district are permitted

706.2 Uses permitted on review (Special Exceptions):

706.21 Self-Storage Facilities (Mini-Warehouses), in accordance with Section 411

706.3 Access: Access requirements shall be the same as those of the Tennessee Department of Transportation regulations for zoned commercial or industrial areas.

706.4 Off-street parking as regulated in Section 402 and 403 of this ordinance. (Ord. #93-3, May 1993, as amended by Ord. 97-1, May 1997, Ord. #2003-03, Nov. 2003, and Ord. #2012-02, April 2012)

707. M-1 (Planned Industrial Park) District. It is the intent of this district to create specific light industrial areas which can be located between general industrial areas and residential areas, or in locations which are served by major roads but are not feasible for general industrial developments due to their proximity to residential districts. The requirements for this district are designed to encourage light industrial developments which provides for open space, landscaping and adequate parking and is compatible with surrounding or abutting residential districts. In

¹The zoning map is of record in the office of the city recorder.

order to achieve the intent of the M-1 (Planned Industrial Park) District, site plans shall be required for all new construction. These site plans shall include: the proposed location of all structures including signs, off-street parking provisions, location of all points of ingress and egress, location and size of all existing and proposed utilities, landscaping, and easements, and any other plans deemed pertinent. A certified plan for stormwater drainage for all new developments and redevelopments greater than one-half acre in size shall be included with the site plan. This certified plan shall identify all easements, drainage structures including size/capacities, and other pertinent information concerning the assumptions upon which the plan is based. The estimated stormwater runoff based on a ten (10) year, twenty-four (24) hour storm event shall be calculated for pre-development and post development. The amount of runoff shall not be increased and shall be accommodated on site.

Prior to the issuance of the building permit, the site plans shall be reviewed and approved by the planning commission, and if such development will impact a watershed area, the site plan must also be reviewed and approved by the Campbell County Soil Conservation District. Said reviews are to determine if such developments are consistent with the comprehensive planning program of the Town of Caryville. In order to achieve the intent of the M-1 (Planned Industrial Park) District, as shown on the Zoning Map¹ of the Town of Caryville, Tennessee, the following uses are permitted:

- 707.1 Limited assembly or light manufacturing uses, provided all assembly and manufacturing uses conduct their primary activities entirely within enclosed buildings and do not emit obnoxious dust, smoke, odors, fumes or excessive noise levels.
- 707.2 Retail outlets auxiliary to or directly serving the tenants of the industrial park
- 707.3 Research, experimental, or testing laboratories

¹The zoning map is of record in the office of the city recorder.

- 707.4 Assembly facilities for electrical appliances, electronic instruments and devices, radios, phonographs, and other like products
- 707.5 Manufacturing facilities for small parts such as coils, condensers, transformers, and crystal holders
- 707.6 Utility sub-stations
- 707.7 Facilities for the manufacturing, compounding, processing, packaging, treatment, or fabrication of ceramics, cosmetics, clothing, jewelry, instruments, optical goods, pharmaceuticals, and toiletries
- 707.8 Signs as regulated in Section 408 of this ordinance
- 707.9 Other uses of the same general character as those listed above which are deemed appropriate by the planning commission.
- 707.10 Uses permitted on review (Special Exceptions):
- 707.11 Self-Storage Facilities (Mini-Warehouses), in accordance with Section 411. (Ord. #93-3, May 1993, as amended by Ord. #2003-03, Nov. 2003, and Ord. #2012-02, April 2012)
- 708. M-2 (General Industrial) District.** It is the intent of this district to provide for areas which the principle use of the land is for manufacturing, processing, assembling, fabrication of materials, warehousing, or storage. The requirements for this district are designed to encourage general and heavy industrial development as opposed to the light manufacturing uses allowed in the M-1 (Planned Industrial Park) District, and, to ensure that all of the development in this district complies with these district regulations, site plans for all industrial activities shall be required. These site plans shall include: the proposed location of all structures including signs, off-street parking provisions, location of all points of ingress and egress, location and size of all existing and proposed utilities, landscaping, and easements, and any other plans deemed pertinent. A certified plan for stormwater drainage for all new developments and redevelopments greater than one-half acre in size shall be included with the site plan. This certified plan shall identify all easements, drainage structures including size/capacities, and other pertinent information concerning the

assumptions upon which the plan is based. The estimated stormwater runoff based on a ten (10) year, twenty-four (24) hour storm event shall be calculated for pre-development and post development. The amount of runoff shall not be increased and shall be accommodated on site.

Prior to the issuance of the building permit, the site plans shall be reviewed and approved by the planning commission, and if such development will impact a watershed area, the site plan must also be reviewed and approved by the Campbell County Soil Conservation District. Said reviews are to determine if such developments are consistent with the comprehensive planning program of the Town of Caryville. In order to achieve the intent of the M-2 (General Industrial) District, as shown on the Zoning Map¹ of the Town of Caryville, Tennessee, the following uses are permitted:

- 708.1 Retail outlets auxiliary to ro directly serving the tenants of the industrial park
- 708.2 Storage yards and buildings and similar uses
- 708.3 Terminals
- 708.4 Warehouses
- 708.5 Wholesale businesses
- 708.6 Any industry which does not cause injurious or obnoxious noise, fire hazards, or other objectionable conditions as determined by the planning commission
- 708.7 Signs as regulated in Section 408 of this ordinance
- 708.8 Other uses of the same general character as those listed above which are deemed appropriate by the planning commission
- 708.9 Uses permitted on review (Special Exceptions):

¹The zoning map is of record in the office of the city recorder.

- 708.91 Scrap or salvage yards, provided that an opaque fence, the minimum height of which shall be at least eight (8) feet, shall be constructed around the perimeter of such operations
- 708.92 Automobile wrecking yards and junkyards, provided that an opaque fence, the minimum height of which shall be a least eight (8) feet, shall be constructed around the perimeter of such operations
- 708.93 Screening and landscaping, as approved by the planning commission, shall be required in all yards and open spaces around buildings, and maintained in a neat condition.
- 708.94 Self-storage Facilities (Mini-Warehouses), in accordance with Section 411.
- 708.95 Distilleries, Micro-Distilleries, Micro-Breweries, BrewPubs, Wineries and Micro-Wineries provided:
1. Submittal and approval of a site plan (if applicable) in accordance with Section 412.
 2. No such operation or selling of high alcohol content beverages will be sold within three hundred feet (300') of a school, church or daycare or public park.
 3. Approval and issuance of a Special Use Permit (if applicable) specifying the conditions of approval;
 4. Approval by the water and sewer authorities for such operation;
 5. Approval by all applicable state and federal agencies authorized to regulate wineries;
 6. Compliance with all zoning requirements of the Caryville Zoning Ordinance. Section 412 will be the standard for the review process.
 7. Tasting room and retail sales area must be located within the same building.
 8. Compliance with all other city codes pertaining to alcohol. (Ord. #93-3, May 1993, as amended by Ord. #2003-03, Nov. 2003, Ord. #2012-02, April 2012, and Ord. #2013-08, Dec. 2013)

709. M-3 (Interstate Industrial) District. It is the intent of this district to establish a new industrial area which shall provide for the establishment of certain industrial developments which conform to environmental and aesthetic requirements and also discourage congestion caused by local traffic patterns. The district regulations are intended to encourage the types of industrial activities normally associated with and dependent upon interstate highway accessibility and planned industrial developments. To ensure that all of the development in this district complies with these district regulations, site plans for all industrial activities shall be required. These site plans shall include: the proposed location of all structures including signs, off-street parking provisions, location of all points of ingress and egress, location and size of all existing and proposed utilities, landscaping, and easements, and any other plans deemed pertinent. A certified plan for stormwater drainage for all new developments and redevelopments greater than one-half acre in size shall be included with the site plan. This certified plan shall identify all easements, drainage structures including size/capacities, and other pertinent information concerning the assumptions upon which the plan is based. The estimated stormwater runoff based on a ten (10) year, twenty-four (24) hour storm event shall be calculated for pre-development and post development. The amount of runoff shall not be increased and shall be accommodated on site.

Prior to issuance of the building permit, the site plan shall be reviewed and approved by the planning commission, and if such development will impact a watershed area, the site plan must also be reviewed and approved by the Campbell County Soil Conservation District. Said reviews are to determine if such developments are consistent with the comprehensive planning program of the Town of Caryville. In order to achieve the intent of the M-3 (Interstate Industrial), as shown on the Zoning Map¹ of the Town of Caryville, Tennessee, the following regulations shall apply:

709.1 Permitted Uses and Structures:

709.11 Manufacturing, assembling, and warehousing for distribution purposes

¹The zoning map is of record in the office of the city recorder.

- 709.12 Transportation, utility, and service facilities
- 709.13 Retail sale of products manufactured or handled at wholesale by the owner or lessee
- 709.14 Recreation and training facilities providing service to the users of the transferred land
- 709.15 Temporary structures (see Section 709.3. below)
- 709.16 Signs as regulated in Section 408. of this ordinance.
- 709.17 Utility facilities necessary for the provision of public services and pollution control facilities associated with site use
- 709.18 Other industrial uses approved by the planning commission
- 709.19 Adult-Oriented Establishments as allowed in accordance with the Town of Caryville Municipal Ordinance 2003-01, Licensing and Regulation of Adult-Oriented Businesses and any subsequent amendments to said ordinance
- 709.20 Uses permitted on review (Special Exceptions):
 - 709.201 Pain Management Clinics and Methadone Treatment Clinics provided:
 1. Compliance with all applicable requirements of the Town of Caryville Municipal Code.
 2. Submittal of the appropriate license and certificate of need by the State of Tennessee.
 3. Map(s) showing existing land use and zoning within one-quarter (1/4) mile of the proposed site with an accompanying site plan.

4. The clinic or facility shall be located on and have access to a street classified as a Collector or Arterial according to the Caryville Major Road Plan.
5. The clinic or facility shall be located within five hundred feet (500') of a residential zoning district, a school, day care facility, park, church or hospital.
6. The clinic or facility shall not be located within one thousand feet (1,000') of any establishment that sells alcoholic beverages for either on- or off-premises consumption.
7. Off-Street Parking provided at one (1) space for each one thousand (1,000) square feet of floor space.
8. The site shall not be less than one thousand feet (1,000') from any other methadone treatment clinic or facility.

709.202 Self-Storage Facilities (Mini-Warehouses), in accordance with Section 411.

709.2 Signs as regulated in Section 408. of this ordinance.

709.21 Temporary or permanent residential uses

709.22 Wrecking, junk, commercial waste processing and salvage yards, and similar activities

709.23 Manufacture of radioactive materials

709.24 Miscellaneous noxious matter and activities as defined in this ordinance

709.25 Any other purpose or activity which is not expressly permitted in Section 709.1. above or approved by the planning commission is prohibited

709.3 Temporary Structures: No temporary structures shall be installed or maintained on any lot without the approval of the planning commission, except such as are necessary and incidental to any construction activity. All applications for approval of any temporary structure shall include and shall contain a specific date prior to which it will be removed.

709.4 Maximum Site Coverage: Buildings and accessory buildings, loading and unloading areas, and parking areas shall not cover more than seventy-five (75) percent of the lot, or as otherwise determined by the planning commission, and no building or accessory facilities above ground shall extend beyond the building setback lines into the setback areas.

709.5 Required Setbacks:

709.51 The minimum distance structures shall be set back from the right-of-way line of streets or front lot lines is:

709.511 Principal streets (Arterials and Major Collectors) Fifty (50) feet

709.512 Secondary streets (Minor Collectors and Local Streets) - Thirty (30) feet

709.513 Side and rear setback requirements - Twenty-five (25) feet, provided that if more than one lot shall be owned by one person or entity and in the improvement of such lot a building shall be erected on more than one lot, then the side setback requirement on the interior lot line or lot lines shall be waived.

Provided, further, that if a part of the lot shall be sold before the approved principal building is erected, the line between the part sold and the part retained shall be the lot line to which the setback requirement shall apply.

709.52 No rear yard setback shall be required where a lot abuts on a railroad or rail spur line.

709.53 Where easements or rights-of-way have been granted to the Southern Railway Company, its successors or assigns, no structures shall be constructed on said easement or right-of-way or any part thereof except with written consent of the planning commission and the Southern Railway Company, its successors, or assigns.

709.6 Building Height: Within the lot lines, the height of buildings may be equal to the horizontal distance from the nearest lot line. In no event shall the height of any building exceed one hundred (100) feet above finished grade, measured from the average elevation of the finished lot grade at the front of the building to the roofline.

However, structures such as towers, tanks, fire or parapet walls, skylights, communication masts, flagpoles, chimneys, penthouses for elevator equipment, stairways, ventilating fans, or similar equipment or similar structures may exceed this height, provided that such structures are located no closer to the nearest property line than a distance equal to their own height plus five (5) feet.

709.7 Construction and Materials: All industrial buildings and accessory buildings shall be constructed so as to conform to normally acceptable design standards outlined in the Standard Southern Building Code. The exterior of the front wall and the side walls shall be attractively finished and aesthetically appealing, and buildings located on corner lots shall have the side wall which faces the street finished in a manner similar to that of the front wall.

709.8 Underground Utilities and Auxiliary Equipment: No outside pipe, conduit, cable, line, or the like for water, gas, sewage, drainage, or steam service shall be installed or maintained upon any lot above the surface of the ground, except for hoses and moveable pipes used for irrigation or other purposes. All auxiliary machinery, equipment, or facilities used on any lot in connection with any such utilities or services shall be located upon any lot only in such manner and upon such conditions as may be approved by the planning commission.

709.9 Parking:

709.91 For each building constructed, there shall be provided and constructed paved parking areas so as to provide dust-free, all-weather surfaces according to plans approved as specified herein and maintained thereafter in good condition. Each parking area shall be striped to identify individual spaces. Such parking areas shall be attractively landscaped and conform to approved landscaping techniques.

709.92 The number and the specific location of parking spaces required for each lot shall be as designated in plans submitted for each lot and approved in the manner described in this section.

709.10 Loading:

709.101 All provisions for vehicle loading shall be provided on the lot with no on-street vehicle loading permitted.

709.102 All unloading and loading facilities, including truck and equipment parking and maneuvering space, shall be constructed entirely within the building setback lines.

709.103 Vehicle loading shall be confined to the rear and sides of buildings not adjacent to principal streets. Loading areas shall be visually screened from all streets and thoroughfares in a manner approved by the planning commission.

709.104 All loading areas shall be paved.

709.11 Outdoor Storage and Service Operations: Outdoor storage yards and service operations of any kind shall be visually screened from public view and all streets, with suitable permanent-type fencing and/or landscaping in a manner approved by the planning commission. No outside storage shall extend above the top of such screening. Said storage and service operations shall be confined to the rear two-thirds of the lot and within the required building setback lines.

709.12 Streets and Roads: Streets and roads shall be designed in accordance with acceptable engineering practice and

specification standards of the American Association of Highway and Transportation Officials and constructed in accordance with the Tennessee Department of Transportation specifications for bridges and highways.

709.13 Environmental Controls Applicable to Each Lot:

709.131 All uses expressly permitted shall be allowed on any lot, provided that such use, in the opinion of the planning commission, shall not cause injurious or obnoxious noise, fire hazards or other objectionable conditions.

709.132 No use of any lot may be established, maintained, or permitted of any operation thereon which does not meet these standards or any regulations of any public body having jurisdiction. Moreover, all reclamation activities, water retention basins and watershed/drainage patterns shall conform to Office of Surface Mining, Reclamation and Enforcement (OSMRE) regulations.

709.14 Solid Waste: All improvements on any lot shall be kept in a safe, clean, neat and sanitary condition and shall comply in all respects with all government health, fire, and police requirements. Each lot owner or lessee shall remove at its expense any solid waste of any character which may accumulate on said lot.

During construction of improvements on any lot, the owner or lessee thereof shall keep the site free of unsightly accumulations of solid waste and construction materials; and trailers, shacks, and the like employed in connection with such construction shall be kept in a neat and orderly manner.

Solid waste materials shall be permanently disposed of in such a way as not to pollute the air or surface runoff or cause odors or an unsightly appearance. The handling, storage, transport, and disposal shall comply with regulations promulgated by both the Tennessee Department of Public Health (Division of Solid Waste Management - Outdoor Refuse) and those of the Caryville - Jacksboro Utility

Commission. On-site waste storage facilities shall be visually screened from public view and from all streets, and shall have suitable landscaping around such facilities.

709.15 Liquid Waste: All discharges shall conform to the requirements set forth in the Caryville Sewer Use Ordinance¹ and all facilities shall be required to connect to the Caryville Sewer System.

709.16 Air Pollution: No lot operation, or combination of operations, shall emit any solid, liquid, or gaseous matter that is at any point in concentrations or amounts that are noxious, toxic, or corrosive and which will endanger the health, comfort, or safety of persons or which will have a tendency to cause injury or damage to property, business, or vegetation, or which are contrary to regulations promulgated by the Tennessee Department of Public Health, Division of Air Pollution Control to govern air quality.

709.17 Fire: The manufacture, transportation, use, and storage of all materials shall be conducted in accordance with accepted standards for safety and fire prevention. Such standards shall include the National Fire Code and the appropriate standards of the American Petroleum Institute, the Manufacturing Chemists Association, and other organizations that promulgate standards of good practice. No flammable liquids shall be discharged into the public sewage and treatment system.

709.18 Explosive materials: The manufacture of materials or products which decompose by detonation is prohibited (including but not limited to all primary, high, and blasting explosives, unstable organic compounds, and strong oxidizing agents in concentrations greater than 35 percent). The utilization of these materials or products in manufacturing processes is permitted only when authorized by the proper authority, and no storage is permitted except such accessory storage as may be authorized for use in the manufacturing process or other production. In any case,

¹Municipal code reference
Sewer use: title 18, ch. 3.

such storage shall be in accordance with the rules and regulations governing explosives promulgated by the appropriate State or local authority having jurisdiction.

709.19 Odorous matter: No lot operation shall release odorous matter in such quantities as to become a nuisance or source of unreasonable discomfort at any point beyond the lot line.

709.20 Noise: Noise radiated from any operation shall not cause sound levels greater than the following when measured at the boundary of the industrial park:

709.201 Daytime (7:01 a.m. to 9:59 p.m.) – 60dB(a)

709.202 Nighttime (10:00 p.m. to 7:00 a.m.) – 55dB(a)

709.203 Distilleries, Micro-Distilleries, Breweries, Micro-Breweries, BrewPubs, Wineries and Micro-Wineries provided:

1. Submittal and approval of a site plan (if applicable) in accordance with Section 412;
2. No such operation or selling of high alcohol content beverages will be sold within three hundred feet (300') of a school, church or daycare or public park;
3. Approval and issuance of a Special Use Permit (if applicable) specifying the conditions of approval;
4. Approval by the water and sewer authorities for such operation;
5. Approval by all applicable state and federal agencies authorized to regulate wineries;
6. Compliance with all zoning requirements of the Caryville Zoning Ordinance. Section 412 will be the standard for the review process;
7. Tasting room and retail sales area must be located within the same building;
8. Compliance with all other city codes pertaining to alcohol.

709.21 Heat, movement of air and humidity: No operations, or combination of operations on any lot shall cause, as a result of normal activities, any undue or exaggerated effects on the temperature, motion, or humidity of the atmosphere.

- 709.22 Glare: Operations or processes producing intense glare shall be performed so that direct or sky-reflected glare is not discernable beyond the lot line. This restriction shall not apply to signs otherwise permitted by these regulations or to floodlighting of the building for aesthetic purposes provided that the intensity and brilliance of such lighting does not annoy adjacent property owners or impair the visibility on public thoroughfares.
- 709.23 Electromagnetic radiation and interference: No operation, or combination of operations, on any lot shall create a source of electromagnetic radiation that may be hazardous or that does not comply with the current regulations of the Federal Communications Commission regarding such sources. Further, said operations shall not cause abnormal degradation in performance of other electromagnetic radiators or receptors.
- 709.24 Animals: No livestock, poultry, or other animals shall be kept on any lot except as required for research and development activities or activities related to the practice of veterinary medicine.
- 709.25 Excavation/erosion control: Site grading and/or soil removal shall be minimized to preserve and protect the environment. Clearing operations shall be staged so that only land which will be developed promptly is stripped of protective vegetation. Mulch or temporary cover shall be applied whenever possible to reduce sheet erosion. Permanent vegetation, ground cover, and sodding shall be installed as soon as possible after site preparation. All natural features such as streams, topsoil, trees, and shrubs shall be preserved to the extent possible and incorporated into the final design layout of the proposed use. During periods of construction, weirs shall be installed in downslope drainage swales to control sedimentation.
- 709.26 Screening and landscaping: The setback areas of each lot shall be permanently screened from adjoining residential districts by a wall, opaque fence, evergreen hedge, and/or suitable enclosure of minimum height of seven (7) feet. Landscaping shall be provided along street frontage. Said landscaping shall first be reviewed and approved by the planning commission and shall be located between the curb

line and a line parallel to and (ten) 10 feet inside the property line. The planning commission may waive the requirement for screening enclosure and/or screening area if equivalent screening is provided by existing parks, parkways, recreation areas, or by topography or other natural conditions. (Ord. #93-3, May 1993, as amended by Ord. #97-1, May 1997, Ord. #2003-03, Nov. 2003, Ord. #2011-05, March 2012, Ord. #292-02, April 2012; and Ord. #2013-08, Dec. 2013)

710. F-1 (Floodplain) District. The intent of the floodplain district is to place restrictions upon the use of lands which lie in floodways and floodplains within the town for the purpose of meeting federal regulations developed to implement the Flood Disaster Protection Act of 1973 as amended through October 1990, and thereby protect persons, property, and the community from dangers arising from periodic flooding. The floodplain district is shown on federal flood hazard boundary maps, which are identified in Article XIII, and on the zoning map as the F-1 District. The floodplain district is an overlay district, and all uses permitted in the underlying zoning district shall be allowed, subject to full compliance with the requirements of Article XIII. Flood Damage Prevention Provisions of this ordinance. (Ord. #93-3, May 1993)

ARTICLE VIII

AREA, YARD, AND HEIGHT REQUIREMENTS

For the purpose of this ordinance, area, yard, and height requirements for the district classifications of the Town of Caryville, Tennessee, Zoning Ordinance are hereby established as follows:

District	<u>Minimum Lot Size Square Feet</u>		<u>Min. Width at Bldg. Line^a</u>	<u>Minimum Yard Requirements From Property Lines</u>			<u>Maximum Height of Structures</u>
	Area in Square Feet	Square Feet Per Additional Family (feet)		Front Yard*	Side Yard*	Rear Yard*	
R-1	15,000	5,000	80	30 ft.	10 ft. ^{*c}	20 ft.	35 ft.
R-2	15,000	3,000	80	30 ft.	10 ft. ^{*c}	20 ft.	35 ft.
C-1 ^b							
C-2 ^b				30 ft.	10 ft. [*]	25 ft.	35 ft.
C-3 ^b				30 ft.	10 ft. [*]	25 ft.	35 ft.
C-4				30 ft.	10 ft. ^{*d}	25 ft. ^{d/e}	35 ft.
M-1				25 ft.	30 ft. ^d	30 ft. ^{d/e}	35 ft.
M-2				30 ft.	25 ft. ^d	30 ft. ^{d/e}	35 ft.
M-3 ^f							

^a Except on a cul-de-sac.

^b Planned Unit Development requirements shall govern all shopping centers.

^c Per Story.

^d Width of either a side yard or a rear yard which abuts a residential district shall not be less than fifty (50) feet.

^e Except for lots that rear property lines abut on a railroad or rail spur, where no rear setbacks are required.

^f Per regulations set forth in Section 709 of this ordinance.

* Along streams and other bodies of water outside of the F-1 District, minimum setbacks for all structures shall be fifteen (15) feet from the top bank of a stream or body of water. (Ord. #93-3, May 1993)

ARTICLE IX. EXCEPTIONS AND MODIFICATIONS

- 901. Lot of Record.** Where the owner of a lot consisting of one or more adjacent lots of official record at the time of the adoption of applicable zoning regulations does not own sufficient land to enable him to conform to the yard or other requirements of this ordinance, an application may be submitted to the board of zoning appeals for a variance from the terms of this ordinance, in accordance with Article XI. Such lot may be used as a building site, provided however, that, the yard and other requirements of the district are complied with as closely, in the opinion of the board of zoning appeals, as possible. (Ord. #93-3, May 1993)
- 902. Adjoining and Vacant Lots of Record.** Whenever a plat of land consists of one or more adjacent lots with continuous frontage in single ownership which individually are less in width than is required by this ordinance, such groups of lots shall then be considered as a single lot or several lots of minimum permitted size and the lot or lots in one ownership shall be subject to the requirements of this ordinance. (Ord. #93-3, May 1993)
- 903. Front Yards.** The front yard requirements of this ordinance for dwellings shall not apply to any lot where the average depth of existing front yards on developed lots located within one hundred (100) feet on each side of such lot and within the same block and zoning district and fronting on the same street as such lot, is less than the minimum required front yard depth. In such case, the minimum front yard shall be the average of the existing front yard depths on the developed lots. (Ord. #93-3, May 1993)
- 904. Exception on Height Limits.** The height limitations of this ordinance shall not apply to church spires, belfries, freestanding poles, towers, domes and other structures not designed or suitable for human occupancy, monuments, water towers, observation towers, transmission towers, windmills, chimneys, smokestacks, derricks, conveyors, flag poles, radio towers, masts, and aerials provided that each of these structures: (a) comply with the provisions of all other pertinent codes and ordinances; and (b) are located no closer to the nearest property line than a distance equal to their own height plus five (5) feet. (Ord. #93-3, May 1993)

ARTICLE X. ENFORCEMENT

1001. Enforcing Officer. The provisions of this ordinance shall be administered and enforced by the Municipal Building Inspector. This official shall have the right to enter upon any premises necessary to carry out his duties in the enforcement of this ordinance. (Ord. #93-3, May 1993)

1002. Building Permit Required. It shall be unlawful to commence the excavation for or the construction of any building, including accessory buildings, or to commence the moving or alteration of any building, including accessory buildings, until the building inspector has issued for such work a building permit including a statement that the plans, specifications and intended use of such building in all respects conform with the provisions of this ordinance. Application for a building permit shall be made to the building inspector. (Ord. #93-3, May 1993)

1003. Issuance of Building Permit. In applying to the building inspector for a building permit, the applicant shall submit a sketch plan, or a site plan where required indicating the dimensions, shape, size, height, and location of all buildings to be erected, altered or moved, and of any building already on the lot. He shall also state the existing and intended use of all such buildings and supply such other information as may be required by the building inspector for determining whether the provisions of this ordinance are being observed. If the proposed excavation or construction as set forth in the application are in conformity with the provisions of this ordinance, the building inspector shall issue a building permit for such excavation or construction. No building permit shall be issued, however, for any use requiring the submission of a site plan until a site plan for such use has been reviewed and approved by the planning commission. If a building permit is refused, the building inspector shall state such refusal in writing with cause. (Ord. #93-3, May 1993)

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

the application for the building permit. If such a certificate is refused, the building inspector shall state such refusal in writing, giving with the cause for the refusal. No land or building hereafter erected or altered in its use, shall be used until such a certificate of occupancy has been granted. (Ord. #93-3, May 1993)

1005. Penalties. Any persons violating any provision of this ordinance shall be guilty of a Class C misdemeanor, and upon conviction shall be fined as provided for in state law. Each day such violation continues shall constitute a separate offense. (Ord. #93-3, May 1993)

1006. Remedies. In case any building or structure is erected, constructed, reconstructed, repaired, converted or maintained, or any building, structure or land is used in violation of this ordinance, the building inspector or any other appropriate authority or any adjacent or neighboring property owner who could be damaged by such violation, in addition to other remedies may institute injunction, mandamus, stop work order, or any other appropriate action in proceeding to prevent the occupancy or use of such building. (Ord. #93-3, May 1993)

ARTICLE XI. BOARD OF ZONING APPEALS

1101. Creation and Appointment. A board of zoning appeals is hereby established in accordance with Section 13-7-205, Tennessee Code Annotated. The Caryville Municipal Planning Commission is hereby designated as the board of zoning appeals and the terms of the members of the board of zoning appeals shall be concurrent with the terms of the members of the Caryville Municipal Planning Commission. (Ord. #93-3, May 1993)

1102. Procedure. Meetings of the board of zoning appeals shall be held at the call of the chairman or by a majority of the membership and at such other times as the board may determine. Such chairman, or in his absence, the acting chairman, may administer oaths and compel the attendance of witnesses. All meetings of the board shall be open to the public. The board shall keep minutes of its proceedings, showing the vote of each member upon each question, or, if absent or failing to vote, indicating such fact; shall take all evidence necessary to justify or explain its action, and shall keep records of its examinations and of other official action, all of which shall be immediately filed in the office of the board and shall be a public record. (Ord. #93-3, May 1993)

1103. Appeals: How Taken. An appeal to the board of zoning appeals may be taken by any person, firm or corporation aggrieved, or by any governmental officer, department, board or bureau affected by any decision of the building inspector based in whole or part on provisions of this ordinance. Such appeal shall be taken within a reasonable time, as provided by the rules of the board, by filing with the building inspector and with the board of zoning appeals a notice of appeal, specifying the grounds thereof. The building inspector shall transmit forthwith to the board all papers constituting the record upon which the action for the hearing of the appeal, give notice thereof, as well as due notice to the parties in interest, and decide the same within a reasonable time. Upon hearing, any party may appear in person or by agent or attorney. (Ord. #93-3, May 1993)

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

1104.1 **Administrative Review:** To hear and decide appeals where it is alleged by the appellant that there is error in any order, or requirement, permit decision, determination or refusal

made by the building inspector or other administrative official in the carrying out or enforcement of any provision of this ordinance.

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

1104.3 **Variance:** To hear and decide applications for variance from the terms of this ordinance, but only where, by reason of exceptional narrowness, shallowness or shape of a specific piece of property at the time of adoption of this ordinance was a lot of record; or where by reason of exceptional topographical conditions or other extraordinary situations or conditions of a piece property, the strict application of the provisions of this ordinance would result in exceptional practical difficulties to or exceptional and undue hardship upon the owner of such property, provided that such relief may be granted without substantial detriment to the public good and without substantially impairing the intent and purpose of this ordinance. In granting a variance, the board may attach thereto such conditions regarding the location, character and other features of the proposed building, structure or use as it may deem advisable in furtherance of the purpose of this ordinance. Before any variance is granted it shall be shown that special circumstances are attached to the property which do not generally apply to other property in the neighborhood. (Ord. #93-3, May 1993)

1105. Action of the Board of Zoning Appeals. In exercising the aforementioned powers, the board of zoning appeals may, in conformity with the provisions of this ordinance, reverse or affirm, wholly or partly, or may modify the order, requirement, decision or determination appealed from, and to that end shall have all powers of the building inspector. The concurring vote of a majority of the board shall be necessary to reverse any order, requirement, decision or determination of any such administrative official, or to decide in favor of the applicant on any matter upon which it is required to pass under this ordinance, or to authorize any variance from the terms of this ordinance. (Ord. #93-3, May 1993)

1106. Procedures for Variance Requests. The purpose of a variance is to modify the strict application of the specific requirements of this ordinance in the case of an exceptionally irregular, narrow, or shallow legal lot of record, or in the case of other exceptional

physical conditions, whereby such strict application would deprive an owner of all reasonable use of his land.

1106.1 Application: After written denial of a permit, a property owner may make application for a variance. Said application can be obtained at Town Hall or from planning staff and shall indicate the nature of the request, the location and intended uses for the site, and the names of the adjacent property owners and existing land uses. The action taken by the board shall be indicated on the application and filed with the town.

1106.2 Notice to Property Owners. At least two weeks prior to the board's hearing of a variance request, person(s) requesting the variance shall submit to the Town Recorder a letter addressed to each owner of the property located adjacent to the applicant's property, including any owner of property separated from the property in question only by a right-of-way. The letters shall contain information adequate to notify such owners of the nature of the requested variance. Information relevant to the date, time, and location of the meeting of the Board of Zoning Appeals shall be included. Such letters shall be placed in unsealed, stamped, and addressed envelopes ready for mailing by the Town Recorder. The return address of the board or town must appear on the envelope, and a list of all the persons to whom the letters are sent must appear on the application. In addition, the town shall post a sign on the property stating the nature of the request and a telephone number where additional information may be obtained pertaining to the request. However, the sign shall be posted as a courtesy to the public, but not as a public notice. (as added by Ord. #2006-03, Aug. 2006)

ARTICLE XII. AMENDMENTS

1201. Procedures. The board of mayor and aldermen may amend the regulations, boundaries, or any provision of this ordinance. Any member of the town board may introduce such amendment, or any official, board, or any other person may present a petition to the board of mayor and aldermen requesting an amendment or amendments to this ordinance. (Ord. #93-3, May 1993)

1202. Approval by Planning Commission. No change in or departure from the text or maps as certified by the planning commission shall be made unless such change or departure is first submitted to the planning commission and approved by it, or, if such change or departure is disapproved, its passage shall require the favorable vote of a majority of the entire membership of the board of mayor and aldermen. (Ord. #93-3, May 1993)

1203. Procedures for Amendments to the Ordinance. Upon the introduction of an amendment to this ordinance or upon the receipt of an application to amend this ordinance, the board of mayor and aldermen shall publish a notice of such request for an amendment, together with the notice of time set for hearing by the board of mayor and aldermen of the requested change. Said notice shall be published in a newspaper of general circulation in the Town of Caryville, Tennessee. Said hearing by the board of mayor and aldermen shall take place no sooner than fifteen (15) days after the date of publication of such notice. In the case of a proposed rezoning, the town shall post a sign on the property, stating the nature of the request and a telephone number where additional information may be obtained. However, the sign shall be posted only as a courtesy to the public, and not as public notice.

1203.1 Application. Person(s) wishing to have the ordinance amended shall file an application to the planning commission which shall indicate the proposed amendment to the zoning document and/or amendment to the zoning map. Applications for rezonings can be obtained from the Town Recorder. The application shall show the location and existing uses on the site, the names of the adjacent property owners and existing land uses, and any other material pertinent to the request which the planning commission may require. The action taken by the planning commission and the board of mayor and aldermen shall be indicated on the application and filed with the town.

1203.2 Notice to Property Owners. At least two weeks prior to the meeting at which the request will be heard, person(s) requesting a rezoning must submit to the Chairman or Secretary of the planning commission a letter addressed to each owner of property located adjacent to the applicant's property, including property separated from the property in question only by a right-of-way. The letters shall contain information adequate to notify such owners of the intention to rezone the area for which the application is submitted, and when and where a meeting will be held before the planning commission. The letter shall also make it clear that the Board of Mayor and Aldermen will take final action on the request after it receives the recommendation of the planning commission. Such letters shall be placed in unsealed, stamped, and addressed envelopes ready for mailing by the Town Recorder. The return address of the planning commission must appear on the envelope, and a list of all persons to whom letters were sent must accompany the application. (Ord. #93-3, May 1993, as replaced by Ord. #2006-04, Aug. 2006)

ARTICLE XIII. FLOOD DAMAGE PREVENTION PROVISIONS

1301. Statutory Authorization, Findings of Fact, Purpose, And Objectives

1301.1 Statutory Authorization: The Legislature of the State of Tennessee has in Sections 13-7-201 through 13-7-210; Tennessee Code Annotated delegated the responsibility to local governmental units to adopt regulations designed to promote the public health, safety, and general welfare of its citizenry. Therefore, the Town of Caryville, Tennessee Mayor and Board of Aldermen, has established in Article VII of this zoning ordinance, the F-1 Flood Overlay District. Whereas, the City of Caryville, Tennessee Mayor and Aldermen, does ordain as follows:

1301.2 Findings of Fact:

1301.21 The Caryville Mayor and its legislative body wishes to maintain eligibility in the National Flood Insurance Program and in order to do so must meet the requirements of 60.3 of the Federal Insurance Administration Regulations found at 44 CFR Ch. 1 (10-1-04 Edition).

1301.22 Areas of Caryville 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.

1301.23 These flood losses are caused by the cumulative effect of obstructions in floodplains, causing increases in flood heights and velocities; and by uses in flood hazard areas which are vulnerable to floods; or construction which is inadequately elevated, flood-proofed, or otherwise unprotected from flood damages.

1301.3 Statement of Purpose: It is the purpose of this Ordinance to promote the public health, safety, and general welfare, and

to minimize public and private losses due to flood conditions in specific areas. This Ordinance is designed to:

- 1301.31 Restrict or prohibit uses which are vulnerable to water or erosion hazards, or which result in damaging increases in erosion, flood heights, or velocities;
- 1301.32 Require that uses vulnerable to floods, including community facilities, be protected against flood damage at the time of initial construction;
- 1301.33 Control the alteration of natural floodplains, stream channels, and natural protective barriers which are involved in the accommodation floodwaters;
- 1301.34 Control filling, grading, dredging, and other development which may increase flood damage or erosion, and;
- 1301.35 Prevent or regulate the construction of flood barriers which will unnaturally divert flood waters or which may increase flood hazards to other lands.

1301.4 Objectives: The objectives of this Ordinance are:

- 1301.41 To protect human life, health and property;
- 1301.42 To minimize expenditure of public funds for costly flood control projects;
- 1301.43 To minimize the need for rescue and relief efforts associated with flooding and generally undertaken at the expense of the general public;
- 1301.44 To minimize prolonged business interruptions;
- 1301.45 To minimize damage to public facilities and utilities such as water and gas mains, electric, telephone and sewer lines, streets and bridges located in floodable areas;

1301.46 To help maintain a stable tax base by providing for the sound use and development of flood prone areas in such a manner as to minimize blight in flood areas;

1301.47 To ensure that potential home buyers are notified that property is in a floodable area; and,

1301.48 To maintain eligibility for participation in the National Flood Insurance Program. (Ord. #93-3, May 1993, as replaced by Ord. #2006-05, Dec. 2006)

1302. Definitions

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

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

1. Accessory structures shall not be used for human habitation.
2. Accessory structures shall be designed to have low flood damage potential.
3. Accessory structures shall be constructed and placed on the building site so as to offer the minimum resistance to the flow of floodwaters.
4. Accessory structures shall be firmly anchored to prevent flotation which may result in damage to other structures.
5. Service facilities such as electrical and heating equipment shall be elevated or floodproofed.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

"Existing Structures" see "Existing Construction"

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

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

1. The overflow of inland or tidal waters;
2. The unusual and rapid accumulation or runoff of surface waters from any source.

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

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

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

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

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

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

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

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

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

"Flood-related Erosion" means the collapse or subsidence of land along the shore of a lake or other body of water as a result of undermining caused by waves or

currents of water exceeding anticipated cyclical levels or suddenly caused by an unusually high water level in a natural body of water, accompanied by a severe storm, or by an unanticipated force of nature, such as a flash flood, or by some similarly unusual and unforeseeable event which results in flooding.

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

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

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

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

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

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

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

"Historic Structure" means any structure that is:

1. Listed individually in the National Register of Historic Places (a listing maintained by the U.S. Department of Interior) or preliminarily determined by the Secretary of the Interior as meeting the requirements for individual listing on the National Register;
2. Certified or preliminarily determined by the Secretary of the Interior as contributing to the historical significance of a registered historic district or a district preliminarily determined by the Secretary to qualify as a registered historic district;
3. Individually listed on the Tennessee inventory of historic places and determined as eligible by states with historic preservation programs which have been approved by the Secretary of the Interior; or
4. Individually listed on a local inventory of historic places and determined as eligible by communities with historic preservation programs that have been certified either:
 - a. By an approved state program as determined by the Secretary of the Interior, or
 - b. Directly by the Secretary of the Interior.

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

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

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

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

transportable structures are placed on a site for one hundred eighty (180) consecutive days or longer.

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

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

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

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

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

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

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

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

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

"Recreational Vehicle" means a vehicle which is:

1. Built on a single chassis;
2. 400 square feet or less when measured at the largest horizontal projection;
3. Designed to be self-propelled or permanently towable by a light duty truck; and
4. Designed primarily not for use as a permanent dwelling but as temporary living quarters for recreational, camping, travel, or seasonal use.

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

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

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

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

"State Coordinating Agency" Tennessee Department of Economic and Community Development's, Local Planning Assistance Office as designated by the Governor of the State of Tennessee at the request of the Administrator to

assist in the implementation of the National Flood Insurance Program in the state.

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

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

"Substantial Improvement" means any repairs, reconstruction's, rehabilitation's, additions, alterations or other improvements to a structure, taking place during a 5-year period, in which the cumulative cost equals or exceeds fifty percent (50%) of the market value of the structure before the "start of construction" of the improvement. The market value of the structure should be (1) the appraised value of the structure prior to the start of the initial repair or improvement, or (2) in the case of damage, the value of the structure prior to the damage occurring. This term includes structures which have incurred "substantial damage," regardless of the actual repair work performed.

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

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

"Variance" is a grant of relief from the requirements of this ordinance which permits construction in a manner otherwise prohibited by this ordinance where specific enforcement would result in unnecessary hardship.

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

"Water Surface Elevation" means the height, in relation to the National Geodetic Vertical Datum (NGVD) or 1929, (or other datum, where specified) of floods of various magnitudes and frequencies in the flood plains of costal or riverine areas. (Ord. #93-3, May 1993, as replaced by Ord. #2006-05, Dec. 2006)

1303. General Provisions

1303.1 Application: This Ordinance shall apply to all areas within the incorporated area of Caryville, Tennessee.

1303.2 Basis for Establishing the Areas of Special Flood Hazard: The Areas of Special Flood Hazard identified on the Caryville, Tennessee, Federal Emergency Management Agency, Flood Insurance Study (FIS) and Flood Insurance Rate Map (FIRM), Community Panel Numbers 0125C, 0140C, 0250C, 0253C, 0254C, 0255C, 0258C, 0261C, 0262C and 0270C dated September 28, 2007, along with all supporting technical data, are adopted by reference and declared to be a part of this Ordinance.

1303.3 Requirement for Development Permit: A development permit shall be required in conformity with this Ordinance prior to the commencement of any development activities.

1303.4 Compliance: No land, structure or use shall hereafter be located, extended, converted or structurally altered without full compliance with the terms of this Ordinance and other applicable regulations.

1303.5 Abrogation and Greater Restrictions: This Ordinance is not intended to repeal, abrogate, or impair any existing easements, covenants, or deed restrictions. However, where this Ordinance conflicts or overlaps with another regulatory instrument, whichever imposes the more stringent restrictions shall prevail.

1303.6 Interpretation: In the interpretation and application of this Ordinance, all provisions shall be: (1) considered as

minimum requirements; (2) liberally construed in favor of the governing body, and; (3) deemed neither to limit nor repeal any other powers granted under Tennessee statutes.

1303.7 Warning and Disclaimer of Liability: The degree of flood protection required by this Ordinance is considered reasonable for regulatory purposes and is based on scientific and engineering considerations. Larger floods can and will occur on rare occasions. Flood heights may be increased by man-made or natural causes. This Ordinance does not imply that land outside the Areas of Special Flood Hazard or uses permitted within such areas will be free from flooding or flood damages. This Ordinance shall not create liability on the part of the City of Caryville, Tennessee or by any officer or employee thereof for any flood damages that result from reliance on this Ordinance or any administrative decision lawfully made hereunder.

1303.8 Penalties for Violation: Violation of the provisions of this Ordinance or failure to comply with any of its requirements, including violation of conditions and safeguards established in connection with grants of variance shall constitute a misdemeanor punishable as other misdemeanors as provided by law. Each day such violation continues shall be considered a separate offense. Nothing herein contained shall prevent the City of Caryville, Tennessee from taking such other lawful actions to prevent or remedy any violation. (Ord. #93-3, May 1993, as replaced by Ord. #2006-05, Dec. 2006, and amended by Ord. #2007-05, June 2007)

1304. Administration

1304.1 Designation of Ordinance Administrator: The Building Official is hereby appointed to administer to implement the provisions of this Ordinance.

1304.2 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:

1304.21 Application stage

- a. Elevation in relation to mean sea level of the proposed lowest floor, including basement, of all buildings where BFE's are available, or to the highest adjacent grade when applicable under this Ordinance.
- b. Elevation in relation to mean sea level to which any non-residential building will be flood-proofed where BFE's are available, or to the highest adjacent grade when applicable under this Ordinance.
- c. Design certificate from a registered professional engineer or architect that the proposed non-residential flood-proofed building will meet the flood-proofing criteria in 1304.2.
- d. Description of the extent to which any watercourse will be altered or relocated as a result of proposed development.

1304.22 Construction Stage

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

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

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

under the direct supervision of, a professional engineer or architect and certified by same.

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

1304.3 Duties and Responsibilities of the Administrator:

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

1304.31 Review of all development permits to assure that the permit requirements of this Ordinance have been satisfied, and that proposed building sites will be reasonably safe from flooding.

1304.32 Advice to permittee that additional federal or state permits may be required, and if specific federal or state permit requirements are known, require that copies of such permits be provided and maintained on file with the development permit. This shall include Section 404 of the Federal Water Pollution Control Act Amendments of 1972, 33 U.S.C. 1334.

1304.33 Notification to adjacent communities and the Tennessee Department of Economic and Community Development, Local Planning Assistance Office, prior to any alteration or relocation of a watercourse, and submission of evidence of such notification to the Federal Emergency Management Agency.

1304.34 For any altered or relocated watercourse, submit engineering data/analysis within six (6) months to the Federal Emergency Management Agency to ensure accuracy of community flood maps through the Letter of Map Revision process. Assure that the flood carrying capacity within an altered or relocated portion of any watercourse is maintained.

- 1304.35 Record the elevation, in relation to mean sea level or the highest adjacent grade, where applicable of the lowest floor including basement of all new or substantially improved buildings, in accordance with 1304.2.
- 1304.36 Record the actual elevation; in relation to mean sea level or the highest adjacent grade, where applicable to which the new or substantially improved buildings have been flood-proofed, in accordance with 1304.2.
- 1304.37 When flood proofing is utilized for a structure, the Administrator shall obtain certification of design criteria from a registered professional engineer or architect, in accordance with 1304.2.
- 1304.38 Where interpretation is needed as to the exact location of boundaries of the areas of special flood hazard (for example, where there appears to be a conflict between a mapped boundary and actual field conditions) the Administrator shall make the necessary interpretation. Any person contesting the location of the boundary shall be given a reasonable opportunity to appeal the interpretation as provided in this Ordinance.
- 1304.39 When base flood elevation data or floodway data have not been provided by the Federal Emergency Management Agency then the Administrator shall obtain, review and reasonably utilize any base flood elevation and floodway data available from a Federal, State, or other sources, including data developed as a result of these regulations, as criteria for requiring that new construction, substantial improvements, or other development in Zone A on the Community FIRM meet the requirements of this Ordinance.
- 1304.40 Within unnumbered A zones, where base flood elevations have not been established and where alternative data is not available, the Administrator shall require the lowest floor of a building to be elevated or floodproofed to a level of at least three feet (3') above the highest adjacent grade (lowest floor and highest adjacent grade being defined in 1302 of

this Ordinance). All applicable data including elevations or of the lowest flood proofing certifications shall be recorded as set forth in 1304.2.

1304.41 All records pertaining to the provisions of this Ordinance shall be maintained in the office of the Administrator and shall be open for public inspection. Permits issued under the provisions of this Ordinance shall be maintained in a separate file or marked for expedited retrieval within combined files. (Ord. #93-3, May 1993, as replaced by Ord. #2006-05, Dec. 2006)

1305. Provisions For Flood Hazard Reduction

1305.1 General Standards: In all flood prone areas the following provisions are required:

1305.11 New construction and substantial improvements to existing buildings shall be anchored to prevent flotation, collapse or lateral movement of the structure;

1305.12 Manufactured homes shall be elevated and anchored to prevent flotation, collapse, or lateral movement. Methods of anchoring may include, but are not limited to, use of over-the-top or frame ties to ground anchors. This standard shall be in addition to and consistent with applicable state requirements for resisting wind forces;

1305.13 New construction and substantial improvements to existing buildings shall be constructed with materials and utility equipment resistant to flood damage;

1305.14 New construction or substantial improvements to existing buildings shall be constructed by methods and practices that minimize flood damage;

1305.15 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;

- 1305.16 New and replacement water supply systems shall be designed to minimize or eliminate infiltration of flood waters into the system;
- 1305.17 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;
- 1305.18 On-site waste disposal systems shall be located and constructed to avoid impairment to them or contamination from them during flooding;
- 1305.19 Any alteration, repair, reconstruction or improvements to a building which is in compliance with the provisions of this ordinance, shall meet the requirements of "new construction" as contained in this ordinance; and,
- 1305.20 Any alteration, repair, reconstruction or improvements to a building that is not in compliance with the provision of this Ordinance, shall be undertaken only if said non-conformity is not further extended or replaced.

1305.2 Specific Standards:

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

- 1305.21 Residential Construction. Where base flood elevation data is available, new construction or substantial improvement of any residential building (or manufactured home) shall have the lowest floor, including basement, elevated no lower than one 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 and to ensure unimpeded movement of floodwater shall be provided in accordance with the standards of 1305.2.

1305.21.1 Within unnumbered A zones, where base flood elevations have not been established and where alternative data is not available, the Administrator shall require the lowest floor of a building to be elevated or floodproofed to a level of at least three feet (3') above the highest adjacent grade (lowest floor and highest adjacent grade being defined in 1302 of this Ordinance). All applicable data including elevations or flood proofing certifications shall be recorded as set forth in 1304.2.

1305.22 Non-Residential Construction. New construction or substantial improvement of any commercial, industrial, or non-residential building, when BFE data is available, shall have the lowest floor, including basement, elevated or floodproofed no lower than one foot (1') above the level of the base flood elevation.

1305.22.1 Within unnumbered A zones, where base flood elevations have not been established and where alternative data is not available, the Administrator shall require the lowest floor of a building to be elevated or floodproofed to a level of at least three feet (3') above the highest adjacent grade (lowest floor and highest adjacent grade being defined in 1302 of this Ordinance). All applicable data including elevations or flood proofing certifications shall be recorded as set forth in 1304.2.

1305.22.2 Buildings located in all A-zones may be flood-proofed, in lieu of being elevated, provided that all areas of the building below the required elevation are watertight, with walls substantially impermeable to the passage of water, and are built with structural components having the capability of resisting hydrostatic and hydrodynamic loads and the effects of buoyancy. A registered professional engineer or architect shall certify that the

design and methods of construction are in accordance with accepted standards of practice for meeting the provisions above, and shall provide such certification to the Administrator as set forth in 1304.2.

1305.23 Elevated Building. All new construction or substantial improvements to existing buildings that include ANY fully enclosed areas formed by foundation and other exterior walls below the base flood elevation, or required height above the highest adjacent grade, shall be designed to preclude finished living space and designed to allow for the entry and exit of flood waters to automatically equalize hydrostatic flood forces on exterior walls.

1305.23.1 Designs for complying with this requirement must either be certified by a professional engineer or architect or meet the following minimum criteria.

- A) Provide a minimum of two openings having a total net area of not less than one square inch for every square foot of enclosed area subject to flooding;
- B) The bottom of all openings shall be no higher than one foot above the finish grade; and
- 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.

1305.23.2 Access to the enclosed area shall be the minimum necessary to allow for parking of vehicles (garage door) or limited storage of maintenance equipment used in connection with the premises (standard exterior door) or entry to the elevated living area (stairway or elevator); and

1305.23.3 The interior portion of such enclosed area shall not be partitioned or finished into separate rooms in such a way as to impede the movement of floodwaters and all such petitions shall comply with the provisions of 1305.2 of this Ordinance.

1305.24 Standards for Manufactured Homes and Recreational Vehicles

1305.24.1 All manufactured homes placed, or substantially improved, on: (1) individual lots or parcels, (2) in expansions to existing manufactured home parks or subdivisions, or (3) in new or substantially improved manufactured home parks or subdivisions, must meet all the requirements of new construction, including elevations and anchoring.

1305.24.2 All manufactured homes placed or substantially improved in an existing manufactured home park or subdivision must be elevated so that either:

- 1) When base flood elevations are available the lowest floor of the manufactured home is elevated on a permanent foundation no lower than one foot (1') above the level of the base flood elevation; or,
- 2) Absent base flood elevations the manufactured home chassis is elevated and supported by reinforced piers (or other foundation elements) at least three feet (3') in height above the highest adjacent grade.

1305.24.3 Any manufactured home, which has incurred "substantial damage" as the result of a flood or that has substantially improved, must meet the standards of 1305.24 of this Ordinance.

1305.24.4 All manufactured homes must be securely anchored to an adequately anchored

foundation system to resist flotation, collapse and lateral movement.

1305.24.5 All recreational vehicles placed on identified flood hazard sites must either:

- 1) Be on the site for fewer than one hundred eighty (180) consecutive days;
- 2) Be fully licensed and ready for highway use. (A recreational vehicle is ready for highway use if it is licensed, on its wheels or jacking system, attached to the site only by quick disconnect type utilities and security devices, and has no permanently attached structures or additions.
- 3) The recreational vehicle must meet all the requirements for new construction, including the anchoring and elevation requirements of this section above if on the site for longer than one hundred eighty (180) consecutive days.

1305.25 Standards for Subdivisions. Subdivisions and other proposed new developments, including manufactured home parks, shall be reviewed to determine whether such proposals will be reasonably safe from flooding. If a subdivision proposal or other proposed new development is in a flood-prone area, any such proposals shall be reviewed to ensure that:

1305.25.1 All subdivision proposals shall be consistent with the need to minimize flood damage.

1305.25.2 All subdivision proposals shall have public utilities and facilities such as sewer, gas, electrical and water systems located and constructed to minimize or eliminate flood damage.

1305.25.3 All subdivision proposals shall have adequate drainage provided to reduce exposure to flood hazards.

1305.25.4 Base flood elevation data shall be provided for subdivision proposals and other proposed developments (including manufactured home parks and subdivisions) that are greater than fifty lots and/or five acres in area. (Ord. #93-3, May 1993, as replaced by Ord. #2006-05, Dec. 2006)

1306. Standards for Areas of Special Flood Hazard with Established Base Flood Elevations and With Floodways Designated.

Located within the Areas of Special Flood Hazard established in 1303.2, 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:

1306.1 Encroachments are prohibited, including earthen fill material, new construction, substantial improvements or other developments within the regulatory floodway. Development may be permitted however, provided it is demonstrated through hydrologic and hydraulic analyses performed in accordance with standard engineering practices that the cumulative effect of the proposed encroachments or new development, when combined with all other existing and anticipated development, shall not result in ANY increase the water surface elevation of the base flood level, velocities or floodway widths during the occurrence of a base flood discharge at any point within the community. A registered professional engineer must provide supporting technical data and certification thereof.

1306.2 New construction or substantial improvements of buildings shall comply with all applicable flood hazard reduction provisions of 1305.2. (Ord. #93-3, May 1993, as replaced by Ord. #2006-05, Dec. 2006)

1307. Standards for Areas of Special Flood Hazard Zones AE with Established Base Flood Elevations but Without Floodways Designated.

Locates within the Areas of Special Flood Hazard established in 1303.2, where streams exist with base flood data provided but where no floodways have been designated, (Zones AE) the following provisions apply:

1307.1 No encroachments, including fill material, new structures or substantial improvements shall be located within areas of special flood hazard, unless certification by a registered professional engineer is provided demonstrating that the cumulative effect of the proposed development, when combined with all other existing and anticipated development, will not increase the water surface elevation of the base flood more than one foot (1') at any point within the community. The engineering certification should be supported by technical data that conforms to standard hydraulic engineering principles.

1307.2 New construction or substantial improvements of buildings shall be elevated or flood-proofed to elevations established in accordance with 1305.2. (as added by Ord. #2006-05, Dec. 2006)

1308. Standards for Streams without Established Base Flood Elevations or Floodways (A Zones)

Located within the Areas of Special Flood Hazard established in 1303, where streams exist, but no base flood data has been provided (A Zones), OR where a Floodway has not been delineated, the following provisions shall apply:

1308.1 When base flood elevation data or floodway data have not been provided in accordance with 1303, then the Administrator shall obtain, review and reasonably utilize any scientific or historic base flood elevation and floodway data available from a Federal, State or other source, in order to administer the provisions of 1305. ONLY if data is not available from these sources, then the following provisions (1308.2 & 1308.3) shall apply:

1308.2 No encroachments, including structures or fill material, shall be located within an area equal to the width of the stream or twenty feet, whichever is greater, measured from the top of the stream bank, unless certification by registered professional engineer is provided demonstrating that the cumulative effect of the proposed development, when combined with all other existing and anticipated development, will not increase the water surface elevation of the base flood more than one (1) foot at any point within the community. The engineering certification should be supported by technical data that conforms to standard hydraulic engineering principles.

1308.3 In special flood hazard areas without base flood elevation data, new construction or substantial improvements of existing shall have the lowest floor of the lowest enclosed area (including basement) elevated no less than three feet (3') above the highest adjacent grade at the building site. Openings sufficient to facilitate the unimpeded movements of floodwaters shall be provided in accordance with the standards of 1305.2, and "Elevated Buildings." (as added by Ord. #2006-05, Dec. 2006)

1309. Standards For Areas of Shallow Flooding (AO and AH Zones)

Located within the Areas of Special Flood Hazard established in 1303.2, 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 apply:

1309.1 All new construction and substantial improvements of residential and non-residential buildings shall have the lowest floor, including basement, elevated to at least one foot (1') above the flood depth number specified on the Flood Insurance Rate Map (FIRM), in feet, above the highest adjacent grade. If no flood depth number is specified, the lowest floor, including basement, shall be elevated, at least three feet (3')

above the highest adjacent grade. Openings sufficient to facilitate the unimpeded movements of floodwaters shall be provided in accordance with standards of 1305.2, and "Elevated Buildings."

1309.2 All new construction and substantial improvements of nonresidential buildings may be flood-proofed in lieu of elevation. The structure together with attendant utility and sanitary facilities must be flood proofed and designed watertight to be completely flood-proofed to at least one foot (1') above the specified FIRM flood level, with walls substantially impermeable to the passage of water and with structural components having the capability of resisting hydrostatic and hydrodynamic loads and the effects of buoyancy. If no depth number is specified, the lowest floor, including basement, shall be flood proofed to at least three feet (3') above the highest adjacent grade. A registered professional engineer or architect shall certify that the design and methods of construction are in accordance with accepted standards of practice for meeting the provisions of this ordinance and shall provide such certification to the Administrator as set forth above and as required in 1304.2.

1309.3 Adequate drainage paths shall be provided around slopes to guide floodwaters around and away from proposed structures.

1309.4 The Administrator shall certify the elevation or the highest adjacent grade, where applicable, and the record shall become a permanent part of the permit file. (as added by Ord. #2006-05, Dec. 2006)

1310. Standards for Areas Protected by Flood Protection System (A-99 Zones)

Located within the areas of special flood hazard established in 1303 are areas of the 100-year floodplain protected by a flood protection system but where base flood elevations and flood hazard factors have not been determined. Within these areas (A-99 Zones) all provisions of 1304 and 1305.1 shall apply. (as added by Ord. #2006-05, Dec. 2006)

1311. Standards for Unmapped Streams

Located within Caryville, Tennessee are unmapped streams where areas of special flood hazard are neither indicated nor identified. Adjacent to such streams the following provisions shall apply:

1311.1 In areas adjacent to such unmapped streams, no encroachments including fill material or structures shall be located within an area of at least equal to twice the width of the stream, measured from the top of each stream bank, unless certification by a registered professional engineer is provided demonstrating that the cumulative effect of the proposed development, when combined with all other existing and anticipated development, will not increase the water surface elevation of the base flood more than one foot (1') at any point within the locality.

1311.2 When new elevation data is available, new construction or substantial improvements of buildings shall be elevated or flood proofed to elevations established in accordance with 1304. (as added by Ord. #2006-05, Dec. 2006)

A1312. Variance Procedures

The provisions of this section shall apply exclusively to areas of Special Flood Hazard within Caryville, Tennessee.

1312.1 Board of Zoning Appeals

1312.11 The Caryville Board of Zoning Appeals shall hear and decide appeals and requests for variances from the requirements of this Ordinance.

1312.12 Variances may be issued for the repair or rehabilitation of historic structures (see definition) upon a determination that the proposed repair or rehabilitation will not preclude the structure's continued designation as a historic structure and the variance is the

minimum to preserve the historic character and design of the structure.

1312.13

In passing upon such applications, the Board of Zoning Appeals shall consider all technical evaluations, all relevant factors, all standards specified in other sections of this Ordinance, and:

- a. The danger that materials may be swept onto other property to the injury of others;
- b. The danger to life and property due to flooding or erosion;
- c. The susceptibility of the proposed facility and its contents to flood damage;
- d. The importance of the services provided by the proposed facility to the community;
- e. The necessity of the facility to a waterfront location, in the case of a functionally dependent facility;
- f. The availability of alternative locations, not subject to flooding or erosion damage, for the proposed use;
- g. The relationship of the proposed use to the comprehensive plan and floodplain management program for that area;
- h. The safety of access to the property in times of flood for ordinary and emergency vehicles;
- i. The expected heights, velocity, duration, rate of rise and sediment transport of the flood waters and the effects of wave action, if applicable, expected at the site; and
- j. The costs of providing governmental services during and after flood conditions including maintenance and repair of public utilities and

facilities such as sewer, gas, electrical, and water systems, and streets and bridges.

1312.14 Upon consideration of the factors listed above, and the purposes of this ordinance, the Board of Floodplain Review may attach such conditions to the granting of variances as it deems necessary to effectuate the purposes of this ordinance.

1312.15 Variances shall not be issued within any designated floodway if any increase in flood levels during the base flood discharge would result. (as added by Ord. #2006-05, Dec. 2006)

1313. Conditions for Variance

1313.1 Variances shall be issued upon a determination that the variance is the minimum relief necessary, considering the flood hazard; and in the instance of a historical building, a determination that the variance is the minimum relief necessary so as not to destroy the historic character and design of the building.

1313.2 Variances shall only be issued upon: a showing of good and sufficient cause, a determination that failure to grant the variance would result in exceptional hardship; or a determination that the granting of a variance will not result in increased flood heights, additional threats to public safety, extraordinary public expense, create nuisance, cause fraud on or victimization of the public, or conflict with existing local laws or Ordinances.

1313.3 Any applicant to whom a variance is granted shall be given written notice that the issuance of a variance to construct a structure below the base flood level will result in increased premium rates for flood insurance, and that such construction below the base flood level increases risks to life and property.

1313.4 The Administrator shall maintain the records of all appeal actions and report any variances to the

Federal Emergency Management Agency upon request. (as added by Ord. #2006-05, Dec. 2006)

1314. Legal Status Provisions

1314.1 Conflict with Other Ordinances

In case of conflict between this Ordinance or any part thereof, and the whole or part of any existing or future Ordinance of Caryville, Tennessee, the most restrictive shall in all cases apply.

1314.2 Validity.

If any section, clause, provision, or portion of this Ordinance shall be held to be invalid or unconstitutional by any court of competent jurisdiction, such holding shall not affect any other section, clause, provision, or portion of this Ordinance which is not of itself invalid or unconstitutional. (as added by Ord. #2006-05, Dec. 2006)